

[en] Tackling Violence Against Women in Politics: The International Influence of the Pioneer Bolivian Legislation

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Recibido: Diciembre 2020 / Revisado: Marzo 2021 / Aceptado: Mayo 2021

Abstract. Introduction. Violence against women in politics (VAWP) is a specific form of gender-based violence that is receiving growing attention from research, because it threatens the progress made in women's political representation. However, there are few works on how to design legislation against VAWP. **Objectives.** This article contributes to filling this gap by analysing how the Bolivian legislation influenced norms of VAWP drafted and passed by other countries and international organisations in Latin America, the country where more efforts of this kind have taken place – the 243/2012 Bolivian Law on Political Violence and Harassment against Women was the first law on VAWP in the world –. **Methodology.** The research draws on qualitative content analysis of the legislation and semi-structured interviews with Bolivian women's activists, officials and MPs. **Results, conclusions and discussion.** I argue that four specific features of the Bolivian legislation have had a major influence on other norms on VAWP: (i) a wide and detailed definition of VAWP; (ii) the attribution to the electoral organ of competences to prevent VAWP; (iii) the establishment of political parties' responsibilities; (iv) the (incomplete) adoption of an intersectional perspective.

Keywords: gender; Latin America; Bolivia; political violence; 243 Law; political participation.

[es] Combatir la violencia contra las mujeres políticas: la influencia internacional de la pionera legislación boliviana

Resumen. Introducción. La violencia contra las mujeres en política (VCMP) es una forma específica de violencia de género que está recibiendo una creciente atención por parte de la academia, ya que amenaza los progresos conseguidos en representación política de las mujeres. Sin embargo, existen pocas investigaciones sobre cómo diseñar la legislación contra la VCMP. **Objetivos.** Este artículo contribuye a colmar este vacío analizando cómo la legislación boliviana ha influido en normas sobre VCMP elaboradas o aprobadas por otros países y organizaciones internacionales en América Latina, el continente donde se han producido más esfuerzos de este tipo – la Ley boliviana 243/2012 contra el Acoso y Violencia Política hacia las Mujeres es la primera ley sobre VCMP en el mundo. **Metodología.** La investigación se basa en análisis cualitativo del contenido de legislación y entrevistas semi-estructuradas con mujeres activistas, representantes del gobierno y diputadas bolivianas. **Resultados, conclusiones y discusión.** Argumento que cuatro características específicas de la legislación boliviana han tenido una influencia destacada en otras normas sobre VCMP: (i) una definición amplia y detallada de violencia, (ii) la atribución al órgano electoral de competencias para prevenir la VCMP, (iii) el establecimiento de responsabilidades de los partidos políticos y (iv) la adopción (incompleta) de una perspectiva interseccional.

Palabras clave: género; América Latina; Bolivia; violencia política; Ley 243; participación política.

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Cómo citar: Castaño, P. (2021). Tackling Violence Against Women in Politics: The International Influence of the Pioneer Bolivian Legislation, en *Revista de Investigaciones Feministas* 12(2), 623-637.

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1. Introduction

In 2012, Bolivian councilwoman Juana Quispe was murdered after months of sexist harassment and aggressions. This crime triggered the approval of the 243 Law on Political Violence and Harassment against Women, the first and so far the only law in the world that specifically focuses on tackling this kind of violence. Violence against women in politics (VAWP) has been defined as the ensemble of “behaviors that specifically target women *as women* to leave politics by pressuring them to step down as candidates or resign a particular political office” (Krook and Restrepo Sanín, 2016a, 218). This specific form of gender-based violence is receiving growing attention from academics, policy-makers and international organizations such as UN Women, because it threatens the efforts made during the last two decades to promote women’s equal political participation through quotas and parity measures (Krook, 2017a). Feminist attitudes have provoked a growing awareness of the problem of violence against women, particularly in Latin America and Bolivia.

The political salience of VAWP in Bolivian politics during the last decade and a half is directly related with the growing presence of women in the Andean country’s politics since the first election of Evo Morales as president in 2006. The arrival of Morales and his party Movement for Socialism (MAS) to state power was followed by the approval of pioneer legislation that promoted gender equality in political participation, including parity in the 2009 Constitution. VAWP is widely seen in Bolivia as a backlash against this feminization of politics.

Some scholars have begun to assess measures to combat VAWP (Krook, 2018), but there is still little research on how legislation against VAWP is designed, because few international and national norms on this topic have been approved. This article contributes to scholarly discussions on legislative efforts to tackle VAWP, which have been so far the most frequent means to address this form of violence (Restrepo Sanín, 2018). The present research analyzes how the Bolivian legislation has influenced norms on VAWP drafted and passed in other countries and also by international organizations.

Literature has suggested that Bolivian legislation inspired draft legislation on VAWP in Ecuador, Peru, Mexico and Costa Rica (Krook and Restrepo Sanín, 2016a, 218), in addition to the model law elaborated by the Inter-American Commission on Women (Restrepo Sanín, 2018, 676). Yet, no research has focused yet on *how specific features of the Bolivian norms on VAWP have influenced norms in other contexts*. This article is then, timely. I argue that three specific features of the Bolivian legislation have had a major influence on other norms on VAWP: (i) a wide and detailed definition of VAWP; (ii) the attribution to the electoral organ of competences to prevent VAWP; and (iii) the (incomplete) adoption of an intersectional perspective.

