

# Political Finance and Gender Equality

Lolita Cigane and Magnus Ohman

August 2014



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*IFES White Paper*

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## Executive summary

Throughout the world, women and men have different opportunities to participate in the political sphere. This is particularly true when it comes to participation as candidates and elected officials in the electoral process, with women on average making up only 21 percent of elected members of parliament.

There are many factors that contribute to existing gender inequalities in politics. One of the most commonly discussed issues is a lack of access to the funding necessary for women to successfully run for elected office. However, while political finance is an important instrument for achieving gender equality in politics, the ongoing debates about political finance rarely consider the impact of money on the level of representation of both men and women in elected offices. Additionally, discussions about women and men in politics seldom focus on financial issues in any depth.

This White Paper has been developed on the premise that there is an important connection between political finance and gender equality that has not been explored in-depth. Discussions regarding political finance should take into account the issue of gender, particularly in consideration of the challenges that prospective women candidates face with regard to the role of money. This White Paper attempts to take initial steps to examine the relationship between these two important issues.

The White Paper first reviews political finance regulations that may impact the chances of women and men to effectively run for elected office. It then reviews a major factor impacting gender equality in politics and political finance: the electoral system.

The discussions in the White Paper lead us to the following global recommendations, categorized by stakeholder (some recommendations may be more relevant in some countries than others, depending on the context):

### To policymakers

- Assess the impact of the role of money in politics on gender equality, including the gender impact of existing political finance regulations.
- Ensure that general legislation on gender equality also includes provisions relating to equality in electoral competition, and specific provisions on political party and campaign finance.
- Consider if donation and/or spending limits could help reduce the funding gap between women and men candidates.
- Consider tying the provision of public funding to the equal nomination of women and men candidates, while ensuring that within electoral systems that utilize party-list proportional representation, political parties are unable to circumvent the rules by only nominating women at the bottom of their candidate lists.
- Consider other financial provisions that can help reverse the challenges that women candidates face in raising sufficient funds to make their voices heard.

### To political parties

- Increase the vote-winning potential of your party list by placing both women and men candidates in competitive positions. Parties seen as more inclusive in their leadership have a better opportunity to reach out to their constituents and broaden their base. Short-term financial

advantages should be weighed against the long-term credibility of the party as a force for improvement.

- In systems where campaign finance is predominantly controlled by political parties, ensure that women and men candidates have equal access to funding.
- In systems where campaign finance activities are mainly carried out by individual candidates, political parties should assist women candidates by including them in party campaign efforts to raise their public profile and encourage the fundraising activities by women candidates.

### **To women candidates**

- Seek innovative ways to raise funds and mobilize all available resources, building on your personal strengths and advantages.
- Connect to networks of likeminded women and men interested and willing to combat gender inequalities in politics by financially supporting women.
- Seek cost-effective campaigning techniques; new media outlets combined with traditional door-to-door campaigning may bring more votes per dollar than expensive TV advertising.
- Organize cross-party advocacy directed at political parties and policymakers to advocate for equal access to funding.
- Generate awareness and support for campaign finance equality among voters.

After a general discussion about gender equality and political finance, this White Paper discusses a recent pilot project in the Middle East and North Africa, one of the regions that has the furthest to go in achieving gender equality in the political sphere. A series of interviews with women candidates informed the work of multi-stakeholder Working Groups in Tunisia and Yemen, and these Working Groups provided recommendations for reform in their respective countries.

The recommendations from the Working Groups are discussed at length in this White Paper. There is significant variation between the recommendations from Tunisia and Yemen, as is to be expected given the differences in the two countries' political contexts.

It should be noted that the Working Groups in both Tunisia and Yemen do attempt to address many of the situations and concerns that led to the global recommendations outlined above. The groups have combined recommendations regarding formal regulations on political finance (such as spending limits, tax relief and tying the provision of public funding to gender equality among candidates) with activities aimed at raising the awareness of voters, political parties, media outlets and women candidates about the importance of gender equality, and the connection to political finance. Training for women candidates on how to raise and spend money effectively is also recommended.

We encourage reform-minded individuals in both countries to consider the two sets of recommendations in their efforts to increase gender equality in the Tunisian and Yemeni political processes. We also encourage people in other countries interested in addressing gender equality in politics to contemplate how women and men are able to raise and use funds during election campaigns.



## Introduction: Women's representation in politics in a broader context

The Universal Declaration of Human Rights recognizes the right of every individual to take part in the government of his or her country.<sup>1</sup> Women's participation in political processes, especially as electoral candidates, is a key indication of progress towards more inclusive and democratic governance and demonstrates the strength of a particular democratic system or political organization. Historically, women command a smaller proportion of the world's resources,<sup>2</sup> and their access to political participation as electoral candidates is limited, particularly in systems where the political sphere is dominated by individuals and groups with a large control over assets.

Limited female participation in structures of governance where key policy decisions are made and resource allocations decided often has a negative impact on women's political, economic and social opportunities.<sup>3</sup> However, politics remains male-dominated in almost all countries of the world, despite international efforts to institutionalize mechanisms for improved women's political empowerment, such as adoption of the third Millennium Development Goal promoting gender equality.<sup>4</sup> Among the European Union's (EU) 28 member states, only in Finland do women represent more than 50 percent of the country's executive branch (government ministers). In the EU and around the world, no country has reached parliamentary gender parity; Rwanda is the only country in the world that has a majority of women (64 percent) in its parliament.<sup>5</sup> Globally, the share of women in parliament is approximately 21.9 percent,<sup>6</sup> and as of 2009, in just 23 countries do women comprise a critical mass, or more than 30 percent, in the lower or single house of their national parliament.<sup>7</sup> This White Paper explores one area of particular importance to the political participation of women and men: the role of money in politics.

### Why connect gender equality and political finance?

Gender inequality in politics is a complex phenomenon. A common theme is that women wanting to run for office have less access to resources than men. One observer has found that "One of the weakest points for women wishing to run for elections is financing."<sup>8</sup> Similarly, the Organization of American States Forum

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<sup>1</sup> United Nations. (1946). *The Universal Declaration of Human Rights*. Article 21. New York. Retrieved from: <http://www.un.org/en/documents/udhr/>

<sup>2</sup> Doss, C., C. Grown and C. Deere. 2008. *Gender and Asset Ownership: A Guide to Collecting Individual Level Data*. Washington DC: World Bank.

<sup>3</sup> Mrkić, S., T. Johnson T. and M. Rose. (2010). *The World's Women 2010: Trends and Statistics*. Retrieved May 27, 2014, from: [http://unstats.un.org/unsd/demographic/products/Worldswomen/WW\\_full%20report\\_color.pdf](http://unstats.un.org/unsd/demographic/products/Worldswomen/WW_full%20report_color.pdf)

<sup>4</sup> One of the indicators for monitoring Goal 3 (promote gender equality and empower women) being the proportion of seats held by women in lower or single houses of national parliaments.

<sup>5</sup> Data from Rwanda 2013 elections for lower house from the Inter-Parliamentary Union. For more, please see: <http://ipu.org/wmn-e/classif.htm>

<sup>6</sup> Inter-Parliamentary Union. *Women in Parliaments: World and Regional Averages*. Geneva. Retrieved May 18, 2014, from: <http://www.ipu.org/wmn-e/world.htm>

<sup>7</sup> Mrkić, S., T. Johnson T. and M. Rose. (2010). *The World's Women 2010: Trends and Statistics*. Retrieved May 27, 2014, from: [http://unstats.un.org/unsd/demographic/products/Worldswomen/WW\\_full%20report\\_color.pdf](http://unstats.un.org/unsd/demographic/products/Worldswomen/WW_full%20report_color.pdf)

<sup>8</sup> Pintat, C. (1998). *A global analysis: what has worked for women in politics and what has not, 1975-1998*. Geneva: Inter-Parliamentary Union.

in 2003 on Finance and Women's Political Participation claimed, "Political financing and gender equality are not variables independent of each other."<sup>9</sup>

While there is much anecdotal information to support this notion, there is very little data available to test this idea. A survey of U.S. state women legislators showed that they saw access to funding as the "biggest barrier" to running for higher office, and that "[m]oney is a far greater obstacle for survey respondents than concerns about their personal backgrounds or private lives, feeling they are too old to run, having family and other commitments, or a dislike for negativity and competition."<sup>10</sup> While some studies have shown that women are as successful as men in raising funds for parliamentary election campaigns, other studies indicate that women candidates must raise significantly more funds than their male counterparts to be competitive, thus increasing the amount of time spent fundraising.<sup>11</sup> A survey in Canada indicated that women candidates tend to outspend their male counterparts by 10 percent.<sup>12</sup> One factor that must be taken into account is that it is generally more difficult to run for office as a challenger than as an incumbent, and given existing inequalities, incumbents are much more often men than women.<sup>13</sup> Research in the United States also indicates that voters make higher demands on female than on male candidates, and are less forgiving if a women candidate makes a mistake during the campaign.<sup>14</sup>

Unfortunately, research and data on this topic remains limited, making it difficult to establish trends and create comparison.

## **Campaign finance regulations to promote equity and women's participation**

### **Gender-neutral political finance regulations that impact gender equality**

Although political finance regulations could potentially have a salutary (or possibly a negative) impact on the chances for women and men to compete on more equal terms, most political finance regulations have not been introduced with gender equality in mind. More commonly, the goal of political finance regulations is to reduce the advantages of wealthy competitors, level the playing field and increase

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<sup>9</sup> Sidhu, G. L. and R. Meena. (2007, January 1). Electoral Financing to Advance Women's Political Participation: A Guide for UNDP Support. Retrieved October 15, 2013, from:

[http://iknowpolitics.org/sites/default/files/electoral\\_financing-en-ebook.pdf](http://iknowpolitics.org/sites/default/files/electoral_financing-en-ebook.pdf)

<sup>10</sup> Why Women Do/Don't Run. (2013). Political Parity. Retrieved June 7, 2014, from:

<http://www.politicalparity.org/wp-content/uploads/2012/12/why-women-summary.pdf>

<sup>11</sup> For more information, please read the discussion Money and Women Candidates, available at:

<http://www.politicalparity.org/wp-content/uploads/2012/08/inventory-money.pdf>

<sup>12</sup> Sidhu, G. L. and R. Meena. (2007, January 1). Electoral Financing to Advance Women's Political Participation: A Guide for UNDP Support, 11. Retrieved October 15, 2013, from:

[http://iknowpolitics.org/sites/default/files/electoral\\_financing-en-ebook.pdf](http://iknowpolitics.org/sites/default/files/electoral_financing-en-ebook.pdf)

<sup>13</sup> This is for example discussed in the Global 50/50 Campaign - Get the Balance Right report Women Candidates and Campaign Finance, available at: <http://www.wedo.org/wp-content/uploads/women-candidates-and-campaign-finance-report-final.pdf>

<sup>14</sup> Barbara Lee Foundation. (2012, November 8). Pitch Perfect: Winning Strategies for Women Candidates.

Retrieved October 27, 2013, from: <http://www.barbaraleefoundation.org/wp-content/uploads/BLFF-Lake-Pitch-Perfect-Wining-Strategies-for-Women-Candidates-11.08.12.pdf>

transparency. Alternatively, the goal may be to give a semblance of transparency without revealing what leading politicians may wish to keep hidden.

Various elements may level the campaign playing field, and, inter alia, provide incentives for women's political participation and equal distribution of campaign resources among women and men. Having equal access to funding will give women candidates the same chance as their male counterparts to reach the electorate to advocate for their election.

These elements include: ceilings on total campaign donations and campaign expenditures; bans on particular types of campaign advertising; and transparency requirements. All these provisions level the playing field, with less regard given to their financial status and gender.

### ***Limits on campaign donations***

A cap on donations can reduce the advantages that some candidates may have, such as access to wealthy individuals or networks, and provide opportunities for other candidates to remain competitive by raising smaller amounts from a larger group of people.

Additionally, if donations are not subject to any limits, a political party and/or a particular candidate may become subject to control by an interest group and deliver political decisions that favor these interests. In systems with no donation limits, the amounts donated to political parties and candidates tend to be very large and small donations have nominal impact or importance. Thus, small donors are sidelined in terms of impact, prestige and respect: they are often not considered worthwhile supporters by candidates and parties. As such, there is often the perception among potential small donors that their inability to donate large amounts precludes them from participation and/or the ability to provide meaningful support to their preferred candidates and parties. There are, of course, instances where candidates have raised campaign funds from small donors despite a lack of contribution limits and the perceived sense of disenfranchisement.

