

GENDER-BASED POLITICAL VIOLENCE

Joint Programme: Integrated Prevention and Constructive Transformation of Social Conflicts

Thematic Window: Conflict Prevention and Peacebuilding

Main Participants: UNDP, UNHCHR, UNICEF, UNWOMEN, UNODC, Ministry of Autonomy, Ministry of Justice, Ministry of Culture, Ministry of Institutional Transparency and Fight against Corruption and others

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1. Introduction

The Bolivian Association of Councilwomen (ACOBOL), through the Joint Programme on Promoting Peaceful Change has been successful in creating strategies to address political harassment and violence against women in the context of politics. In particular, progress has been made on assistance to the victims of political violence, working at the same time on their empowerment and the development of a political and legislative framework, via the passage of a national law against political violence, the first of its kind in the world. The practices, lessons learned and challenges for the future are analysed below in more detail.

2. Initial Situation

In recent years Bolivian legislation has been improved to promote the political participation of women in public decision-making. This process, based on criteria of equity and parity has been gradually evolving. The Quotas Act of 1997 applied to the Legislature, although only to seats elected by proportional representation, equivalent to 48 per cent of total seats (62 seats out of 130).

In 2004, a new quota was introduced requiring one woman for every three nominations, but proved not to be a definitive solution. One weakness was the absence of sanctions for failure to comply with the law, despite the fact that the National Electoral Court and the Departmental Courts were charged with the responsibility of ensuring compliance. This gap made it possible, in many cases, for political parties and citizens' associations to undermine the law by presenting candidates who were in fact men posing on the lists as women.

After a lengthy process, the 2010 promulgation of decisive affirmative action in support of the political participation of women was finally achieved, applying the principles of equity and parity to the Political Constitution of the State and the electoral laws in force.

While Bolivia has registered significant advances in the participation of women in quantitative terms, these advances have brought new challenges. First, there is an evident need to carry out constant, sustained actions to verify the fair participation of women and men in election processes, as well as to establish clear sanctions for non-compliance. In addition, problems related to discrimination, manipulation and political violence against a growing number of women in public life have become recurrent, making it necessary to adopt sustained policies and concrete actions to enhance the political participation of women, including through freedom from violence.

3. Objectives

The actions taken, aimed at creating the spaces and mechanisms to challenge harassment and political violence against women, fall within the Political Representation Strategy of ACOBOL's Five-Year Plan. These actions commenced at the start of 2000 and have been guided by the following objective: To promote actions and operational instruments to defend against harassment and political violence against women, maintaining their political, civic and civil rights.

“I was locked in the council for over 13 hours. They told me what they wanted. I was threatened. The police union threatened me with sticks, until I signed my resignation... Yet the Mayor asked the other leaders who were there... that they would not say that I had been forced.”

MUNICIPAL COUNCILWOMAN

4. Key Actors

The Bolivian Association of Councilwomen is a national association founded in the city of La Paz in 1999. It is made up of Bolivian women mayors and councilors and is organized into nine Departmental Associations of Councilwomen (ACOs) with a national presence. Its purpose is to achieve the institutional and political representation of women councilors and mayors as regards their rights and emerging interests. ACOBOL forms part of the Federation of Bolivian Municipal Associations (FAM-BOLIVIA) and is part of its organic structure. ACOBOL has become the only non-state body with the capacity to attend to and advise in cases of harassment and political violence against women.

Political Rights for Women Action Committee, a body which has made it possible to articulate the efforts of other non-state bodies which have common goals of the defense and promotion of women's rights. The work done by carried out by this body has contributed to the empowerment of women and to lobbying efforts carried out to ensure that the anti-violence law was passed.

Plurinational women members of parliament were also key actors in promoting the passing of the Law against the Harassment of and Political Violence against Women in the Bolivian Plurinational Congress.

The Supreme Electoral Tribunal, the Intercultural Service for Democratic Strengthening (SIFDE) and the Departmental Electoral Tribunals also contributed to the design of the Protocol for Dealing with Cases, supporting the process and actively participating in the departmental workshops that were held, with proposals and contributions for the Protocol. SIFDE has included matters related to inter-cultural and ethical democracy in politics, which enriched the process.

UN Women supported the development of this process with the goal of promoting and formalizing the response to and handling of gender-based harassment and political violence in the electoral jurisdiction bodies in Bolivia through a Response Protocol, as well as supporting the adjustment process for the draft bill and advocacy carried out in the 2011 administration.

