

TOWARDS STANDARDS FOR POLITICAL FINANCE INTEGRITY

Discussion Paper (Draft v2 – 15 July 2024)

This draft is not for citation

NOTE TO DRAFT VERSION 2

In preparing this second draft, we have tried our best to integrate the generous expert feedback on the first draft provided at a consultation held in Vilnius, Lithuania, on 17 June 2024. Changes made to Version 1 are unmarked. A few remaining pieces of feedback from that consultation will be considered together with that received on this version.

We are open to further inputs from interested stakeholders on the initial ideas presented in this draft, until 30 August 2024. Feel free to contact Jon Vrushi (jvrushi@transparency.org).

WHY STANDARDS FOR INTEGRITY IN POLITICAL FINANCE?

2024 is the largest election year in history, with over two billion people going to the polls in more than 74 countries. Previous research has indicated that political finance is the weakest link to election integrity.¹ Furthermore, opacity in political finance can lead to conflicts of interest, corruption in public office and state capture.² However, existing standards for political finance are too few, too unsystematic and only weakly translated into international obligations. Article 7.3 of the United Nations Convention Against Corruption (UNCAC) commits its 190 state parties to transparency in political finance. Still, persistently low transparency around the world speaks to an absence of guidelines and implementation monitoring.³

Why political finance

Transparency International works to protect the integrity of politics to root out corruption from the top. We understand political integrity as rulemaking that is consistently aligned with the common good. Money is bound to affect integrity when it flows in a manner that is opaque, unconstrained, imbalanced, prone to incumbent abuse and unaccountable. Hence, in referring to political finance, this discussion paper refers to how political parties, candidates and other third parties or non-contestants raise and spend money for their regular activities and election campaigns, and how that financing is regulated and practiced.⁴

Why TI standards?

TI advocates through the use of intergovernmental mechanisms⁵ whose remit includes – or could include – setting higher standards of integrity for political finance. TI national chapters advocate with their parliaments, election management bodies and oversight agencies for improvements to their countries' political finance rules. Many of them carry out their advocacy in addition to observing elections, for example, through the monitoring of misuse of public resources and campaign donations and expenditure.

Two sets of policy recommendations have informed our national and international advocacy so far: the [Standards on Political Funding and Favours](#) and the [Political Finance Regulations: Bridging the Enforcement Gap](#). However, these standards are now 15 years old, and new challenges as well as new forms of hiding money in politics have arisen in the meantime.

Existing standards

The only standard on political finance with global reach is UNCAC Article 7.3, which calls on states “to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.” Regional instruments set standards to varying extents. While a comprehensive suite of soft-law standards that covers more than just transparency exists in Europe,⁶ political finance is recognised to a lesser extent by instruments from other regions, such as the Commonwealth of Independent States (CIS) Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms; the African Union (AU) Convention on Preventing and Combating Corruption;⁷ the Organisation of American States (OAS) Inter-American Democratic Charter;⁸ and other mechanisms such as the Summit for Democracy or Summit of the Americas.⁹

The implementation of these international standards also varies greatly. This is evident, for example, in the case of access to financing by women politicians. While the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as well as General Recommendations 23 and 25, recommend the use of financial measures to overcome that financial barrier, only 17 per cent of countries around the world have adopted a form of gender-targeted public funding to that effect.

Against this backdrop, TI is conducting this global consultation which will inform the new Transparency International Standards on Political Finance Integrity.

A GLOBAL CONSULTATION

In March and April 2024, TI convened regional consultations to elicit views from national chapters and other stakeholders on the most pressing challenges to the integrity of political finance, in particular its transparency and gender equality. In March, consultations with chapters from the Americas and Africa took place in Bogotá and Lusaka, respectively. Consultations with the Asia and the Pacific, Europe, and Middle East and Northern Africa regions took place online during April 2024 (see links to notes from consultations).

Having consolidated a wide range of the most pressing issues brought up at the consultation into a first version of this discussion paper, the TI Secretariat made it open for feedback at a roundtable discussion held in Vilnius, Lithuania, on 17 June 2024. In making this second version open for inputs until 30 August 2024, the Secretariat intends to elicit views from within and outside the movement to inform the TI standards for integrity in political finance.

SIX PRINCIPLES FOR INTEGRITY IN POLITICAL FINANCE

TRANSPARENCY

Transparency of money in politics helps citizens make informed decisions and deter undue influence of vested interests on elected representatives. Governments perform 50 per cent lower in controlling corruption where political finance disclosure obligations are not adequately enforced.¹⁰ Shedding light on who donates and how much and can expose the influence of money in politics and deter corruption and other “pay-to-play” situations. Knowing the volumes and objectives of political spending helps to understand what extent both policies and elections are contested on a level playing field.

Existing Standards

Transparency in political finance is arguably the principle most covered by existing global and regional standards.

- UNCAC Article 7.3 and the AU Convention Article 10(b) call for legislative and administrative measures to enhance transparency in political financing.
- The OAS Democracy Charter Article 5 calls for a “transparent financial system” and the “Lima Commitment on Democratic Governance Against Corruption” (2018) encouraged the “(...) strengthening of measures that promote transparency, accountability (...)”
- The CIS Convention Article 12.5 requires candidates and parties to regularly report donations and expenditures, ensuring public accessibility of this information. Similarly, the Council of Europe (CoE) Recommendation Rec (2003)4, Articles 12 and 13, requires detailed accounting of donations with donor identification for significant amounts, coupled with regular, at least annual, public reporting.
- The OSCE/ODIHR and Venice Commission Guidelines (§265) stipulate annual disclosure of contributions and expenditures, while balancing donor privacy in cases of potential threats or harassment.

Key issues related to Transparency

Unrequired or weakly enforced financial reporting

To date, 57 and 50 out of 181 countries do not mandate political parties and candidates, respectively, to report on their election campaign finances, in contravention of their UNCAC 7.3 obligation.¹¹ In practice, the gap widens, as a 2021 global survey found that only 53 out of 109 countries published political finance information online. These indications of low performance on transparency are consistent with the UN Office of Drugs and Crime (UNODC) assessment that ‘effective disclosure obligations’ are one of the most prevalent challenges in the implementation of Article 7.3 of UNCAC.¹²

Untimely reporting and publication

The lack of timeliness of reporting and publication prevents voters from making informed choices at the ballot box. This problem can arise when political parties and candidates are only required to report annually, without campaign-specific reporting obligations. For instance, reporting periods in Denmark, Germany and Sweden are set on annual basis, with reporting deadlines due late in the following year. Campaign-related reports are not only submitted too late (except for large donations in Germany), but also lack distinction between campaign and non-campaign information.¹³ A second problem is delays in publication. Only around 40 per cent of countries surveyed in 2021 published political finance information in a timely manner.¹⁴ In Morocco, for example, the financial expenses of political parties from the September 2021 parliamentary elections were only disclosed in 2024.¹⁵

Undisclosed donors

Table 1

Countries where data contains details of:	No	Partially	Yes	Total
first and last name for each donor	63	10	36	109
unique identifiers for each donor	90	4	15	109
the timing and amounts of donations linked to donors	61	12	36	109

Source: *Global Data Barometer 2021*

Arguably the most important information contained in political finance reports is the donor identification and amounts they contributed. Only with this information can oversight agencies, media and civil society exercise accountability with respect to political parties and candidates and detect any attempts of undue influence or state capture. However, data shows that 63 out of 109 countries do not require political parties or candidates to disclose their donors' identities. The golden standard of transparency, i.e., common identifiers that facilitate scrutiny by anti-corruption watchdogs from society and government, was found in just 19 countries surveyed in 2021.¹⁶

