

# COMPARED LEGISLATION STUDY ABOUT THE EXISTENCE OF REGULATION MECHANISMS IN ELECTORAL INSTITUTIONS TOWARD POLITICAL PARTIES AND ORGANIZATIONS

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## **1. Regulation regarding the internal democracy of political parties and organizations.**

Consensus does not exist yet regarding the role of the State and its influence in the way in which the parties are organized and work as institutions subjected to public law. Some believe political parties are entities of private right that cannot be regulated externally, even if the public requirements of internal democracy are reasonable.

In this sense, it turns out to be a challenge for any constitutional and legal arranging to respect two central principals of the democratic coexistence: first, the right of democratic participation of the affiliates; and, second, the right of self-organization of the parties (Orozco Henríquez, 2003: 8). An excessive control of the State over the parties would suppose a loss of autonomy in the decision making process, even if this control is on behalf of the rights of the affiliates, but its entire absence can seriously diminish any effort of internal democratization.

### ***What do regulation and laws state about internal democracy?***

The democratic efforts inside political parties became clear in 11 countries of Latin America since the introduction, either in the Constitution or in the legislation, of regulation mechanisms for the selection of candidates. Costa Rica was the first country in regulating this mechanisms, followed by Honduras (1985-1989); Colombia (1994); Paraguay (1996); Panama (1997); Uruguay, Bolivia and Venezuela (1999); Argentina (2002) and, more recently, Peru (2003) and the Dominican Republic (2004).

All of these countries approved laws to promote the implementation of internal elections, except Colombia, where the law does not establish this requirement as obligatory, but it regulates internal elections when the parties decide to carry them out based on an especial law. In contrast to the other countries, in Guatemala the law never introduced these changes and continued supporting the regulations of the Partisan Convention as mechanism of selection candidates. Finally, in Brazil and Ecuador there are no regulations related to the way in which the parties must choose their candidates and they are left alone to determine election mechanisms according to their own will.

According to Friedenbergr and Payne; there are four mechanisms for the implementation of processes of internal democracies in Latin America:

- a. The number of actors who take part in the electoral process, both in the case of open elections (where all the citizens can take part) or in closed elections (where only the party affiliates can participate);
- b. The moments at which the elections are being carried out by the parties involved. If they are being held at separated moments (every party carries out elections in different dates) or simultaneously (they all are carried out the same day);
- c. If the political parties have public financing or not; and
- d. If there is organized participation or supervision by the electoral organism.

As for the first issue, in Argentina, Colombia, Honduras and Uruguay, the law establishes clearly that the internal processes involve the participation of all the citizens, whereas in Panama, Paraguay and Venezuela only the affiliates of the parties can participate. In Costa Rica and Peru political parties have the option of choosing to carry out open or closed elections or even hold conventions to elect candidates if they prefer.

A significant factor of difficulty in taking closed elections to the practice is the availability of an electoral record of affiliates of the party. If this census is not available, it is very difficult to know who can (and who cannot) vote. This is not a minor topic. In this sense, there is an interesting reform that has taken place in Panama, and that can be useful in other countries, the reform consists in the electoral organisms having possession of the affiliates record, therefore, any change in this record must be notified to the electoral authority by the parties or directly by the affiliates.

To have no difficulties with the record of affiliates, in Uruguay and Costa Rica they choose to take into consideration the National Electoral Census, and let anyone inscribed in it vote in internal elections by filling a ballot of adherence at the moment of expressing a vote. In this way, the parties can also extend the number of sympathizers or affiliates in every call to elections.

Another two relevant aspects are related with both the moment in which the elections are carried out and with the financing of the elections. In Argentina, Honduras, Panama, Dominican Republic and Uruguay the law clearly establishes that the parties will have to carry out elections simultaneously, whereas in Bolivia, Colombia, Costa Rica, Peru and Venezuela this is not a requirement and the political parties can carry out elections before the actual period of the general election. In Peru the law establishes a period of at least 210 days before the general elections.

Regarding the financing, only in Colombia, Panama and Peru the law establishes regulations for the electoral organ to grant money to political parties for the accomplishment of internal elections. The regulations also indicate that the electoral authority should take control in the process of selection of candidates in Honduras, Colombia and Uruguay; these are three clear examples of interventionism of the electoral organ in the jurisdiction of the party.