5. Strategy

In taking stock, four lines of action were identified, each of them with a specific strategy:

- **Development of actions to support those affected by harassment and political violence.** A decentralized intervention strategy was employed using the Departmental Associations of Councilwomen network, offering affected women technical advice.
- **Design, dissemination and updating of the Draft Bill against Gender-based Harassment and Political Violence.** From the start, a strategy has been developed to form alliances with other institutions interested in this matter, and advocacy work was jointly carried out with them aimed at having this bill made into law.
- **Design of the Protocol for dealing with cases before the Electoral Tribunal.** In designing the Protocol, a joint strategy was agreed between the Supreme Electoral Tribunal and ACOBOL with the support of the Programme, aimed at developing awareness-raising processes, enhancing capacity and validating the Protocol.
- **Actions to empower councilwomen.** A combined strategy was developed. One strand consisted of processes carried out for awareness-raising, training and information in general about this issue with various types of stakeholders; the other strand was through actions taken to empower and strengthen councilwomen's self-esteem, particularly in rural areas.



6. Progress and Results

PASSING THE LAW AGAINST THE HARASSMENT OF AND POLITICAL VIOLENCE AGAINST WOMEN

The legal reform process dates back to 2000 at a session of the Congress of the Republic's Commission for the People's Participation where "...together with the Vice-minister for Gender, Generational and Family Affairs, councilwomen publicly denounced the harassment and political violence which was being carried out against them in different municipalities of the country."³⁰ In 2001, the first acts of affirmative action aimed at women were carried out with the design of the First Draft Bill against Gender-based Harassment and Political Violence.

On the basis of this first draft, coordination work was done in 2002 with different institutions working in the field of gender equality, with the aim of systematizing and disseminating the Bill, a process which continued in 2003 and 2004 through the organization of dissemination workshops on a national scale. The next stage was the lobbying carried out at the National Congress's House of Senators in 2004. Though this did not result in the Bill's passage, it did demonstrate the importance of continuing the work. The formation of the Political

Rights for Women Action Committee supported the process in subsequent years.

One of the most important outcomes of the work done has been the formation in 2004 of the Political Rights for Women Action Committee, made up of representatives from various institutions working on gender issues:

- ACOBOL
- Vice-ministry of Women
- Vice-ministry of Justice
- Vice-ministry of People Participation
- Ombudsperson
- Union of Women Parliamentarians (UMPABOL)
- Citizen Participation in Democratic Development (DDPC-3)
- National Women's Political Forum
- Women's Coordinator
- Program of Assistance for a Representative Congress, State University of New York (PARK-SUNY)

From the formation of this Committee, women in various public bodies became more aware of and more empowered regarding the importance of harassment and political violence issues.

³⁰ "Incidencia política para la Aprobación de ACOBOL" ["ACOBOL's Political Lobbying for the Law"]; La Paz-Bolivia; 2009; p. 11.

Passage was finally achieved in the context of an enabling environment brought on by the 2012 administration, as well as media attention and consequent heightened awareness of the extent of political violence against women generated by the tragic assassination of Councilwoman Juana Quispe. As a consequence, the time was ripe to pass and enact Law 243 of 28 May 2012, the Law against the Harassment of and Political Violence against Women.

This Law does not limit its application to women in public office, but it extends its scope to women designated to or exercising a political/public role, which is different from the first draft bills presented. The Law classifies acts of harassment and political violence, categorizing them as slight, serious and very serious, and establishing the sanctions for each category, which makes it possible to clearly identify these acts and their sanctions. The Law defines harassment and political violence in the following manner:

- **Political harassment:** An act or set of acts of pressure, persecution, harassment or threats committed by one person or a group of persons, directly or through third parties, against women who are candidates, elected, designated or exercising a public/political role or against their families, with the purpose of reducing, suspending, preventing or restricting the functions inherent to their positions, to induce or oblige them to carry out, against their will, an act or omission in the performance of their functions or in the exercise of their rights.
- **Political violence:** Physical, psychological or sexual actions, conduct and/or aggression committed by one person or a group of persons, directly or through third parties, against women who are candidates, elected, designated or exercising a public/political role, or against their families, to reduce, suspend, prevent or restrict the exercise of their position or to induce or oblige them to carry out, against their will, an act or omission in the performance of their functions or in the exercise of their rights.