The present article explores the influence of the Bolivian legislation on other legislation on VAWP through the concept of ‘influential features’, which I define as the specific elements of the analyzed Bolivian legislation that have influenced norms on VAWP elaborated in other countries or by international organizations. This ‘influential features’ approach that I propose constitutes a version of the ‘best practices’ approach in policy-making, which has been defined as follows: “the practice of good practices aims to produce shared knowledge as a tool for effective and comparable policy-making across different contexts” (Vettoretto, 2009). I also draw on literature on policy diffusion, which has been particularly relevant to understand the diffusion of quota laws through international norms (Krook, 2006). The focus of the article is exclusively placed on legislation content – some of the analyzed norms are only drafts, and the ones that have been approved are very recent and have not been thoroughly implemented yet, which prevents from performing a rigorous analysis of implementation.

This article draws on literature on VAWP, an incipient field in political science which is tightly related with discussions on gender equality in political participation, and literature on political violence. The research adopts moreover an intersectional approach, looking at how VAWP affect different groups of women (King, 1988; Crenshaw, 1991; Ferree, 2009) – the intersectional approach is particularly relevant in Latin America, because class differences among women are stark and there is an important degree of ethnic diversity in several countries in the region, including Bolivia.

The article is based on the analysis of the Bolivian legislation on VAWP and other national and international norms and draft norms on VAWP in Latin America, the only region in the world where specific and comprehensive legislative efforts to tackle VAWP have been deployed so far. The insights obtained through the analysis of legislation and draft legislation are complemented by semi-structured interviews with women’s movements activists and former government officials and MPs. The article proceeds in four sections after the introduction. Section 2 explains the theoretical framework of the research, identifies three key debates in literature on VAWP and how to tackle it through legislation. In section 3, I explain the methods of the article. Section 4 looks at the Bolivian legislation on VAWP in order to determine how that legislation answers to the theoretical debates identified in Section 2, focused on the definition of VAWP, the role of electoral organs, and intersectionality. The analysis is completed in Section 5, where I investigate how these features of Bolivian legislation have influenced subsequent norms on VAWP promoted by other Latin American states and international organizations.

2. Scholarly discussions on violence against women in politics (VAWP)

Research on VAWP constitutes an emergent field within gender and politics, which is tightly related with discussions on gender equality in political participation. So far literature on VAWP has focused on the conceptualization of VAWP (Bardall, Bjarnegård y Piscopo, 2017a, 2017b; Krook, 2017a; Krook y Restrepo Sanín 2016a, 2016c; Piscopo, 2016), and the prevalence and features of VAWP in different countries (ACOBOL, 2013; Bjarnegård, 2016; Biroli, 2018; Cerva, 2014; Machicao Barbery, 2004, Rojas Valverde, 2011; Rojas Valverde, 2012), in addition to methodological research works that have explored how to obtain data on VAWP and measure the phenomena (Ballington, 2018; Bjarnegård, 2018; Kuperberg, 2016).

However, there is an incipient subset of research on existent efforts to challenge this form of violence against women (Krook, 2018), the stream of research to which the present article contributes. While some authors have investigated the role of the judicial system in the struggle against VAWP (Bou Valverde, 2012), most of them have focused on law. Hernández (2017) has highlighted the importance of passing specific legislation to tackle this kind of gender-based violence, while Krook and Restrepo Sanín have pointed out that “legislation can be valuable even if there is little implementation, as a law establishes that the behavior in question is wrong – validating violence against women in politics as a “problem” and empowering victims in their efforts to gain some measure of justice, however imperfect” (Krook and Restrepo Sanín, 2016c, 463–64). Indeed, passing specific legislation has been so far the most usual strategy to challenge VAWP from the state (Restrepo Sanín, 2018).

Research on how to tackle VAWP through law includes Albaine’s (2017) comparative research on existing laws and draft laws on VAWP in Latin America, Restrepo Sanín’s (2018) investigation on the limitations of the definitions of VAWP followed by some laws, and the analysis of the debates that preceded the approval of the 243 Law in Bolivia carried out by Cabezas Fernández (2014b). For their part, Freidenberg and Del Valle Pérez (2017) edited a volume that reviews existing legislation on VAWP in Latin America, with a focus on the Mexican case. Existing literature suggests that Bolivian legislation has influenced other countries’ legislative initiatives on VAWP (Krook and Restrepo Sanín 2016a) and international norms (Restrepo Sanín, 2018), but no research has investigated yet which specific features of the Bolivian legislation influenced other countries and how, which is the question addressed by the present article. In the following paragraphs I identify three key debates in the literature on how to design legislation against VAWP: the definition of VAWP, the role of electoral organs in the prevention of VAWP, and intersectionality.