While all EU countries mandate transparency, recent investigations have shown that this is lacking for reasons ranging from reporting methods and publication mandates to unjustified privacy concerns or disregard for compliance. Only three out of every 10 euros that political parties receive from individuals and companies reveal the name of the donor. This means that 660 million euros are unaccounted for.¹⁷

Even when reported to a relevant authority, in many cases, financial information is not made available to the public or only made available in formats that are not easily accessible and re-usable. A 2021 survey of 109 countries around the world showed that only 20 countries provide the data in machine-readable formats (10 more only partially so), and only 10 countries make the data available for bulk downloads.¹⁸

Insufficient information reported and published

Table 2

Countries where the data contains details of:	No	Partially	Yes	Total
assets and liabilities of each party or candidate	71	14	24	109
donations, public funding, and membership dues for each party or candidate	55	22	32	109
in kind and non-financial support donated to each party or candidate	72	12	25	109
income for each party or candidate	60	12	37	109
the spending of each party or candidate	58	11	40	109

Source: *Global Data Barometer 2021*

In addition to missing information on donors, the majority of published political finance reports assessed in 109 countries fall short of other key requirements. 72 of them do not show in-kind or non-financial donations, while 58 do not have any data on expenditure and 55 do not publish information on public funding or membership dues.¹⁹

Furthermore, financial reports submitted by parties or candidates do not need to provide information on itemised expenditure in about a quarter of the 181 countries included in the International Institute for Democracy and Electoral Assistance (IDEA).²⁰ For instance, in Sweden, the opacity surrounding the use of public funds by political parties has led to growing calls to ensure that taxpayers' money is used transparently and accounted for publicly.²¹ A parliamentary commission of inquiry has been established to investigate current practices and recommend revisions in the legislation.

Policy options – Transparency

1.1 Bookkeeping obligations

- a. At a minimum, the legal framework must require political parties, candidates and campaigns²² to keep detailed records of income and expenditures, with identification of sources and vendors respectively; as well as their assets and liabilities.
- b. At a minimum, the legal framework should make the use of dedicated bank accounts for spending funds and receiving monetary contributions compulsory, to allow for traceability of transactions.
- c. Reflecting good practice, political finance oversight agencies should provide standardised templates to facilitate invoicing, bookkeeping and filing – if possible in digital formats, as well as technical assistance to facilitate their use.

1.2 Reporting obligations

- a. At a minimum, political parties, candidates and campaigns must report on their income, including the value, date, and sources of each transaction above a reasonable threshold. Income reports should also include public funding, membership dues, and all assets and liabilities, including conditions for loans. Exemptions to reporting and public identification requirements should only be justified by concerns of threats, harassment or reprisals against individual donors. There must be a limit to the aggregate allowable amount of income whose source is not identified.
- b. At a minimum, political parties, candidates and campaigns must provide itemised reporting of expenditure, allowing for an accurate classification of different services and purposes, including the expenditures incurred using earmarked public funding, where applicable. Oversight agencies must review itemisation categories regularly.
- c. At a minimum, the legal framework must set reasonable deadlines for campaign and non-campaign reporting. In campaigning periods, political parties, candidates and campaigns must submit interim income and expenditure reports to an oversight agency which in turn must make that information publicly available. Final campaign reports must be due shortly after the end of campaign periods. Financial reporting by political parties for non-campaign periods must be done at least on annual basis.

1.3 Data publication

- a. At a minimum, an oversight agency must publish political finance interim and annual reports in a timely manner, in a centralised platform, and providing searchable and accessible open data formats.
- b. Reflecting good practice, oversight agencies should publish financial information through application programming interfaces (APIs), with historical data and bulk download availability, free of charge.
- c. Reflecting good practice, the legal framework must provide for the interoperability of political finance information with public contracting, company registries, beneficial ownership, interest and asset declaration, lobbying registers, and other registers as relevant.
- d. Reflecting good practice, political parties, candidates, campaigns and oversight agencies must strive towards near- realtime reporting and publication of income and expenditure transactions – for instance, using open bank accounts.
- e. Oversight agencies could further consider providing data visualisation platforms that enable users to scrutinise data in an interactive manner.

CLEAN MONEY

Money in political finance must come from legitimate sources and be channelled through legal means to safeguard the democratic process from corruption, undue influence and state capture. Ensuring that political funding originates from and is acquired through legitimate sources and means closes opportunities for criminal actors to gain and leverage political influence to sustain the profitability and impunity of their criminal activities. Transparency, level playing field and accountability measures must also work against legal actors using illicitly

generated resources in illegal ways. To improperly influence public decisions and profit from it, narrow private interests may seek to circumvent bans or exploit loopholes in political finance rules. In any form, illicit and covertly funnelled money in the political process facilitates bribery, influence-peddling and vote buying, and can subvert public deliberation through misinformation and disinformation campaigns. Donations to political parties, candidates and elected officials should not be a means to gain personal or policy favours or buy access to politicians. Clean money practices enhance democratic accountability, ensuring that politicians remain answerable to the public rather than to vested interests. This principle is fundamental to maintaining public trust in the electoral system, ensuring that political outcomes are determined by the will of the people and not distorted by illicit domestic and foreign pressures.

Existing Standards

- UN General Assembly Resolution 46/130 §6 strongly appeals to all states to refrain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral process in any country.²³
- AU Convention on Preventing and Combatting Corruption, Article 10(a) on Funding of Political Parties: “Proscribe the use of funds acquired through illegal and corrupt practices to finance political parties”
- CoE Recommendation on common rules against corruption in the funding of political parties and electoral campaigns, recommends in Articles 5b, 5c and 7 “limiting, prohibiting or otherwise strictly regulating donations” from government contractors, state-controlled legal entities, and foreign donors.
- On third parties: OSCE-ODHIR Venice Commission Guidelines on Political Party Regulation paragraph 255 and 256.
- On online advertising: EU Regulation on Political Advertising and Microtargeting.²⁴
- OAS Lima Commitment, Democratic Governance Against Corruption (2018). Commitment 25: “Encouraging adoption and/or strengthening of measures that promote transparency, accountability, appropriate accounting, and use of the banking system for income and expenditures of political organizations and parties, especially those related to their electoral campaigns, in order to guarantee the licit origin of the contributions and penalizing anyone involved in accepting illicit contributions.”

