

## GENDER UPDATE

### Latin America leads the way in fighting violence and harassment against women in politics

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Latin American countries have been at the vanguard in promoting and protecting women's political rights. The region led the way in adopting legally binding gender quota laws to guarantee women's inclusion in lists of candidates, strengthening those measures to ensure women's election and implementing gender parity (Piscopo, 2015). In the last decade, Latin America, once again, has pioneered efforts to address Violence Against Women in Politics (VAWIP).<sup>1</sup> This gender update explains the most recent developments in this regard, focusing on different types of measures: stand-alone laws and bill proposals; reforms to laws on gender-based violence; electoral reforms; and initiatives created by civil society and other actors.

In 2012, Bolivia became the first country in the world to criminalise VAWIP with the approval of Law 243. This path-breaking law, which was initially proposed in 2004, was the result of women's activism in Bolivia and beyond. Transnational activism in Latin America, with the support of international organisations, has promoted similar measures throughout the region. Peru approved Law 31155 on 7 April 2021, criminalising harassment against women in political life. Women parliamentarians in Ecuador introduced legislative initiatives to criminalise VAWIP in 2011 and 2016. Since then, women Members of Congress in Costa Rica (in 2015), Honduras (in 2015), Colombia (in 2018 and 2021) and Argentina (in 2019) have presented similar projects. These bill proposals create standalone laws that, like the Bolivian and Peruvian laws, frame VAWIP as a form of violence against women with consequences for electoral procedures. The proposals are inspired by Bolivian Law 243, differentiating between harassment and violence, and emphasising the effects on women's work as political actors and on democracy. The reporting mechanisms and penalties vary by country, but they generally rely on women's policy agencies or electoral authorities to address VAWIP.

Besides these bill proposals, some countries have modified their laws on violence against women to recognise violence in public spaces. These include Argentina's Law 26.485 (in 2009), El Salvador's Decree 520 (in 2010) and Panama's Law 82 (in 2013). These laws emphasise institutional violence, which refers to violence

perpetrated by state officials or institutions, but do not specifically address violence targeting politically active women. Other measures modify existing laws on violence against women to recognise political violence. Members of Congress have presented several such proposals in Mexico (since 2012) and Argentina (2018). These reforms recognise violence against women as political actors and include specific manifestations of VAWIP, such as providing wrong information about meeting times and places, as well as physical or psychological attacks against elected women based on their gender. Mexico approved a law of this type in April 2020. The country's Violence against Women Law recognises gender-based political violence as a manifestation of violence against women (Cap VI Bis). This addition identifies over 20 different expressions of VAWIP, including impeding women's right to vote or participate in politics, and actions that, 'as their goal or result', limit, undermine or nullify women's political rights. The law also modifies electoral laws and procedures.

Electoral institutions have advanced a third type of measure to address VAWIP. These reforms frame VAWIP as an electoral crime and use existing laws (or propose creating such laws) to punish perpetrators. Mexico's electoral authorities adopted the first of these measures in 2016. The National Electoral Institute (INE), Federal Superior Electoral Tribunal of the Judiciary (TEPJF) and Specialised Attorney for Electoral Crimes (FEPADE), as well as other institutions, designed an 'Electoral Protocol' to address some cases of VAWIP. The Electoral Protocol defines VAWIP and includes guidelines for subnational and federal-level officials in different state institutions to address VAWIP, provide support for victims and punish perpetrators. This protocol is significant as it frames VAWIP in terms of both who the victim of violence is and the *effects* of violence, recognising that VAWIP impacts women's representation and electoral processes more broadly. In Peru, the National Election Jury (JNE) introduced (in 2016 and again in 2020) a legislative proposal to reform to the Electoral Code that would, among other things, recognise electoral-specific manifestations of political harassment.<sup>2</sup> The Peruvian reform focuses on VAWIP around elections, emphasising the role of party members and actions that hinder women's political campaigns. Unlike the Mexican protocol, which protects elected women, the Peruvian reform would not protect women after elections.

In addition to these measures, different actors throughout the region have worked to advance other initiatives to address VAWIP. The Follow-up Mechanism to the Belém do Pará Convention (MESECVI) proposed a Model Law to Prevent, Punish and Eradicate Violence against Women in Political Life, as well as a Model Protocol for Political Parties that stresses their role in developing norms against VAWIP and their responsibility in preventing this form of violence. In Colombia, activists and international cooperation agencies have sought to use the Opposition Statute, which includes provisions to protect political opponents from violence, to address VAWIP. In Costa Rica, parliamentarians reformed the Sexual Harassment Law (Law 16.556) to include punishments for public officials. Finally, civil society actors have developed violence thermometers, call centres, shaming campaigns and smartphone applications to raise awareness, provide resources and support, and demand that parties and political institutions take action against VAWIP. Together, these initiatives place Latin America at the vanguard in recognising and addressing the use of violence to undermine women's political rights.

## Notes

<sup>1</sup> The term was created by activists in South-east Asia.

<sup>2</sup> According to a phone interview with a Peruvian politician in the summer of 2016, Peruvian activists use ‘*acoso*’ (‘harassment’) rather than ‘violence’ to differentiate VAWIP from other forms of gendered political violence related to the country’s armed conflict.

## Conflict of interest

The author declares that there is no conflict of interest.

## Reference

Piscopo, J. (2015) States as gender equality activists: the evolution of quota laws in Latin America, *Latin American Politics and Society*, 57(3):27–49. doi: [10.1111/j.1548-2456.2015.00278.x](https://doi.org/10.1111/j.1548-2456.2015.00278.x)