

The Absence of an Institutional Framework as a Key for Understanding the Political Under-Representation of Women in Colombia

CLARA ROCÍO RODRÍGUEZ PICO

Despite Colombia having a mandatory quota to include 30% of women on the list of candidates for municipal councils, departmental assemblies, and congressional elections, on average, only 20 out of every 100 elected to those representative bodies have been women since 2011 when this provision was implemented. This evident under-representation is confirmed in the Electoral Gender Regime Strength Index (IFREG, for its acronym in Spanish), which was proposed by Flavia Freidenberg and Karolina Gilas (2022). According to the scrutiny of the electoral regime adopted by 18 Latin American countries to guarantee women's political representation, the authors proposed four categories. Colombia is considered an "unfinished experience", while countries such as Bolivia, Mexico, Costa Rica, Argentina, and Ecuador reach the "successful" category (Freidenberg/Gilas 2022, 59-60).

What can explain this slow progress or even failure of including women in the political sphere in Colombia? Does it have the same patterns when comparing the national level with the subnational one? What specific conditions impede further progress on gender-political equality, considering that there are cases in Latin America that have been able to achieve success?

Without disregarding that there are other factors such as patriarchy, political culture, financial issues, and inequalities in the political competition that play a core role in the possibility of female candidates being elected, I consider the absence of a strong, normatively defined institutional political framework as a key variable in the case study. Also, I argue that it is impossible to transform the status quo without analyzing or modifying some specific rules that condition women's participation in electoral contests, as well as the role played by political parties in promoting their leadership.

This paper is divided into four parts. The first highlights conditions of institutional designs for gender-equal political representation. The second examines the recent trends in Colombian women's political representation in national and subnational democratic bodies. The third part analyzes the main institutional political problems while the final section presents conclusions and discusses challenges and perspectives.

Institutional Framework as a Condition for Political Representation of Women

Although the inclusion of excluded sectors or populations into democracy should be oriented toward symbolic or substantive dimensions of representation, it is not possible to achieve it if there is not a descriptive representation of their interest in the political system. There cannot be a representation of women's gender agenda if

there are no women representatives who promote it in the public sphere, regardless of their ideological affiliation or differences of opinion. Consequently, the adoption of institutions that allow and facilitate the inclusion of women is imperative, such as the establishment of gender quotas, rules of the electoral system, and provisions taken by the political parties.

Quotas are a necessary way to improve the levels of political representation of under-represented groups because, as Freidenberg (2022) has synthesized, they function as a fast track to address structural inequalities suffered by societies and to shape political decisions and behavior. However, quotas on the list of candidates do not necessarily guarantee that at least 30% of representatives will be elected. According to the literature, this is the minimum percentage required to get a critical mass of being able to influence decision-making and move toward substantive gender representation (Childs/Krook 2008).

Since Argentina's first provision in 1991, quotas in Latin America have been adopted mainly through constitutional and legal definitions, and they have been implemented with a different scope of action, temporalities, and improvements. By 2021, according to Verónica Slaviero (2021), twenty countries in the region (including the Caribbean) had regulations in this area.¹ The overall experience accumulated provides a framework, which compares the paths of different cases and the lessons that must be learned. Thus, the size of the quota would increase transitioning to parity. Parity implies the inclusion of 50% of both candidacies – men and women – and the sequential and alternating position mandate of them (one-to-one), constituting a definitive measure that seeks to mitigate towards equality unlike the quota, although significant, is transitory and corrective (Tula 2018, 7).

Based both on the conviction that women's representation must be at least greater than 30%, and on the evidence that similar sizes would not necessarily represent the same results, various elements of the institutional design are now well-known for the institution of strong quotas. The Electoral Gender Regime Strength Index (Freidenberg/Gilas 2022) summarizes these elements as follows: a) establishment of position mandates in the placement of female candidates on the lists, in a way that women have effective options to be elected, b) definitions on substitutions, so that elected women are not replaced by men, c) to avoid escape valves, i.e. exceptions that make it easier for political parties to breach the quota or allow them to justify its non-compliance legally, and d) mechanisms that sanction or penalize non-compliance with the approved measures. In addition, a great deal of research has tried to establish a relationship between variables of the electoral system and the electoral possibilities of female candidates (Freidenberg 2022; Kenworthy/Malami 1999; Krook 2008; Lucardi/Micozzi 2020; Thames 2017). Although there is no total consensus on these issues, there is a considerable amount of literature that indicates that proportional systems of medium or large-sized constituencies, and closed or blocked lists with mandated positions, favor the intentions of the female candidates. In contrast, systems with a mixed, majority, or single-district representation, small constituencies, and open or preferential voting