Meanwhile, in other cases, the electoral organs can only supervise or oversee what the party does, like in Chile, where the election of a candidate or the postulation that the General Council of the party proposes must be supervised by a public authority designated by the electoral organ; in Argentina, where the federal justice names watchers of electoral processes when it is needed by the militants of the interested parties; in Nicaragua, where the Electoral Court arbitrates the internal conflicts at the request of the parts; in Panama, where the Electoral Court sends delegates to mediate in case the parties request it, but it has no jurisdiction on the internal processes; in Costa Rica, where the electoral organism acts if there are conflicts between the militants.

Regarding the contesting processes related to the internal acts of the parties, in 16 countries of Latin America the constitutional or legal arrangements indicate in an explicit or implied way that there should be electoral courts working in an autonomous way or belonging to the Judicial Power. Two out of the 16 countries establish the contentious administrative electoral process (Nicaragua and Dominican Republic); nine, a contentious electoral jurisdictional process, three carry them out before a electoral autonomous court, which resolutions cannot be contested (Costa Rica, Ecuador and Uruguay); in six the processes take place before electoral autonomous courts or courts belonging to the Judicial Power (El Salvador, Honduras, Panama, Paraguay, Bolivia and Guatemala).

In the remaining seven a contentious electoral mix process occurs, this means that the process takes place before an electoral autonomous organ of administrative character, which resolutions can be contested before an electoral court (Chile and Peru); before an electoral court that is a part of the Power Judicial (Mexico) or before the contentious administrative autonomous jurisdiction (Colombia). There is a case in which a contentious administrative jurisdictional and political process is considered in the elections, where the federal judges are the ones that make decisions in matters concerning the electoral issues of the parties (Argentina).

**MATRIX OF LEGISLATION ABOUT INTERNAL DEMOCRACY  
IN POLITICAL PARTIES  
IN PROCESSES OF SELECTION OF CANDIDATES**

COUNTRY	LAW		TYPE OF MECHANISM				
	Constitution	Laws	Type of mechanism that regulates the legislation		Procedure of internal elections according to regulations		
			Open or Closed?		(1) Whit electoral supervision	(2) Simultaneously or in separated periods?	(3) Financing
According to regulation	In the practice						
Argentina	No	Yes	Open elections	Yes, sometimes	Yes, electoral watchers named by Electoral Justice at the political parties request.	Simultaneously (by formula). District by district in legislative elections	-
Brazil	No	No	Conventions	Few times	-	-	-
Colombia			Open elections and/or Conventions	Yes, sometimes	Yes, National Electoral Council	Separated. Simultaneously at an internal level <sup>1</sup>	Public funds
Costa Rica	Yes	Yes	Internal elections <sup>2</sup>	Yes	Yes, Supreme Court of Elections must watch the internal processes (art.19, CE)	Separated	No public funds
Chile <sup>3</sup>	No	No	-	Yes, sometimes	Yes, public authority designated by electoral organ to observe.	-	-
Ecuador	No	No	-	Yes, once	-	-	-
El Salvador	No	No	-	Yes, sometimes	-	-	-
Guatemala	No	No	Conventions	Yes, once	-	-	-
Honduras	No	Yes	Closed elections	Yes	Yes, Supreme National Electoral Tribunal	Simultaneously	
México	No	No	-	Yes, sometimes	-	-	-
Nicaragua	No	No	-	Yes, sometimes	Yes, Electoral Tribunal by political parties	-	-

<sup>1</sup> Means that all the institutional levels of one political party that decide to carry out internal elections must proceed with these elections on the same date.

<sup>2</sup> The results of the election are subjected to the highest authorities of the political parties, at least according to regulations. The law establishes internal elections but each party decides if these elections are open or closed.

<sup>3</sup> In Chile the law establishes that each party's highest authority, the General Council, must put the elected candidate to the consideration of the militance. The decisions must be taken after the voting of the militants, person by person, in equal conditions and in secrecy (Art. 3 de Ley Orgánica de partidos políticos).

