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CASE STUDY

Women in the Colombian Congress

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Colombia has traditionally been recognized for its democratic stability. Situated in the Andes, with a population of 42 million, Colombia is currently the setting of an armed conflict that has dragged on for more than 40 years, and which has reached devastating proportions for Colombians. More than 30,000 persons are killed each year in the conflict and in violence generally; the implications for women, who constitute 52 per cent of the population, are nefarious.

Human rights organizations estimate that approximately one-and-a-half million persons have been victims of forced displacement. Some 44 per cent of the displaced population are in women-headed households. In the year 2000, 13,969 women heads of families were expelled from their homes and regions due to the violence. Forced displacement has been one of the fundamental factors in the worsening social, economic, political and cultural status of women, especially in rural areas. This is why human rights organizations have described forced displacement as a genuine humanitarian catastrophe that is not being stopped.¹

In politics, Colombia is no exception regarding inequality between men and women in access to decision-making positions. Perhaps to a greater extent than elsewhere in Latin America, there is a prevalence of cultural norms that deny women the opportunity to share in the exercise of power, with all the limitations on the development of democracy and well-being implicit in that exclusion.

This case study provides an overview of the general political context of women’s participation in the Colombian Congress, examines some of the main explanations for their precarious situation, and presents some strategies for addressing the challenges, and a series of lessons learned in terms of the impact of women’s participation in Congress.

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General Political Context

Colombia, according to its Constitution, is a social state under the rule of law (*Estado social de derecho*) organized as a unitary republic that is decentralized. The sub-national political-administrative units enjoy autonomy. And it is democratic, participatory and pluralist. Colombia is made up of 32 departments and one capital district.

Legislative powers are vested in the Congress, made up of the Senate and the House of Representatives. The Senate is made up of 100 senators, elected in a single national electoral district, and two elected by the indigenous communities. The House of Representatives is made up of 161 representatives elected by the departments and the capital district, in proportion to their population, plus five more elected in special electoral districts by the Afro-Colombian communities, the indigenous communities, the political minorities, and Colombians residing abroad. Both the senators and the members of the House are elected for four-year terms.

In 1954, Colombian law recognized women’s right to vote (or to not vote), after 20 countries of the region had already adopted that reform. With a similar lag, in 1933 the Colombian state had recognized women’s right to enter the universities. This means that for almost 20 years women with a university degree could not exercise the right to vote, while a large percentage of men without any academic training were qualified to vote.

In recent years some strides have been made expanding social awareness about exclusion and its negative effects on development and democracy. Women’s social organizations have performed a fundamental role in this progress, sensitizing political sectors who have supported legal responses to back women’s demands.

The 1991 Constitution provides that women and men are equal before the law, that both will receive the same protection and treatment from the authorities, and shall enjoy the same rights, freedoms and opportunities.² It also provides that all citizens have the right to participate in the formation, exercise, and oversight of political power, and that to uphold that right they can vote and be elected. It adds that “the authorities shall guarantee the adequate and effective participation of women in decision-making levels of the Public Administration”.³

In developing this provision, the Congress adopted Law 581/2000, which recognizes and regulates the right of women to hold at least 30 per cent of the positions at the highest administrative decision-making levels in the three branches of government – legislative, executive and judicial – and at other decision-making levels, with powers of management and direction in designing, planning, coordinating, implementing and monitoring the actions and policies of the state (this provision, though binding, is being applied in only 137 of the 1,174 state institutions).

Nonetheless, it has not been possible for the Congress to approve a law that recognizes that women have an equal right to participate in the organs of political representation (Congress, departmental assemblies, district and municipal councils), and in political parties and movements, although several bills have been introduced along those lines.

Women’s Access to Elective Office

Historically, women have been excluded from the exercise of political power. This is reflected in the low number of women at the top-level decision-making positions in government, despite the social and cultural transformations that have taken place in recent decades, which have been favourable to women’s legal position and education.

As of the 1991 Constitution, which resulted from a broad consensus among the different political forces of the nation, participation is a value that inspires the essential aims of the Colombian state and its political organization. The Constitution regulates the procedures for acceding to political power.

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Colombian women could be elected to legislative organs for the first time in 1958. From 1958 to 1974, the average of women’s participation in such organs was as follows:

- Senate: 2.01 per cent
- House of Representatives: 4.43 per cent
- Departmental assemblies: 8.15 per cent
- Intendancy councils: 3.07 per cent
- Municipal councils: 6.69 per cent

Women’s overall average political participation during that period was 6.79 women for every 100 men.⁴ From 1978 to 1988, women’s participation in these organs was as follows:

- Senate: 1.5 per cent
- House of Representatives: 5.1 per cent
- Departmental assemblies: 8.3 per cent
- Municipal councils: 8.1 per cent.⁵

Women's participation in Congress and other elective offices since the Constitution came into force in 1991 is shown in tables 1 and 2.