Naturally, donors of either gender may give money to candidates of either gender. However, evidence from research on the American political system indicates that there is a close connection between the gender of donors and the gender of the candidates that they support. Women donors are more likely to give money to women candidates (especially Democratic women candidates), while male Republican candidates are sometimes almost exclusively financially supported by men.<sup>15</sup> The fact that the median earning capacity of men in the U.S. is 30 percent higher than women means that donation limits may reduce the advantage of male candidates.<sup>16</sup> Indeed, research by the Center for Responsive Politics has showed that “[w]omen tend to make up a larger percentage of the donor pool when contribution amounts

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<sup>15</sup> Bryner, S. and D. Weber. (2013, September 26). *Sex, Money, and Politics: A Center for Responsive Politics Report on Women as Donors and Candidates*. Center for Responsive Politics. Retrieved September 5, 2013, from: [http://www.opensecrets.org/downloads/CRP\\_Gender\\_Report\\_2013.pdf](http://www.opensecrets.org/downloads/CRP_Gender_Report_2013.pdf)

<sup>16</sup> Catalyst. (2014, March 24). *Women's Earnings and Income*. Retrieved April 2, 2014, from <http://www.catalyst.org/knowledge/womens-earnings-and-income>

are limited by law...<sup>17</sup>

Similarly, potential women candidates may find it more difficult to persuade political parties to nominate them if male competitors with wealthy contacts can provide much larger funding amounts to the campaign of the party.

If financial sources for electoral candidates are more evenly distributed as a result of an annual donation limit, it is more difficult for donors to exert control over particular policies, which, as a rule, are more likely to become more pluralistic and promote engagement of more women. In addition, in such systems, donations provided by individual men and women become more pluralistic. In other words, the donor base grows and there is a lower threshold of entrance: individuals and companies may donate smaller amounts and still matter.

In systems with donation limits, the relative weight of smaller donations increases and women can donate and contribute both symbolically and substantially to their political party, thus increasing their role and visibility both as recipients of donations and as donors to campaigns. For instance, in 2008 in the U.S. the federal campaign finance system was “designed to build on small individual donations. An individual

#### Donation Limits around the World

In France, individuals are limited to donating €4,600 per person in each electoral cycle. In the Former Yugoslav Republic of Macedonia (FYRoM), eligible physical persons are allowed to donate the equivalent of €5,000, while legal entities may donate up to €20,000. In Paraguay, the absolute limit is six times the minimum monthly salary; in Costa Rica it is 45 times the minimum monthly salary. In Lithuania one individual donor is permitted to donate 20 minimum salaries per annum. In contrast, the donation limit in Russia is 100,000 times the monthly minimum salary. Such regulations are unlikely to benefit candidates that mainly access smaller donations.

[could] donate to a candidate’s campaign no more than 2,300 USD per electoral cycle; donations from corporations and labor unions were not allowed. In 2008, one third of all presidential campaign donations came from a broad base of donation installments of less than 200 USD. [...] Then-senator Barack Obama received a record amount of approximately 640 million USD in donations, including 60 per cent of all small donations of less than 200 USD received by all presidential candidates.”<sup>18</sup> This practice continued in the 2012 elections, where Obama’s reelection campaign was reportedly “the most heavily dependent on female donors of any recent presidential campaign.”<sup>19</sup>

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<sup>17</sup> Bryner, S. and D. Weber. (2013, September 26). *Sex, Money, and Politics: A Center for Responsive Politics Report on Women as Donors and Candidates*. Center for Responsive Politics. Retrieved September 5, 2013, from: [http://www.opensecrets.org/downloads/CRP\\_Gender\\_Report\\_2013.pdf](http://www.opensecrets.org/downloads/CRP_Gender_Report_2013.pdf)

<sup>18</sup> OSCE/ODIHR. (2008, July 29). *General Elections 4 November 2008: OSCE/ODIHR Needs Assessment Mission Report*. Retrieved September 12, 2013, from: <http://www.world-rights.org/us/full-text-of-osce-assessment-report-2008.pdf>

<sup>19</sup> Tau, B. (2013, September 26). Report: Female donors favored Obama in 2012. *POLITICO*. Retrieved April 13, 2014, from: <http://www.politico.com/story/2013/09/obama-women-donors-2012-97408.html>

### ***Ceiling on campaign expenditures***

Without limitations on campaign spending, wealthy individuals can spend tens of millions of dollars on their election campaigns, making it difficult for others to compete. Typically, women have smaller personal fortunes than men, inhibiting gender equality in politics. For example, a recent report by the *Guardian* showed that out of the 85 richest people in the world, only seven are women, and similar inequalities exist among those with smaller personal fortunes.<sup>20</sup>

Limiting the total amount that can be spent on a given campaign can also change the incentives for political parties and make them more willing to nominate women as candidates. Limits (that are enforced) may diminish the necessity for parties to raise money and to attempt to outspend each other. Such attempts are often referred to as arms races, and they can hamper the independence of political parties. Campaign expenditure ceilings level the playing field among parties and provide less incentive to place candidates that have a potential to attract more resources in higher spots on party lists (or to nominate them in winnable constituencies). This change in the incentive structure increases the chances of women candidates being nominated, even if they have less access to significant resources. While further research is needed in this area, expenditure ceilings may also increase the chances of non-incumbents being nominated, as the advantages of incumbency in terms of raising funds will likely be smaller. Since there are more men than women incumbents in almost all countries, this could increase gender equality among candidates.

In addition, when spending limits are imposed and enforced, political parties are incentivized to seek less-financially demanding campaign methods than, for instance, expensive TV advertising. In these situations, low-cost methods like the use of social media, door-to-door campaigning, street campaigning and small-scale gatherings become increasingly important. These campaign methods are more pluralistic, and provide an additional platform for advertising various aspects of the campaign with little additional resources. Finally, these methods improve a candidate's ability to self-promote at little additional cost, which is beneficial particularly for women candidates. There could, however, be cases in which spending limits work to the disadvantage of women. As mentioned above, research in the United States indicates that women may sometimes have to spend more money to persuade voters that they are the best candidate. In other countries, women may need to spend more money on campaigning to overcome societal prejudice against women participating in politics, and it is possible that spending limits (if low) could, in such cases, hinder gender equality in the electoral process.

### ***Bans on particular types of campaign advertising***

In some countries, bans are imposed on particular types of campaign advertising. Such bans suppress total campaign expenditure levels, as paid political advertising in broadcast media (in particular on television) is an expensive campaign method. Given this, a ban on paid broadcast advertising can have the same advantages for gender equality among candidates as the general spending limits discussed in the previous section.

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<sup>20</sup> One exception in this regard is Meg Whitman, a wealthy businesswoman who ran for Governor of California in 2010. She spent some \$140 million of her personal funds on the campaign, many times more than her opponent. However, she lost the election by a 13 percent margin. For more, please see: <http://www.theguardian.com/world/2010/nov/03/california-election-result-jerry-brown>

Bans on paid political advertising are usually culturally engrained and are most common in European “old” democracies such as Germany, Norway, Slovakia and the UK. The rationale behind this ban is that it has an effect of constraining growth of campaign expenses. In addition, it is believed that bans on paid advertising safeguard the quality of political debate. Since they are more focused on emotional appeal rather than political platforms, political advertisements, especially if they are placed in great quantities immediately before an election, are considered in these countries to be inappropriate means of political communication.

With bans on more expensive and financially intensive campaigns, usage of other less expensive and more unorthodox forms of campaigning – such as social networks, door-to-door campaigning, and campaigning through networks of volunteers – become more popular and provide opportunities for participation of individuals who are not necessarily obliged or able to contribute considerable funding to campaigns. As described above, in such situations the political spectrum might become more pluralistic, allowing more people to find a way to engage in campaign activities. This can particularly benefit women candidates with significant grassroots connections.

#### Limits on Political Advertising

In Lithuania, a prohibition on paid political advertising in broadcast media was introduced after former President Rolandas Paksas was impeached by the parliament in 2004 for trading political favors. Mr. Paksas had run for election with a highly-visible and emotionally-appealing TV advertising campaign that cost a substantial amount of money. Lithuania’s legislators determined that the possibility of such intensive campaign expenditure is detrimental to political competition as it favors individuals who have connections with affluent donors and sidelines others who do not have these connections, decreasing the quality and plurality in Lithuanian politics. Although the direct connection to this ban on paid political advertising in broadcast media cannot be established, in 2009 a highly regarded woman candidate of considerable international standing was elected as the president of Lithuania. In Estonia, generous State support was introduced to political parties in 2004, but a decision was simultaneously made to ban billboard advertising since citizens perceived it as the most expensive means of campaigning and did not feel that State money should be spent on large outdoor advertising space. This prohibition encouraged the use of more low-key campaign methods that promoted a level playing field among both women and men election contestants.

### *Transparency requirements*

Donation and spending limits will have no impact on the political process, or on the chances of women to effectively run for office, unless these limits are enforced.<sup>21</sup> Such enforcement requires transparency, which in turn demands a reporting system, including reports submitted more frequently than once a year when possible.

Transparency is the prime instrument for identifying other insufficiencies in the broader governance context. If there is a lack of control over campaign finances and penalties for violations are not being enforced, transparency or disclosure may serve as an important instrument for the public, the media, and NGOs, since it provides information on sources of political funding and offers better insights to electoral contestants and their financial supporters. For example, in the U.S. where such a system is established, there is a wealth of professional NGOs that analyze trends in and issues surrounding campaign income. These organizations are generally able to prepare reports more promptly than the Federal Election

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<sup>21</sup> For additional information considerations for public institutions set to oversee political finance regulations, see the IFES Political Finance Oversight Handbook, available at: <http://www.ifes.org/Content/Publications/Books/2013/TIDE-Political-Finance-Oversight-Handbook.aspx>

Commission, which is the independent institution mandated to regulate campaign finance in the U.S.<sup>22</sup> (see for instance, <http://www.opensecrets.org/>). Transparency in reporting also allows for analyses of gender among donors and recipients of campaign resources.<sup>23</sup>

From the perspective of gender representation, transparency increases oversight of political party funding, mitigating the possibility of behind-the-scenes deals and political influence trading that is characteristic of closed political cultures that customarily exclude women or that only include them in a formalistic sense. Generally, transparency undermines the ease of special interest access to political decision-making, which favors men over women, and renders the system more open to women interested in running for office. Increased transparency can also reduce the advantages that candidates with access to illegitimate sources of funding may have in persuading political parties to nominate them. This type of transparency can work in favor of women aspirants; as the Inter-parliamentary Union (IPU) Assembly Resolution on Transparency and Accountability in the Funding of Political Parties and Candidates points out, “political parties are key for the achievement of balanced participation by women and men in political life.”<sup>24</sup>

Disclosure requirements ensure that political parties are transparent, which also encourages the party to accept only legitimate sources of funding, as it can be scrutinized and debated by members.

### ***Public funding of political parties***

Generally, public subsidies are provided to political parties and candidates with three broad aims: (1) to strengthen the independence of political parties and candidates from undue economic interests; (2) increase resources available for improving organizational capacity and structure of a party, thus improving policy formation; and (3) to ensure greater equity so that candidates with limited resources can participate successfully. Public subsidies may be provided annually, or for a specific electoral event, and may be provided in cash, or indirectly through the provision of free or discounted use of State resources, such as media. Funding may be equal for all parties; given in proportion to the number of seats currently held; dependent on the results of previous elections or the number of candidates participating in an election. Funding may also be contingent on not only the number of women candidates that a party fields, but the number of women candidates who won during the recent election, and thus be used as a tool to encourage parties to promote their female candidates.

Direct public funding of political parties is used in two-thirds of the countries around the world and across a variety of political environments. While particularly common in Europe, nearly 65 percent of African countries and nearly 60 percent of Asian countries use such support, while two-thirds of the countries in the Middle East and North Africa do so. Admittedly, the levels of funding vary significantly.

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<sup>22</sup> In 2008, representatives of the U.S. Federal Election Commission admitted that NGOs often provide the commission with valuable ideas on how information disclosed by presidential candidates should be analysed.