Key issues related to Clean Money

Abuse with cash and in-kind donations

Nearly half of 181 countries do not require political parties, candidates and third parties to handle cash flows through banking systems.²⁵ Cash transactions are ripe for abuse due to their opaque, untraceable nature. Similarly, in-kind donations are not regulated in more than half of the world's countries.²⁶ Unconstrained cash and in-kind contributions are highly risky as they are easier to conceal. In North Macedonia, the Special Prosecution Office (SPO) launched an investigation into the former prime minister and ruling party for accepting 4.9 million euros. According to the SPO, there was reasonable suspicion that the money originated from a crime committed by a group of people who enabled money laundering through the party's local organisations by depositing cash in the party account in the form of personal payments. The allegations also point to negligence on the part of banks, which did not raise any suspicious transaction reports stemming from all the unusual deposits.²⁷

Use of political finance for money laundering

Organised crime groups have used political campaigns and political party finance as a means to launder their ill-gotten gains. In Indonesia, the Financial Transaction Reports and Analysis Center launched a report revealing the use of illicit funds in general elections, with suspicious transactions presumably stemming from drug trafficking, and illegal mining and logging amounting to tens of trillions of rupiah.²⁸ Similarly, in Uganda, candidates have allegedly received donations from illegal mining, logging and even organ trading groups. This enables criminals not only to launder their proceeds of crime, but also to buy the influence of future decision-makers, thus presenting a risk of state capture. In Zambia, the Financial Intelligence Centre (FIC) reports indicate that in

campaign years there are rises in Suspicious Transaction Reports (STRs).²⁹ A recent case from Bosnia and Herzegovina revealed that companies involved in money laundering for a drug cartel were donors of one of the ruling political parties, which resulted in some public officials being arrested.³⁰

Anonymous and foreign donations

64 out of 181 countries do not ban or restrict anonymous donations to candidates; most do not require the disclosure of beneficial ownership of corporate donors, or link to physical persons. One example is Denmark, where both GRECO and ODIHR experts attest that despite introducing a ban on anonymous donations to parties and lists of candidates, anonymous donations to individual candidates remained “not banned” and authorities had no plans to change this, at least as of 2022.³¹ Bans on foreign-sponsored political finance are common across the world, with over 70 per cent of countries including such bans in their legislation. However, foreign interests find ways to cloak their financial support to political parties, candidates, campaigns and other politically influential groups through non-transparent or corruptive structures, often to subvert the democratic process. Among the loopholes exploited to that end are in-kind financial support (e.g. loans or expensive gifts, tailor-made social media manipulation, advisory services),³² straw donors, foreign-controlled corporate vehicles and other third-party organisations. A 2020 study by the German Marshall Fund identified over 115 covert foreign political financing operations in 33 countries, involving an estimated US\$300 million between 2010 and 2020.³³

Vote buying

Dirty and opaque money in political campaigns often also leads to illicit and illegal types of expenditure, such as providing financial or material inducements to citizens, or vote-buying. The infiltration of organised crime as well as abuse of state power can also be used to intimidate and coerce voters to cast their ballot one way or another. The Global Corruption Barometer found that one in four citizens in Latin America had been offered a bribe in return for their vote, with that number being as high as one in two in Mexico.³⁴ Similarly, one in seven people were offered a bribe for their vote in Asia³⁵ and nearly one in three in the Middle East and North Africa region.³⁶ In Mauritius, for example, where there is no law forbidding vote-buying, votes are sold for anything ranging from food to money or in return for government favours such as permits and licences.³⁷

Unregulated board oversight over corporate donations

Corporate disclosure of political donations and their oversight by boards or shareholders have gained currency as tools to foster a positive role for business in politics to ensure alignment between policy goals and giving.³⁸ Since 2009, the share of S&P 500 US company boards with oversight has more than doubled to over 60 per cent in 2023.³⁹ However, this shift is largely voluntary, as only few countries legally mandate it. An OECD-PRI survey of 17 OECD countries found legal requirements only in the UK (shareholders) and India (boards).⁴⁰ Risks associated with corporate political donations call for legal safeguards. Political favouritism or *quid pro quo* risks have led to banning donations made by companies carrying out government contracts or bidding in an increasing number of countries, two thirds within the OECD.

Higher risks presented by online campaign and fundraising

With the shift of audiences away from traditional media and towards social media, online campaigning has become an important area of political contestation. However, online campaigns are rife with risks for circumventing political financing regulations. In many countries, digital political ads can still hide their sponsors and costs, enabling anyone with a credit card to bypass restrictions on spending caps or in-kind regulations. Monitoring online political advertising is difficult due to the complex and decentralised nature of social media, AI use and high ad volumes, which, along with the lack of regulation, can lead to untraceable funds influencing elections. Additionally, microtargeting allows candidates and third parties to direct ads towards specific groups of voters, excluding others and potentially spreading misinformation. Both domestic and foreign actors exploit these loopholes.⁴¹

In Pakistan, for example, a key concern is political funding through cryptocurrencies, which cannot be monitored and may have links to crime.⁴² Depending on the design, some cryptocurrencies can make it very difficult to trace

the donor identity and destinations of their donations, circumventing political finance regulations such as donation limits and bans on anonymous donations.⁴³

Third party campaigning

Third-party or non-contestant campaigning introduces several loopholes and corruption risks in political finance. Political parties can circumvent caps or ceilings on income or spending by using façade “independent” committees. Vested interests, domestic and foreign, can fake grassroots support through buying off, making up or co-opting disingenuous groups.⁴⁴ Despite these risks, at least 101 countries do not regulate third-party financing.⁴⁵ All seven countries analysed in a recent regional study of the Western Balkans and Türkiye failed⁴⁶ to require third parties to report on their campaign activities and spendings. For example, during the latest Kosovo local elections in 2021, the EU Electoral Observation Mission concluded that third of the campaign’s online advertising was conducted or sponsored by third parties.⁴⁷

Policy options – Clean money

2.1 Due diligence and “know-your-donor” good practices

- a. At a minimum, the legal framework must require political parties, candidates and campaigns to only receive donations and make disbursements through bank accounts, above reasonable thresholds. The legal framework must explicitly place the responsibility of conducting checks and reporting on suspicious political financing transactions with financial institutions.
- b. Reflecting good practice, political parties, candidates and third-party organisations must have sound practices to check who the donors are and how their donations are spent above a reasonable threshold.

2.2 Criminalisation of illicit political financing

- a. At a minimum, the legal framework should criminalise conferring, soliciting or accepting political funding from illegal sources.
- b. At a minimum, the legal framework should also criminalise vote buying.
- c. At a minimum, the legal framework should establish proportionate criminal sanctions for failure to report or disclose substantial income or expenditure.

2.3 Introducing equal reporting obligations for third parties influencing electoral outcomes

- a. At a minimum, the legal framework must introduce unambiguous definitions of third parties and require them to report on their campaign-related income and expenditures when their spending is above a certain limit defined by law. Such requirements must ensure they safeguard the freedoms of citizen groups pursuing broader political and social advocacy goals that do not seek to influence electoral outcomes, and refrain from imposing restrictions on their income and expenditure.

2.4 Closing loopholes on anonymous donations

- a. At a minimum, the legal framework must ban accepting donations from anonymous sources.
- b. At a minimum, the legal framework must ban contributions in cryptocurrency and other crypto assets without a public or open ledger (i.e. without identifying the person originating the transaction), or that are unsupported by a central bank. Reflecting good practice, governments should subject cryptocurrency exchanges to anti-money laundering and combatting the financing of terrorism (AML/CFT) regulation and ensure only cryptocurrencies that allow for immutable and open transaction records, according to accepted international standards, are permitted as political finance contributions.
- c. At a minimum, the legal framework must require corporate donors to disclose their beneficial ownership declaration alongside their donation.

- d. The legal framework must also broaden the definition of “in-kind” contributions or donations to ensure intangible, hard-to-value, uncertain or perceived benefits (such as advertising, research into the opposition or datasets) are subject to the same eligibility, limits, reporting and disclosure conditions as monetary contributions.

2.5 Online advertising and fundraising

- a. At minimum, legal frameworks must introduce or update definitions of political advertising to include all online and offline communications paid for by public officials, political parties, candidates and third parties aimed at influencing voters on regulatory and election outcomes; the timing of election campaign and non-campaign periods communications; and the requirements for placing and reporting on such communications.
- b. At a minimum, the legal framework must require political parties, candidates and third parties to only conduct authentic online political advertising through accounts in their own name or their authorised intermediaries.
- c. At a minimum, the legal framework must require online platforms selling advertising to meet high transparency standards, distinguishing paid content from user-generated content; adequately labelling political adverts with clear information about the sponsor, authoriser, advertisement generation method and targeting criteria; maintaining searchable, machine-readable registers of all adverts, and detailing their impressions, payer, authoriser, reach, duration, targeting criteria and costs.