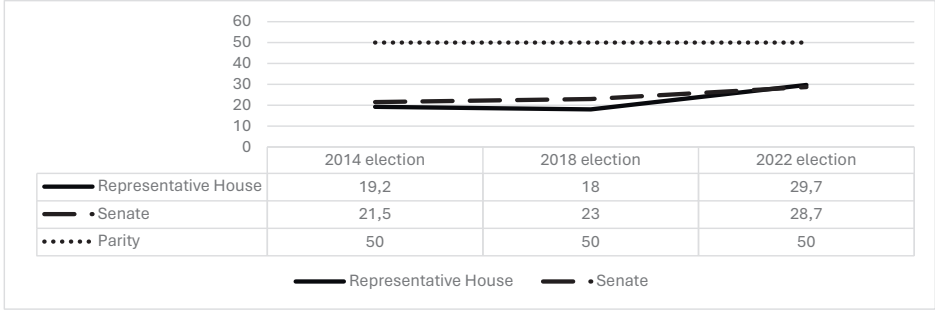
lists, would hinder representation. Despite the current debate on the matter which has supporters throughout the political spectrum, the research to date has shown that there are friendly and unfriendly electoral systems to achieve gender-political equality. Finally, political parties also have a key role to play in adopting the political reforms that will assure gender representation, as well as, providing internal democratic mechanisms that open spaces for participation and decision-making (Freidenberg/Alva 2017; Gilas 2022). They are also responsible for granting endorsements and placing female candidates on their lists which would improve their chances of success and influence the support that voters may give them.

Colombia’s National and Subnational Political Trends

At the national level, the Congress of the Colombian Republic is bicameral which indicates that it is composed of the Senate consisting of a national electoral district, and the House of Representatives entailing a territorial representation. Due to political resistance, the quota was excluded from all the districts that elected five or fewer representatives, which is 19 out of 33. In terms of the results obtained, there is, indeed, a positive effect of the quota on the number of women elected compared with previous elections, since the number of women representatives has increased from an average of 11% in the five elections held between 1990 and 2010 (before the adoption of the quota) to an average of 23% in the following three elections.

Figure 1 shows the national elections held after the adoption of the quota. Although the moment of greatest participation was the last election of 2022 when nearly 30% of the goal was reached, nonetheless parity is far from being achieved. The significant increase is explained by the strategy of the coalition of the left and center-left parties which joined the Historical Pact (*Pacto Histórico*). It led to the victory of President Gustavo Petro and, unusually, used closed lists for the nomination of its Congressional candidates; this means it may be a conjunctural phenomenon and not a pattern that would be sustained over time.

Figure 1. Percentage of women elected to the Colombian Congress 1991 – 2022



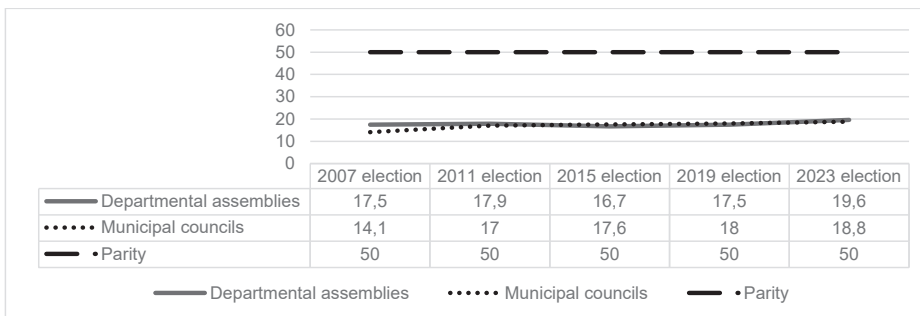
Source: Bernal/Calderón/Bajonero 2023, 17.