<sup>23</sup> Bryner, S. and D. Weber. (2013, September 26). *Sex, Money, and Politics: A Center for Responsive Politics Report on Women as Donors and Candidates*. Center for Responsive Politics. Retrieved September 5, 2013, from: [http://www.opensecrets.org/downloads/CRP\\_Gender\\_Report\\_2013.pdf](http://www.opensecrets.org/downloads/CRP_Gender_Report_2013.pdf)

<sup>24</sup> Transparency and Accountability in the Funding of Political Parties and Election Campaigns: Resolution adopted by consensus by the 124th IPU Assembly. (2011, April 20). Retrieved June 2, 2014, from: <http://www.ipu.org/conf-e/124/res-3.htm>

The provision of State funding to political parties and/or candidates can play an important role in improving women's access to, and participation in, the electoral process for several reasons. First, State funding can be regulated in such a way as to ensure that parties nominate a certain percentage of women candidates. Provision of these funds can also be provided conditionally, for example, disbursement can be based on the number of women that are successful in that election, thus providing an incentive to parties to prioritize female candidates. In 1999, France approved a modification of its Constitution, requiring that 50 percent of candidates must be women or the party would face financial sanctions. As a direct result, during the 2001 local elections (in constituencies with over 3,500 inhabitants), 47.5 percent of the councilors elected were women.<sup>25</sup>

Public subsidies may also diminish dependence on private donations or special interest groups, creating a level playing field for all political actors in the electoral process.<sup>26</sup> Private donations to political parties are often subject to informal contacts, negotiations, possible tacit agreements and ties between business and politics (as has been discussed above). Women are often disadvantaged in accessing these private sources, as they may not have as many contacts to the private sector or businesses as their male counterparts. In countries where State funding is provided, there is some evidence that women have greater success in their engagement with politics. For example, in Sweden, where political parties in practice are exclusively financed by the State, women are represented on the boards of the main parties in roughly equal numbers as men:

**Figure I: Women representation in party executive bodies**

Party	Members of the party board	Women members of the party board
Social Democrats	15	7
Moderates	16	8
Greens	17	8

Source: Political party official websites, viewed February 2014.

The success of women in Swedish political parties is not exclusively attributable to the substantial public funding that political parties receive as many other factors are also at play.<sup>27</sup> However, easing the burden of political fundraising creates a different set of incentives regarding participation in political party management bodies and can be used as an important mechanism to promote better gender balance.

<sup>25</sup> Austin, R., et al. (2003). *Funding of Political Parties and Election Campaigns*. Stockholm: International IDEA. Retrieved June 2, 2014, from: [http://www.idea.int/publications/funding\\_parties/upload/full.pdf](http://www.idea.int/publications/funding_parties/upload/full.pdf)

<sup>26</sup> Ballington, J. (2003, December 16). *Gender Equality in Political Party Funding*, 6. Paper presented at the Workshop "Is Financing an Obstacle to the Political Participation of Women?" Inter-American Forum on Political Parties.

<sup>27</sup> According to the voluntary income declarations by Swedish parliamentary parties, the share of income that they received from public sources varied between parties from 35 percent to 95 percent (the voluntary agreement does not include the Sweden Democrats).



For example, in Austria, political parties also receive generous State financing. However, the current leading party, the Social Democratic Party of Austria, has only two women filling its 20 leadership positions and in the People’s Party only four of the 13 leadership positions are held by women. Nonetheless, Austria has commendable women representation (43 percent) in the current cabinet of ministers.<sup>28</sup>

### **Gender-specific campaign finance regulations that impact gender equality**

Though uncommon, some countries have introduced political finance regulations that directly address past injustices and increase the chances of gender equality in politics.

#### ***Tying the provision of public funding to gender equality among candidates***

A small but growing number of countries are using public funding of political parties and election campaigns to encourage increased gender equality.<sup>29</sup> International institutions have recently come to acknowledge the potential value of using targeted (mainly indirect) forms of public funding to enhance gender equality in political candidacies. The OSCE/ODIHR and Venice Commission stated in late 2010 in its “Guidelines to Political Party Regulation”:

“To support women’s participation in elections, the state may also consider the provision of free child-care or similar measures and the implementation of funding mechanisms to support candidates with family duties. Such non-traditional forms of in-kind contributions may be necessary to allow for the full participation of women in political life. Other such contributions aimed at supporting female or disadvantaged candidates may be considered in light of obligations to rectify historical inequalities in political life.”<sup>30</sup>

Similarly, the Working Group on Parliament and Reform of Political Parties Legislation in the Arab Region concluded in 2010, “A certain amount of funds should be allocated to parties based on whether they meet a number of legal requirements, including whether their internal functioning is democratic, or *whether the participation of women and youth in the party is encouraged.*”<sup>31</sup> A recent document from the Inter-Parliamentary Union also noted that “[d]emocracy is a matter of shared responsibility between men and women. Consequently, legislation on the financing of political parties and election campaigns ought to reflect this concern...”<sup>32</sup>

Recognizing the growing international awareness of this approach, there are three common variants that have been adopted by countries around the world: 1) Reducing public funding for parties that do not fulfil established criteria; 2) Providing additional funding to parties that meet such criteria (the difference

<sup>28</sup> Information as of September 2013.

<sup>29</sup> Parts of this section are taken from Ohman, M. (2011). *Global Trends in the Regulation of Political Finance*. Paper presented at the IPSA-ECPR Joint Conference, Sao Paulo February 16-19, 2011 and Ohman, M. (2013). “Money and gender equality, an update.” *IFES Nigeria Political Finance Newsletter*, Vol. 4, No. 5.

<sup>30</sup> OSCE, ODIHR & Venice Commission (2010) Article XII 3c.

<sup>31</sup> The Working Group on Parliament and Reform of Political Parties Legislation. (2010). *Principle 4*. Project supported by UNDP [Emphasis added].

<sup>32</sup> Inter-Parliamentary Union. (2011). *Transparency and Accountability in the Funding of Political Parties and Election Campaigns*, 10. Report submitted by the co-rapporteurs Mr. P. Moriau (Belgium) and Ms. M.T. Kubayi (South Africa). Third Standing Committee on Democracy and Human Rights, C-III/124/R-rev, 4 January 2011.

between these two options may be small); and 3) Earmarking parts of the funding for activities relating to gender equality.

As an early example of the first approach, France has tied the provision of public funding of political parties to gender equality since 1999. If a political party has a gender difference of more than 2 percent between male and female candidates, the party loses a portion of its public funding corresponding to 75 percent of this difference (until 2009, the figure was 50 percent).<sup>33</sup> A group of French Senators took this issue, among others, to the *Conseil Constitutionnel* in 2000, arguing that this sanction was “manifestly out of proportion.” However, the *Conseil Constitutionnel* rejected the referral on the grounds that the provision was not punitive in nature and that its “purpose is to give these parties and groups an incentive to implement the principle of equal access of women and men to elective functions in accordance with Articles 3 and 4 of the Constitution.”<sup>34</sup>

A similar system was introduced in Burkina Faso in 2009. Political parties that did not meet the legal requirement of placing at least 30 percent of either gender on their candidates’ lists would be deprived of 50 percent of their public funding.<sup>35</sup> Similarly, legislation introduced in Ethiopia in 2008 partially ties the provision of campaign funding to the number of women candidates fielded by each political party.<sup>36</sup> However, the law does not specify the share of the public funding to be connected to this criterion. With the system used in the European Parliament elections in Italy, any party that presents more than two-thirds of its candidates from any gender sees its public funding reduced in proportion to the gender imbalance. In Ireland, parties that have less than 30 percent of either gender on its lists will forfeit half the public funding to which they would otherwise be entitled.<sup>37</sup>

The second approach (providing additional support to those who act in favor of gender equality) was adopted in Croatia in 1993 with the new Political Parties Law, which stated that an additional 10 percent of public funding was to be provided to political parties for each elected parliamentary candidate of the “underrepresented gender.” A similar system was introduced in Bosnia and Herzegovina in 2010, where apart from the 30 percent of public funding being distributed equally and 60 percent proportionally to the political parties, an additional 10 percent will be distributed in proportion to the number of women parliamentarians of each party. In Bolivia and Colombia, 5 percent of the funds are distributed in accordance with the share of (elected) women candidates while in Georgia the share is 10 percent. Mali, Niger, Haiti, Papua New Guinea, Romania and South Korea use similar provisions for public funding, making this the most common approach.

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<sup>33</sup> Group of States Against Corruption. (2009). *Third Evaluation Round: Evaluation Report on France on Incriminations*. Retrieved June 30, 2014, from: <http://www.coe.int/greco>

<sup>34</sup> Conseil Constitutionnel (2000). Quotes from the official English translation of the ruling.

<sup>35</sup> Quotaproject. (2009). *Burkina Faso*. Retrieved from: <http://www.quotaproject.org/uid/countryview.cfm?CountryCode=BF>. A similar system exists at sub-national level.

<sup>36</sup> Ethiopia (2008) Art. 45 (2,b).

<sup>37</sup> The Irish law also shows the intention of increasing the ambition over time – it states that after the year 2020, the threshold will be increased to 40%.

The third approach is to stipulate that a certain portion of the provided funds should be used for activities favoring gender equality. This has been the practice since 2002 in Panama, where 10 percent of the public funding provided is earmarked for women’s training workshops and related activities.<sup>38</sup>

Apart from the above three options, a fourth possible mechanism would be to completely refuse public funding to parties that do not fulfil established minimum criteria for gender equality. A 2005 court ruling in the Netherlands determined that public funding could not be provided to political parties that discriminate against women.<sup>39</sup> This was overruled by the Court of Appeal, but the Dutch Supreme Court and the European Court of Human Rights subsequently reversed that ruling, eliminating the right of the party to discriminate against women when nominating candidates for elections.<sup>40</sup> In Serbia, parties that do not place at least one-third of any gender on candidate lists are not permitted to participate in elections, and can therefore not get access to State funds for campaigning. Political parties in Costa Rica that do not provide a certificate stating they spend their funds equally on men and women lose the right to such funds.<sup>41</sup>

### *Effects of tying public funding to gender equality*

Measuring the impact of these reforms has been challenging and so far inconclusive. One issue that has complicated analysis is that the limited number of electoral cycles that have occurred in countries under these reforms is not sufficient for drawing major conclusions. An additional issue is that no clear patterns have emerged over the course of several elections.

Croatia offers an example in which reforms were implemented in 1992, providing a long-term period for observation, although very few elections have been held during that time. As a result, it is not clear what impacts the reforms had. While the representation of women did increase from five to eight to 24 percent in 1992, 1995 and 2000, respectively, there are many factors that may explain this phenomenon, including the fact that the 1992 elections were only the second multiparty elections in Croatia since the country’s independence. Also, there have been no further improvements in the parliamentary representation of women in the two most recent elections.<sup>42</sup>

In France, where the first elections under this system were held in 2000, the effect is also not entirely clear. While admittedly the share of women in the National Assembly has risen from 11 percent in 2000 to 27 percent in 2014, other factors help to explain this change.<sup>43</sup> It also seems that French political parties

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<sup>38</sup> WEDO. (2007, December). *Women Candidates and Campaign Finance*. Women's Environment and Development Organization. Retrieved October 30, 2013, from: <http://www.wedo.org/wp-content/uploads/women-candidates-and-campaign-finance-report-final1.pdf>

<sup>39</sup> The political party in question for this court ruling was the Calvinist SGP party. SGP had refused to put forward women candidates for election.

<sup>40</sup> European Court of Human Rights. *Decision, Application 58369/10 Staatkundig Gereformeerde Partij against the Netherlands*.

<sup>41</sup> International IDEA. (2009 August). Article 90, Codigo Electoral, Ley No. 8765. *Political Finance Handbook*. Stockholm. Retrieved from: <http://www.idea.int/political-finance/country.cfm?id=54>

<sup>42</sup> Šinko, Marjeta. (2009). *Women in Croatian Parliament: Have They Reached Their Glass Ceiling?*, 4, 14. Paper Presented at the 1st European Conference on Politics and Gender and Croatia.

<sup>43</sup> Inter-Parliamentary Union. (2014, January 1). *Women in Parliaments: World Classification*. Retrieved March 14, 2014, from: <http://www.ipu.org/wmn-e/classif.htm>. These reasons are likely to include the 1999 Constitutional amendments and the so-called “parity law” of 2000.

were somewhat slow to adjust to these rules, leading to their collective loss of €7 million in public funding between 2003 and 2007.<sup>44</sup>

The share of women in the Panamanian parliament increased significantly from 10 percent to 17 percent in the election following the introduction of earmarking for “women’s activities,” but then fell below 9 percent in the 2009 elections. If targeted public funding has failed to increase gender equality among elected politicians in Panama, it is not the only reform that has done so. A quota of 30 percent for internal primaries and general elections has been in place since 1997, but evidently the outcome has been significantly below that goal (especially noteworthy since Panama uses a list proportional representation electoral system).<sup>45</sup> While far from equality, Serbia saw a significant increase of women in parliament from 22 percent to 33 percent and therefore reaches the 30 percent benchmark set at the Beijing conference in 1995.<sup>46</sup>

As previously stated, no clear pattern can be found regarding the connection between reforms of this kind and increases in gender equality in candidatures. In time, in-depth analyses should be able to provide very valuable information as to the impact of reforms of this kind. It is unlikely that public funding tied to gender equality in candidatures will have the intended effects unless the funding levels at stake are sufficiently high to alter the incentive structures of reluctant political parties.

