

## GENDER UPDATE

### **Legislative reform in Europe to fight violence against women in politics**

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**Key words** violence • women in politics • public institutions • political parties • legal reform • gender-sensitive parliaments

To cite this article: Verge, T. (2021) Legislative reform in Europe to fight violence against women in politics, *European Journal of Politics and Gender*, vol xx, no xx, 1–3, DOI: 10.1332/251510821X16149579296781

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On 18 December 2020, the Parliament of Catalonia passed Act 17/2020 that modifies Act 5/2008 on women's right to a life free of gender-based violence to incorporate, among other revisions, violence against women in politics (VAWP).<sup>1</sup> Following the steps of a handful of countries, mostly from Latin America, that have either adopted specific laws against VAWP (Bolivia) or included VAWP in their legislation against gender-based violence (El Salvador, Argentina, Paraguay, Tunisia and Mexico), the Catalan law pioneers this legal reform in Europe. VAWP is defined in Act 17/2020 as 'the gender-based violence that occurs in spaces of public and political life, such as political institutions and public administrations, political parties, the mass media or social media'. VAWP can adopt all the forms set out in the law, such as physical, psychological, sexual, economic, digital, second-order (exerted against those supporting or assisting the victims) and vicarious violence (exerted against the children of a woman with a view to wield psychological harm over her). When VAWP occurs in political institutions or public administrations and is tolerated and not sanctioned, it is catalogued as a form of institutional violence.

This legislative reform implements the recommendations issued in the past decade by the United Nations, the Organization of American States, the Council of Europe, the European Parliament and the Inter-Parliamentary Union (IPU) in several resolutions, declarations and reports. On the one hand, Act 17/2020 sets out specific mandates for public institutions and public administrations. They must incorporate as a standard of conduct the prohibition of any type of gender-based violence, including sexist/misogynistic discourses and offensive language towards women, sexual harassment, and psychological harassment based on sex, sexual orientation or gender identity. The corresponding sanctions must be established, which should be more severe when multiple discrimination occurs. All public administrations and political institutions must also have a protocol for the prevention and investigation of gender-based violence, including sanctions for perpetrators and reparations for

victims. The independence and expertise of the persons conducting the investigation must be ensured, and counselling and support services must be accorded to victims.

Furthermore, the staff of public administrations and political institutions, along with elected and appointed officials, must receive compulsory training on gender equality and gender-based violence. To raise social awareness and address the gender data gap, the law also mandates the promotion of research and public debate on VAWP, encompassing: its prevalence, gender motivations and impact on both women in politics and women citizens; the response of public institutions, political parties, the police and the judiciary; and the causes of the low rate of reported incidents. Such research should be conducted applying an intersectional lens that pays attention to women's diversity, including race/ethnicity, age, sexual orientation, gender identity and ableness.

On the other hand, political parties are required to adopt an internal gender action plan and a protocol for the detection of and action in the face of gender-based violence incidents carried out within or outside the organisation, either by party members or by any person elected or appointed by the party. As in the case of public institutions, political parties must ensure the independence and expertise of the persons conducting the investigation, guarantee due diligence, adopt the necessary provisional measures, provide counselling and support services to victims, and implement adequate reparation measures. The prohibition of engaging in acts of gender-based violence must be introduced in party by-laws, which shall stipulate the suspension of membership or the expulsion from the organisation of perpetrators. Awareness-raising actions on this matter targeting all party members must also be carried out.

The update of Act 5/2008 was undertaken at the end of a legislative term in which institutional redesign – informed by the gender-sensitive parliaments (GSP) framework put forth by the IPU and the European Institute for Gender Equality (EIGE) – was a high priority. First, the Speaker commissioned a gender audit of the institution and set up a gender-focused reference group, with the goal of drafting a gender action plan.<sup>2</sup> The audit reported the gender-based violence experienced by women Members of Parliament (MPs) and parliamentary staff, providing the first data on VAWP ever gathered in Catalonia and Spain. Second, to reinforce its commitment to the GSP framework, in July 2019, the legislative assembly held the *Women's Parliament*, an all-women plenary session wherein sitting women MPs and social activists occupied the hemicycle and jointly drafted a feminist political agenda (see Verge, 2020). The declaration approved that day was endorsed two weeks later by all MPs, becoming the *Statement by the Parliament of Catalonia on the Recognition and Guarantee of Women's Rights*. Among several policy proposals, it urged the update of Act 5/2008, making explicit mention to VAWP. Third, seeking to act as a role model institution, the Parliament of Catalonia commissioned the elaboration of a protocol against gender-based violence and LGBTIphobia that includes a complaint mechanism to report incidents affecting MPs, staff and any other person who works in the institution's premises (for example, journalists, catering services and so on) or visits the Parliament (for example, witnesses or general public). The gender action plan of the Parliament also establishes compulsory training for both MPs and staff on gender equality and gender-based violence. Altogether, this suggests that gender-sensitive institutional redesign efforts can set in motion a positive feedback loop

capable of bringing about women's substantive representation and, more specifically, feminist substantive representation.

### Notes

<sup>1</sup> See: <https://portaljuridic.gencat.cat/eli/es-ct/1/2020/12/22/17>

<sup>2</sup> The Gender Equity Working Group includes representatives of each parliamentary party group, the staff, the Human Resources Department and the Speaker's Office, as well as external gender consultants. The equality policies of the institution can be accessed at the section 'Parliament and Gender' of the legislature's website (see: [www.parlament.cat/pcat/parlament/parlament-genere/](http://www.parlament.cat/pcat/parlament/parlament-genere/)).

### Conflict of interest

The author declares that there is no conflict of interest.

### Reference

Verge, T. (2020) A chamber of one's own: institutional claim-making on gender equality and the symbolic role of parliaments, *Politics & Gender*, epub ahead of print, 26 August, doi: [10.1017/S1743923X20000252](https://doi.org/10.1017/S1743923X20000252).