2.1. The definition of ‘violence against women in politics’ (VAWP)

Discussions on the concept of VAWP stand out for their theoretical relevance and their practical importance for the design of legislation. Research has revealed that female politicians suffer not only physical and sexual aggressions, but also symbolic, psychological and economic forms of violence. Bardall (2011) established that female politicians report intimidation and psychological abuse more often than male politicians, while data produced by the Inter-Parliamentary Union (2016) shows that 25 per cent of female MPs have suffered physical violence, more than 20 per cent have been subjected to some form of sexual violence, more than 80 per cent have suffered psychological violence, and 30 per cent have experienced economic violence. Economic violence includes denying the reimbursement of electoral expenses to female politicians or even not paying them their wages (Krook and Restrepo Sanín, 2016a, 142–43).

Some of the most intense theoretical discussions on the definition of VAWP have focused on which kinds of behaviors must be included within the concept of VAWP. The diversity of forms of VAWP identified through empirical research has led several authors to consider that the notion of ‘violence’ should be problematized with the aim of including *economic* and *symbolic* forms of violence in the definition of VAWP (Biroli, 2016; Krook, 2017b, 2017a; Krook y Restrepo Sanín, 2016a, 2016c; Machicao Barbery, 2004; Restrepo Sanín, 2017). There has been a debate on the convenience of including symbolic violence within the concept of VAWP between the aforementioned authors and Piscopo (2016). Krook y Restrepo Sanín (2016a) consider that symbolic violence should be considered as a specific form of VAWP (together with physical, psychological and economic violence), while Piscopo advocates a neat distinction “between criminal acts of physical and psychological violence, and sexist practices of economic and symbolic violence” (Piscopo, 2016, 445–46).

Accordingly, only the first should be included in legal definitions of VAWP as a crime. Other authors do not explicitly advocate either position, even as they include economic and symbolic forms of violence in their research (Quintanilla Zapata, 2012; Rojas Valverde, 2011), while other scholars have rather focused on physical and symbolic forms violence (Bjarnegård, 2016; Hoyos, 2014). In sum, there is an open discussion in the literature on the boundaries of the concept of VAWP, focused on which specific forms of violence should be included within the notion of VAWP.

2.2. The role of electoral courts in preventing and addressing VAWP

The debate on the definition of VAWP relates to discussions about which state institutions should tackle this sort of gender-based violence. This focuses on electoral courts: some authors consider that attributing them a certain role in the struggle against VAWP is “efficient” from a political viewpoint, because electoral courts are often more active than other institutions in defending gender equality (Krook and Restrepo Sanín, 2016c, 476–78). However, Krook and Restrepo Sanín recognize that electoral courts present limitations, as generally they cannot sanction VAWP, a point in which they agree with Piscopo (2016). For her part, Piscopo rejects the framing of VAWP as an “electoral problem” and argues that electoral courts are not the best institutions to address political gender-based violence because “they cannot investigate, prosecute and imprison individual offenders” (Piscopo, 2016, 448). For her part, Albaine (2017, 138) considers that electoral organs should have the capacity to monitor the respect by parties of the duties that some laws impose to them in order to prevent and sanction VAWP.

2.3. Intersectionality in legislation on VAWP

The intersectional perspective has underlined that gender can interact with other forms of domination (such as class, ethnicity, sexual orientation, gender identity, disability and age), creating new specific and complex forms of domination (King, 1988; Crenshaw, 1991). Ferree’s concept of ‘interactive intersectionality’ is particularly useful to explore the intersectional perspective in legislation on VAWP. Taking the example of ‘race’ and ‘gender’, Ferree defines the intersections between both categories as “a process through which ‘race’ takes on multiple ‘gendered’ meanings for particular women and men” in different fields such as “sexuality, reproduction, political authority, employment or housing” (Ferree, 2009, 87). Violence against women in politics is another field where different categories can intersect, as explained below.

A growing number of authors have introduced intersectionality in discussions on VAWP and how to tackle it. Tolley (2017) has explored whether patterns of representations of women are applicable to racial minorities, focusing on the case of candidate recruitment in Canadian political parties, Reingold (2017) has looked at legislative leadership and intersections of gender and ethnicity, and Dhrodia (2018) found out that female MPs of color suffered 30 per cent more abuse than white female MPs during the 2017 general election campaign in the UK. In addition, the data produced by the Inter-Parliamentary Union (2016) shows that young female MPs experience more abuse than older ones. For her part, Kuperberg (2018) has highlighted the fact that specific structures of domination that are relevant to VAWP can take different forms and levels of salience in different contexts. In a nutshell, intersectionality is a growingly important issue within literature on VAWP.

3. Methodology

The present research is based on two methods: qualitative content analysis of legislation on VAWP and semi-structured interviews with key actors. The content analysis has been carried out by looking for key concepts that synthesize the three theoretical discussions previously identified: the definition of violence against women in politics (I have looked for “violence” and “harassment” in the analyzed documents), the role of electoral courts in preventing and addressing VAWP (I have looked for the word “electoral”), and intersectionality in legislation against VAWP (I have looked for the words “intersectionality”, “intersectional”, “age”, “ethnicity”, “race”, “indigenous”, “LGBT”, “rural”, and “class”).