In cases of harassment or political violence, the report may be made by the survivor herself, her family members or any physical or legal person,

orally or in writing before the competent authorities. There are three pathways for reports: administrative, criminal and constitutional. In the case of the criminal route, an important advance in this legislation has been the introduction of new categories of crime in the Bolivian Penal Code. This route forbids conciliation, in order to prevent further pressure on the victims of harassment and political violence.

The tasks which remain pending and which have been defined by the Law itself are: i) regulation, for which the Plurinational Electoral Body is responsible; ii) the incorporation of rules governing the prevention of, response to and sanctioning of acts of harassment and political violence against women into the statutes and rules of procedure of political and social organizations, and the incorporation of specific provisions to promote and guarantee the political participation on equal terms of women and men, and iii) amendments to the personnel, disciplinary or other rules of procedure of public institutions, to include as offences the acts set out in Article 8 of Law No. 243.

Finally, mention should be made of the inter-institutional coordination work successfully carried out, a determining factor being the formation of the Political Rights for Women Action Committee, a body which facilitated awareness-raising work with various of the country's institutional and social bodies. The quality of this Committee had its basis in its ability to adjust the content of the draft bill and adapt its lobbying strategy to the new institutional political context, which came about in the country in the last ten years.

“*The patriarchal structure we have has been a limiting factor on the work, even though the Political Constitution of the State has included principles and rights to guarantee the participation of women in politics, attitudes and social structures are difficult to break.*”

JESSY LÓPEZ, ACOBOL LEGAL SPECIALIST

LESSONS LEARNED

- The ability of organizations to adjust to political and institutional changes has allowed them to survive and give actions continuity over time. The Political Rights for Women Action Committee has had the ability to adapt to the institutional changes that have occurred in the state apparatus. From its beginning, the Committee has been composed of public institutions, which in some cases have disappeared or have been transformed; nonetheless, the continuity of institutions such as ACOBOL, among others which have kept going over the years, has enabled this body to maintain one sole aim and perform its lobbying task.
- Involving key players (women and men), public policy decision-makers and empowering them around the problem of harassment and political violence has facilitated and made possible the passing of the Law. Lobbying activities were undertaken for many years before the National Parliament, now the Plurinational Assembly, without any favorable outcome; in the last two years, the strategy of involving and securing ownership of the issue by some women National Assembly members has led to the passage of this bill being expedited and prioritized through to its final definitive passing into law.

CASE-HANDLING PROTOCOL

The experience from recent years in political lobbying work for passing the Law shows the necessity of creating complementary tools to facilitate and guarantee compliance with the new legislation in force, whereby the Plurinational Electoral Body and, in particular, the Supreme Electoral Tribunal (TSE) and the Departmental Electoral Tribunals (TEDs) play an important role, which created the need to formulate a Protocol for Attending to and Processing the Victims of Harassment and Political Violence in the Electoral Jurisdiction.

The goal formulated for the Protocol is to “establish the basis for action and/or intervention by the Supreme Electoral Tribunal and the Departmental

Electoral Tribunals with regard to attention to and processing the victims of Harassment and Political Violence, as well as their timely and agile administrative processing, to guarantee such events will not go unpunished.”³¹ The Protocol has been designed with a vision of enabling prevention, attention or processing through to the resolution of cases. Within this process, the possibility is also being examined of creating Units for Attention to Cases of Harassment and Political Violence within the TSE and TEDs, with competency to check on cases of women resigning from political office.

To realize the design of the Protocol, a joint strategy was agreed between the Supreme Electoral Tribunal and ACOBOL, with the support of UN Women, aimed at developing awareness-raising, capacity-building and validation of the Protocol through workshops held in forums for dialogue and generation of ideas in the country’s nine departments.

The organization and implementation of these workshops was coordinated by ACOBOL, the Departmental Associations of Councilwomen and SIFDE. They were targeted at municipal councilwomen and officials of the Departmental Electoral Tribunals. The following subjects were addressed in the forums: i) The Bolivian electoral system; ii) Gender and the participation in political elections of women; iii) The Law against the Harassment of and Political Violence against Women; iv) Intercultural democracy; and v) The participatory construction of the protocol. ACOBOL was the body responsible for designing the minimum content of the Protocol.