### ***Other regulations***

Other political finance regulations can be used to address the gender gap in politics. For example, regulations can be introduced that simplify the process of being a candidate for women or political parties can be required to act in favor of gender equality or face financial penalties. As with the above regulations, these initiatives aim to reduce the challenges that women face in successfully running for office. The practical examples of such regulations are, however, few. Political parties with women candidates in Togolese elections receive a 25 percent reduction in their nomination fee. In Afghanistan, a decision by the Independent Election Commission in 2013 determined that women candidates will have their nomination fee returned even if they do not reach the established vote threshold. In Honduras, parties that do not develop and submit a gender policy to the election management body (EMB) are levied a fine of 5 percent of the public funding to which they would otherwise be entitled.

Funding can also be targeted towards special groups within the political parties. In Scandinavian countries, for example (though rarely in other regions), the women’s wings of the larger political parties receive fairly generous public funding to assist their efforts in increasing gender equality in the political process. This practice is in line with the European Commission for Democracy through Law (Venice Commission) statement in its *Guidelines on Political Party Regulation* that “The allocation of public money to political

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<sup>44</sup> Group of States Against Corruption (2009). *Third Evaluation Round: Evaluation Report on France on Incriminations*. Retrieved June 30, 2014, from <http://www.coe.int/greco>

<sup>45</sup> Inter-Parliamentary Union. (2009). *Women Speakers of National Parliaments*. Retrieved October 30, 2013, from: <http://www.ipu.org/wmn-e/speakers.htm>

<sup>46</sup> This was the Fourth World Conference on Women convened by the United Nations and held in Beijing, China in September 1995. The Beijing Declaration was a resolution adopted at the Conference which was intended to promulgate a set of principles concerning the equality of men and women. It was based upon the Platform for Action, which sets out measures for national and international action for the advancement of women over a five year period. For more, please see: <http://wnc.equalities.gov.uk/work-of-the-wnc/international-articles/beijing-platform/162-beijing-platform-for-action.html>.

parties is often considered integral to respect the principle of equal opportunity for all candidates, in particular where the State's funding mechanism includes special provisions for women and minorities."<sup>47</sup>

## Coercion, illegal campaign practices and women's participation

Unfortunately, in less democratic societies where rule of law may be lacking, vote-buying – an illicit offer of money or other benefits to persuade voters to vote in a particular way – is widespread. Vote-buying is an illegal activity that is formally criminalized in many countries but often is not properly addressed and prosecuted and thus persists in practice. Vote-buyers usually play on voters' fears, ignorance and misconceptions about the secrecy of vote. Buying of votes predominantly occurs in countries with relatively higher poverty levels, or in contexts of high-level cynicism about electoral participation and choice.<sup>48</sup>

Vote-buying efforts often particularly target the more vulnerable sections of society, including women, especially through the provision of in-kind "gifts." For example, OSCE election observers have reported instances of vote buying/in-kind donations to individuals and communities throughout the region. During the 2008 Georgian elections, there were multiple accusations of vote-buying, such as candidates buying computers, distributing campaign leaflets with free tickets to an amusement park, or utility vouchers.<sup>49</sup> As election candidates, women are much less likely to be able to participate in, or organize vote-buying operations. Generally, if women are included on the party list that benefits from vote-buying, women's participation in this activity tends to be minimal.

In more extreme examples of vote-buying, coercion and intimidation of voters occurs, and there is no place for campaigning or it happens nominally. Often candidates refuse to participate in debates. In some countries of the former Soviet Union, it is common practice that public sector employees are forced to attend rallies. In the same region, it is also common that attendants from blocks-of-flats, as well as village elders, are instructed to visit citizens and inform them about preferred candidates in upcoming elections.<sup>50</sup>

In such a setting, the election result is determined by better access to intimidation, coercion or manipulation mechanisms. In these environments there usually is little space for women's participation, since women generally do not thrive in settings that operate on principles of force, abuse and coercion. Resources for their campaigns are often limited but occasionally they manage to attract substantial support through use of nontraditional methods of campaigning. This provides an opportunity to demonstrate to voters that the candidate understands their needs, and is particularly suited for women candidates. For instance, the Burmese opposition leader Aung San Suu Kyi led a successful campaign in 1990

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<sup>47</sup> OSCE/ODIHR and Venice Commission. (2010, October 25). *Guidelines on Political Party Regulation*. Retrieved October 30, 2013, from: <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282010%29024-e>

<sup>48</sup> Finan, F., and L. Schechter. (2012). Vote-Buying and Reciprocity. *Econometrica, Econometric Society*, Vol. 80, No. 2, 863-881. Retrieved October 19, 2013, from: <http://www.nber.org/papers/w17411>

<sup>49</sup> OSCE/ODIHR Election Observation Mission. (2007, December 24). *Georgia Extraordinary Presidential Election 2008: Interim Report No. 2 14-24 December 2007*. Retrieved October 29, 2013, from: <http://www.osce.org/odihr/elections/georgia/30097?download=true>

<sup>50</sup> Chapter 14 of the IFES *Political Finance Oversight Handbook* lists 100 ways that State resources can be abused, including the forcing of public sector employees to participate in campaign events. Each way presented includes an example of how it has been used in practice somewhere in the world. For more, please see: <http://www.ifes.org/Content/Publications/Books/2013/TIDE-Political-Finance-Oversight-Handbook.aspx>

that was based on utilizing many of these techniques including several weeks of person-to-person, village-to-village campaigning before the elections. Partly as a result of these efforts, her party, the National League for Democracy, took 59 percent of the vote. “Despite conditions around the elections being far from free and fair with Aung San Suu Kyi and other democracy activists being detained, biased media, and intimidation of politicians,”<sup>51</sup> the voting on Election Day led to an unexpectedly impressive result for the opposition party.

## **Electoral systems, gender equality and political finance**

A primary structural factor that contributes to increased plurality (or lack thereof) in a political system and, as a secondary effect, can affect the extent of women’s representation, is the electoral system utilized and whether it is a majoritarian<sup>52</sup> or proportional representation system.<sup>53</sup> The type of electoral system impacts the underlying mechanisms of political financing and management of campaigns. It therefore may also have a direct impact on female candidates’ chances.

In a majoritarian system, such as winner-takes-all and first-past-the-post, campaign funding will be concentrated and focused on one candidate who has a potential to win a particular race. In this case, women have to be particularly persuasive to convince their political parties or supporters (if running as individual candidates) that their potential to win is worth investing considerable resources. There usually is a tendency to prefer men in such systems, both because incumbents are often men and because men are traditionally perceived to project strength, aggressiveness, and the ability to win that is perceived as necessary in the zero-sum majoritarian race.

Proportional representation systems may provide increased opportunities for candidates of lesser prominence and profile (often the case for women), because competition as part of a party’s list suggests the possibility of teamwork and a chance to pool resources. It is therefore less costly to compete against a list of incumbents than only one incumbent. The nature of this system is therefore preferential for women candidates as resources, both material and availability of institutional knowledge, are more accessible.

As noted by Pippa Norris in “Impact of Electoral Reform on Women's Representation”:

The idea that electoral systems *per se* matter for women’s political representation has been confirmed by a long series of studies since the mid-1980s, finding that more women are usually elected to parliament under party list PR than under majoritarian electoral systems. This pattern has been established in research comparing both established democracies and also confirmed in a broader range of developing societies worldwide.

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<sup>51</sup> Burma Campaign UK. *A biography of Aung San Suu Kyi*. Retrieved October 30, 2013, from: <http://burmacampaign.org.uk/about-burma/a-biography-of-aung-san-suu-kyi/>

<sup>52</sup> A majoritarian electoral system is one in which the candidate or the political party with the most votes wins the seat(s).

<sup>53</sup> Proportional representation (PR) is an electoral system in which the number of seats won by a political party or political entity is proportionate to the number of votes received. There are many different forms of proportional representation, including list PR and single-transferable vote.

The main reason usually put forward to explain the greater success of women under PR is that in this system, each party presents the public with their collective list of candidates for each multimember district. As such, parties have an *electoral incentive* to maximize their collective appeal in party lists by including candidates drawn from all major social cleavages in the electorate. Multimember districts encourage collective party accountability for the complete list of candidates. Where parties have to nominate a slate of candidates for a multimember district, the exclusion of any major social sector, including women, could signal discrimination, and could therefore risk an electoral penalty at the ballot box.

By contrast, in first-past-the-post systems parliamentary candidates are selected to run within each single member district. Where the selection process is in the hands of the local constituency party, this creates minimal incentive for each particular constituency to pick a ticket that is “balanced” at the district or national level. Local party members often want a representative who they think will maximize their chances of winning in that constituency, irrespective of the broader consequences for the party or parliament. A common default strategy, designed to minimize electoral risks, is to select a candidate reflecting the characteristics and qualifications of previous MPs – usually male.”<sup>54</sup>

As the OSCE/ODIHR Handbook on Gender Representation (to be published), notes of the OSCE region: “it becomes clear that, in the past, PR electoral systems were a significant and consistent positive predictor of the proportion of women in parliament,”<sup>55</sup> (see Table below).

The OSCE/ODIHR election observation reports on women’s representation note that the proportion of women in government has improved as a result of women’s quotas, in countries like Uzbekistan, or through direct nominations by the president, as in Kazakhstan.<sup>56</sup>

**Figure II: Women representation in Majoritarian vs. PR electoral systems in the OSCE region**

	% Women in parliament, 2000	Number of countries	% Women in parliament, 2010	Number of countries
<b>Majoritarian</b>	12.7	13	20.2	8
<b>Mixed</b>	11.5	7	18.7	10
<b>PR List</b>	19.1	29	24.4	35
<b>Total</b>	<b>15.9</b>	<b>54</b>	<b>22.6</b>	<b>54</b>

Source: OSCE Handbook on Gender Representation (to be published).

<sup>54</sup> Norris, P. (2006 July). The Impact of Electoral Reform on Women's Representation. *Acta Politica*, Vol. 41, No. 2, 197-213. Retrieved October 26, 2013, from: <http://www.palgrave-journals.com/ap/journal/v41/n2/full/5500151a.html>

<sup>55</sup> Information sourced from unpublished data collected by OSCE/ODIHR.

<sup>56</sup> The reports customarily include analyses of “gender representation” and also recommendations. Country specific reports can be found here: <http://www.osce.org/odihr/elections>

## Majoritarian systems and political finance

In majoritarian electoral systems (sometimes known as winner-takes-all or first-past-the-post systems), political finance is generally regarded in a less open manner than in proportional representation systems. In majoritarian races that are focused on particular individuals who are most likely to win the election, political finance is to a greater extent regarded as a private matter. This is largely the result of a tendency among candidates to invest considerable amounts of their own resources, which are often not subject to any limits and disclosure policies. For example, in Jordan during the 2007 election process, political finance was regarded as a strictly private matter for the candidate, and any public or journalistic coverage of political financing was considered slanderous. In Austria in 2010, the OSCE/ODIHR election assessment report observed that political finance issues for presidential election campaigns (majoritarian) were regarded as a strictly private matter for the candidate and thus were almost unregulated.<sup>57</sup>

Before the Supreme Court ruling in *Citizens United v. Federal Election Commission*<sup>58</sup> in 2010, the U.S. had a well-developed political finance transparency system. However, the ruling that determined that the First Amendment prohibits the government from restricting independent political expenditures by corporations, associations, or labor unions. The amount of money that a candidate can invest in his or her own election campaign has never been regulated; only the amount of donations that can be received from other individuals was subject to ceilings and disclosure. This is contrary to the regulations in many other developed countries, where limits are imposed on election spending. As a result, there has been very significant spending by U.S. electoral candidates.<sup>59</sup> Only rarely will candidates with significant access to personal (or other) funding be women.

Overall, in majoritarian election systems political finance is to a greater extent a matter of candidates' personal wealth, connections and family ability to attract large donations. Apart from some well-known exceptions who come from strong, political dynasties,<sup>60</sup> women candidates are in much weaker positions in this regard as they control much less of the world's resources.

The sheer nature of individualism and the zero-sum culture that defines majoritarian races, and the subsequent effects on the structure of political finance, make women typically less competitive than their male counterparts. As shown in the table above, if no special measures are put in place to promote the political participation of women as candidates in such systems, few women are likely to win.

## Proportional representation systems and political finance

In electoral systems based on proportional representation in which political parties compete for the support of a proportion of the electorate rather than for a majority of votes, political parties might be more inclined toward leveling the playing field among electoral contestants by passing legal norms to this

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<sup>57</sup> OSCE/ODIHR Election Assessment Mission Report. (2010, July 9). *Austria, Presidential Election, 25 April 2010: Final Report*. Retrieved November 10, 2013, from: <http://www.osce.org/odihr/elections/69071>

<sup>58</sup> *Citizens United v. Federal Election Commission*. (2009, March 24). Retrieved October 29, 2013, from: <http://www.law.cornell.edu/supct/html/08-205.ZS.html>

<sup>59</sup> As discussed in the above section: "Why connect gender equality and political finance?"