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			According to regulation	In the practice			
					request		
<b>Panamá</b>	No	Yes	Closed elections	Yes	No (only to resolve possible conflicts)	Simultaneously	Public funds
<b>Paraguay</b>	No	Yes	Closed elections	Yes	No (minimum control)	Separated	No public funds
<b>Peru</b>	No	Yes	Closed elections / Open elections / Conventions <sup>4</sup>	Yes, but with little severity	Yes, ONPE	Separated. Between 210 and 180 days before the general election	Public funds
<b>Dominican Republic</b>	No	Yes	Open elections	Yes, sometimes	-	-	-
<b>Uruguay</b>	Yes	Yes	Open elections	Yes	Yes, Electoral Court	Simultaneously (the last Sunday of April)	-
<b>Venezuela</b>	Yes	Yes	Closed elections	Yes	Yes, National Electoral Council	Separated	No public funds

With regards to the processes of supervision of the mechanisms of internal democracy, we find the following legislative references:

#### REGULATION OF CONTROL PROCEDURES IN THE INSPECTION OF CANDIDATES

COUNTRY	LAW OR REGULATION	WHAT HAPPENS IN THE PRACTICE
<b>ARGENTINA</b>	<ul style="list-style-type: none"> <li>- Designation of watchers by request of those involved.</li> <li>- The federal judge with electoral competence in each district will elaborate and deliver the record of militants to the political party or alliance. This record will be used in the elections and will include, for each case, all the affiliates of the party or member parties of the alliance and the citizens that don't have political affiliation.</li> <li>- The decisions that are taken during the entire process (including the</li> </ul>	<ul style="list-style-type: none"> <li>- There is control by the federal judges, even if this control has some contradictions in its execution.</li> </ul>

<sup>4</sup> The law establishes that the political party determines the mechanism to be used in the elections.

COUNTRY	LAW OR REGULATION	WHAT HAPPENS IN THE PRACTICE
	scrutiny) must be communicated to the electoral Boards and can be contested before the Board.	
<b>COLOMBIA</b>	<ul style="list-style-type: none"> <li>- The National Electoral Court will be able to collaborate in the internal election process in the designation of candidates (Decree 616 of October the 2<sup>nd</sup>, 2000, that changes the Article 10 of the Law 130 of 1994).</li> <li>- There must be a current electoral census approved by the electoral organ.</li> <li>- Participants cannot carry out any political propaganda until the National Electoral Court has been notified of the process.</li> <li>- The National Registry Office of the Civil State will assign juries to each voting table by raffle.</li> <li>- The National Registry Office of the Civil State will validate the results.</li> </ul>	<p>There is a very unstable nature of the law regarding the minimum content of the statutes of the parties and political movements. Therefore, only some statutes have dispositions regarding the participation of affiliates in the selection of candidates and in the designation of internal authorities through internal consults or by conventions or congresses where political representatives members of the party or of significant social sectors are elected.</p> <p>In the practice, the instrument of consultation of the affiliates has rarely been contested and usually the decisions of the authorities of the party are adopted and are legitimized by ratification of conventions or congresses of the party handled by the political chiefs that are rarely representative. The political parties keep up with the legal request of having statutes but in most cases these statutes are only a formality.</p>
<b>COSTA RICA</b>	<ul style="list-style-type: none"> <li>- The Electoral Code in its 19<sup>th</sup> article establishes that the Supreme Court of Elections (TSE in Spanish) must watch over the internal processes but doesn't mention the nature of the mechanisms. However, a harmonious reading of the regulations will lead to state that the process is made of "nullity actions" and is under the electoral law.</li> </ul>	<ul style="list-style-type: none"> <li>- The law is applied when it is necessary.</li> </ul>
<b>CHILE</b>	<ul style="list-style-type: none"> <li>- The law demands the presence of a public representative designated by the electoral organ in charge of watching the selection of candidates for an election.</li> </ul>	<ul style="list-style-type: none"> <li>- There are no references found regarding irregular practices related to this regulation.</li> </ul>

COUNTRY	LAW OR REGULATION	WHAT HAPPENS IN THE PRACTICE
<b>BRASIL</b>	<ul style="list-style-type: none"> <li>- The law leaves the adoption of regulations to the internal statutes of the parties. Nevertheless, the participation of affiliates in actions related to internal democracy is mentioned (articles 14 and 15 LPP and 6<sup>th</sup> to 9<sup>th</sup> LE).</li> </ul>	
<b>ECUADOR</b>	<ul style="list-style-type: none"> <li>- The legislation does not establish regulations concerning the internal elections of chiefs of the parties or mechanisms to select candidates.</li> </ul>	<p>The statutes of each party and their internal regulations direct their elections. The statutes depend on each party. Therefore the election process can be different. In the practice the majority of the parties don't observe their own regulations of internal democracy. If we analyze the statutes of the different political parties in Ecuador we observe a selective application of mechanisms of both open and closed participation of citizens in almost every party.</p>
<b>EL SALVADOR</b>	<ul style="list-style-type: none"> <li>- According to the 85<sup>th</sup> article of the Constitution, political parties must follow their own regulations organization and practices of functioning in accordance with the principle of the representative democracy, which understands a wide democratic practice. In good constitutional understanding, the legislator might determine some minimal and essential elements about the quality of the internal democracy of the political parties that guarantee the practices of representative democracy. But the Electoral Code take no notice on this matter, letting this mechanism be assumed directly by the proper political parties.</li> </ul>	