One important aspect highlighted by the Director of SIFDE was the differentiated design of these forums, taking into account the political, social and cultural particularities of each department, which facilitated dialogue and the arrival at consensus. This methodology must be considered for replication in other processes for the collective generation of policy and also in capacity-building processes.

³¹ Draft Protocol for Attention to and Processing of Victims of Harassment and Political Violence in the Electoral Jurisdiction. ACOBOL, 2012.

To end this process the National Electoral Gender and Interculturality Workshop was held with the objective of “culminating and strengthening the process of capacity-building and dissemination of the main topics covered (electoral legislation with a focus on gender and interculturality, intercultural democracy and political participation: harassment and political violence), as well as validation of all the contributions received in the entire process at national level.” The results of the work done in the departmental workshops were presented in the Workshop, particularly from those contributions relating to the Protocol for Attention to the Victims of Political Violence.

LESSONS LEARNED

- Creating opportunities for dialogue between administrators responsible for dealing with cases and victims of harassment and political violence has enabled TED officials to gain a real grasp of the extent and importance of the issue. Those responsible for responding to cases of violence or political harassment did not initially grasp the full extent of the issue’s importance and the consequences that these cases have on the victims and on democracy. The discussion spaces designed for the construction of the victim care Protocol have made it possible for the authorities and TED staff to raise their awareness on this matter and undertake to improve the way in which they respond to cases, once the Protocol was approved.
- In spite of efforts made in the counselling support and handling of cases of harassment and political violence, very few cases are still settled in favour of the victim, with seven out of ten cases going unpunished. It is important that advice and support bodies monitor and support the progress of cases through to their conclusion. If this is not done, the risk is that the victim might abandon the case, either through fatigue or because the reason for the complaint has worsened, leaving the victim in an even more vulnerable situation. Further, it may discourage others from coming forward with complaints.

EVIDENCE COLLECTION AND RESPONSE TO CASES OF HARASSMENT AND POLITICAL VIOLENCE

ACOBOL began responding from the first years of its foundation, in the absence of a public body mandated to respond, to reports of harassment and political violence against elected women leaders of municipal authorities. The evidence collected during these years was an important input to the design of the Law.

To record and monitor the cases supported by the ACOs and ACOBOL, a Harassment and Political Violence Report Form was designed to record the complainant’s personal details, political information and the antecedents of the case reported. This form has a section that must be completed by a specialist on the basis of his/her experience to assess the type of action (harassment or violence), the gravity of the case and the recommendation for further action to be followed. A Guide to Systematization and Classification for the recording of cases dealt with in the ACOs (see box below) was designed in 2011. This tool is important to ensure consistency of data collection.

2011 Development of the guidelines entitled “Systematization and Classification: Gender-Based Harassment and Political Violence,” and structured into three modules.

Module 1. A summary of the antecedents to cases of harassment and political violence.

Module 2. Presents the basic elements for a conceptual understanding of the classification processes, giving examples of their practical application, enabling ACOBOL to achieve consistency of data generated by each of the ACOs.

Module 3. Sets out statistical information on the cases dealt with by ACOBOL (2000-2009).

The systematized record of cases made it possible to classify acts as harassment or political violence, which contributed to terms used in the Law

against the Harassment of and Political Violence against Women. The main acts of harassment or political violence are related to the use of force to oblige women council leaders to sign all manner of documents and/or support decisions against their will (41.37 per cent), actions aimed at restricting or blocking the effective performance of their functions and/or powers (30.12 per cent) and discriminatory acts on the basis of social class, culture, race, etc. (16.47 per cent).

To complement this, information and/or awareness-raising processes were carried out on harassment and political violence. The ACOBOL web site (www.acobol.com.bo) was used to disseminate information on this topic, in addition to publications created by the Association on this issue. The need and importance of having this type of information-giving mechanism was made clear in the National Electoral Gender and Interculturality Workshop, organized by ACOBOL in collaboration with the TSE. In this Workshop, the elected women leaders of municipal authorities recognized that, in many cases, women who fell victim to harassment or political violence were not conscious of, or did not know that their political rights were being violated, which is why they did not report or take any kind of action.

Another important development has been the creation of the Observatory of the Political Participation of Women at Local Level in Bolivia. The Observatory was designed to be a space to bring to the fore and disseminate throughout society knowledge about the political participation of indigenous women, women of pre-Columbian heritage, peasant women, women of African heritage and urban women in the municipal arena, their potential and contributions to municipal development, and their participation on national and international levels, in addition to the gender-based harassment and political violence suffered by councilwomen on the municipal councils of Bolivia. The objectives of the Observatory are:

- To establish a local and national information platform with international links, to disseminate throughout society information about the issues of harassment and political violence and the relevant laws on violence in political and public arenas.