The selection of the sample of norms and draft norms has been done following Lindekilde’s (2014) method of intentional sampling strategy, which implies selecting the most relevant documents for the theoretical purposes of the research. The sample is composed of Bolivian legislation, international legislation and other national legislation in Latin America on VAWP (19 documents). The sub-sample of Bolivian legislation is explained in Figure 1.

Figure 1. Bolivian legislation on VAWP.

Document title	Kind of document	Author and date
Bolivian Constitution ²	Constitution	Bolivian Constituent Assembly, 2006-2009
243/2012 Law against Violence and Political Harassment on Women ³	Law	Parliament of Bolivia
2935/2016 Supreme Decree ⁴	Supreme Decree	Government of Bolivia
1096/2018 Law on Political Organizations ⁵	Law	Parliament of Bolivia

Source: Author.

The second sub-sample of norms is formed by the most important international norms that refer to VAWP in Latin America, which are detailed in Figure 2.

Figure 2. Latin American international legislation on VAWP.

Document title	Kind of document	Author and date
Quito Consensus ⁶	International statement	Economic Commission for Latin American and the Caribbean, 2007
Santo Domingo Consensus ⁷	International statement	Economic Commission for Latin American and the Caribbean, 2013
Frame Norm to Consolidate <i>Paritarian Democracy</i> ⁸	Non-binding international instrument	Un Women and the Latin American and Caribbean Parliament, 2015
Declaration on Political Violence and Harassment Against Women ⁹	International statement	Organisation of American States, 2015
Inter-American Model Law for the Prevention, Punishment and Eradication of Political Violence against Women ¹⁰	Non-binding international instrument	Organisation of American States, 2017

Source: Author.

The third subsample of legislative documents is composed by the existing national and sub-national draft norms on VAWP in Latin America (Figure 3).

Figure 3: national legislations on VAWP in Latin America.

Document title	Kind of document	Author and date
Argentina's 26485/2009 Law ¹¹	Law	Parliament of Argentina, 2009
El Salvador's 520/2011 Law ¹²	Law	Parliament of El Salvador, 2011
Peruvian draft law on VAWP (num. 1903) ¹³	Draft law	Peru MPs, 2012
Costa Rican draft law on VAWP (num. 18719) ¹⁴	Draft law	Costa Rica MPs, 2013
Honduran draft decree-law on VAWP	Draft decree-law	Honduras MPs, 2015
Ecuadorian draft law on VAWP (num. 560-BCG-A) ¹⁵	Draft law	Ecuador MPs, 2016

² <https://sea.gob.bo/digesto/CompendioNormativo/01.pdf>.

³ <https://www.comunicacion.gob.bo/sites/default/files/docs/Ley%20N%C2%BA243%20Contra%20el%20Acoso%20y%20Violencia%20Politica%20hacia%20las%20Mujeres.pdf>.

⁴ <https://www.lexivox.org/norms/BO-DS-N2935.html>.

⁵ <https://www.lexivox.org/norms/BO-L-N1096.html>.

⁶ <https://www.cepal.org/sites/default/files/events/files/consensodequito.pdf>.

⁷ <https://repositorio.iaen.edu.ec/xmlui/bitstream/handle/24000/4446/Consenso%20de%20Santo%20Domingo.pdf?sequence=1&isAllowed=y>.

⁸ https://parlatino.org/pdf/leyes_marcos/leyes/consolidar-democracia-paritaria-pma-27-nov-2015.pdf.

⁹ <https://www.oas.org/es/mesecvi/docs/DeclaracionViolenciaPolitica-ES.pdf>.

¹⁰ <https://www.oas.org/es/CIM/docs/GrupoViolenciaPoliticaII-ES.pdf>.

¹¹ <https://www.argentina.gob.ar/normativa/nacional/ley-26485-152155>.

¹² https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=es&p_isn=85500&p_country=SLV&p_count=316.

¹³ [https://www2.congreso.gob.pe/Sicr/ApoyComisiones/comision2011.nsf/DictamenFuturo/8451CBC8A55B3A9005257E07005B196F/\\$FILE/MUJER.Y.FAMILIA_1903-2012-CR_Txt.Fav.Sust.Unanimidad.pdf](https://www2.congreso.gob.pe/Sicr/ApoyComisiones/comision2011.nsf/DictamenFuturo/8451CBC8A55B3A9005257E07005B196F/$FILE/MUJER.Y.FAMILIA_1903-2012-CR_Txt.Fav.Sust.Unanimidad.pdf).

¹⁴ http://www.pgrweb.gob.cr/scij/Busqueda/Normativa/Pronunciamiento/pro_ficha.aspx?param1=PRD¶m6=1&nDictamen=18666&strTipM=T.

Document title	Kind of document	Author and date
Mexican Protocol to Address Political Violence against Women ¹⁶	Non-binding legal protocol	Federal Electoral Court of Mexico, 2016
Paraguay's 5777/2016 Law ¹⁷	Law	Parliament of Paraguay, 2016
Constitution of Mexico City ¹⁸	Local constitution	Mexico City Constituent Assembly, 2017

Source: Author.