2.6 Corporate political donations

- a. At a minimum, the legal framework must require companies to publicly disclose all monetary and in-kind donations provided to political parties, candidates and third parties pursuing electoral outcomes. They should also ensure that political donations are approved by an oversight body, such as the board of directors or shareholders.
- b. At a minimum, the legal framework must cap the allowable amounts for corporate donations, as well as ban, limit or otherwise restrict donations from legal entities that provide services to public administrations, participate in public procurement tenders, or receive state subsidies, permits and concessions.
- c. Reflecting good practice, companies that engage in lobbying and interest representation should also refrain from making political donations to the same officials targeted by their lobbying.

2.7 Foreign donations

- a. At a minimum, the legal framework should ban in-kind and monetary campaign donations from foreign interests to political parties and candidates, including from foreign governments, foreign citizens, and foreign commercial legal entities.
- b. At a minimum, the legal framework must define thresholds of foreign ownership or control – and similar criteria (e.g., tax jurisdiction) – over which foreign legal entities will be deemed as foreign, therefore not allowed to donate. Subsidiaries, foreign branches and majority-owned subsidiaries of foreign parent companies should be considered foreign.

2.8 Preventing and countering vote buying

- a. At a minimum, the legal framework should introduce effective protections against vote buying such as complaint and redress mechanisms for voters, campaigns and political organisations. It should define forms of prohibited voting inducements and outright vote buying in return for political support or to unduly influence voters.
- b. Governments could also consider limiting the amount of consumables with potential to influence voters, such as foodstuffs and drinks, that political parties and candidates can purchase during an election campaign.
- c. Governments should also criminalise negative inducements imposed on voters through intimidation, coercion, threats or violence.

LEVEL PLAYING FIELD

Leveling the playing field in political finance means that political parties and other contestants have equitable access to financial opportunities to operate and contest elections. Equitable opportunities mean that differences in financial resources can only be justified on non-discriminatory, objective and reasonable grounds.

Leveling the playing field curbs the risks of corruption and of accountability of elected officials skewed towards the wealthy few and away from the public interest of all citizens.

States often introduce limits and public funding to level the playing field. A political finance regime which introduces reasonable limits to donations or expenditure can help make elections more competitive and constrain incumbents' advantage.⁴⁸ Reasonable limits can also help constrain favourable access that wealthy donors get to elected officials,⁴⁹ helping prevent undue influence.

Existing Standards

- The CIS Convention on the Standards of Democratic Elections, Electoral Rights, and Freedoms in the Member States prescribes in *Article 10.2* "equal possibilities", (...) "access to mass media" and "fair and open financing" for candidates and political parties. *Article 12.2* prescribes "allocation on fair terms of budgetary resources".
- The OAS Inter-American Democracy Charter calls for paying special attention to "problems associated with the high cost of election campaigns"
- CoE Recommendation on common rules against corruption in the funding of political parties and electoral campaigns, in *Article 3b(ii)* recommends considering "...limiting the value of donations" and *Article 9* "...establishing limits on expenditure on electoral campaigns."⁵⁰
- The Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections (2004) in *Article 2.2* recognises "equal opportunity for all political parties to access the state media."
- General Comment 25 Adopted at the Fifty-Seventh Session of the Human Rights Committee (1996), para. 19: "...Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined, or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party."
- Guidelines n. 242 on political party regulation by the Venice Commission (2020), recommend "(...) some degree of public funding" available to all parties "putting forth candidates for an election and enjoying a minimum level of citizen support. (...) A generous system for the determination of eligibility should be considered (...)."

Key issues related to Level playing field

Affluent candidates exceeding spending limits with own funds

Countries without limits on donation sizes or regulations on personal funds create an uneven playing field. Candidates that have access to significant private funds make it harder for others to compete against them. According to an academic study, 11 per cent of the world's billionaires have run for office, and 80 per cent of the time they won.⁵¹ This trend, coupled with the absence of financial constraints, inhibits grassroots movements from successfully fielding candidates. In Uganda, candidates spent an average of 500 million Ugandan Shillings to run for parliament in the 2021 general elections, with some outliers spending over 1 billion. Recent studies revealed that winning candidates were generally those who spent relatively higher amounts, highlighting the significant influence of money on electoral success.⁵²

Affluent donors tilting the playing field

100 and 96 out of 181 countries do not establish limits for donations to candidates and political parties, respectively.⁵³ This opens the doors to outsized influence on politics by a small number of affluent donors. A recent investigation into the funding of political parties in the European Union showed that they can heavily rely on a single wealthy donor. Over three years, six relatives of the late former Italian prime minister Silvio Berlusconi transferred a combined 1.3 million euros to Forza Italia, with their family investment firm Fininvest adding another 500,000 euros. In 2022 alone, their contributions amounted to roughly 13 per cent of the national party's entire revenue. The same year, an entrepreneur and banker contributed 400,000 euros to a political party in Estonia, which represented 75 per cent of all contributions and 35 per cent of the total budget of the party.⁵⁴ In the United States, single large donors have pumped billions of dollars into direct and indirect political contributions, with a huge impact on the American political landscape.⁵⁵ In many cases, large donors receive substantial benefits, as was the case of the proprietor of the largest private postal service in Bulgaria, who contributed 50,000 euros to a political party and was appointed as a minister after the party's victory. Shortly after his appointment, he made an additional donation of 105,000 euros.⁵⁶ Similarly, Transparency International UK has exposed that over the last decade, a quarter of all nominations to lifetime appointments in the House of Lords are political donors to British parties, with 12 of these appointees having donated over 90 per cent of all donations made by all upper chamber members in the same period - there are no donation caps in the UK.⁵⁷

Donation limits circumvented

While limits on donations may be in place, donors can bypass these restrictions by segmenting donations. In Georgia, a threshold on corporate donations did not level the playing field, as companies still found ways to circumvent this by making donations through their employees.⁵⁸ In the US, the founder of a large cryptocurrency exchange evaded donation limits through hedging over US\$100 million into 300 illegal individual donations to different campaigns funnelled through associates who acted as straw donors.⁵⁹ US legislation is riddled with loopholes that enable similar tactics to circumvent limits. Political parties and candidates may be complicit in violating such limits, as happened in Peru ahead of the 2011 presidential election. A political party enrolled dozens of straw donors (many of them rank-and-file party members) to conceal outsized donations into false, smaller donations.⁶⁰ In Finland and Sweden, despite limits for anonymous donations being set at approximately 1,500 euros and 2,200 euros respectively, candidates break down larger donations into smaller and non-disclosable amounts, thereby concealing the true influences behind political funding.⁶¹ In Denmark, ODIHR experts were told of the use of several "companies owned by the same owner" or "various associations" to circumvent donation caps in 2022.⁶²