Table 1: Colombian Women in the National Congress

Term	Percentage of women representatives	Percentage of women senators
1991–1994	8.6	7.29
1994–1998	12.7	6.48
1998–2002	11.8	13.43
2002–2006	12.6	9.8

Source: Constitutional Court, Judgment C-371 of 2000; and the results of the 2002 elections.

Table 2: Colombian Women in Elective Posts at the Sub national Level

Post	1993–1995 percentage women	1995–1997 percentage women	1998–2000 percentage women
Governors	3.7	6.25	0
Mayors	5.5	5.87	5.04
Departmental	10.1	11.35	14.57
Municipal councils	5.2	9.71	10.32

Source: Constitutional Court, Judgment C-371 of 2000.

In Congress, no woman has held the post of president of the House or Senate. In the last elections for Congress (for the 2002–2006 term), held in March 2002, 10 women senators were elected (9.8%), along with 21 women representatives to the House (12.6%), which indicates a decline in women's representation with respect to the 1998–2002 (see above).

The figures also reveal precarious participation in the executive and judicial branches. From 1990 to 2000, the highest annual percentage of women cabinet ministers was 12.25 per cent in 1996, and of vice-ministers 21.4 per cent, in 1990 (the minimums were 6.25 per cent in 1997, and zero in 1995, respectively). During the same period, neither the Supreme Court of Justice nor the Constitutional Court had any women members, while the average annual percentage of women members of the Council of State was 14.8 per cent. No woman has ever held the post of Comptroller General of the Republic (*Contralor General de la República*) or Inspector General of the Nation (*Procurador General de la Nación*).

Nonetheless, two figures are striking: (a) of the total number of public employees in the administrative career service, 54 per cent are women and 46 per cent men, and (b) 26 per cent of the auxiliary justices in the Supreme Court of Justice are women, 50 per cent in the Council of State, and 56 per cent in the Constitutional Court. This suggests that women reach the thresholds of power, but are not allowed to go further.

The pyramid that has been used to illustrate gender discrimination, with very high participation of women at the lowest level, and very low participation at the top, continues to be a reality in Colombia. Women occupy less than 15 per cent of the highest political decision-making positions, although there is a quota law for positions in the public administration.

Some Reasons that Explain the Situation

Political parties are a fundamental factor in explaining women's low participation. Women, despite constituting a sizable part of the parties' grass-roots activists, and although they participate actively in parties continue to be under-represented.

Women's limited education, traditionally cited as one of the major obstacles to women's access to management and leadership positions, insofar as holding such posts depends on specific training and skills for doing so effectively, is a thing of the past in Colombia. Women outdo men in terms of professional education, as indicated in table 3. Nonetheless, there is still a lack of women's representation in the upper echelons of politics.

Table 3: Average number of higher education graduates in Colombia from 1990 to 1999

Level of education	Male	Female
Technological	49,060	55,275
University	189,477	232,123
Specialized	35,727	45,997
Master's	5,983	6,031

Source: Colombia Institute for the Promotion of Higher Education (ICFES).⁶

Women account for more than 50 per cent of university graduates. Therefore, it is not lack of education or suitability for carrying out major responsibilities that keep women from acceding to Congress and performing effectively there. Cultural barriers, stereotypes and prejudices that persist in society are among the factors that deny women the exercise of the fundamental right to participate fully in politics.

Additionally, the political parties are a fundamental factor in explaining women's low participation. Women, despite constituting a sizable part of the parties' grass-roots activists, and although they participate actively in elections (on average 44 per cent of voters are women), continue to be under-represented. There is a marked reticence on the part of the political parties and traditional sectors imbued with profound cultural prejudices to open up opportunities for women. Furthermore, the high cost of election campaigns in Colombia place women at a disadvantage in disputing the seats of legislative bodies and other elective posts.

Finally, the armed conflict and the high degree of violence have also had a detrimental impact on women's participation. Each day more and more women are forced to become head of the household and take on the expenses of caring for and raising their children, which undercuts their possibilities of participating in political decision-making.

Strategies Towards Equality

Given the Colombian situation, and mindful of the experiences of other countries of the region, affirmative action measures are suggested to strengthen women's participation. Comparative experience shows how the quota system is an alternative way to address the issue of inclusion with equity, especially in the short and medium term. Nonetheless, quotas alone are not enough, as is also indicated by other countries' experiences. Comprehensive strategies are needed that attack the causes of inequality. In this regard, the following actions are recommended.