The second method of the research is interviews: the sample is 16 members of women's organizations, former government officials and experts on VAWP (as detailed in Appendix 1). The respondents were purposively selected with the aim of obtaining a precise view of the process of politicization of VAWP and the elaboration of legislation against VAWP in Bolivia, which led me to include in the sample former ministers, MPs and officials, members of ACOBOL and other women's organizations that were directly involved in the drafting of the 243 Law and its decree, and international experts involved in the drafting on international legislation on VAWP or who have analyzed the policy diffusion of the Bolivian legislation. Respondents were identified and contacted through the snow-ball method, and the search of new interviewees was stopped when I had obtained enough information. The interviews were carried out during two fieldwork trips in Bolivia in March-April 2016 and April 2017, except a small group of interviews that were carried out virtually in June 2019.

The research is focused on the case of Bolivia. This case is paramount for the analysis of legislation on VAWP, because it was the first country that passed a specific law on this form of gender-based violence (Author, 2020). The focus of this article is not the Bolivian legislation in itself, but how certain features of the 243/2012 Bolivian Law influenced norms elaborated by international organizations and other countries' parliaments and governments – the influential features of the Bolivian legislation and the process of policy diffusion of legislation on VAWP in Latin America.

4. Key features of the Bolivian legislation on VAWP

The analysis of the literature on how to tackle VAWP has allowed us to identify discussions on three issues: the legal definition of VAWP, the attribution to the electoral organ of competences to prevent VAWP, and the introduction of the intersectional perspective in legislation on VAWP. In the following paragraphs I analyze the Bolivian legislation in the light of the mentioned questions.

4.1. A wide and detailed definition of 'violence against women in politics'

The definition of violence against women in politics of the Bolivian legislation includes economic and symbolic forms of violence. The 243/2012 Bolivian Law establishes a distinction between harassment (defined in Article 7.a as "acts of pressure, persecution, molestation or threats") and violence (defined in Article 7.b as "actions, behaviours and/or physical, psychological or sexual aggressions"). The definition includes the two elements identified by Krook and Restrepo Sanín (2016a, 218) to distinguish VAWP from other kinds of political violence: it targets women *because they are women*, and it intends to expulse them from politics.

The specific behaviors and actions that fall into the definitions of harassment and political violence in the Bolivian legislation are detailed in article 8 of the 243 Law and article 2 of the 2935 Decree. Article 8 of the Law establishes a very detailed list of 17 actions that constitute harassment or political violence, such as imposing, due to gender stereotypes, tasks unrelated to the job itself; restricting a woman's ability to speak in sessions; divulging personal and private information to force women to resign; spreading false information with the objective of discrediting a woman's leadership; applying illegal economic sanctions or withholding women's salaries. Article 2 of the 2935 Decree develops and specifies the distinction between harassment and political violence established in the law: the decree specifies the three forms that harassment can take (pressure, persecution and molestation), and the four forms of political violence (threat, physical aggression, psychological aggression and sexual aggression).

The most important features of the conceptualization of VAWP in the Bolivian legislation are its high degree of detail, and the wide range of behaviors that are included within the concepts of harassment and violence against women in politics. The high precision of the definitions provided by the 243 Law and its decree seems to be a consequence of the fact that the law was based on the cases of VAWP collected by the Bolivian Association of Female Majors and Councilwomen (ACOBOL) since its creation in 1999 (Krook and Restrepo Sanín, 2016b, 129). For example, pressures to make councilwomen resign were identified as the most common form

¹⁵ https://reformaspoliticas.org/wp-content/uploads/2019/05/Proyecto_de_Ley_Acoso_Pol%C3%ADtico_Motivado.pdf.

¹⁶ https://www.te.gob.mx/protocolo_mujeres/media/files/7db6bf44797e749.pdf.

¹⁷ <https://www.bacn.gov.py/leyes-paraguayas/8356/ley-n-5777-de-proteccion-integral-a-las-mujeres-contra-toda-forma-de-violencia>.

¹⁸ http://www.infodf.org.mx/documentospdf/constitucion_cdmx/Constitucion_%20Politica_CDMX.pdf.

of VAWP by ACOBOL in its research on the 2000-2005 period: 36 per cent of the 117 victims of VAWP whose cases were analyzed by ACOBOL reported having suffered pressures to make them resign (Rojas Valverde, 2010, 529).

Both a former feminist minister and the responsible for gender in a NGO based in La Paz who were interviewed for this research underlined the importance of a precise and detailed definition of VAWP in Law, taking into account the conservative and patriarchal political orientation of most judges in Bolivia. According to the mentioned interviewees, the prevalence of strong patriarchal beliefs among the Bolivian judiciary has constituted an obstacle for the implementation of gender-related norms such as the 348/2013 Comprehensive Law to Guarantee Women a Life Free of Violence, the 243 Law and its Decree. In the same vein, another Bolivian feminist activist said that the functioning of the Bolivian judicial system was “a barbarity”, while another activist denounced its “patriarchal” orientation. In conclusion, the definition of VAWP in the Bolivian legislation is broad and highly detailed.