Those trends ranked Colombia 15th out of 33 among countries in the United Nations Index of Legislative Power which included Latin America, The Caribbean, and The Iberian Peninsula (Cepal 2023a). Thus, ranking the country below the region's average of 35,8%. Mexico, Nicaragua, and Cuba represent the most successful cases with 50% or more representation of women in their parliaments, according to the latest available data.

The sub-national level, on the other hand, includes 32 departments and 1001 municipalities, with varying sizes in their respective bodies, according to historical, geographical, and population criteria; for example, it fluctuates between 156 municipalities with less than 5000 inhabitants, which elect seven councilors, whereas Bogotá, the capital city, has a council of 45 seats. 418 deputies make up the departmental assemblies and 12063 members are elected in the municipal councils.

The subnational level trends, included in Figure 2, indicate that the increase in the number of elected female candidates was not as successful as that achieved in Congress. Although in both assemblies there were slight increases throughout the period, the average percentage of women elected as deputies and council members has only been 17% since the reform (between 2011 and 2023), and the Historical Pact was unable to agree on a candidate's closed lists for subnational bodies in the last election. Hence, there is a larger breach of parity at the subnational level than in Congress.

Figure 2. Percentage of women elected to the Colombian departmental assemblies and municipal councils (2011 – 2023)



Source: Ministerio de Igualdad y Equidad (2023)

With these territorial trends, it is not surprising that the United Nations index, calculated to measure the proportion of elected seats occupied by women in local legislative or deliberative bodies, places Colombia in the fourth worst position, surpassing only Brazil (15,7% of elected women), Guatemala (11,4%), and Panama (9,9%), and far below the countries that are close to or have reached parity such as Costa Rica, Mexico, Bolivia, Antigua and Barbados (Cepal 2023b).

Institutional Dimension as an Explanation of Political Under-Representation of Women in Colombia

As already suggested, the first institutional factor which plays a key role in explaining the situation is the design of the quota itself. In Colombia, it was not only adopted two decades later than the continent's first quota, but the overall size was smaller than that used by other countries. All the intentions to augment it through political reforms have failed. Additionally, it has excluded more than half of the binominal constituencies in the House of Representatives. It does not contemplate mandates for the position of women on the lists. When women representatives resign from office or have an absolute absence, substitutions correspond to the next in line, so that elected women are not necessarily replaced by other women. Furthermore, studies such as from Ximena León (2022) and Clara Rocío Rodríguez Pico (2015), have demonstrated ambiguities in the mechanisms foreseen for the compliance of the quota, even if it is mandatory, since the electoral authority may reject the registration of the list when it does not comply with the 30% requirement.

Those difficulties are interrelated with the problems of the political party system and the decisions that representatives, mainly men, have taken about their performance and the rules for accessing political power. The Political Constitution of 1991 considered that "in no case may the law establish requirements concerning political parties and movements" (art.108). It prevented the inclusion of the electoral quota when a percentage of participation of women delegates in national and subnational public positions was established by Law 581 of 2000 (República de Colombia 2000), which explains the late adoption by Colombia, compared to other Latin American countries.

Although the regulations were modified in such a way that since 2003 the law can consider requirements for the internal democratization and modernization of the parties, the readiness for female representation only began to be seriously discussed during the 2009 political reforms and ended with the law that adopted the quota with the restrictions already noted (Law 1475, República de Colombia 2011). Similarly, to the restrictions for adoption, there has been resistance from male politicians for its implementation. Still, it is common to hear the argument that there are not enough women willing to participate in politics even though the last electoral census was composed of 48,6% men and 51,4% women. This situation has led to what is known as women filler candidates (*candidatas de relleno*), included only to meet the terms of the norm, but without any real possibility of being elected.