<sup>60</sup> Such examples include Indira, who was the daughter of Indian Prime Minister Jawaharlal Nehru, and Benazir Bhutto, the eldest daughter of Pakistani Prime Minister Zulfikar Ali Bhutto, founder of the Pakistan People's Party (PPP), which she led. Both women were assassinated in connection with their political work.



end.<sup>61</sup> Instead of “taking-it-all,” more than one candidate/party has the potential to be elected if they have sufficient media and publicity resources to reach out to the broader public. In addition, a more pluralistic legislature in which more political forces (rather than just two major ones, as customarily happens in majoritarian systems) are represented, would arguably be more interested in the promotion and passage of laws that favor more equity among electoral contestants and an increased opportunity for distribution of seats among those less successful at the polling box.

In PR systems that also include campaign finance equity provisions, women have greater possibilities to both stand and be elected as legislators. There will be a natural tendency to feature at least some women in major campaign events in order to appeal to a broader spectrum of the electorate.

## **Case Study: Political finance and gender equality in politics in the Yemen and Tunisia**

### **Introduction**

Many countries in the Middle East and North Africa (MENA) have seen significant political and social changes as a result of revolutions beginning in 2011. While security concerns persist in much of the region and old power structures and cultural barriers place obstacles in the way of democratic development, the political environment in these post-revolution countries is more conducive to change than it has been for a long time.

One area where change is needed is development of the structural and societal institutions that would improve the capacity of women to participate in politics. While women compose a large share of the voting population, the share of women in elected bodies in the Middle East remains very low. The Inter-Parliamentary Union’s Women in Parliament database places the average share of women in Arab country parliaments at 17.8 percent, significantly lower than the global average of 21.4 percent.<sup>62</sup>

There is, however, significant variation within the region. In Yemen, only one woman was elected to the lower house of parliament.<sup>63</sup> Tunisia, with women holding 28.1 percent of seats in the National Constituent Assembly,<sup>64</sup> has the highest share of elected women in the region, although it still does not reach parity. In Yemen, only a handful of women have participated as candidates in recent elections, and the strictly conservative society creates significant barriers to entry for women wishing to actively participate in the political process. By contrast, women played a more important role in Tunisian elected bodies than elsewhere in the region, even during the Ben Ali regime, and the notion of gender equality is

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<sup>61</sup> Countries using PR electoral systems generally have more detailed regulations than countries using majoritarian electoral systems.

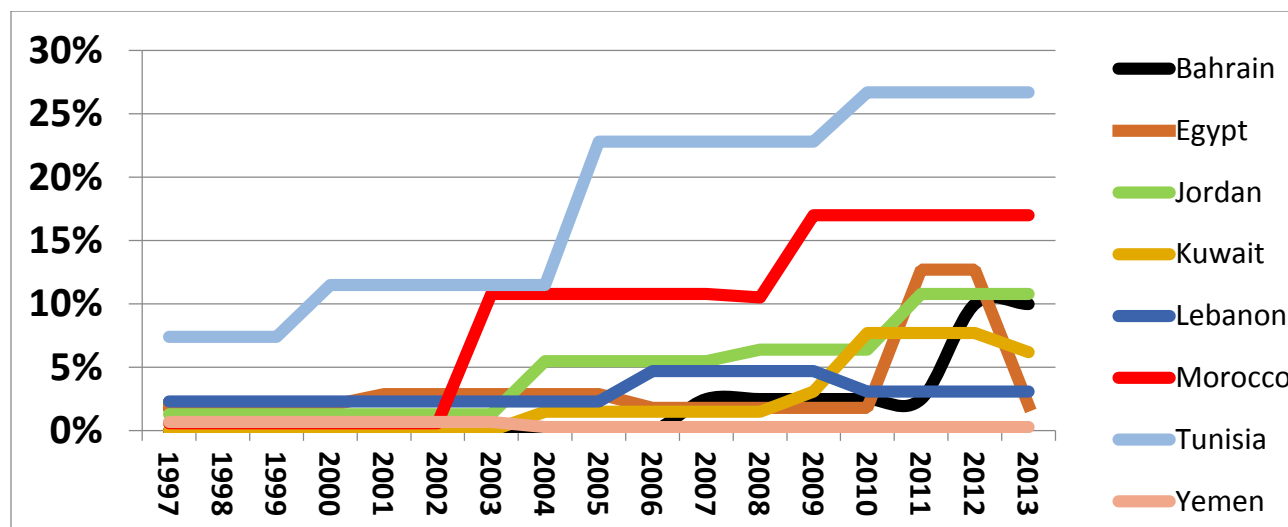
<sup>62</sup> Inter-parliamentary Union. (2014, June 10). *Women in National Parliaments: Situation as of 1<sup>st</sup> June 2014*. Retrieved from: <http://www.ipu.org/wmn-e/world.htm>

<sup>63</sup> The last election for the lower house in Yemen was in 2003.

<sup>64</sup> Inter-parliamentary Union. (2014, May 1). *Women in Parliaments: World Classification*. Retrieved May 17, 2014, from: <http://www.ipu.org/wmn-e/classif.htm>

enshrined in the recently approved Constitution.<sup>65</sup> In the region, these two countries therefore represent opposing ends of the spectrum of women’s participation in politics.

**Figure III: Share of Women in MENA Parliaments**



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### The Yemen Context

Yemen’s revolution began with protests in early 2011 and was largely driven by dissatisfaction over high levels of unemployment, poor economic conditions, rampant corruption, and the government’s failure to pursue electoral and political reforms that would address long-standing issues in a participatory manner. Following intervention by the Gulf Cooperation Council (GCC), an agreement was signed on November 23, 2011, resulting in the removal from office of long-standing President Saleh and a formal transfer of power to then Vice President Hadi through an uncontested presidential election held in February 2012. While the immediate objective of the agreement was to facilitate a peaceful transition of power, the terms of the GCC Agreement provided an outline for a broader, two-phase transitional period that would end in 2014. Phase I covered the early presidential election held in February 2012, and formally ended with the inauguration of the new president. Phase II of the transition process called for a National Dialogue Conference (NDC), drafting of a new Constitution followed by a constitutional referendum, and the drafting of an election law followed by the holding of parliamentary elections (and possibly local council and presidential elections, if required by the new Constitution).

Due to political delays, the transition timelines have shifted, and will now extend into 2015. The NDC commenced in March 2013 (originally slated to begin in October 2012) and concluded on January 22, 2014. The NDC was composed of nine working groups that formalized recommendations on a number of highly politicized and sensitive national issues, such as the formation of a decentralized, federal state;

<sup>65</sup> An unofficial translation of the Constitution states that Article 45 includes the passage: “The state seeks to achieve equal representation for women and men in elected councils (parity)...”

<sup>66</sup> Inter-parliamentary Union. (2014, May 1). *Women in Parliaments: World Classification*. Retrieved May 17, 2014, from: <http://www.ipu.org/wmn-e/classif.htm>

reforms of the security forces; the status of the formerly independent South; and the armed sectarian conflict in the north. Importantly, it was determined during the Conference that a 30 percent quota for women would be adopted. Following the conclusion of the Dialogue, President Hadi named a Constitutional Drafting Committee (CDC) on March 9, 2014, which is tasked with the drafting of a new constitution that will incorporate the recommendations and outcomes from the NDC.

The implementation of political reforms via a new constitution is an important aspect of completing Yemen's transition to a more democratic government from former President Saleh's 33-year rule. The success of the transition is in large part dependent on Yemeni citizen's engagement in the transition process, and commitment to adopting reforms that address the root causes that promoted the 2011 popular revolution.

### ***Women in Politics***

Institutionally, legislation related to women's participation in Yemen is remarkably progressive. Yemen was the first country on the Arabian Peninsula to enfranchise women. The Constitution establishes a legal framework that is favorable to increasing women's participation in public life, and guarantees the rights of all citizens without discrimination. Unlike other countries in the region, the Constitution contains articles specifically addressed to women, mentioning the social roles they are required to play and their protection, and contains nothing that discriminates against women's political rights.<sup>67</sup>

As a result of this fairly progressive legislation, historically, Yemen has seen a significantly higher amount of women's political participation compared to other countries in the region. In 1993, 21 women ran for parliament and two won seats. During the first local council elections in 2001, 147 women ran and 38 women won. However, women's participation in Yemen's political life has diminished in the last decade. For example, during the 2003 parliamentary elections, 42 percent of registered voters were women, but only 11 female candidates ran and one was elected. Women candidates faced considerable pressure throughout the pre-election period to withdraw, and political parties failed to nominate women candidates in any significant number.<sup>68</sup> The decline in participation has in large part been due to extreme poverty, lack of education – with female illiteracy around 76 percent – and the tribal nature of Yemeni society.

During the 2011 revolution, women played an active role in the anti-government demonstrations. Since the signing of the GCC Agreement, the women's movement has continued to grow. During the National Dialogue Conference, it was decided that a 30 percent gender quota in decision-making institutions would be established, which will be codified in the new constitution and subsequent legislation. With these developments, Yemen is poised to become a regional leader in advancing the role of women in politics. However, work remains to build the capacity of women who have been marginalized from the political process, and it will be necessary to ensure that adequate opportunities are provided for public engagement of women leaders.

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<sup>67</sup> Mashhur, H., A. al-Kumaym and M.A. al-Mikhlaifi. (2005). *Building Democracy in Yemen: Women's Political Participation, Political Party Life and Democratic Elections*. Stockholm: International IDEA.

<sup>68</sup> National Democratic Institute. (2003). *The April 27, 2003 Parliamentary Elections in the Republic of Yemen*. Washington, D.C. Retrieved March 22, 2014, from: [https://www.ndi.org/files/1701\\_yem\\_elect-rep.pdf](https://www.ndi.org/files/1701_yem_elect-rep.pdf)

## ***Political Finance in Yemen***

Yemen currently does have regulations on campaign funding and electoral spending, which are enshrined in the Constitution, Law No. 66 of 1991 on Political Parties and Political Organizations, and the Implementing List.<sup>69</sup> However, the legislation is vague and insufficient to guarantee an equitable electoral process, and regulations are not consistently enforced. A major factor affecting enforcement is that currently there are multiple bodies responsible for different aspects of auditing and regulation, with no clear delineation of roles and responsibilities.

During the course of the NDC, two working groups, the Good Governance Working Group and the Special Entities Working Group, developed relevant recommendations for improvements in the area of political finance. In its final report, the Good Governance Working Group recommended a public finance system for political parties and a ban on the receipt of foreign contributions to political parties and candidates. The Special Entities Working Group directed the Supreme Commission for Elections and Referendum (SCER) to oversee and monitor public funding of campaigns, introduce spending caps on candidates, and establish a new sector for overseeing campaigns and election spending. One complication that could impact the adoption of these recommendations into the new constitution, and yet to be drafted new election law, is another NDC recommendation that would see Yemen adopt a new electoral system, namely a “closed list” proportional representation (PR) with a 30 percent quota for women. This new system could potentially impact the financing of political parties and independent candidates, notably the distribution of public funding based on results of the previous 2003 parliamentary elections and oversight responsibility, so further discussion and outreach with the affected stakeholder groups will be important.

As Yemen moves into the constitutional drafting phase and rewrites the election law, it will be critical that legislation impacting the use of funds in campaigns and elections is introduced and that the proper regulatory institutions are established.

### ***Current Legislation on Funding for Political Parties:***

Section 4 of Law No. 66 of 1991 on Political Parties and Political Organizations has stipulations that govern the funding of political parties. Explicitly allowed sources of private funding for political parties include membership fees, contributions from members, and the return on the party’s investment in noncommercial activities and donations (Article 17). Apart from the right to receive private donations, political parties in Yemen are legally entitled to direct and indirect support from the State. As discussed above, the Committee on Political Party Affairs (CPPA) annually proposes the total amount of support that the State will allocate for the parties and political organizations to the Council of Ministers, in accordance with the provisions of the Implementing List of the Political Parties Law (Article 36). The total amount of government subsidies to political parties is therefore determined by the CPPA according to the following division:

- Twenty-five percent of the total is provided equally to all political parties that are represented in the House of Representatives.

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<sup>69</sup> The Implementing List of the Political Parties Law was issued by a presidential decree on August 21, 1995; it was the Presidential Decree No. 109 of 1995 on the Implementing List of Law No. 66 of 1991 on Political Parties and Organizations. It has 65 articles that provide a detailed explanation of the law.