- **Encourage women's organizations to work to promote gender equity.** The Colombian experience shows that women's organizations are the best means for changing cultural norms that perpetuate discrimination: (a) They uplift women's contributions to society and create awareness of discrimination against the female population. (b) They constitute effective channels for interacting with the state, expressing their diversity (indigenous, Afro-Colombian, peasant, informal-sector workers, etc.) and the multiplicity of interests around which they are grouped, including, among others, public services, child care, housing, education, employment, access to land, credit, social security and food security, building peace, health care, and sexual and reproductive rights. (c) They endow women with the knowledge and skills needed for becoming politically active.
- **Promote a change in paradigm in the conception of democracy.** There is a need to move from a model that accepts exclusion and the concentration of power in a few hands, towards a pluralist and consensus-based model in which there is room for all political and ideological tendencies, and the various interests of citizens, both men and women.
- **Foster a greater commitment on the part of the international organizations to demand that the states abide by the obligations they have contracted by ratifying and acceding to instruments of international law.** Although in Colombia Law 51 of 1981 adopted the Convention on the Elimination of All Forms of Discrimination Against Women, which requires the government to adopt temporary measures aimed at accelerating de facto equality between men and women, this has not been done. The international instruments provide for the submission of reports on progress made by each country, but at times those reports are a mere formality, not in line with the spirit of the Convention.

Impact of Women's Participation in Congress

In Colombia, women were at the forefront of the struggle for the right to vote, and won it in 1954. Some of those women fighters came to occupy seats in the Congress and were appointed cabinet ministers and governors.⁷ Nonetheless, this has not been sufficient to maintain a significant representation in the Congress or in the Executive, as already indicated. Colombia is no better than the world average of 14 per cent women legislators.

Despite this low level of representation, it is clear that more issues of interest to women are being discussed in

Congress than a few years ago, and more laws favourable to women are being passed. These include laws protecting women heads of household, punishing family violence, instituting quotas in administrative positions, stiffening the penalties for sex crimes, and providing special protection for rural women, among others.

Women have served as vice-president of the Congress, and have chaired commissions, just as they have come to occupy ministries traditionally assigned to men, such as foreign relations, foreign trade, national planning, and mines and energy, in addition to the more traditionally female ones such as education, health, labour and justice, but always to only a minimal degree.

The following are among the obstacles to women being able to perform more effectively in Congress.

- **Their small numbers:** For two or three solitary voices on a committee, or for 10 voices (not always in unison) in a plenary with over 100 members, it is not easy to get issues of interest to women included on the agenda, nor to tip decisions in their favour when they do succeed in generating a debate.
- **The lack of unity among the women members of Congress:** Whether because of the limited capacity for cohesion of the parties (they do not always operate based on party loyalties) or because they are from different political parties, women do not form alliances that enable them to take on debates and promote initiatives together. This is particularly significant in the Colombian Congress, which adopts its decisions by majority vote: the small number of women members means they do not have the strength needed to secure approval for their proposals. Without unity, the road is more difficult and it takes more time to sensitize the men to women's concerns.
- **The women members of Congress committed to raising issues of interest to women are a minority within the minority of women members:** Most of the women members do not make a commitment to taking up and proposing gender issues because the first step in their analysis is that they have won their seat due to their own merits.⁸ This leads some women members not to vote for women to hold positions of power, or for their projects, as they consider that other women are competing with their own aspirations, rather than seeing the gains as collective.
- **The attitude of male members of Congress:** In general, the men in Congress, with very few exceptions, view women's issues with disdain and indifference. Although they do not oppose the discussion openly, when it comes to making a decision they ensure that their majority status prevails, refusing to allow the initiatives to go forward. With a few exceptions, the notion continues to weigh in their minds that politics is a matter for men, and they see women members of Congress as immersed in a world that is not their own. Bills that have to do with women's autonomy, such as those regarding quotas of participation in elective office and sexual and reproductive rights, are killed in committee, in some cases with the decisive participation of women.
- **The procedural rules of the Congress:** Although the procedural rules of the Colombian Congress are themselves neutral, the cultural norms on which they are based give them a macho bias. There is no other explanation for the fact that women who garner some of the highest vote totals have not been elected as president of the House, president of the Senate, or chairperson of a congressional committee,⁹ but men who are elected to Congress with minimal vote totals are elected to such positions. This macho bias explains the systematic refusal of Congress to approve the creation of committees to oversee the international commitments to eliminate discrimination against women, or to monitor the gender component of development plans, without offering any explanation. It also explains how it is that the proposals to establish the quota system have not been accepted. After extensive debates highlighting the need for and advisability of strengthening women's participation in economic and social development and in the country's political life, calling for political equity at the top so as to reflect women's involvement at the grass-roots, and women's education and training, the Congress has voted down the initiatives, making no argument against them, simply by upholding the principle of decision by majority vote.