High fees (or bribes) to secure nominations

In parts of Africa, Asia and Latin America, candidates are requested to make both formal and informal payments to political parties or party bosses in order to get their names on the ballot.⁶³ Such payments can range from 100 million Naira (approx. US\$220,000) in the case of Nigerian presidential elections to 158,000 ZMW (US\$8,600) in the case of Zambia.⁶⁴ The recent revision of this amount from US\$1,000 to US\$20,000 in Zimbabwe has raised concerns over the participation of underrepresented groups in politics.⁶⁵ In Sri Lanka, candidates often need to demonstrate how much value they can bring to the political party (e.g. funding for campaigns) in order to be put on the ballot, which ultimately favours those with financial resources.⁶⁶ In some countries like Morocco, there are indications that the money to be nominated goes directly to party leaders rather than a formal payment to the party, which is effectively a bribe and undermines fair political recruitment, a key function of political parties.⁶⁷

Problems with allocation of public political financing

If ill-designed or poorly implemented, public political funding can deepen inequities in competition rather than levelling them. Mozambique's 2019 general elections were contested in "an uneven playing field" in which the incumbent party abused state resources and enjoyed favourable media coverage. Public funding as provided for in law could have levelled the competition. However, the National Election Commission (CNE) missed the deadline for its disbursement to parties and candidates by three weeks, well into the campaigning period. In the view of

the EU Election Observation Mission, this failure “affected the participation of many contenders in the campaign.”⁶⁸ More recently, in Panama’s 2024 general elections, the OAS raised concerns that most of direct public funds transferred to political parties might have ended up benefitting mostly presidential candidates to the detriment of parliamentary candidates due to the lack of criteria on how these resources should be distributed. This is compounded by the lack of electronic filing of expenditures of public funding.⁶⁹

Policy options – Level playing field

3.1 Restrictions on donations and spending

- a. At a minimum, the legal framework must introduce reasonable limits on all donations to political parties, candidates, election campaigns and third parties to reduce the possibility of corruption or the purchase of political influence by wealthy interests. Such limits may be based on income levels or indexed against appropriate minimal or middle points of public salaries. Such limits should be carefully considered and calibrated alongside other measures, to ensure that they contribute to level the playing field while not resulting in substantial increases in undisclosed donations.
- b. The legal framework should also introduce reasonable limits on expenditures during election campaigns.

3.2 Restrictions on self-funding

- a. At a minimum, the legal framework must make donations and expenditure by candidates to their own campaigns explicitly subject to the same limitations and reporting requirements as individual donations.
- b. Reflecting good practice, the legal framework should also ensure that candidates provide an accurate declaration of domestic and foreign interests, assets and income prior to elections.

3.3 Provision of direct and indirect public financing

- a. At a minimum, the legal framework should establish forms of direct and indirect public political financing schemes, at least for campaign periods.
- b. At a minimum, the criteria for the allocation of public political financing in campaign periods must ensure that all candidatures enjoying a minimum level of citizen support are eligible to timely access to public funds, subject to adequate conditions. Legal frameworks must include eligibility criteria for new political parties to receive public funding, such as levels of citizen support not only based on previous election results, as to ensure that voters are given the political alternatives necessary for a real choice.
- c. Reflecting good practice, indirect public political funding through the allocation of free airtime to political parties or candidates running for elections can help the state meet its responsibility to ensure an informed electorate. Where such support is available, the amount and timing of airtime must be distributed either on the basis of absolute equality or equitably dependent on proven levels of support that take into account new political parties.
- d. At a minimum, the receipt, management and disbursement of direct public political financing must be subject to the same conditions as the management of public funds, as well as to strict bookkeeping, reporting, public disclosure and audit requirements.
- e. Reflecting good practice, schemes for public funding of political parties and candidates should create incentives for citizens’ participation through small donations and membership fees. For instance, direct public funding could be tied to match amounts raised or through tax-deductibility schemes.

3.4 Internal party governance

- a. At a minimum, the legal framework should require political parties to have anti-corruption, anti-bribery and financial management measures in place, and to carry out internal audits to ensure that all sources of income are accounted for and used for their intended purpose.
- b. Reflecting good practice, governments should require political parties to show the criteria used to allocate funds between candidates.

GENDER EQUALITY

The principle of gender equality in political finance contributes to levelling up representation of women in nominations and elected office. Entrenched gendered stereotypes, intersecting systematic discrimination, the financial and time-based demands upon primary caregivers, and inadequate flexibility and support (financial and otherwise) from political parties are only a few examples of how women are hindered, and sometimes actively prevented, from registering and standing as candidates. Women are consistently situated as outsiders, facing financial gaps, compounded by having to challenge advantaged incumbents (who tend to attract more funds), facing higher selection and election costs (to overcome lower visibility), and often being less connected to moneyed networks. By ensuring that women politicians and candidates have access to the same financial resources and support as men, nomination procedures and elections are likely to become more competitive and representative.

Existing Standards

- Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁷⁰ prescribes measures to eliminate discrimination against women, in particular ensuring “to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.”
- UN CEDAW General Recommendation 23 (1997), §32 encourages political parties “to adopt effective measures, including the provision of (...) financial and other resources (...) to overcome obstacles (...) and ensure that women have an equal opportunity in practice to (...) be nominated as candidates for election.” §22 of General Recommendation 25 (2004) further clarifies “the term ‘measures’ encompasses a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as (...) allocation and/or reallocation of resources(...).”
- The Recommendation of the Committee of Ministers of the Council of Europe (2003)³ on Balanced Participation of Women and Men in Public Decision Making, recommends in Article A.4 to (...) “consider action through the public funding of political parties in order to encourage them to promote gender equality;”
- Guidelines n. 244 on political party regulation by the Venice Commission (2020) refer to “allocation of public funds based on party support for women candidates may not be considered discriminatory (...) and considered in light of ‘special measures’ (...) and contingent on compliance with requirements for women’s participation.”

Key issues related to Gender Equality

Gendered challenges to accessing funds

Women often face greater challenges than men in securing the resources needed to obtain a party nomination or run for office. This disparity exists globally, as women typically earn less than men, dominate low-wage occupations, are underrepresented in leadership roles, possess fewer personal assets and have less control over their income.⁷¹

In Uganda, for example, over 80 per cent of men candidates secured loans to finance their campaigns, as opposed to only 18 per cent of women candidates. In Morocco, women are also less likely to receive nominations from party bosses as they are believed to be less likely to bring in funds from private sources.⁷² In Zambia, civil society activists have raised concerns that women face stigmatisation and are victims of criticism and smear campaigns when actively asking for funds to finance their campaigns. In Indonesia, despite an increase in the number of women elected to parliament in 2019, many successful women candidates came from powerful, affluent families – ‘dynastic’ connections – and had financial and other resource advantages.⁷³ Outside these networks, women candidates in Indonesia need to campaign more extensively, while donors generally prefer to contribute their money to men rather than women candidates.⁷⁴

Cost of campaigning higher for women⁷⁵

In addition to difficulties with raising funds, women also contend with higher costs of standing for election. These higher costs are a result of various factors, often including lower public visibility, the need for physical security measures, standing for election in harder constituencies and having to compensate for the negatively biased image that some segments of the electorate have on women candidates.

Studies in Uganda and Tanzania indicate that women must spend significantly more than men to win elections.⁷⁶ In Uganda, in the 2016 elections, women parliamentary candidates spent 93 million Ugandan Shillings (circa 25,000 USD) more than men to secure a seat.⁷⁷ Women have to navigate men-dominated party structures and overcome pervasive stereotypes, leading to more spending.⁷⁸ In Africa, women are assigned to constituencies where the party's popularity is weaker, which also necessitates higher expenditures.⁷⁹ Furthermore, running for office is generally more challenging for new candidates compared to incumbents, and incumbents are often men.