COUNTRY	LAW OR REGULATION	WHAT HAPPENS IN THE PRACTICE
<b>GUATEMALA</b>	- Doesn't have specific regulation on inspection of candidates.	-
<b>HONDURAS</b>	- The Court is forced to watch for the strict fulfillment of the articles of association of the Political Parties. It does not state the limits regarding inspection of the internal processes. It only points out that in case of alliances, it is necessary to contemplate systems and mechanisms to the own criteria of the party according to a previous legislation allowing the Electoral Supreme Court to observe this process if it is an election of authorities for the party and to direct it and control it if it regards the election of candidates for positions of popular election.	
<b>MEXICO</b>	- Although the law establishes that the political parties must foresee in their internal regulations the existence of procedures of internal participation, the terms in which these processes are carried out remain subject to what every political institute determines in their own statutes.	In the practice, the TEPFJ has pointed out that a minimal characteristic of the internal democracy is: " The establishment of disciplinary procedures, with the minimal procedural guarantees, such as a procedure previously established, the right of hearing and defense, the standardization of the irregularities, as well as the proportionality in the sanctions; the motivation in the determination or resolution and the competence of sanctioning organs which independence and impartiality must be guaranteed.
<b>NICARAGUA</b>	The Nicaraguan regulations leave a wide power of self regulation to the political parties to determine, in their own statutes and internal regulations, the concrete manner in which they will exercise or fulfill the rights and obligations recognized in	-

COUNTRY	LAW OR REGULATION	WHAT HAPPENS IN THE PRACTICE
	the Constitution and the law, such as: to present candidates for positions of popular election, to name and to replace their representatives before the electoral organs, to present the composition of their internal organs of direction or the mechanisms of participation of their members.	
<b>PANAMÁ</b>	Doesn't have specific regulation on inspection of candidates.	-
<b>PARAGUAY</b>	Political parties must present their records of affiliates to the Electoral Justice.	Comparing the information of the parties, the Electoral Justice has found people with more than one affiliation. Therefore they have decided to validate only the last affiliation.
<b>PERU</b>	<ul style="list-style-type: none"> <li>- The law N° 28094 of Political Parties establishes in its 21<sup>st</sup> article that in order to carry out electoral processes, political parties must have <b>the back up and technical assistance</b> of the National Office of Electoral Processes (ONPE in Spanish).</li> <li>- The ONPE must hand out reports about the development of the process and, in case of irregularities, inform the electoral organ of the party to demand an immediate solution.</li> </ul>	The ONPE has advised to almost all the parties to carry out internal elections. Nevertheless, there are difficulties regarding the Electoral records of the parties since many of them don't have this information updated.
<b>REPÚBLICA DOMINICANA</b>	Doesn't have specific regulation on inspection of candidates. There is a wide freedom in the political parties to regulate their internal elections.	In the practice, the main political parties have instituted the method of the primary elections of members to choose their presidential candidates. In some cases, the same mechanism is used to choose congressional or municipal candidates.
<b>URUGUAY</b>	The Constitution demands that political parties actually exercised "the internal democracy processes in the election of their authorities" (article 77.11, a). No	The State must watch over internal processes through the Electoral Court to guarantee the actual existence of internal democracy processes.

COUNTRY	LAW OR REGULATION	WHAT HAPPENS IN THE PRACTICE
	additional efforts have been made to fulfill the constitutional mandate.	
<b>VENEZUELA</b>	In order to guarantee the internal democratic organization of the political parties, article 293, paragraph 6, of the Political Constitution, has attributed the Electoral Power the task of putting together the elections of the organizations with political ends in the terms that are indicated by law.	

## **2. Control of quota by gender in the processes of internal democracy of the political parties for the determination of candidacies to elections**

Even if currently only three countries of the region exceed a 20% of feminine representation in the Legislative Power (Costa Rica 4 %, Argentina 31 % and Mexico 22.8 %), in the pass the mechanisms of positive action have been legitimized to guarantee the equity between men and women, amongst other motives, due to the high representation that has been a result systems of quotas. At present, the exceptions are the countries that do not have any quota defense mechanism.

