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The Law and Violence against Women in Politics

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Latin America has been at the vanguard in implementing diverse strategies to combat violence against women in politics (VAWIP). In 2012, Bolivia became the first country to criminalize “political violence and harassment against women” with Law 243. Soon, Ecuador, Peru, Costa Rica, and Mexico followed with similar proposals (Krook and Restrepo Sanín 2016). Despite high levels of criminal impunity (Piscopo 2016), legislative measures have been the preferred strategy to combat VAWIP within the region. The Inter-American Commission on Women (CIM) recently published a model law, drawing on experiences in Bolivia,¹ to serve as inspiration for other legislative measures in the region. What can these legislative definitions tell us about the phenomenon of VAWIP, its limits, and its challenges?

This essay reflects on the impact of legal definitions on our understanding of VAWIP. First, it briefly explains the background of Law 243. Then, it engages in a critical analysis, discussing the limitations of the law. Finally, it proposes the use of broader definitions of VAWIP that better reflect the experiences of the women who suffer from VAWIP, as well as its impact on democracy.

VAWIP LEGALLY DEFINED

Law 243 was drafted by the Association of Local Councilors and Mayors of Bolivia (ACOBOL). This organization collected the first data and testimonies of victims of VAWIP. Through this process, ACOBOL realized that women politicians were in a legal limbo. Existing electoral laws and legislation on violence against women, which could be used to protect them, were insufficient because many of the actions they were experiencing, such as denial of salaries, were not included in these laws.² This is also the case in other countries in the region and explains why the legislative path is preferred by activists seeking to combat VAWIP.³

1. Interview with CIM staff, 2015.

2. Interviews with activists, politicians, and electoral authorities from Bolivia, Mexico, and Costa Rica, 2015.

3. Interviews with activists and politicians from Costa Rica, Mexico, and Peru, 2015–16.

Legal definitions are important for the analysis of VAWIP because they draw boundary lines around the phenomenon, establishing what it is and what it is not. Law 243 distinguishes between “political harassment” and “political violence.” Harassment is defined as any act “of pressure, persecution, harassment, or threats, made by a person or a group of people, directly or through a third party, against women candidates, elected and appointed officials, or those performing a public service, or against her family, with the purpose of shortening, suspending, impeding or restricting the functions attached to her post.” Political violence is defined in a similar framework as “physical, psychological or sexual actions, behaviors, and/or aggressions” (Asamblea Legislativa Plurinacional 2012, Art. 7a, 7b).

Differentiating between harassment and violence presumes that harassment does not cause harm, while violence does. However, interviews indicate that this separation was a strategic move by activists, who viewed the distinction between harassment and violence as a matter of degree rather than kind.⁴ The result of this distinction has been that violence and harassment have been defined legally as separate phenomena with different sanctions, although there is still some slippage in usage, as in Article 8 of Law 243, which enumerates “acts of political harassment and/or violence.” These definitions have reappeared in legislative proposals in other countries in Latin America, albeit with a few additions or omissions. The Ecuadorean bill includes “verbal violence,” for example, while the Protocol for Responding to Political Violence developed by electoral authorities in Mexico recognizes “economic violence” (TEPJF 2016). These bills also vary in terms of the sanctions imposed and the mechanisms created to prevent VAWIP.

LIMITS TO LEGAL DEFINITIONS

Despite the benefits of typifying VAWIP and sanctioning specific behaviors, legal definitions provide only a partial perspective on how victims experience VAWIP and what this phenomenon really is. One problem with legal definitions is that they define harassment and violence as a series of discrete actions, instead of as part and parcel of the same problem. Moreover, this ignores the fact that in most cases, different manifestations of VAWIP take place concurrently, to the same victim and

4. Interviews with activists in Bolivia, 2015.

over long periods of time (Escalante and Mendez 2011; Herrera, Arias, and García 2012; Quintanilla 2012).