It is also noteworthy to mention, that although political parties tend to include a higher percentage of women than required by the quota, it seems to be an effect of the variable *size of the constituencies* and not due to an intentional effort to include more women on their list as recent research has found for the assemblies and councils in the 2015 and 2019 elections (Rodríguez Pico/Barrera, in press). On the contrary, the same authors proved that except for a few minor political organizations, the parties in general have not tried to enhance the number of women on their lists. Their findings have confirmed

other international studies (Schmidt/Saunders, quot. in Krook 2008), that show how the need to round the percentage of the quota to a specific number of candidates forces the size of the quota to be increased especially in smaller constituencies, as an effect from the laws of arithmetic.

As the Colombian party system tends to be fragmented, there are always provisions that allow parties and politicians to contend in an individualistic way. It's the case of the electoral system's rule, which authorizes the presentation of candidacies both in closed and blocked lists (which could include women in preferential posts of the list) as well as with preferential vote (where the decision about who would be elected is transferred to the elector). The combination of the two kinds of lists depends totally on the free will of the political party and the agreements their leaders make in every constituency and electoral contest. As Rodríguez Pico and Maicol Quiroga (2021) have shown, in practice, most political parties choose the preferential vote in national and subnational elections. It gives more representation to politicians who already have political capital and resources, which makes it almost impossible to guarantee success for women candidates. Thus, it may happen that some parties and constituencies would not elect any women as representatives.

Conclusions, Main Challenges, and Perspectives

Gender quota has been unsatisfactory to guarantee a sufficient representation of women in Colombia, creating a critical mass necessary to move from a descriptive representation to a substantive one. The country is well below most of its peers in the region and far from reaching the parity required to consider that gender equality exists, making those trends worse in the territorial representative bodies than in Congress. Moving toward greater equality between men and women in access to political power will require political reforms to change their design, according to international standards that contemplate differences between national and subnational levels.

As many women's organizations have advocated, it is necessary to modify the way candidacies are presented to the electorate. Parity closed lists with mandatory positions (one-to-one) will improve the possibilities for women to be elected. Provisions to enforce internal democracy in political parties and support for their female candidates are necessary, as well. In addition, more research is needed to differentiate national and subnational patterns and to discriminate the effect of specific variables, such as constituencies, on women's chances of becoming political representatives.

While the diagnosis and required actions are quite clear, the route to achieve transformations is not. Self-interest, party fragmentation, and the client-based way of doing politics in Colombia are obstacles that have been impossible to overcome, as shown by the failure of nearly 50 political reforms attempted since 2010 to transform the political system. Political polarization and prioritization given to other important issues on the public agenda currently do not give us many reasons to be optimistic about the possibilities of achieving gender equity in the short or medium term.

References

Bernal, Angelica/Calderón, Kora/Bajonero, Alejandro, 2023: Mujeres en el Congreso colombiano, 1991-2022: tres décadas de un lento avance. In: *Reflexión política*. 25 (51), 14-29.

Cepal, 2023a: Gender Equality Observatory for Latin America and Caribbean. Legislative power: percentage of women in the national legislative body. Internet: <https://oig.cepal.org/en/indicators/legislative-power-percentage-women-national-legislative-body-0> (16.2.2024).

Cepal, 2023b: Gender Equality Observatory for Latin America and Caribbean. Proportion of elected seats held by women in deliberative bodies of local government. Internet: <https://oig.cepal.org/en/indicators/proportion-elected-seats-held-women-deliberative-bodies-local-government-sdg-indicator> (16.2.2024).

Childs, Sarah/Krook, Mona Lena, 2008: Critical Mass Theory and Women's Political Representation. In: *Political Studies*. 56(3), 725 – 736.

Freidenberg, Flavia, 2022: La construcción de democracias paritarias: reglas de juego, actores críticos y resultados (in) esperados. In: Freidenberg, Flavia/Gilas, Karolina (Eds.): *La construcción de democracias paritarias en América Latina. Régimen electoral de género, actores críticos y representación descriptiva de las mujeres (1990 – 2022)*. México, 19-61.

Freidenberg, Flavia/Alva, Raymundo, 2017: ¡Las reglas importan! Impulsando la representación política de las mujeres desde las reglas electorales en una perspectiva multinivel. In: Freidenberg, Flavia (Ed.): *La representación política de las mujeres en México*. México, 1-43.