Investigations carried out in the pass in different countries on the effects of the quota regulations, for example, in Argentina (Lubertino, 2002), Costa Rica (Towers, 2001), Paraguay (Copse, 1999), and in a wider comparative dimension the Interparliamentary Union (2002) and Htun (2002), demonstrate empirically the effects of the quotas regulations. Although the philosophical arguments are always necessary, the compared legislation statements and the empirical demonstration of the effects of the mechanisms, as long as there is a good adaptation to the electoral system, have made doubts regarding this issue less relevant than in 1988. Moreover, currently, the discussion has moved from the issue of quotas as compensatory mechanism to initiate a debate on the adoption of the parity, to a review of different aspects of the electoral systems and to the analysis of obstacles that come from the political culture (Bareiro *et al.*, 2004).

In the 90's and during the first years of the 21st century, there have been especially intense debates over sanctions and modifications to the electoral and coincidental laws with an active process of organization of the women with specific demands in the political scene. But the constant modifications in different aspects show that there is nothing definitively consecrated. This affects the mechanisms that prevent a major representation of women. For example, in Honduras and Ecuador the mechanisms of quotas are not a guarantee in terms of results, since these systems have open listings that cancel the effects of the quota systems.

Some elements of the electoral systems seemed slightly irrelevant, for example, the minimal age to exercise the suffrage. While the previous requisites for the inscription in the civic registry or the electoral record, the distribution, the form and the size of the electoral districts, the forms of presentation of candidacies and of voting, the conversion of votes in benches and the division of electoral records (in tables or urns) separated by gender have all big relevancy, as do the specific measurements that search to favor feminine representation in the political systems.

A critical aspect for the women is to be a part of the electoral record. This issue can be observed in the differences or gaps between the number of women registered in the population census and the women registered the civic registry or in the electoral record. The problem lies in the fact that apparently women have a minor disposition to register. This also means that specific campaigns to encourage women to register must be carried out. Only in Argentina, Costa Rica, Peru, Ecuador, Honduras, Panama and Venezuela the electoral records are made based on the information provided by the civil registry or the institution entrusted to grant the identification documents to the people.

One of the most important debates regarding the participation of women refers to the validity of the territorial representation without the consideration of other factors that are relevant to the subject of pluralism. In general, the feminist movement considers the feminine representation more suitable in the existence of big electoral districts since the proportional effect of the electoral system and the effect of the minimal or maximum quotas of participation by gender is bigger there. Nevertheless there is a question regarding big districts and plurinominal sections based on the consideration that, in the small districts and in the uninominal districts there is a more nearby relation between the electorate and the representatives. The Bolivian experience has demonstrated, however, that there are possibilities for women to grow in quantity of votes in uninominal districts. In the same way, the studies of the Interparliamentary Union (2002), of Htun (2002) and different researchers made in the region share the criteria that the closed lists that are also blocked with proportional systems of distribution of benches turn out to be more favorable for the feminine representation. In the Dominican Republic, for example, they considered that the incorporation of the preferential vote has produced a decrease in the effects of the quota (Jiménez Polanco, 2003). Nevertheless, in the Peruvian case, it has been demonstrated that the preferential vote has favored women.

As for the legislation on positive actions, it is necessary to take into consideration that Latin America is the first region of the world that consolidated laws for the implementation of minimal quotas of women's participation. Positive actions had originated in the United States with a system of preferences for the companies that hired black people and showed this in their lists of employees. The Scandinavian socialist parties were the first to adopt the quotas for the political promotion of women, but it was by the implementation of partial measurements and not of a national legislation. Argentina has been the pioneer country in the adoption of minimal quotas of representation of women by law in the year 1991. Since then, the State forces political parties to present lists alternating names of women and men.