- Seventy-five percent of the total is provided in proportion to the votes obtained by the candidates of parties and political organizations in the race for the seats of the House of Representatives. Parties are not entitled to a share of this second amount if the total share of votes obtained by its candidates was less than five percent.<sup>70</sup>

### ***Regulations Regarding Private Fundraising and Spending***

Article 34 of the Implementing List of the Political Parties Law provides guidance on the receipt of non-State funding. This article prohibits the receipt of gifts and donations from foreign individuals or entities. This means donations from legal Yemeni entities, such as corporations, are permitted. The political party must record the name of each donor and the amount donated (received), and must inform the CPPA of any contribution that exceeds 100,000 Yemeni Riyals (approximately \$500 USD), or if the total amount donated during a year exceeds twice that amount. There is no limit on the amount eligible donors may contribute to a political party and there is no ceiling for electoral expenditures that can be made by candidates or political parties. Funding from foreign sources is prohibited per Article 37 of the Election Law.

### ***Financial Disclosure***

Political parties in Yemen are compelled to disclose information about their finances to the Committee for the Affairs of Political Parties and Organizations (CAPPO). To achieve and maintain party membership, the law also requires political parties and organizations to deposit money in a Yemeni bank and keep books in accordance with established accounting principles, showing revenue and expenditure. Each political party must present all assets and annual financial reports, including the final accounts to the relevant authority. All assets must also be registered with the committee and the committee must be notified of any change. The CPPA may audit a party's financial records at any time with the assistance of a non-party technical committee. The Political Parties Law states that failure to provide financial reports can result in loss of public funding. These provisions are required throughout the life of the party, and not just during campaign periods.

While legal provisions for the regulation of political finance activities have been established, their enforcement has been hindered by a lack of a clear implementation mechanism, as well as a system for effective monitoring. Legal texts pertaining to electoral finance in the Yemeni law are weak and do not allow for transparency, independence or impartiality.

### **The Tunisia Context**

A spontaneous and unprecedented citizen-initiated movement in Tunisia led to the overthrow of the country's authoritarian regime on January 14, 2011. Outraged by the circumstances leading to the suicide of an unemployed street vendor in December 2010, Tunisians took to the streets in cities and towns throughout the country. Weeks of protests eventually led to President Ben Ali fleeing the country, and a transitional government was put into place. In the months following the revolution, the country

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<sup>70</sup> During the 2003 parliamentary elections, two political parties reached this level, whereas three parties, together winning around six percent of the vote, failed to do so. The governing General People's Congress received 58 percent of the votes in 2003, and would therefore be eligible to receive (combining the equal and the proportional allocation) 49 percent of the total public subsidy distributed to the political parties.

proceeded through a political transition in two stages. In the first phase, Prime Minister Mohamed Ghannouchi formed a new government, the constitution was upheld and a special commission was appointed to draft an electoral code to elect a new President. The second phase started with the refusal of opposition leaders to support the transitional government because it included many members of Ben Ali's party, the *Rassemblement Constitutionnel Démocratique* (RCD). This led to the resignation of Prime Minister Ghannouchi on February 27, his replacement by Béji Caïd Essebsi, and the announcement on March 3 of the partial suspension of the Constitution and the holding of elections on July 24 for a Constituent Assembly, which would be charged with drafting a new Constitution. On March 28, the RCD was dissolved by court order. Meanwhile, within just a few months, Tunisia transformed from a virtual one-party State into one with 116 legal political parties.

In June 2011, after much speculation and initial resistance by some parties, a general consensus was achieved to postpone the elections until October 23. The reason for the postponement was primarily a result of the late adoption of the electoral legislation and the technical impossibility of organizing credible elections in such a short period of time.

The elections were administered and overseen by the *Instance Supérieure Indépendante pour les Elections* (ISIE), a new and temporary election management body established under Decree-Law No. 27, promulgated in April 2011, just six months before the elections. The 16 members of the ISIE were appointed by the High Authority for the Realization of the Goals of the Revolution, Political Reforms, and Democratic Transition. By law, ISIE members included three judges, three candidates proposed by the bar association, two members chosen to represent non-governmental organizations, two university professors, single members nominated by the national organizations of notaries, bailiffs, chartered accountants and journalists, a member chosen to represent Tunisians abroad and an expert specialized in information technology. The ISIE was assisted by a second tier of commissions known as Regional Independent Election Commissions (*Instances Régionales Indépendantes pour les élections*, IRIEs) located in each of the 33 constituencies.

The election of the National Constituent Assembly (NCA) on October 23 marked the start of a new phase in Tunisia's democratic transition. Ennahda, a moderate Islamist party, gained a plurality of seats in the NCA and agreed to form a tripartite governmental coalition with the Congress for the Republic (CPR) and the Democratic Forum for Labor and Liberties (FDTL or Ettakatol). Following the end of the elections, the ISIE submitted its final report and reduced its operations to a minimum until a new ISIE would be formed.

On January 26, 2014, following two years of intense debate, diverging visions for Tunisia and multiple political crises, the new Constitution of Tunisia was finally adopted. It marked the beginning of the second republic of Tunisia and the start of a new phase in the democratic transition. Earlier in January, the NCA elected the nine members of the ISIE Board of Commissioners with a two-thirds majority after a protracted, complex and controversial process. Dr. Chafik Sarsar, a renowned constitutional law professor, was elected Chairman of the ISIE with an absolute majority of the NCA. Three of the elected commissioners served in the former election commission bringing past experience and institutional knowledge of the 2011 elections to the current ISIE. On January 15, the nine elected commissioners of the ISIE were sworn in before President Moncef Marzouki.

### ***Women's Participation***

For the 2011 National Constituent Assembly Elections, Election Law Decree 35 of May 10, 2011, Article 16, included a progressive requirement that all candidate lists must alternate between women and men.

This provision was intended to achieve approximate parity between men and women in the NCA. In practice, however, because men headed more than 90 percent of the candidate lists and because so many parties won just one seat in a constituency, women won just 23 percent of seats in the NCA (49 seats).

According to women's civil society groups, few women hold significant positions of power in major political parties. Most political parties reportedly did not actively target their programs to address issues of special concern for women or to attract the support of women voters. Some women's groups complained that many parties did not support their own women candidates. Female candidates also reportedly received far less media attention than their male counterparts.

Although the law creating the ISIE included a provision that candidacies for membership should uphold the principle of parity among men and women (Decree Law 27 of April 18, 2011, Article 10), only two of the 16 members were women. The proportion of women members of IRIEs was only slightly higher. International observers reported that the number of women serving as polling officials appeared to be around 30 percent.

The second ISIE was established by Organic Law No. 2012-23 passed by the NCA on December 12, 2012 and came into effect on December 21, 2012, upon its publication in the official gazette of the Republic of Tunisia, the *Journal Officiel de la République Tunisienne* (JORT). The new law replaced Decree Law No. 2011-27 of April 2011, which established the first election commission to organize the October 2011 elections for the NCA.

According to the new law, there was a similar rule that half of the second-round of applicants to the ISIE must be female, though ultimately only three of the nine new ISIE members are female. According to the draft Election Law, which is in the final stages of review before promulgation in Tunisia, the parity rule is again in force. This will require parity and alternating placement between men and women within party lists, though the quota for women to be at the head of lists was ultimately rejected.

### ***Campaign Finance in Tunisia***

Before the January 2011 revolution, financing of political parties and electoral campaigns in Tunisia was not a subject of public debate or public scrutiny. Political financing was tightly controlled by the former President's office. Public funds were arbitrarily and selectively disbursed to parties based on their allegiance to the President. The system was characterized by an absence of equity, transparency, disclosure requirements, control mechanisms, accountability, sanctions and enforcement. Opposition parties who had become too critical of the regime were crippled with punishments under the auspices of campaign finance violations. Also, a rule that all private donations be disclosed directly to Ministry of the Interior was a disincentive for private donors to contribute to political parties freely.

Decree Law 35, which regulated the first democratic elections to the NCA in October 2011, supplemented by other by-laws, set out an ambitious framework for campaign financing. However, the lack of time to draft the new legislation led to a number of shortcomings that undermined the efficiency of the legislation.

The legislation was strong in that it reflected many international standards and good practices in this field. For instance, the Decree Law prohibited donations from anonymous, foreign and private sources. It also

prohibited the use of State-administrative resources for campaign and partisan purposes. Moreover, it sets out equitable criteria for all candidate lists in the allocation of public funding. The legislation established a strict ceiling for the electoral campaign expenditures, and included limited transparency and accountability measures such as the obligations for candidate lists to submit their financial reports to the Court of Accounts, controlling procedures and sanctions.

However, weaknesses were also evident during the electoral process. One shortcoming was the absence of a definition of what constitutes an electoral expenditure and therefore what type of expenses had to be reported in campaign accounting. Furthermore, the short duration of the official electoral period (three weeks) combined with the low ceiling of campaign expenditures resulted in some parties spending funds before the start of the campaign in order to respect spending limits. Finally, the first installment of public funds was disbursed to candidates before the start of the campaign and without the need for justifying spending or to obtain a certain number of votes. While this provision was designed to encourage political pluralism, it also led to some candidate lists collecting the funds without necessarily campaigning. Transparency was limited as campaign accounts did not have to be published.

Decree Law 35 and other laws and by-laws on campaign finance are no longer in force and the NCA is currently discussing a draft electoral law for the next presidential and parliamentary elections that will contain provisions regulating campaign finance.

### ***Political Party Finance***

Different pieces of legislation regulate political party and campaign funding in Tunisia. Political party finance is subject to provisions of Decree Law 87 on Organizing Political Parties of 2011. Not only are provisions related to financing incomplete and vague, but they are also currently neither implemented nor enforced. Unlike the campaign finance provisions, this legislation will not be reviewed nor amended before the next elections.

State funding for political parties is provided by Decree Law 87. However, conditions for such funding are not specified. There are no details regarding amounts, allocation, or conditions of its usage. Since 2011, political parties have not received State subsidies. Decree Law 87 also allows political parties to receive contributions from their members up to 1,200 Tunisian Dinars (TND) per year (approximately \$710 USD), aid, and donations capped at 60,000 TND per year per person (approximately \$35,500 USD), income from commercial activities and obtaining bank loans. Political parties may not receive funding from anonymous donations or contributions from legal entities, and direct and indirect foreign funding is prohibited.

Since the revolution, accounting rules have been made more specific and parties are required to maintain financial records with the goal of increased transparency. Each party must open a separate bank account and designate a financial agent, who is the financial intermediary of the political party with suppliers and service providers. S/he is also responsible for preparing the financial statements of the party that are subject to an annual audit. This audit report is submitted to a committee chaired by the First President of the Administrative Tribunal and is then submitted to the Prime Minister. Finally, each party must also submit an annual report to the Court of Accounts, containing a detailed description of its funding sources and expenditures. However, there is no obligation to publish these detailed reports.

Several institutions are involved in controlling the regularity of financing of political parties: the Prime Minister, the Court of Accounts, the Ministry of Finance, an ad hoc committee, administrative and judicial



magistrates and the Order of Chartered Accountants. This decentralized nature of overseeing and controlling party financing has resulted in a situation where responsibility is not clearly defined.

Political parties must provide two types of financial reports to two different institutions – an audited and certified financial statement to the ad hoc committee, which to date has never been established, and an annual report to the Court of Accounts – without deadlines specified in the law. Decree Law 87 does not specify the nature or the scope of review by the Court of Accounts on annual reports. The existence of two controlling structures poses a risk of possible conflict of jurisdiction and of coordination of the control.

Criminal sanctions provided by Decree Law 87 can only be imposed on request of the Prime Minister by the Court of First Instance of Tunis. Financial penalties may also be imposed against political parties that have disregarded certain rules relating to funding. The Court of Accounts cannot impose sanctions in case of the no-filing of annual reports by political parties.

## **Gender and Political Finance**

Financial limitations are experienced by women candidates in both Tunisia and Yemen (as elsewhere), and creating gender equality in politics requires that the gender aspect of political finance is considered and reforms are made as needed. Unfortunately, discussions about gender and political finance are often based on general assumptions with little empirical support. This is especially the case outside the sphere of old democracies.

In order to examine this topic further, IFES conducted a series of interviews with women who had successfully or unsuccessfully run for elected office in both Tunisia and Yemen. The goal of the interviews was to get a better insight into the dynamics of women and money in election campaigns specifically and political life in Tunisia and Yemen more generally. Interviewees were then asked to participate in the Working Group meetings, during which time participants discussed current legislation and developed recommendations.

IFES convened working groups with men and women representatives from a variety of social backgrounds in both countries. These working groups met regularly during the second half of 2013 to review international experiences in political finance and its impact on women and consider the situation in their respective countries. Working Groups were composed of 8-10 members, and they participated in a personal capacity and not as representatives of their respective employers.