Lack or abuse of gender-targeted funding

Due to the barriers identified above, targeted financial support for women candidates is essential to ensure a level playing field. While 70 per cent of countries provide direct public funding to political parties, only 17 per cent have gender-targeted public funding to promote women's political participation.⁸⁰ Where no specific parts of public funding are earmarked for women candidates, such funding can result in further marginalisation. In Türkiye, for example, women face biases in the allocation of such public funds, which are disproportionately directed towards men candidates.⁸¹ In some countries, there has been backsliding from more progressive standards. For example, in Georgia, the parliament recently abolished a rule by which a party would receive a 30 per cent bonus in addition to its basic public funding if women candidates would account for at least one third of that party's list.⁸²

While gender-targeted public funding or quota systems are essential tools for promoting gender equality in politics, their effectiveness is compromised if they are abused. South Korea and Panama provide examples of countries where political parties receive gender-targeted public finance without expected increases in women representation as a result. In both countries, there are indications that gender earmarked resources are misappropriated.⁸³ In other cases, such funds are used in activities with little effect on women's access to politics.⁸⁴ Symbolic compliance with eligibility requirements to meet conditionality was mentioned as an issue in our consultations. In the Democratic Republic of Congo, despite constitutional quotas mandating 30 per cent female representation in political parties, enforcement is undermined by political patronage and corruption.⁸⁵

Policy options – Gender Equality

4.1 Targeted financial measures to increase women's representation

- a. At a minimum, the legal framework should make indirect and direct public funding to political parties conditional on criteria of gender equality in party positions and candidate lists.
- b. At a minimum, the legal framework must provide for inclusive and gender-transformative public political financing with a significant portion of subsidies earmarked for political and campaign activities most likely to impact representation of women and other marginalised communities.
- c. Reflecting good practice, the legal framework must set gender-sensitive criteria in the allocation of publicly funded access to broadcast, print and other relevant media
- d. Reflecting good practice, the management, bookkeeping and reporting of gender-targeted public political financing must be kept separate from other sources and, where possible, should be managed and overseen by specialised party wings or committees.
- c. Reflecting good practice, the legal framework must include gender-sensitive, differentiated donation and expenditure caps.

4.2 Publication of gender disaggregated information

- a. At a minimum, political parties, candidates and third parties must record and report income and expenditure with gender disaggregated information, and the oversight agency should publish such information.
- b. At a minimum, political parties must develop and issue internal rules for the equitable and transparent allocation of party funds and resources between women and men candidates.
- c. Reflecting good practice, the agency providing oversight for political finance should also issue further gender difference analysis – for example, showing differences in income and expenditure by gender, as well as conduct further research on factors behind such differences.

4.3 Other gender-targeted measures

- a. At a minimum, governments should provide women with extra security on the campaign trail, as well as protections against online harassment for women during campaign periods.
- b. Governments must also consider special provisions for childcare, transport, and other support measures to support women candidates.

STATE NEUTRALITY

Governments have at their disposal a vast array of resources, which if not properly regulated can be misused by incumbents to secure electoral benefits for themselves. For that reason, state neutrality in elections and campaigns is of paramount importance to ensure integrity in public office. As commonly understood, abuse of state resources is the ability of candidates to use their official positions or connections to governmental/local institutions to influence the outcome of elections. In 35 out of 181 surveyed countries, no legislation exists to prevent the exploitation of state resources for electoral benefits.⁸⁶

Existing Standards⁸⁷

- The UN International Code of Conduct for Public Officials (1997) Article 11 prescribes that "political or other activity of public officials outside the scope of their office shall (...) not be such as to impair public confidence"
- UNCAC (2003), Article 17 prescribes signatories shall establish as criminal offences "the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds (...)"
- Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns, Article 5.c recommends that "States should prohibit legal entities under the control of the state or of other public authorities from making donations to political parties."
- The OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation (2020)⁸⁸ recommend that "(...)Incumbent candidates and parties must not use state funds or resources (...) to their own advantage." §252 states that "legislation should clearly define what is permissible use and what is considered abuse (...)" §253 advises on types of abuse that "should be expressly and universally banned" including "the use of public premises, office equipment, or public employees for the promotion of the programme and actions of the governing party," the use of resources "to slander and denigrate opposition parties (...), the use of subsidies for party donations" and "the manipulation or intimidation of public employees (...)"

Key issues related to State Neutrality

Abuse of state resources including material and human resources

Incumbents have control over a vast array of public resources which can be used in election campaigns to secure electoral benefits for their party or candidate. This includes, among other things: use of public (state or municipal) vehicles/premises; public e-mail services/websites to sponsor state/local government communications; participation of state/ municipal employees in campaign activities while on duty.

Examples of abuse of such resources are numerous around the world. In Kenya, incumbents often use state vehicles, public schools, government offices and even stadiums for political campaigns.⁸⁹ In Tunisia, for example the president's official social media accounts were used for campaign activities.⁹⁰ In Serbia, the ODHIR Observation Mission of the December 2023 elections report noted that instances of pressure on public sector employees and misuse of public resources tilted the playing field, provided undue advantage to the ruling party and coalition, and blurred the line between state and the party.⁹¹

Abuse of policies and budgets for electoral benefit of the incumbents

Another type of abuse of incumbency for electoral benefits is the intended manipulation of public policies and budgets. This can range from discretionary spending to temporarily raise salaries, pensions or other benefits to tax cuts or investments in infrastructure.

Examples from Argentina and Guatemala in the 2023 elections shows that the financial scale of abuse of incumbency (priced at several GDP points) may have impacted the economy at an aggregate macro level, rather than just tilting the playing field. In Guatemala, estimates of public budget transfers during the election period reached nearly USD 350 million⁹², and consisted of infrastructure, cash transfers, temporary domestic gas and utilities subsidies to households, to name just a few. In Argentina, the government infused fiscal measures worth an estimated US\$2.5 billion⁹³ in forms of VAT or income tax exemptions to different groups (pensions), other targeted cash transfers to different groups, rebates for domestic tourist travel and different sorts of handouts, among others.

In some instances, state-provided goods are distributed by political candidates in order to take the credit for such disbursements. In Hungary, ruling party candidates were handing out laptops that were paid for by the state budget to students.⁹⁴ Similarly, in Zambia, there have been instances of party officials distributing disaster relief funds instead of the relevant local public officials.⁹⁵

Across Africa, constituency funds meant for the development of certain geographic areas are often used by the incumbents close to election campaigns in return for votes from constituents. This has been observed in Nigeria, Zambia and Kenya, among others.⁹⁶ In Zambia, there was an attempt by the ruling party secretary general to oversee Constituency Development Funds (CDFs), and the size of these funds has grown in past years, posing questions on the motives of this policy.⁹⁷

Abuse of security forces

Another egregious abuse of incumbency is the deployment of security forces, law enforcement and other types of state force to intimidate or discourage candidates and activists from opposition parties. In Tunisia, multiple potential presidential candidates were arrested, limiting the ability of the opposition to stand a real chance against the incumbent.⁹⁸ Similarly, in Georgia, the former deputy head of the State Security Service blew the whistle in 2022 on the use of security services to intimidate and pressure voters and candidates. The prosecution has launched an investigation, but so far there have not been any prosecutions or convictions.⁹⁹

Abuse of state media

In Hungary, one of the main channels of abuse of incumbency is through the state capture of media. Public media is managed by the government, and it is used to run campaigns against opposition candidates during the election campaigns. Media supervision authorities are also complicit by not applying measures or sanctions

against state media violations.¹⁰⁰ In Sri Lanka, state media has been used to broadcast political advertising for the ruling party which had not been paid for, in contrast to other parties.¹⁰¹