## QUOTA LAWS AND MECHANISMS TO CONTROL THEIR ENFORCEMENT

COUNTRY	TYPE OF QUOTA	MECHANISMS OF CONTROL
ARGENTINA		<p>There is no room to strictly mention sanctions. We can only mention the Decree N° 1264/2000 that changes a previous regulation stated on the law 24.012 (Decree 379/93) that makes available a mechanism to sort out disputes in a friendly manner according to a case sorted out by the Interamerican Commission. This case supposed and international control over the quota law in Argentina.</p>
BRAZIL	<p>The approach of the law regarding the gender issue clearly states that the political parties and alliances must have a minimum percentage of 30% of the candidate positions of the party or alliance destined to women (article 10.3, LE).</p>	<p>In case of omission in the accomplishment of the regulation that states a percentage of female participation amongst the candidates, the electoral judge will request the party or alliance to complete the quota. If there are not enough women, 30% of the positions will remain open since the use of men to fill this quota is forbidden by law (article 11.3, LE).</p>
CHILE	<p>This is an issue that is not regulated by the Political Parties Law. However, the Political Constitution of Chile acknowledges equality of gender in all matters.</p>	
COLOMBIA	<p>The legislation has taken no concern in this issue regarding the activity of political parties. There are no regulations that guarantee quotas or percentages to state a minimum participation and representation in the positions of popular election.</p>	

COUNTRY	TYPE OF QUOTA	MECHANISMS OF CONTROL
COSTA RICA	In Costa Rica at least 40% of the candidates to deputies and municipal representatives must be women. The Supreme Electoral Court establishes that at least one of the two candidates for the vice presidency of the Republic must be a woman.	According to the electoral legislation the ballots that don't respect the distribution by gender cannot be taken into consideration. There is a sanction that is applied to the internal organs of the parties. As for the assemblies, if they don't respect the participation by gender they are considered as not valid.
ECUADOR	The Law of Elections includes a guarantee for the equal participation of women and men as candidates in the processes of popular elections and establishes that the lists of candidate in multiple elections should at least include 30% of women amongst main candidates and replacements in an alternated manner following a sequence. This percentage must grow 5% in each electoral process until an equal percentage of participation has been reached.	The sanction that is established by the Law of Elections for the nonperformance of the norm is the denial to inscribe the lists of candidates. The Law of Elections establishes the obligation of the Supreme Electoral Court and the provincial electoral courts to carry out training campaigns to promote the equitable participation of men and women to exercise their political rights, especially, the right to vote.
EL SALVADOR	There are no legal direct obligations to adopt measurements of affirmative action, nor within the organisms of the political parties, nor inside the state organisms. In this sense, we can only acknowledge the affirmative action efforts stated in the internal regulations of the political parties.	None of the statutes of association of the political Salvadoran parties establish sanctions in case of nonperformance of the system of quotas.
GUATEMALA	This issue is not regulated in Guatemala as such.	

COUNTRY	TYPE OF QUOTA	MECHANISMS OF CONTROL
HONDURAS	<p>The Law of Equal Opportunities for Woman establishes that political parties have the obligation of including a progressive minimum of 30 % of women in their lists of candidates for eligible charges, and it entrusts the Electoral Court to guarantee women that they will not be discriminated against, excluded or limited in their participation.</p>	<p>These aspects were regulated also in the Electoral and Political Organizations Law, adding the following dispositions:</p> <p>a) Obligation of the political parties to internally approve politics of equity of gender, which will be supervised by the Electoral Court.</p> <p>b) Obligation of the political parties to report on the fulfillment of the politics of equality of gender six months before the call to internal elections and the one for general elections.</p> <p>c) The sanction for the lack of information about the politics regarding the issue of gender quotas will be a fine equivalent to 5 % of the political debt.</p>
MEXICO	<p>In this sense, it is foreseen that the political parties must promote and guarantee the equal opportunities and the equity between women and men in the political life of the country, across postulations to charges of popular election in the Congress of the Union, both of relative majority and of proportional representation. In this way, out of the totality of requests of record, for both candidacies to deputies and candidates to Senators that are presented by political parties or alliances before the IFE, can never include more than 70 % of proprietary candidates of the same gender.</p>	<p>Once this term has passed, the political party or alliance that does not carry out the replacement of candidates will deserve a public reprimand, and the General Council of the IFE must demand a new correction of the record in 24 hours from the moment of the notification. In case of repeating the offense, the political party must be sanctioned with the denial of registry of the record of the corresponding candidacies. The only exception to this is the case of the candidacies of relative majority that are a result of a process of election by means of direct vote.</p>
NICARAGUA	<p>The Electoral Law does not foresee any mechanism that guarantees spaces for</p>	