4.2. A powerful electoral organ

The Bolivian 243 Law attributes important competences to the plurinational electoral organ in the struggle against VAWP, even though in theory the ministry of justice is the main responsible for the implementation of gender equality policy. Article 10.II of the 243 Law allocates to the electoral organ the responsibility for “defining policies and intercultural strategies for the democratic education with gender equity, with the aim of guaranteeing the enjoyment of the political rights of persons – particularly women – and the equality of opportunities between men and women”. This disposition is developed by two articles of the 2935 Decree. Article 3.e and Article 10.

Feminist activist and former minister Salguero Carrillo (2014, 295) has highlighted that feminist activists and women’s organisations played a major role in the elaboration of the 18/2010 Law of the Plurinational Electoral Organ. Consequently, the 18/2010 Law includes the principles of gender equality, parity, and several articles that focus on guaranteeing the effective exercise of political rights by women. Both feminist activists and feminist officials belonging to the ruling party MAS who were interviewed for this research expressed their deep mistrust in the commitment of the vice ministry for the equality of opportunities regarding gender equality. A former minister (who was one of the main promoters of the Bolivian legislative gender agenda during Evo Morales’ government) told me the following:

“The vice ministry for the equality of opportunities has never been an effective vice ministry, it has never had any power, it has never promoted any serious initiative”.

Two former MPs who were interviewed for the present research confirmed to me that the attribution to the electoral organ of competences that in theory could correspond to the ministry of justice was a strategic move of the promoters of the 243 Law. The attribution of competences to an electoral organ presided by a feminist activist allowed the development of policies for the prevention of VAWP despite the lack of effective engagement of the ministry of justice to tackle this sort of violence. As Piscopo has pointed out¹⁹, good relations between feminist activists and electoral courts officials are usual in several Latin American countries, due to their past collaboration for the elaboration of legislation on quotas – this is also the case in Bolivia. In conclusion, the Bolivian legislation on VAWP attributes to the electoral organ a key role in preventing this form of violence.

4.3. An intersectional legislation?

The intersectional perspective implies considering how different structures of domination interact, creating new specific forms of domination (Crenshaw, 1991; King, 1988), as explained above. A way of introducing the intersectional perspective in legislation against VAWP is establishing heavier sanctions when violence is committed against a woman who is simultaneously subjected to other structure(s) of domination, beyond gender. The identification of the relevant structures of domination in each context is one of the main challenges for the introduction of the intersectional perspective in activism, an issue addressed by Townsend-Bell (2011). She proposes to determine which are the most relevant categories in each specific context through two criteria: the analytical importance of each category and activists’ views. This proposal can be applied to the design of legislation on VAWP.

In the Bolivian context, the importance of ethnicity in politics suggests that this is one key structure of domination for female politicians (in addition to gender). The majority of the Bolivian population is indigenous, and racism against the indigenous majority is a structural feature of Bolivian society. Therefore, many female politicians are indigenous and thus exposed to racism. Moreover, the 243 Law was promoted in Parliament by MAS, the left-wing populist and indigenist party that has been ruling Bolivia since 2006 (except the one-year period between the 2019 coup d’état and the 2020 election). The relevance (Townsend-Bell, 2011) of ethnic-

¹⁹ Personal communication, 2017.

ity in relation to VAWP in Bolivia seems to be confirmed by research. In her analysis of the 117 testimonies of VAWP gathered by ACOBOL between 2000 and 2005, Rojas Valverde highlighted that “Female council members were discriminated against not only for being women, but also because of color/race and for other reasons” (Rojas Valverde, 2010, 529–31).

Of course, many other structures of domination can intersect with gender and race, but if we follow Townsend-Bell’s (2011) approach, ethnicity seems to be a very relevant category in Bolivia. In addition, high rates of violence against LGBTQ+ people in several Latin American countries (particularly against trans people) suggests that sexual orientation and gender identity could be two extra relevant categories in legislation on VAWP. Therefore, introducing the intersectional approach in the Bolivian legislation on VAWP would imply at least the imposition of more severe sanctions when violence is exerted against female politicians who belong to a subordinated ethnic group (indigenous or black women) or/and have a non-normative gender identity or sexual orientation.

My analysis has shown that Bolivian 243 Law establishes more severe punishments when acts of harassment or violence are committed against a pregnant woman (article 17.II.1), a woman who is older than 60 (article 17.II.2), a woman who has limited basic education (article 17.II.3) or a woman who has a disability (article 17.II.5). The inclusion of these aggravating circumstances means that the legislator considers that the fact of being older, being pregnant, having a disability or a low level or formal education interacts with gender in ways that increase the vulnerability of these groups of women to VAWP. Following Ferree’s concept of interactive intersectionality (Ferree 2009), gender interacts with pregnancy, disability, older age or low education level in the field of political violence, increasing the vulnerability of these groups of women to VAWP. Surprisingly, ethnicity, gender identity and sexual orientation are not included among the categories considered relevant by the legislator, which constitutes a serious pitfall of the adoption of the intersectional approach in the Bolivian legislation.