The interconnection between different manifestations of VAWIP becomes evident when analyzing some of the cases. The most emblematic case of VAWIP, perhaps, is that of Juana Quispe, a local councilor in Bolivia. After she was elected, Quispe was falsely accused of corruption and pressured to resign by the mayor and other members of the city council. She denied the accusations and refused to give up her seat, after which she was illegally suspended by the council (Corz 2012; Pando 2016). After a long legal battle, she was reinstated to her seat but was denied the salary she was owed, based on the argument that she had not attended council meetings during this time. Thirty-two days after her return, and only a few days before she was scheduled to give testimony against the mayor, she was assassinated.⁵ Despite all the evidence suggesting that the crime was politically motivated, police ruled it a robbery and the perpetrators were never sanctioned.

This case clearly illustrates that VAWIP is not reducible to a single action. It also points to the limits in clearly differentiating between violence and harassment. According to the law, only the assassination of Quispe was considered an act of violence — yet, prior to her murder, she had been repeatedly harassed, insulted, and threatened, and her property had been damaged (Pando 2016). All these actions shared the same purpose: to force her to leave her seat so that her alternate could take her place. Rather than being disconnected events, as the law suggests, looking at all these events as part of the same phenomenon — as VAWIP — reveals not only the extent of her suffering but also the purpose and motivations of the perpetrators. This case, in turn, shows that VAWIP is both an example of violence against women, as well as an attempt against democratic values and electoral institutions.

A BROADER FRAMEWORK

Feminist analyses of violence against women (VAW) are crucial for understanding how VAWIP affects those who suffer it, as well as how can we better understand this phenomenon. Instead of analyzing violence against women as discrete actions, feminist scholars define VAW as a continuum of actions that encompass a wide range of behaviors (Marin and Felipe Russo 1999), on the argument that *all* of these behaviors affect

5. Interview with activist in Bolivia, 2015.

the victim's self-worth, emotional well-being, and mental health (Connors and Harway 1995; DeKeseredy 2011; Kilpatrick 2004). In most cases, victims of VAW suffer from multiple types of abuse simultaneously, including economic control, psychological or physical violence, harassment, persecution, coercion, and stalking. These behaviors are not mutually exclusive, and they are not experienced as separate occurrences but instead as deeply linked (DeKeseredy 2011). Consequently, "the weight of multiple harms is borne by the same person, giving abuse a cumulative effect that is far greater than the mere sum of its parts" (Stark 2007, 94). Thus, harassment and abuse — even when they do not culminate in physical harm — constitute part of the same phenomenon and thus should be conceptualized as such.

Using definitions that rely on gradations implies that some actions are worse or more harmful than others. While certain acts of VAWIP, such as kidnapping, rape, or assassination, are undeniably worse than harassment, these actions are extremes and usually are preceded by subtler actions that are not necessarily perceived as violence. Paying attention to subtler forms of violence may prevent the most extreme forms since this signals that acts of violence in all their forms are taken seriously. At the same time, many women perceive these apparently harmless behaviors as worse than physical violence (Follingstad et al. 1990; Stark 2007). Finally, these diverse manifestations share the same purpose: to reinforce power structures and communicate to women that they have a secondary status (Connors and Harway 1995).

Looking at VAWIP in a more holistic fashion accounts not only for the effects it has on victims and their families but also for the effects it has on electoral institutions and democratic values. VAWIP should not only be understood in terms of the effects it has on the woman but also in terms of the effects it has on electoral practices and democratic values. As Leidig explains, "the intensity of any particular form of violence can be difficult to pinpoint . . . Clearly, any assessment of the 'toxicity' of an act of victimization must take into account its wider social consequences as well as the life circumstances of the victim" (1992, 149). By forcing women out of office, perpetrators of VAWIP are not only sending a message that women are not welcome but also undermining laws on gender equality. They are also disregarding electoral procedures by denying voters the right to be represented by the person they choose. More broadly, they show contempt for democratic values by denying the right of all citizens, both men and women, to participate in the decisions that affect them.

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