COUNTRY	TYPE OF QUOTA	MECHANISMS OF CONTROL
	women, neither in the structures of the parties nor in the regulations of the State organs.	
PANAMÁ	In their internal elections, the political parties must guarantee that at least 30 % of the candidates for charges inside the party or candidates for positions of popular election are women, as it is established by the article 210 of the Electoral Panamanian Code.	Although there is no a specific regulation on the control of quotas, it is worth while pointing out that the political parties must destine a minimal percentage of 25 % of the pos-electoral subsidy to the training of their members in general, but with the electoral reform approved by the law 60 of December 17 <sup>th</sup> , 2002, an extra 10 % of the above mentioned percentage must be necessarily destined for the training of female affiliates.
PARAGUAY	This quota is the lowest of the region. Currently the established top of 20% of female candidates has already been reached (one female candidate for every five candidates).	The lists for the internal elections of the political parties cannot be validated if they don't respect the quota determined by law.
PERU	The law establishes that in the elections of authorities as well as in the elections of candidates to positions of popular election, the number of women cannot be less than 30% of the total of candidates. No exceptions are explained. The regulations stated in the Organic Elections Law are the same here and in the laws of regional and municipal elections; the only new aspect is the quota to elect authorities in the political parties.	However, there are no sanctions in the Law of Political Parties for the lack of respect to the gender quota, especially in the case of the election of authorities of the political party. The inscription of lists can be annulled by the National Electoral Board if there is no a minimum percentage of women established by law.
REPÚBLICA DOMINICANA	Quotas in favor of women exist for the representation of candidates to the	The previously mentioned article of the law N <sup>o</sup> 12-2000 establishes that all proposals for

COUNTRY	TYPE OF QUOTA	MECHANISMS OF CONTROL
	Deputies Chamber, the capitulary rooms and the municipalities of the country. The law N° 12-2000 from the 2 <sup>nd</sup> , March of the year 2000 incorporated a paragraph to the 68 <sup>th</sup> article of the Electoral Law that established a percentage higher than 33% of the candidates to the Deputies Chamber and the capitulary rooms (regents) presented by political parties or groups must be women.	candidates for a party or political group that don't respect the percentage established will be considered not valid and would not be accepted by the electoral institution.
URUGUAY	Doesn't have regulations on the issue of gender quotas.	-
VENEZUELA	-	-

### **3. Control over the formation, training and consolidation of leaderships in political parties and organizations**

This investigation allows us to state that the control over the formation; the training and the consolidation of leaderships have little or no back up in the legislations of the region. This situation responds mainly to two factors:

- In many countries, the jurisdictional regimes recognize political parties as subject to private or mixed right (in this last case, all the issues related to internal matters of the parties are understood as part of the private right), therefore, the regulation or inspection on this matter would be out of the legal system.
- On the other hand, the legislations seemed not to give any importance to the issue of training. Despite the democratic agenda of the political parties, they don't promote these activities either. This appreciation is more valid in relation to the young parties, where there we observe a decrease in the importance of the formative stages inside the political parties.

## REGULATIONS ON THE CONTROL OVER TRAINING STRATEGIES, FORMATION AND LEADERSHIP CONSOLIDATION

COUNTRY	REGULATION	OBSERVATIONS
<b>Argentina</b>	Has no specific regulation.	Does not regulate the issue of training in general terms.
<b>Chile</b>	Has no specific regulation.	Does not regulate the issue of training in general terms.
<b>Colombia</b>	Has no specific regulation.	Founding for training must be present in the expenses report handed in to the National Electoral Council.
<b>Ecuador</b>	Has no specific regulation.	According to regulations, political parties will train their affiliates for them to intervene in the public life.
<b>Guatemala</b>	Has no specific regulation.	Does not regulate the issue of training in general terms.
<b>Honduras</b>	Has no specific regulation.	Enables political parties to carry out training. However, it is interesting to see that there is a statute of limitations to protect the intimacy, the honor and the good name of each individual.
<b>Peru</b>	Has no specific regulation.	Regulations have vague references to training regarding public financing given to political parties. Control over this matter is therefore dependant on how the public financing is given to political parties.
<b>Uruguay</b>	Has no specific regulation.	Does not regulate the issue of training in general terms.
<b>Venezuela</b>	Has no specific regulation.	Does not regulate the issue of training in general terms.