In addition to the lack of relevant categories of oppression in the 243 Law, it is not clear whether the inclusion of a list of aggravating circumstances is enough to consider that intersectionality has been fully integrated in legislation – the very specificity of this approach is considering how different structures of oppression interact, which the Bolivian legislation does not do. For instance, the penalty is the same when the act of violence is committed against a woman who is older than 60 *and* has a disability than in the case where the woman is older than 60 and does not have any disability. This failure is particularly serious if we keep in mind the strength of sexist beliefs among the Bolivian judiciary – it seems unlikely that judges will apply the intersectional approach if the law does not clearly force them to do so. In conclusion, intersectionality is partially present in the Bolivian legislation on VAWP, because the possibility of gender interacting with other structures of oppression is considered, but two pitfalls have been identified by the analysis: 1) some relevant categories are absent of the regulation, and 2) the possibilities of interactions between gender and several other structures of domination are not considered.

5. How has the Bolivian legislation influenced subsequent norms on VAWP

Existing literature suggests that the Bolivian legislation on VAWP strongly influenced subsequent norms on VAWP in Latin America (Krook and Restrepo Sanín, 2016a, 218; Restrepo Sanín, 2018, 676), but no research has focused yet on this case of international policy diffusion. International policy diffusion has been identified by literature on other fields of legislation, namely on quotas: Krook (2006) found that international sharing was the most determinant factor on the rapid diffusion of quotas laws around the world since the end of the 1990s. I argue that international policy diffusion has also been key in the case of legislation on VAWP, based on three empirical elements: 1) the dates of approval of the analyzed norms, 2) the similarity of contents of Bolivian legislation and further legal initiatives on VAWP, and 3) the accounts of international experts on legislation on VAWP. The following table explains the first element: the chronological relation among the diverse legal initiatives against VAWP in Latin America.

Figure 4: Legal initiatives against VAWP in Latin America.

Dates	Legal initiatives
2001	First draft law on VAWP submitted to the Bolivian Parliament by ACOBOL
2006	First discussion of the draft law on VAWP in the Bolivian Parliament
2007	CEPAL Quito Consensus
2009	Argentina’s 26485 Law on Comprehensive Protection for Women New Bolivian Constitution
2011	El Salvador’s 520 Special Comprehensive Law for a Life Free of Violence for Women

Dates	Legal initiatives
2012	Bolivia’s 243 Law on Political Violence and Harassment against Women Peru’s draft law on VAWP (num. 1903)
2013	Costa Rican draft law on VAWP (num. 18719) CEPAL Santo Domingo Consensus
2015	OAS Declaration on Political Violence and Harassment Against Women OAS Frame Norm to Consolidate <i>Paritarian</i> Democracy Honduran draft decree-law on violence against women in politics
2016	Bolivia’s 2935 Supreme Decree on VAWP Ecuadorian draft law on VAWP (num. 560-BCG-A) Mexican Protocol to Address Political Violence against Women
2017	Constitution of Mexico City OAS Inter-American Model Law for the Prevention, Punishment and Eradication of Political Violence against Women
2018	Bolivia’s 1096 Law on Political Organisations (Bolivia)

Source: Author.

Table 4 shows that ACOBOL’s draft law on VAWP was the first legal initiative on this issue in Latin America. In addition, the number of draft laws and international norms on VAWP dramatically increased since the passing of the Bolivian 243 Law in 2012. Until that year, only three legal initiatives on VAWP had been launched out of Bolivia, while eleven of them have been identified from 2012 onwards. This sharp difference suggests that the Bolivian legislation exerted a considerable influence on the proliferation of legal initiatives on VAWP in the region. The 2007 CEPAL Quito Consensus, the 26485/2009 Argentinian Law and El Salvador’s 520/2011 Law (which do not exclusively focus on VAWP but include explicit references to it) were approved before the Bolivian 243/2012.

However, several experts who were interviewed for this research revealed that previous discussions in Bolivia about the need to pass legislation on VAWP were key for the introduction of references to this kind of gender-based violence in the 2007 CEPAL Quito Consensus, the 26485/2009 Argentinian Law and El Salvador’s 520/2011 Law, although these norms were approved before the 243/2012 Bolivian law. In conclusion, the chronological relation between legal initiatives on VAWP in Latin America suggests that the Bolivian 243 Law favored the approval of similar norms and legal instruments on the issue throughout the region. Due to space limitations, the contents of the norms are not analyzed in detail in the present article.

This finding is confirmed by the similarity of contents among the Bolivian Law and subsequent norms of VAWP, and by experts’ accounts, two empirical elements that I address in detail in the following paragraphs. The analysis of the process of policy diffusion of the Bolivian legislation on VAWP in Latin America is structured around the key features of the Bolivian legislation explained in Section 3, which I conceive here as ‘influential features’: a wide definition of VAWP, the attribution of a central role in the struggle against VAWP to electoral organs, and an incomplete integration of the intersectional approach.