Prior to the start of the Working Group meetings, confidential interviews were held with five women candidates who successfully ran for the National Constituent Assembly in Tunisia in 2011, and with four women candidates who were not elected. In Yemen, IFES interviewed two women who ran as candidates in the last parliamentary elections in 2003 (one of whom won). Six women candidates who ran in the 2001 local council elections (three of whom were elected) were also interviewed. In both countries, women candidates that were interviewed represented both the government and opposition parties. Interview questions were developed by IFES' research department in coordination with dedicated national staff working on this project. This ensured that interview questions were relevant for both the Yemeni and Tunisian contexts while establishing a common baseline of data. These interviews were conducted by IFES staff.

Overall, the interviews confirmed the importance of access to funding as a major challenge for women running for office in the two countries. Many also reported receiving less funding from the political party that they represented than their male counterparts. It should be noted that the 2011 National Constituent Assembly elections in Tunisia were run using a proportional representation list electoral system while the Yemeni elections used a majoritarian first-past-the-post system. However, based on the outcomes of the National Dialogue Conference, Yemen will be adopting a closed-list proportional representation system for upcoming elections.

### ***Findings from the Interviews in Yemen***

Very few women run for elected office in Yemen, and for those who do the experience is sometimes challenging. Most of the women candidates interviewed stated that they raised very limited funds themselves, relying predominantly on funds received from their political party, or for those running as independents, managing with very limited funds.<sup>71</sup> Several of those who ran for political parties reported receiving less funding from their party than male candidates. This fact exacerbated the problems women candidates already faced with the challenge of convincing a reluctant electorate to vote for a woman (one of the interviewed candidates stated that some voters saw women as “incomplete humans”).

Certain forms of campaigning are difficult to access for women candidates, including qat-chewing sessions.<sup>72</sup> One interviewed candidate however reported having spent some of her campaign funds on qat for constituents.

The recommendations for reform provided by the interviewed candidates included legal changes to require political parties to treat women and men candidates equally in financial terms, and improved financial oversight overall. Some called for additional financial assistance to women candidates, either from the government or from international organizations. Others focused more on the need for training potential women candidates and to raise awareness about gender equality overall.

### ***Findings from the Interviews in Tunisia***

Most of the interviewed candidates argued that access to sufficient funding was a problem for both women and men in the National Constituent Assembly Elections. Even so, most reported that the male candidates were given preference for funding provided by their political parties and that it was also easier for them to raise funding from outside the party. Many reported how men are accepted more easily in a political context, with some voters needing additional persuasion to acknowledge a woman as a candidate.

Some candidates focused on the status of women within the political parties and emphasized how important it is for women to take responsible roles within the party as a preparation to taking decision-making positions if elected for office.

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<sup>71</sup> One of the interviewed candidates who had first stood for a political party but in a subsequent election participated as an independent reported that she had much better access to funding in the first election than in the second.

<sup>72</sup> Qat is a stimulant plant, traditionally used (especially by men) in the Horn of Africa and Arabian Peninsula.

Among the recommendations made by the interviewees was the need for a more equitable financial distribution policy within the political parties, as well as better oversight of the political finance regulations to ensure transparency and equality. Such transparency could make everyone aware of how much money is given to each candidate, and the party's commitment to provide women candidates with proper assistance on all levels. The interviewees also called for capacity building of women candidates on how to run effective campaigns with limited funds. Finally, the interviewees also suggested more fair media coverage so people can become accustomed to the presence of women candidates and feel more at ease once they are approached one-on-one during election campaigns.

## Multi-Stakeholder Working Groups

Working Groups met on a regular basis and meetings were led by IFES' dedicated staff. During the working group sessions, participants<sup>73</sup> discussed issues with international experts and national stakeholders. Results of the candidate interviews and participants personal experiences were also discussed.

As a result of the Working Group meetings, recommendations for improving political finance regulation and legislative implementation were also developed. These recommendations were designed to be shared with national stakeholders.

Below are recommendations that the working groups produced after a series of meetings where they debated the results from the candidate interviews and their own experiences, and discussed the issues with international experts and national stakeholders.

### *Recommendations from the Working Group in Yemen*

The below recommendations were made by the Working Group members in Yemen. They represent the opinions of these individuals, and do not necessarily represent those of their employers or of IFES.

Recommendation	Explanation and Goal	Target Audience <sup>74</sup>
<b>Legal reform recommendations</b>		
<b>1. Amend the election and political parties' laws to better control electoral campaigns funding and spending.</b>	Despite the public subsidies provided to political parties, current legislation does not include controls on electoral campaigns funding in general in Yemen, let alone in relation to gender equality.	political parties affairs committees; Supreme Commission for Elections and Referendum (SCER); Parliament; Ministry of Legal Affairs
<b>2. Review political parties' electoral campaigns expenditures and resources, and require candidates to submit their electoral campaign account statement to the SCER.</b>	According to current Yemeni Law, candidates are not required to provide accurate and clear data on electoral campaigns expenditures, which makes it difficult to observe if more money is given to male candidates. Based on the outputs of the National Dialogue Conference, the SCER	Political Parties Affairs Committee; SCER; Parliament; Ministry of Legal Affairs

<sup>73</sup> A full list of participants can be found in Annex 1.

<sup>74</sup> The column "Target Audience" was added to the Working Group's recommendations by the editors following the conclusion of the project. It is meant to highlight the individuals, groups, government bodies, and other entities that would be responsible for implementing the recommendation or creating the institutional structures supporting the recommendation.

Recommendation	Explanation and Goal	Target Audience <sup>74</sup>
	will be entitled to perform observation on political parties.	
<b>3. Reduce or remove public subsidies to any political party that is found to provide more funds or resources to male candidates.</b>	Such penalties will reduce political parties' willingness to spend more money on male candidates' campaigns than on the campaigns of female candidates.	political parties affairs committees; SCER; Parliament; political parties
<b>4. Provide incentives for increasing women's candidacy by providing additional subsidies for political parties that have more than 30 percent of seats in elected councils held by women.</b>	In order to encourage political parties to nominate women in competitive constituencies and spend money on their electoral campaigns (going beyond the 30 percent quota system now adopted by the National Dialogue).	political parties affairs committees; Parliament; Government
<b>5. Determine spending ceilings for electoral campaigns.</b>	Reducing excessive spending will positively affect the gender gap as women have less access to money than men do.	political parties affairs committees; SCER; Parliament
<b>6. Require equal media coverage of male and female candidates' campaigns.</b>	Current legislation does not ensure equal opportunities, resulting in a bias of the coverage of male and female candidates.	Ministry of Information; SCER
<b>7. The SCER should allocate a portion of its Voter Education budget toward educating female candidates on the relationship between political finance and gender equality.</b>	Through the interviews conducted during this project, it was found that women candidates lack knowledge on these important issues. Women candidates need to recognize their rights, which will result in better access to resources.	SCER; donors
<b>Recommendations on training</b>		
<b>8. Establish stakeholder networks (which may include civil society organizations [CSOs], election management bodies [EMBs], and NGOs) to build the capacity of female candidates and their working teams in how to run efficient campaigns.</b>	Through interviews, it was found that women candidates lack experience in campaign management. Candidates stressed that capacity building is needed, including electoral campaign designing and budgeting, and how to deliver their electoral messages simply at less cost.	NGOs; EMBs; donors
<b>9. Educate women's wings of political parties and financial officials on budgeting for electoral campaigns in a gender-sensitive manner.</b>	Women's wings in parties need to be more familiar with legislation. Women's wings and financial officials usually participate in making decisions on amounts required for male and female candidates; by educating women's wings, they will be better able to advocate for funding and can therefore reduce the gap in funds between male and female candidates.	political parties; SCER; political parties affairs committees; CSOs; NGOs
<b>10. Raise awareness of media officials on the importance of equal coverage of male and female candidates and the importance of producing programs discussing issues important to women during elections.</b>	Media officials should be made more aware in order to report on campaign funding, and also to decrease gender biases in the elections process.	Ministry of Information; private TV channels; CSOs

Recommendation	Explanation and Goal	Target Audience <sup>74</sup>
<b>11. Educate the private sector on the importance of supporting women candidates' campaigns and supporting prospective women candidates who want to run as part of their social responsibility to further enhance women's political participation.</b>	In order to increase available support and resources for women, the private sector should be encouraged to play a role in improving female candidate's access to the political process and resources, which could positively impact Yemeni society in a larger context.	Chamber of Commerce; businesses; CSOs
<b>Societal recommendations</b>		
<b>12. Invite all actors involved with gender issues (including government entities such as Yemen Women's Forum and the Women's National Committee, CSOs and research centers) to include gender equality and electoral campaign funding in their programs.</b>	This topic is not discussed among gender activists and attention of stakeholders should be drawn to the importance of understanding the connection between gender equality in electoral campaigns funding and women's political participation.	CSOs; government entities
<b>13. Encourage more research and studies to understand the relationship between electoral funding and women presence in elected bodies.</b>	This topic requires more study and research as it has not yet been focused on or discussed much in Yemen.	gender studies centers; CSOs
<b>14. Establish a coalition for the women's wings of political parties to share experiences and support.</b>	All Yemeni parties have a women's sector; cooperation between these sectors can favor women candidates since it will allow them to share their experiences and provide greater momentum towards advocating jointly as an organized group for equal access to campaigning funds.	political parties affairs committees
<b>15. Encourage CSOs to establish an observation network on electoral campaign's expenditures, sources, and media performance in this regard.</b>	There is currently no observation effort focused on campaign spending. Because civil society observation efforts are often perceived as effective and credible, civil society must be encouraged to increase its role in encouraging transparency. The results of such observation efforts can then be used to advocate for female candidates to have increased access to funding sources.	CSOs; SCER

### ***Comments on the recommendations from the Yemeni Working Group***

If passed in the upcoming constitutional referendum, the compulsory quota of 30 percent women<sup>75</sup> on the candidate lists of political parties will have a significant impact on the participation of women in the electoral process (assuming that the quota is enforced). In other countries, there has been a tendency for political parties to place women at the bottom of the list, meaning that they still have a very limited chance of being elected. Connecting the provisions of public funding to the share of *elected* women of each party,

<sup>75</sup> Yemen's National Dialogue Conference agreed on a PR system and the adoption of a 30 percent women's quota, which will subsequently be included in the new Constitution. The Constitution will also need to be passed by referendum. For more, please see: [http://www.yemenfox.net/news\\_details.php?sid=6451](http://www.yemenfox.net/news_details.php?sid=6451)

as suggested by the Working Group, provides a very enticing incentive for parties to nominate women in winnable positions.

Many of the recommendations by the Yemeni working group center on improved legislation and enforcement of formal gender-neutral political finance regulations such as spending limits and disclosure requirements. As discussed earlier in this White Paper, such regulations can have a positive impact on the gender equality in politics. The current political finance regulations (not to mention enforcement) in Yemen are very limited, with funding for candidates often provided through networks of personal contacts, often dominated by men. Enforcing any regulations that define how political parties and candidates raise and spend money in future Yemeni elections will likely present significant challenges.

The Working Group also provided many recommendations focusing on raising awareness about the connections between access to funding and gender equality, and increasing cooperation between concerned actors. This approach is in line with the fact that Yemen has very far to go before it reaches gender equality in politics. With currently only one woman in its Parliament, Yemen ranks only above a handful of countries worldwide without any female representation. It is hoped that the recommendations from the working group, along with other reforms concerning other areas of political gender relations, can help to change this situation in future elections in Yemen.

### ***Recommendations from the Working Group in Tunisia***

The below recommendations were made by the Working Group members in Tunisia. They represent the opinions of these individuals, and do not necessarily represent those of their employers or of IFES.

<b>Recommendation</b>	<b>Explanation and Goal</b>	<b>Target Audience<sup>76</sup></b>
<b>Legal recommendations</b>		
<b>1. Political party financing laws should include specific clauses that enforce parity in funding by political parties, with a mechanism to ensure accountability with fiscal ramifications for non-adherence.</b>	The Political Party Law should include specific measures ensuring equitable distribution of public and private resources within the parties to ensure parity for female party members. The clauses in the law should include sanctions to prevent and discourage noncompliance. Such a law would standardize distribution of financial resources.	legislators responsible for drafting legal amendments
<b>2. Tax exemption for female candidates during the campaign period should be introduced.</b>	The purpose of such an exemption would be to increase the overall amount of resources available to the candidate. As discussed above, women candidates are often not as competitive as their male counterparts, and require additional resources (such as the purchase of additional air/radio-time for media	legislators; tax authority (should law be introduced)

<sup>76</sup> The column “Target Audience” was added to the Working Group’s recommendations by the editors following the conclusion of the project. It is meant to highlight the individuals, groups, government bodies, and other entities that would be responsible for implementing the recommendation or creating the institutional structures supporting the recommendation.