The nonexistence of regulation or any kind of control has not been an excuse for the lack of formative processes in the parties. Nevertheless, regarding the Andean parties, not all the political parties are provided with special instances of training. In ten cases, these instances simply do not exist (four political parties in Ecuador, three in Bolivia, MIR, MAS and MIP, and three Colombian political organizations, ASI, Equipo Colombia and Colombia Viva. In the specific cases of MIP (Bolivia) and Equipo Colombia (Colombia), the Political Commission and the Permanent Commission of Advisers of the Movement, respectively, are the organs that fulfill the functions of formation of affiliates. In the Democratic Pole, since the Vice presidency of Education and Formation is in formation, it is the International Commission that deals internally with these functions.

It is necessary to point out that there are some parties that, in spite of having instances of training, do not have a plan of activities on the matter. These are the cases of UPP, MNI, Sí Cumple and FIM (Peru); New Party and Democratic Pole (Colombia); and of PPT and the MVR (Venezuela). There are other cases of groupings that have neither a plan of training nor an instance in charge, like two organizations in Ecuador (PRE and PSP) and two Bolivian political parties (MAS and MIP).

In general terms, we find a tendency of major fragility of the proposals for training in the youngest political groupings. The ones with a longer trajectory, besides the fact that they count with specialized organs inside their internal structure, have also managed to consolidate centers of formation of their affiliates through institutes of studies and training. These are the cases of the Institute of the Liberal Thought (Liberal Party of Colombia), the Academy of the Conservative and Humanist Thought (Conservative Party of Colombia), the Institute Camilo Ponce (PSC, of the Ecuador), the Institute Manuel Córdova (GO, of the Ecuador), the Institute of Social Economy of Market (PPC, of Peru), and the Democratic Institute for the Formation and Studies of the Christian Democracy (COPEI, of Venezuela).

## PLANS OF TRAINING AND ESPECIAL INSTITUTIONS IN CHARGE OF THE FORMATION OF THE POLITICAL ANDEAN PARTIES

Partido	País	Plan de capacitación para afiliados	Órgano especializado en cargo de capacitación
Liberal	Colombia	Sí	Instituto de Pensamiento Liberal
Conservador	Colombia	Sí (no se ejecuta por falta de recursos económicos)	Academia del Pensamiento Conservador y Humanista
PAP	Perú	Sí	Dirección Nacional de Capacitación
AD	Venezuela	Sí	Unidad de Formación Política
MNR	Bolivia	Sí	Secretaría Nacional de Capacitación
COPEI	Venezuela	Sí	Instituto de Formación y Estudios Demócrata Cristiano
PSC	Ecuador	Sí	El Instituto Camilo Ponce Enriquez
AP	Perú	Sí	Vice Secretaría General Nacional de Capacitación
PPC	Perú	Sí	Secretaría Nacional de Formación / Instituto de Economía Social de Mercado
ID	Ecuador	Sí	Consejo Nacional de Capacitación encargado de El Instituto de Capacitación y Formación Política Manuel Córdova Galarza
MIR	Bolivia	Sí	(no se precisa)
MPD	Ecuador	Sí	(no se precisa)
ADN	Bolivia	Sí	Secretaría Nacional de Capacitación
PRE	Ecuador	No	
ASI	Colombia	Sí	(no se precisa)
UPP	Perú	No	Secretaría Nacional de Capacitación
MNI	Perú	No	Secretaría de Formación Política y Capacitación
NFR	Bolivia	Sí	Secretaría Nacional de Doctrina y Formación Política
MAS	Bolivia	No	
PK	Ecuador	Sí	Comisión de Capacitación
PPT	Venezuela	No	Escuela de cuadros políticos
MVR	Venezuela	No	Dirección de formación
Cambio Radical	Colombia	Sí	Centro de Estudios del Partido
Perú Posible	Perú	Sí	Secretaría Nacional de Capacitación Política y Doctrina
MSM	Bolivia	Sí	Comisión Nacional de Programa y Formación
MIP	Bolivia	No	
PSP	Ecuador	No	
PJ	Venezuela	Sí	Fundación Justicia y Democracia
Equipo Colombia	Colombia	Sí	(no se precisa)
UN	Bolivia	Sí	Secretaría de Educación
Nuevo Partido	Colombia	No	Dirección de Formación y Capacitación
Colombia Viva	Colombia	No indica	
Polo Democrático	Colombia	No	Vicepresidencia de Educación y Formación Política (en formación)
Somos Perú	Perú	Sí	Secretaría Nacional de Capacitación y Formación Política
Si Cumple	Perú	No	Secretaría Nacional de Educación Electoral
FIM	Perú	No	Secretaría Nacional de Política e Ideología