Policy options – State Neutrality

5.1 Prohibitions on the use of state resources for electoral purposes

- a. At minimum, the legal framework should unambiguously define state resources and prohibit their use to confer electoral benefits to any political parties and candidates during election campaigns. This should include the use of any public buildings, properties, media, human resources, vehicles, billboards and other assets. The legal framework should also prohibit political party officials and candidates from distributing government-funded goods and services.
- b. At a minimum, the legal framework should prohibit state-controlled entities from making financial or in-kind contributions to political parties, candidates or election campaigns.¹⁰²
- c. Reflecting good practice, the legal framework should limit extraordinary public spending immediately prior and during election campaigns, including any extra-budgetary salary increases, pension increases, tax cuts, discretionary benefits and cash handouts.
- d. Reflecting good practice, governments should introduce codes of conduct for public officials, including the requirement not to use public resources for campaign purposes, with sanctions for infringements. An oversight agency must promote and enforce such codes of conduct and ensure at-risk positions and institutions are particularly well monitored.
- e. Reflecting good practice, governments should also strengthen protections for officials who are coerced or intimidated into participating in campaign activities, including by providing safe complaint and reporting mechanisms.
- f. Where specific funds have been earmarked for constituency development, their disbursement should be subject to the highest transparency and integrity standards, including clear disbursement criteria, regular audits and, where possible, democratic oversight by elected local or regional councils.

5.2 Declaration or reimbursement of costs associated with the use of state resources

- a. At a minimum, the legal framework must prescribe that candidates or political parties declare all costs incurred through their use of certain state resources necessary for security or any other extenuating reasons, and the mechanisms to reimburse these costs.

5.3 Empowering relevant oversight authorities to monitor and sanction abuse of state resources

- a. At a minimum, the legal framework must give the election management body or a relevant oversight body the authority to monitor compliance with state neutrality and to collect evidence that can support referrals to prosecution.
- b. Reflecting good practice, oversight bodies should also monitor and report on any of the social, fiscal and budgetary policies manipulated for electoral benefit, including, but not limited to, those listed in 5.1.c.

5.4 Ensuring neutrality of state authorities involved in election campaigns

- a. At a minimum, the personnel of law enforcement, the prosecution, the judiciary, and security forces should abstain from abusing their position to take any action that has the intended purpose of undermining the electoral outcomes of any candidate or political party. The legal framework should provide for sanctions for the commission of any such actions.
- b. Reflecting good practice, state media should set and observe clear and equitable editorial guidelines that ensure unbiased and impartial reporting, and balanced coverage or airtime for political parties and candidates.

ACCOUNTABILITY

Accountability and oversight are a key link in the chain of political finance integrity. Without an empowered and effective agency mandated with the control of political finance regulation and publication of data, parties and candidates can submit erroneous or incomplete information, and the public would not receive the information needed to exercise social and electoral accountability. Furthermore, in the absence of an effective agency, breaches of political finance regulations would go undetected and unsanctioned, thus failing to deter non-compliance. A TI analysis of gaps between law and practice of political finance transparency in 109 countries surveyed in the 2021 Global Data Barometer showed that having an agency appropriately empowered to verify financial reports had a consistent effect on the greater availability of political finance open data, a relationship that held strong even after controlling for the level of development in the country.¹⁰³

Existing Standards

- UNCAC articles 24 and 23.1 (on concealment and conversion of proceeds of crime) may apply indirectly.
- CoE Recommendation on common rules against corruption in the funding of political parties and electoral campaigns (2003)¹⁰⁴ recommends to “provide for independent monitoring (...) that should include supervision over the accounts of political parties and the expenses involved in election campaigns as well as their presentation and publication.” Further, it calls for “(...) the specialisation of the judiciary, police or other personnel in the fight against illegal funding of political parties and electoral campaigns” and “require the infringement of rules concerning the funding of political parties and electoral campaigns to be subject to effective, proportionate and dissuasive sanctions.”
- The OSCE/ODIHR and Venice Commission Guidelines on the Regulation of Political Parties (paragraph 272) states that “sanctions should be (...) dissuasive in nature, (...) objective, effective, and proportionate (...)”. Paragraph 274 outlines options for sanctions, including: administrative fines; partial or total suspension or loss of public funding; ineligibility for state support; forfeiture to the state treasury of undue financial support; ineligibility to present candidates; and rejection of the party’s electoral list or individual candidates. In cases involving significant violations: criminal sanctions against the party members responsible for the violations, annulment of a candidate’s election to office, and loss of registration status for the party.

Key issues related to Accountability

No effective agency vested with authority and resources to detect illicit finance

Only 55 out of 109 countries surveyed by the Global Data Barometer have rules which empower an agency or official to ensure the accurate and timely collection and publication of political finance data. Insufficient oversight and accountability is an issue across all regions.

In Germany, for example, the unit responsible for overseeing political finance is part of the administration of the federal parliament, rather than an independent oversight agency, and it is not very well resourced, with only four staff in charge of overseeing all political parties. Furthermore, the unit does not have investigative powers.¹⁰⁵ Similarly, Sweden has an agency under the government, but it lacks resources and the mandate to crosscheck data or follow up on leads.¹⁰⁶

In the Asia Pacific region, examples from contexts as varied as Sri Lanka, Pakistan and New Zealand show that despite the existence of an agency mandated with overseeing political finance, their capacity and resources remain too limited to proactively exercise their powers.¹⁰⁷

In Africa, many countries have not yet passed laws and provisions on political finance, therefore entirely lacking an agency overseeing political finance. In other countries, such as Madagascar, although the law has been passed and an oversight agency has been established, they still do not have their own offices or sufficient resources.¹⁰⁸

Lack of cooperation between agencies

Breaches of political finance legislation often go undetected due to a lack of coordination and cooperation between relevant agencies. Regional consultations conducted by Transparency International in Asia and the Pacific, Latin America and Africa indicated that there is room for increased cooperation, data-sharing and joint investigations between political finance oversight bodies and financial intelligence units, tax authorities, anti-corruption agencies, law enforcement, prosecution and the judiciary. For example, in Zambia, the Financial Intelligence Centre (FIC) reports indicates that in campaign years there are rises in Suspicious Transaction Reports (STRs), and the Indonesian Financial Intelligence Unit issued findings that indicate that there has been illicit funding from illegal mining and logging entities as well as narcotics industries, however it cannot act or investigate further.¹⁰⁹ In both cases, this information seems to be treated as cases of money-laundering or financial fraud, but there is no evidence of this information being referred to pursue potential breaches of political finance.