Despite the foregoing difficulties, there are encouraging signs that the situation is changing, slowly but perceptibly:

- In recent years, the persistence of the women's movement and the commitment of a few women members of Congress has required the presidential and gubernatorial candidates to include a gender perspective in their platforms, and to commit to offering women greater participation on their staffs.
- Within the Congress, some males have expressed sensitivity to women's issues, introducing and speaking on behalf of bills that benefit women. Although little in number, they can help recruit other colleagues to back a gender agenda.
- Women's organizations have played a significant role in this visible shift of society towards embracing women's issues. They constantly accompany the committed women members, providing up-to-date information on various issues. Their appearances before Congress and the Constitutional Court during the debates on gender-related issues, and their analyses of the constitutionality of laws favorable to women, have given them more prominent

status, and they are now seen as key players in advancing the debate and analysis constructively.

- The women who have been vice-president of the plenaries, or chairpersons of committees, send a positive signal in response to the traditional misgivings about their capacity to hold such positions. They send that same positive sign when they take the floor in those committees and in the plenary session, displaying their capacity and their knowledge of legislative rules.
- The Constitutional Court has also played a positive role since it came into being, with the entry into force of the 1991 Constitution. The Court has been a zealous defender of the principles of equality and participation, which has enabled women to advance significantly in garnering respect for their citizen rights.

Conclusion

The Convention on the Political Rights of Women promoted by the United Nations in 1952 included the right of women to vote and to be eligible for election to all publicly elected bodies, on an equal footing with men, with no discrimination whatsoever.

The quota system is necessary but not sufficient to bring about a more effective legislative effort. In addition, the women who make it to Congress must assume a firmer commitment to issues of interest to women, to forming alliances or coalitions to act as a united front vis-à-vis the male majority, and to intensify the work of sensitizing their male colleagues so as to be able to count on them as allies, emphasizing the loss to democracy as a result of the lack of women's citizen participation.

All that effort should result in a constitutional amendment and political reform that allows for the law to step in to determine the structure and functioning of the political parties, to bring them into line with the democratic principles of participation and pluralism. Even though the 1991 Constitution is very clear in demanding the observance of the principles of participatory democracy in all social organizations, and in the executive branch, the same does not hold for the political parties. This is a crucial obstacle standing in the way of the aspirations of Colombian women, who demand their right to equitable participation in legislative bodies.

¹ According to the quarterly newsletter CODHES Informe No. 41, of the Consultancy for Human Rights and Displacement (CODHES), of 9 May 2002, "forced displacement in Colombia continues to constitute a humanitarian catastrophe that is expanding and that includes more and more social sectors and geographic areas. From January 1 to March 31, 2002, at least 90,179 persons were displaced in Colombia.... The increase and degradation of the armed confrontation characterize the first quarter of 2002, and augur very poorly for the humanitarian crisis of forced displacement in Colombia.... In the first quarter of the year, the dramatic average of 1,000 persons displaced each day is continuing, i.e. 42 persons each hour, another home every ten minutes..."

² Constitution of Colombia, article 13.

³ *Idem.*, article 40.

⁴ National Office of Equity for Women. 1997. "Cuarenta años del voto femenino en Colombia". Bogotá, Colombia.

⁵ Office of National Registrar of Civil Status. Election statistics, 1978–1988.

⁶ Cited by the Constitutional Court, Judgment C-371 of 2000.

⁷ Josefina Valencia, a member of the National Constitutional Assembly, which in 1954 approved women's suffrage; she was the first woman appointed as governor and cabinet minister, in 1955 and 1956 respectively. Esmeralda Arboleda, also a member of the National Constitutional Assembly, was the first woman elected to the Senate, in 1958. She later served as Minister of Communications, in 1961.

⁸ The director of the National Office of Taxes and Customs (a woman), in a statement to the Constitutional Court when the law on quotas in the public administration was being revised, said that women's lower participation in the public sector is not a result of discrimination, but a consequence of the personal decision of some women who are not ready to assume "the costs of the work", such as "the need for training and updated knowledge, extended hours, physical exhaustion, and strict time management so as to harmonize their family needs and professional aspirations".

⁹ For the 1998–2002 term, a woman won the highest number of votes in winning her Senate seat. Nonetheless, the Senate did not elect her as president of the Senate in any of its four annual sessions, nor did she chair the committee on which she sat.