Freidenberg, Flavia/Gilas, Karolina (Eds.), 2022: *La construcción de democracias paritarias en América Latina. Régimen electoral de género, actores críticos y representación descriptiva de las mujeres (1990 – 2022)*. México.

Gilas, Karolina, 2022: Conclusiones. Las piezas de la paridad: las reglas y los actores críticos. In: Freidenberg, Flavia/Gilas, Karolina (Eds.): *La construcción de democracias paritarias en América Latina. Régimen electoral de género, actores críticos y representación descriptiva de las mujeres (1990 – 2022)*. México, 501-515.

Kenworthy, Lane /Malami, Melissa, 1999: Gender Inequality in Political Representation: a World-wide Comparative Analysis. In: *Social Forces*. 78 (1), 235-269.

Krook, Mona Lena, 2008: La adopción e impacto de las leyes de cuotas de género: una perspectiva global. In: Ríos Tobar, Marcela (Ed.): *Mujer y política. El impacto de las cuotas de género en América Latina*. Santiago/Chile, 27-59.

León, Ximena, 2022: Colombia: régimen electoral de género débil, resistencias partidistas y baja representación descriptiva de las mujeres. In: Freidenberg, Flavia/Gilas, Karolina (Eds.): *La construcción de democracias paritarias en América Latina. Régimen electoral de género, actores críticos y representación descriptiva de las mujeres (1990 – 2022)*. México, 369-390.

Lucardi, Adrian/Micozzi, Juan Pablo, 2020: District Magnitude and Female Representation: Evidence from Argentina and Latin America. In: *American Journal of Political Science*. 66 (2), 1-19.

Ministerio de Igualdad y Equidad, 2023: Balance del proceso electoral desde la perspectiva de derechos de las mujeres. Bogotá.

República de Colombia. Congreso de la República, 2000: Ley Estatutaria 581 de 2000 "Por la cual se reglamenta la adecuada y efectiva participación de la mujer en los niveles decisivos de las diferentes ramas y órganos del poder público, de conformidad con los artículos 13, 40 y 43 de la Constitución Nacional y se dictan otras disposiciones". Internet: <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=5367> (16.2.2024).

República de Colombia. Congreso de la República, 2011: Ley Estatutaria 1475 de 2011 "Por la cual se adoptan reglas de organización y funcionamiento de los partidos y movimientos políticos, de los procesos electorales y se dictan otras disposiciones". Internet: http://www.secretariase-nado.gov.co/senado/basedoc/ley_1475_2011.html (16.2.2024).

Rodríguez Pico, Clara Rocío, 2015: La selección de candidatos como mecanismo de democratización de los partidos y movimientos políticos en las elecciones subnacionales de 2015 en Colombia. Bogotá.

Rodríguez Pico, Clara Rocío/**Barrera**, Viviana (forthcoming): La cuota de género y las representantes electas. En: Territorio, elecciones y conformación del poder subnacional en Colombia. Partidos y movimientos políticos en asambleas departamentales y concejos municipales (elecciones 2015 - 2019). Bogotá.

Rodríguez Pico, Clara Rocío/**Quiroga**, Maicol, 2021: El hundimiento de la lista cerrada y bloqueada en las propuestas de reforma política en Colombia. Aspiraciones vs. prácticas políticas. In: Opera. 29, 47-68.

Slaviero, Verónica, 2021: Mujeres al mando. Cuotas de género y representación descriptiva de las mujeres en América Latina. In: Asparkia. 38 (2), 17-39.

Thames, Frank, 2017. Understanding the Impact of Electoral Systems on Women's Representation. In: Politics and Gender. 13 (3), 379-404.

Tula, María Inés, 2018: Reformas político-electorales y género en América Latina. Perspectivas de consolidación y desafíos pendientes. México. Internet: <https://reformaspoliticas.org/wp-content/uploads/2018/04/2.MarialnesTula.pdf> (16.2.2024).

Note

1 Worldwide, this figure reached 130 countries (Slaviero 2021).