Insufficient on non-enforced sanctions and failure to investigate

Most countries impose some type of sanctions for political finance infraction. According to International IDEA Political Finance Database, only 2 countries out of 181 do not impose any sanctions. Among the top three most common sanctions, 154 countries impose fines, 107 include prison sentences and 57 impose a loss of public funding.¹¹⁰ However, a closer look reveals that such sanctions tend to be non-dissuasive and non-proportionate. A recent study conducted by Transparency International chapters in the Western Balkans and Türkiye found that electoral management bodies either have entirely failed to levy sanctions despite having noted non-compliance, as in the case of Kosovo, or have imposed minimal sanctions, and in the case of North Macedonia and Serbia, only referred one case to the prosecution.¹¹¹

In Uganda, a Political Parties Act was passed in 2003 which requires political parties to file annual returns. However, to date, the parties have never filed and have not faced consequences, while the electoral management body has not responded to requests for information from civil society on why the act is not enforced.¹¹² Similarly in Ghana, where the electoral management body is in charge of overseeing the activities of political parties, only two parties comply with the reporting obligations, and there are no visible sanctions levied on the others. In Kenya, there has been a campaign financing law in place for 11 years which is still not yet operational, and parliament keeps stalling on endorsing regulations.¹¹³

New criminal sanctions are often not matched with the corresponding resources to strengthen the investigative capacities of electoral oversight bodies, law enforcement, prosecution and the judiciary.¹¹⁴

Civil society monitoring of campaign finance

(to be developed)

Policy options – Accountability

6.1 Establishing an effective oversight agency

- a. At a minimum, the legal framework should provide for a specialised agency granted with the powers, independence and resources to oversee and enforce political finance regulations. Powers must include, but not be limited to conducting financial analysis and audits; imposing administrative sanctions for non-compliance with regulations, and issuing referrals or requesting criminal investigations where applicable.
- b. At a minimum, the legal framework must provide for oversight agencies to draw their own budgets to ensure they have the financial means required to discharge their responsibilities free from political constraints.
- c. Reflecting good practice, oversight agencies must sustain financial investments in human and technological resources to strengthen their reporting, publication, verification, auditing, forensic and other capacities and in compliance with international accounting and auditing standards.

- d. At a minimum, oversight agencies should be protected from political interference. This may include establishing reasonable sanctions and personal liability for use of threats, intimidation or attempts to influence the decisions or work of the oversight bodies.

6.2 Developing inter-agency cooperation

- a. At a minimum, the legal framework must institutionalise domestic and cross-border cooperation between political finance oversight agencies and other relevant state institutions, such as electoral management bodies, supreme audit institutions, anti-corruption agencies, financial intelligence units, tax authorities, law enforcement agencies and the judiciary. Cooperation modalities should include memoranda of understanding, joint investigations, joint task force operations, codified automated data exchange protocols, and early red-flagging mechanisms for any political party and campaign finance-related suspicious activity.
- b. Reflecting good practice, governments should enable informal cross-border cooperation to foster trust and improved collaboration between relevant agencies and their personnel. Informal cooperation can take the form of communities of practice meetings, roundtables, exchanges of views, peer exchanges and similar collaborations.

6.3 Strengthening sanctions and ensuring their enforcement

- a. At a minimum, non-compliance with political financing regulations by political parties, candidates, campaigns, and third parties must be subject to effective, proportionate and dissuasive, civil, administrative, disciplinary or criminal, sanctions. These should include fines, suspension or loss of public funding, deregistration, loss of political office, loss of nomination, or prison sentences. To uphold civil and political rights, the legal framework must also ensure that anyone sanctioned by oversight institutions for breaches of political finance regulations has judicial recourse to appeal.
- b. To enhance accountability, the legal framework should provide for specialised units within the handling of cases related to breaches of political finance regulations and corresponding criminal liability, where appropriate.

6.4 Encouraging CSO participation in campaign finance monitoring

- a. At a minimum, oversight agencies must collaborate with civil society and other watchdog groups by facilitating on-the-ground deployment of monitors, and introduce and uphold right to information practices, with the exceptions of national security and privacy, where appropriate. At a minimum, oversight agencies should ensure that citizens have the right to file complaints, as individuals or through civil society organisations, and to initiate legal actions, and that appropriate reporting channels are in place.

/END/v2

ENDNOTES

- ¹ An analysis of 480 elections in 169 countries between 2012 and 2021 shows campaign finance performs the weakest, see: Garnett, H. A., James, T. S., & MacGregor, M. (2022). *Year in elections global report: 2019-2021* (p. 13). The Electoral Integrity Project. Available at: <https://www.electoralintegrityproject.com/reports>
- ² Governments perform 50% lower in controlling corruption where political finance is not adequately enforced, see: Martínez B. Kukutschka, R., Valladares, J., & Vrushi, J. (2020, January 23). *Building Political Integrity to Stamp out Corruption*. Transparency International. Available at: <https://www.transparency.org/en/news/building-political-integrity-to-stamp-out-corruption-three-steps-to-cleaner-politics>
- ³ Transparency International Submission to UNCAC CoSP10 calling on state parties to enshrine political finance principles in new resolutions, see: Transparency International. (2023, December 4). Transparency International Submission to the 10th Session of the UNCAC Conference of State Parties. Available at: <https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/NGO/CAC-COSP-2023-NGO47.pdf>
- ⁴ Based on: Ohman, M. (2014). Introduction to Political Finance. In International IDEA, *Funding of Political Parties and Election Campaigns: A Handbook on Political Finance* (p.2). Stockholm: International IDEA.
- ⁵ In recent years, Transparency International has pledged with governments taking part intergovernmental fora such as the Open Government Partnership, the Conference of States Parties to the UNCAC, the Organisation for Economic Cooperation and Development (OECD), the Organisation of American States (OAS), among others.
- ⁶ ODIHR & Venice Commission. (2020, December 14). Guidelines on Political Party Regulation. Second Edition. Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)032-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)032-e); Council of Europe Committee of Ministers. (2003, April 8). Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806cc1f1>
- ⁷ See Article 10 of the African Union Convention on Preventing and Combating Corruption, available here: <https://au.int/en/treaties/african-union-convention-preventing-and-combating-corruption>
- ⁸ See the Charter's Article 5, available here: https://www.oas.org/OASpage/eng/Documents/Democratic_Charter.htm
- ⁹ The Summit for Democracy elicited very few commitments on campaign finance, and only one out of 57 anti-corruption commitments by the 2018 Summit of Americas addressed the issue, see: <https://www.state.gov/lima-commitment-eighth-summit-of-the-americas/>.
- ¹⁰ Martínez B. Kukutschka, R., Valladares, J., & Vrushi, J. (2020, January 23). *Building Political Integrity to Stamp out Corruption*. Transparency International. Available at: <https://www.transparency.org/en/news/building-political-integrity-to-stamp-out-corruption-three-steps-to-cleaner-politics>
- ¹¹ International IDEA. (n.d.). Political Finance Database. Available at: <https://www.idea.int/data-tools/data/political-finance-database>
- ¹² United Nations Office on Drugs and Crime. (2023, October 5). *Implementation of chapter II (Preventive measures) of the United Nations Convention against Corruption: Thematic report prepared by the Secretariat* (§4 Table 1, pp. 2-3; §20, p. 10). Available at: <https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/CAC-COSP-2023-4/2319167E.pdf>
- ¹³ In Germany, large donations are over €50,000 (US\$ 54,000). See: Valladares, J. (2024, April 23). *Why Opaque Campaign Money is a Risk to EU Elections*. Transparency International. Available at: <https://www.transparency.org/en/blog/opaque-campaign-money-risk-to-eu-elections>
- ¹⁴ Global Data Barometer (GDB). (n.d.). Political Integrity Module. Available at: <https://globaldatabarometer.org/open-data/>
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- ¹⁶ Global Data Barometer (GDB). (n.d.). Political Integrity Module. Available at: <https://globaldatabarometer.org/open-data/>
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- ¹⁸ Global Data Barometer (GDB). (n.d.). Political Integrity Module. Available at: <https://globaldatabarometer.org/open-data/>
- ¹⁹ Global Data Barometer (GDB). (n.d.). Political Integrity Module. Available at: <https://globaldatabarometer.org/open-data/>
- ²⁰ International IDEA. (n.d.). Political Finance Database. Available at: <https://www.idea.int/data-tools/data/political-finance-database>
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