- Within the ACOBOL portal, to construct a database on gender-based harassment and political violence.
- To open a virtual debate forum to build national and international support for the issue and the problem of gender-based harassment and political violence.
- To bring into political discourse and to denounce before the national and regional political communities or other international bodies the fact that the local setting is where harassment and political violence against women can be most clearly witnessed.
- To promote and lobby for the creation of an international body to defend against these acts and occurrences of harassment and political violence against women.

In the Observatory one can find information on the political participation of women at local level, the activities of Bolivian councilwomen, legislation supporting their political participation, antecedents, data, actions and projections to prevent, respond to and sanction cases of gender-based harassment and political violence. The importance of this tool lies in the fact that women who are victims of harassment and political violence can access information on the issue and it will be important to update it with the content and procedures emerging from the Law against the Harassment of and Political Violence against Women.

LESSONS LEARNED

- The records and correct classification by ACOBOL of cases of harassment and political violence became important inputs, which facilitated the classification of these acts and their incorporation into the new Law. One practice worthy of recommendation to institutions that attend to and/or process cases of harassment and political violence is to maintain consistent records of these cases, for which they should design tools enabling consistent data recording (using forms or other tools). Such records form the basis of responsive public policy design, in addition to providing a tracking mechanism.
- The technical and legal advice offered by staff of Departmental Associations of Councilwomen

does have limitations of a technical order, because not all the Associations are staffed with legal professionals. Political pressures may also create conditions that encourage members to abandon advising on and/or being involved in cases. This dual threat can contribute to fewer positive legal outcomes for victims.

- The majority of harassment and political violence cases take the form of pressuring women to sign documents and/or support decisions against their will. This situation brings with it the risk for councilwomen that, on top of the experience of harassment or violence, councilwomen may be coerced to approve decisions that are unlawful, which could create a series of future legal difficulties for them.

8. Sustainability and Potential Application

- It is important to continue with the processes of strengthening the capacity of women mayors and councilwomen, particularly on the conceptual and procedural matters established by the Law. This work could be widened to women in public office at other levels in the State, (departmental assembly members, parliamentarians, etc.) who are potential victims of harassment or political violence.
- Linked with the above recommendation, it is also important to develop dissemination processes and the capacity-building of strategic women and men officials of public institutions who are responsible for handling cases of harassment and political violence, not only at the TSE and TED level, but in different public institutions. This work could be broadened to representatives and activists in political parties, citizens' association and indigenous peoples, as a preventive measure.
- After the new Law has been in force for some time, it is important to go through a process of evaluating its implementation and reach, identifying any possible omissions and difficulties encountered throughout its implementation.
- The budgetary limitations borne by ACOBOL and the Departmental Associations mean in many cases that legal professionals are not available to deal with cases of harassment and political violence. One of the solutions found in analysis is to outsource this service, which seems to be the most recommendable route. For this way of working to be successful, dialogue needs to be established in coordination with the professional bodies and/or universities to train legal professionals and provide them with a certificate of accreditation to attest to this additional training and to their capacity to deal with these cases, with the database of professionals available to victims of harassment and/or political violence in both the national ACOBOL office and the ACOs.
- It is important to have the information available in the Observatory of the Political Participation of Women at the Local Level in Bolivia updated with the content of the new Law against the Harassment of and Political Violence against Women and, once the Care Protocol is approved, that flow charts are added as critical action paths, to be used as reference material both by municipal councilwomen who are victims of harassment and political violence and by those responsible for advising on and dealing with these cases.
- It is important to start a debate within ACOBOL over what the next step in its role should be in the national context in the light of the new institutional political framework. Its experience and leadership in the areas of lobbying, capacity-building and the promotion of its members' political rights could be well used in other areas of the State. At national level, there are some organizations (e.g. UMPABOL) with similar goals, but not with ACOBOL's institutional force. At departmental level, there are still no signs of the formation of representative bodies for women departmental assembly members. ACOBOL could become the leading institution in a new process, with a view to forming an association of women with political representation at national level, to represent women at all levels of State, whereby it would be possible to channel greater resources, optimize their use and undertake activities with greater impact.