Recommendation	Explanation and Goal	Target Audience <sup>76</sup>
	<p>spots) during campaigning to remain competitive.</p> <p>Exemption would be applied to all campaign expenses that may incur taxes.</p>	
<p><b>3. A portion of public funding should be set aside for use specifically by female candidates.</b></p>	<p>Distribution of the funds' resources would be managed by the Ministry of Finance. While funds would be made available to all female candidates, the primary beneficiaries would be independent candidates, who do not benefit from laws guaranteeing equal distribution to male and female party members.</p>	<p>Ministry of Finance</p>
<p><b>4. Reimbursement for child care expenses incurred by female candidates during the campaign period.</b></p>	<p>Although not implemented due to lack of resources, during the 2011 elections some political parties had suggested establishing daycare centers at party headquarters to improve female candidates' capacity to campaign and increase women's political participation.</p> <p>The Working Group believes that this concept should be re-introduced and provisions should be guaranteed by law. To be applicable, receipts for child care charges or other arrangements would be submitted to the managing authority for reimbursement.</p>	<p>political parties</p>
<b>Societal recommendations</b>		
<p><b>4. Improve female candidates' understanding of rules governing campaign and political finance.</b></p>	<p>Utilize experts who can provide global experiences on women's political participation to raise awareness by females on the principles of campaign and political finance, and increase knowledge about candidates' (male and female) right to use public funds when conducting campaigns.</p>	<p>political parties; schools; EMB Voter Education Sector</p>
<p><b>5. Conduct a nationwide civic education campaign on the importance of women's involvement in politics, advantages for candidates and positive societal externalities.</b></p>	<p>The civic education campaign should be conducted at the national and local levels, with particular focus on targeting youth, rural, and traditionally marginalized communities.</p> <p>The campaign will be beneficial in encouraging women (and particularly female youth) to become involved in politics. It will also serve to mainstream the concept of women in politics; once the concept of women's participation as candidates becomes more acceptable to the general public, donations to female candidates or to parties composed of women could increase.</p>	<p>Independent High Authority for Elections (ISIE); CSOs; governorates (especially in the interior); rural and urban communities</p>
<b>Recommendations on Media</b>		
<p><b>6. Sensitize media professionals to the importance of gender equality in media exposure.</b></p>	<p>Male candidates are more frequently asked to appear in the media as a representative of a political party, or to discuss a political issue, than their female counterparts. As a result, the electorate and potential funders are more familiar with male candidates. Increasing women's media presence creates an avenue</p>	<p>media; High Independent Authority for Audiovisual Communication (HAICA), which is the institution responsible for monitoring media</p>

Recommendation	Explanation and Goal	Target Audience <sup>76</sup>
	for soliciting donations and funding. Increased exposure of women in the media may also increase the party's financial base if party funding is tied to the number of seats won by female candidates.	
<b>7. Educate women politicians and candidates on the importance of media exposure and public visibility as part of a larger strategy to increase funding opportunities and improve campaign competitiveness.</b>	Female candidates should be provided with training on effective use of media as well as available resources.	female politicians; political party candidates; youth
<b>8. Educate political leaders on the importance of guaranteeing media exposure for women candidates and politicians.</b>	<p>Generally, media appearances for party affiliates are assigned to men by party leaders, who are usually male. Party leaders should be encouraged to provide funding to female party members specifically for conducting media outreach, and guarantee a minimum number of appearances in the media.</p> <p>Men must also be educated to understand the importance of letting women become more active and visible in the media, providing both short- and long-term benefits for women candidates in establishing a stronger connection with voters and possibly leading to further financial resources for their campaigns and for the greater good of the party itself.</p>	political party leaders
<b>Recommendations on Training</b>		
<b>9. Policymakers and political party leaders should receive training on gender equality, the importance of equal access to financial resources for male and female candidates and relevant legislation relating to campaign and political finance.</b>	To ensure increased political participation by female candidates, the political party management must be committed to ensuring gender equality and funding parity. Trainings must be conducted to make decision-makers and party leaders aware of the importance of ensuring equal provision of financial and other resources to male and female party members.	CSOs; The School of Politics of Tunisia
<b>10. Provide training for female candidates on campaign management and effective campaign strategies.</b>	Female candidates should be provided with the necessary skills to conduct campaigns using available resources in the most effective means possible. This would require the implementation of training programs on the principles of campaigning, communications and outreach strategies, and methods of campaign fundraising and donor solicitation.	Parliament; CSOs; The School of Politics of Tunisia; secondary schools and universities
<b>11. Provide training to political party management and the ISIE on current legislation governing gender parity in distribution of public funding, gender-based budgeting for parties, and on best practices for improving accessibility of funds for women.</b>	Training on this issue would be provided to all stakeholders responsible for developing budgets and overseeing distribution of public funds, including female party members	political parties; Ministry of Finance
<b>12. Train candidates and party members on legal and technical frameworks governing campaign and political finance with respect to improving gender equality and access.</b>	Although all candidates (male and female) should already be aware of the legal framework of elections, including finance, additional training is needed for female candidates on campaigning and the legal framework.	political parties; Court of Accounts; independent candidates



Recommendation	Explanation and Goal	Target Audience <sup>76</sup>
<b>13. Provide training to party members on auditing financial records and proper methods of financial disclosure.</b>	All party members, particularly women, should be allowed access to financial reports and should have the knowledge to conduct a meaningful review. This would improve transparency within the party, and provides a check against favoritism or illegal distribution of funds to party members.  Training on proper methods of financial disclosure and auditing will allow female party members to advocate for appropriate distribution of campaign funds.	political parties; Court of Accounts; ISIE
<b>Recommendations on Election Management</b>		
<b>14. Sensitize the ISIE to the concept of gender mainstreaming, so that it can advocate for, or introduce, legislation, processes and procedures that guarantee the rights of female politicians to financial resources and other protective measures and make the political system more inclusive.</b>	Creation of a clear legal framework is instrumental in ensuring that women have equal access to resources and also legal recourse in situations of mistreatment, harassment, or even abuse without fear of retribution.	ISIE
<b>15. A hotline or institutionalized means for reporting incidents of misconduct or abuse should be established for female candidates during the campaign periods.</b>	There have been documented incidents of verbal and physical violence at campaign fundraisers held by female candidates. Female candidates should have some recourse in such situations. Creation of a reporting mechanism would be a good first step.	ISIE; High Independent Authority for Audiovisual Communication (HAICA); observer groups

### ***Comments on the recommendations from the Tunisian working group***

The Working Group recommendation that political parties should be legally required to provide equitable financial support to women and men candidates is consistent with some of the statements expressed during the confidential interviews. However, even internationally, there are few countries where these regulations and legal frameworks exist or are enforced.

The Working Group recommendations were designed to create avenues for increasing available resources for female candidates, such as through the establishment of tax exemptions, establishing guaranteed sources of public funding, and reimbursement for child care costs. These proposed changes would be an important measure in offsetting some of the financial challenges faced by women candidates, and may help to persuade political parties to nominate more women.

The Working Group recognizes that achieving gender parity in access to and use of resources requires more than just legislative changes. Several of the recommendations focus on changing popular and societal attitudes towards female candidates and politicians, and freeing women candidates from the guilt that is often associated with accepting political money. This requires broad education of society as a whole to introduce the concept of women in politics with the goal of increasing acceptance of women as politicians; additionally, women must be empowered to understand that raising and spending money for election campaigns within the bounds of the law is a normal and acceptable part of election campaigning that Tunisian women candidates should embrace.

Other recommendations recognize the important role that could be played by the media in Tunisian election campaigns, and aims to address the limited awareness of media professionals, female candidates, and political party leaders about the importance of improving access to and visibility of female candidates in the media during election campaigns.

Tunisia has only experienced one round of elections since the fall of the Ben Ali regime (for the National Constituent Assembly in 2011). Given Tunisia's limited experience holding competitive elections, it is logical that many of the recommendations from the Working Group focus on trainings to build the capacity, not only of women candidates in fundraising and campaigning, but also of political party leaders, activists, and legislators on the importance of gender equality and access for women candidates to equitable levels of funding.

## **Conclusions – Working Group Recommendations in an International Context**

The Yemeni and Tunisian Working Groups on political finance and gender equality in politics developed recommendations designed to assist with gender parity in access to campaign resources and improve female politician's capacity to competitively run in an election. The differences between the recommendations produced by the Working Group in each country is reflective of the political, social and economic realities in that particular country. However, there are significant similarities in the set of recommendations produced by each group. This reflects the fact that many of the underlying challenges are similar regardless of the country, and there is a global need for increased awareness and action. Some of the main challenges and attempted solutions were discussed in the earlier sections of this paper.

Both Working Groups recommended that political parties provide equal funding to male and female candidates, and that financial sanctions (e.g., reduction of public funding) should be introduced for cases of noncompliance. Such regulations are rare in internationally, which is largely explained by the fact that campaign funds are often raised and spent by candidates themselves rather than by their parties. However, candidate interviews from Yemen indicated that most candidates received the bulk of their funding from the political party that nominated them, while the political finance legislation in the 2011 elections in Tunisia banned candidates from raising funds on their own. Given these considerations, the recommendations by the Working Groups seem suited to their contexts. Enforcing such rules may however include significant challenges.

Both groups also include recommendations relating to gender and public funding, though in different ways. The Tunisia Working Group suggested that a portion of the available funding should be provided exclusively to female candidates. This is a novel approach that is not used in other countries but it could be a way of addressing historical inequalities in Tunisian politics, and may help encourage political parties to nominate women. In a similar vein, the Yemeni Group recommended that part of the voter education budget of the election management body should be used to educate female candidates on the relationship between political finance and gender equality.

A common problem is that compulsory gender quotas may fail to ensure that a significant share of women are elected if political parties, or individual female candidates, are nominated for positions they are likely not to win. The Yemeni recommendations aim to address this by connecting additional funding to the share of women that are elected, rather than the nominating process. As was discussed earlier, similar initiatives are used in several countries around the world, although it is in most cases too early to judge the impact of these reforms.

Both Working Groups also include a series of recommendations that are less about formal regulations and more about raising awareness of the voters, political parties, media outlets and women candidates themselves about the importance of gender equality, and the connection to political finance. Such activities are needed in many parts of the world, but arguably they are of special importance where the experiences of competitive elections, and of the participation of women in politics, is limited.

Stakeholders in Tunisia and in Yemen are encouraged to carefully consider the recommendations from the two working groups, and consider how they can be implemented to assist improvements in gender equality in the politics of the two countries. Because of the ongoing transition processes in Tunisia and Yemen, the political environment in both countries is ideally suited for adopting change. Stakeholders have a unique opportunity to incorporate these recommendations and ideas into the drafting of new election laws and constitutions, with the potential for long term impact.

The two parts of this White Paper have emphasised the connection between political finance and gender equality, and the importance of financial aspects for increased gender equality in politics. We also urge stakeholders in other countries, in the MENA region but also elsewhere, to contemplate these issues and how combining discussions between the two subjects can assist in the identification of further reforms. Doing so will help to promote equal participation between women and men, and only when women and men participate in the political process on equal terms will full democracy have been achieved.

## Annex 1

The members of the Working Groups are:

### Tunisia

Mariem Ben Salem	Political researcher, Center of Arab Women for Training and Research (CAWTAR )
Anis Zahraz	UNDP gender and election expert; previously in the Ministry of Women
Anissa Bouricha	Lawyer; Member, Law Women (Femmes Juristes)
Jinan Limam	Non-elected candidate for 2011 National Constituent Assembly (NCA); former member of the political bureau of the Al Massar party and activist on gender issues
Imene Houimel	General Director of Women Affairs, Ministry of Women

### Yemen

Dr.Abdulwahab Abdulkader	Assistant Professor and Member of the Gender Studies Center, Sana'a University
Nabeel Al-Selwy	General Manager of Awareness, Supreme Commission for Elections and Referendum (SCER)
Abdulmoez Dbwan	Parliamentarian, Islah party; Executive Manager of Yemeni Parliamentarians against Corruption Foundation (YemenPAC)
Abdulrahman Muazeeb	Parliamentarian, General People's Congress (GPC) party
Abeer Al-Kibsi	Program Manager, Yemen Organization for Promoting Integrity (OPI)
Ahmad Al-Zekri	Executive Director, OPI
Bajash Al-Mikhlafl	Political Parties Affairs Committee Secretary; former Manager of Technical Office in the Ministry of Legal Affairs
Asma Al-Ariky	General Manager of Women Awareness, Supreme Commission for Elections and Referendum (SCER)



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