5.1. Wide definitions of VAWP

The Bolivian 243 Law defines VAWP in very wide terms, including many specific forms of physical, psychological, symbolic and economic forms of violence. The wideness of the definition has heavily influenced subsequent legislation on VAWP: both international and national norms refer to a wide array of forms of violence that include not only physical and psychological violence but also symbolic and economic violence. The 2015 OAS Declaration on Violence and Political Harassment against Women is paramount in this sense, insofar as it conceives VAWP as

“Any action or omission [...] which has the aim of damage, conceal, prevent, obstruct or prevent [women’s] political rights [...] in equal conditions to men”.

The OAS Model Law on VAWP, which intends to work as a guide for future national legislation on the issue, also was directly inspired by the 243 Law, as confirmed by an international expert who took part in the drafting of the Model Law and was interviewed for this research. This respondent affirmed that the specification of a wide array of behaviors that are considered as harassment and violence – a peculiarity of the 243 Law – “is very useful, so we copied that structure”. The OAS experts followed the same reasoning as the Bolivian policy-makers: VAWP “is an issue that provokes resistance [among judges and other judicial actors], therefore the more you specify [the sanctionable behaviours], the better”, as the mentioned interviewee said.

At the national level, an international expert explained that the Mexican Protocol to Address Political Violence Against Women followed the same logic. Psychological violence is included in the Ecuadorian, Costa Rican and Honduran draft laws, and sexual violence is explicitly mentioned in several norms in the region,

such as the Mexican Protocol. The detailed characterization of VAWP in the 243 Law has also influenced draft norms in Costa Rica (it refers to acts committed through “omission, pressure, persecution, harassment and threats”) and Honduras (“pressure, persecution, harassment and threats”). Economic violence is included in the Costa Rican draft law, under the label “patrimonial damage”. As highlighted by an UN Women expert who was interviewed for this research, several draft norms in the region refer to the 243 Law in their statements of purpose, which confirms the influence of the Bolivian norm on further legislation. The Bolivian discussion on VAWP has also influenced general laws on violence against women, such as Argentina’s 26485/2009 Law, El Salvador’s 520/2011 Law, and Paraguay’s 577/2016. The mentioned UN Women expert explained this as follows:

“The Bolivian legislation has helped the holding on debates on [...] legislation on violence against women that includes the characterization of violence against women in the political context”.

In a nutshell, the wide definition of VAWP in the Bolivian 243 Law has inspired most subsequent norms on VAWP in Latin America.

5.2. The role of electoral organs

The Bolivian legislation attributed an important role to the plurinational electoral organ in preventing VAWP, a decision that inspired other legislation on VAWP in Latin America. An UN Women expert who was interviewed for the present research expressed in the following terms the importance attributed to electoral organs in the struggle against VAWP in the region:

“Electoral mechanisms have been key. Two examples are Bolivia and Mexico – the role that electoral organs had in enforcing legislation on parity shows the role that they can have in mainstreaming gender in electoral management, which includes violence [against women in politics]”.

This expert also highlighted the importance of the Bolivian electoral organ in international exchange of experiences on how to address VAWP. The 2015 OAS Declaration on VAWP is paramount regarding this issue, as it affirmed the need to

“promote that electoral institutions and other public entities, as applicable, incorporate the issue of political harassment and/or violence against women in the framework of their functions related to the organization of elections”.

This provision is reproduced in the OAS Model Law, which includes 12 references to the role of the electoral organ. An expert who participated in the drafting of the Model Law revealed that this discussion came up when the document was being elaborated. A Mexican expert affirmed that the electoral organs needed to play a key role in the struggle against VAWP because they are the first institutions that receive the information about cases of political violence. That is why the Model Law attributes to electoral organs competences such as providing immediate protection to victims of VAWP (section 9 of the statement of purpose). The Frame Norm to Consolidate *Paritarian* Democracy approved by UN Women and the Latin American and Caribbean Parliament also refers to the role of the “electoral power” in promoting parity, which this norm links with the struggle against VAWP²⁰.

A similar position on the role of electoral organs can be found in legislation on VAWP in Peru and Mexico. The Peruvian draft law specifies that the electoral organ must take part in the prevention of VAWP by disseminating the contents of the law in society. The Mexican Protocol, approved in 2016, goes a step forward, attributing to “local public electoral organs” the capacity to sanction party members that have committed acts of political violence against women. An expert who was interviewed for this research confirmed the Bolivian influence on the Mexican Protocol: “There has been a learning from the role of the Bolivian organ in implementing the [243] Law”. In short, the attribution of a central role to the electoral organ in the struggle against VAWP by the Bolivian legislation has influenced subsequent norms on VAWP in the region, and at least the OAS Model Law and the Mexican Protocol have gone beyond by enlarging the competences of electoral organs.

5.3. An incipient intersectional approach

Several experts who were interviewed for this research affirmed that intersectionality is growingly present in discussions about VAWP in the region. However, the introduction of the intersectional perspective in Latin American legislation on VAWP has been limited so far. In the analyzed international norms, the intersectional approach is present but it is not directly applied to policies against VAWP. The 2013 CEPAL Santo Domingo

²⁰ The concept of “paritarian democracy” was adopted at the 1992 Athens Conference on Women and Power.

Consensus refers to the specific needs of groups such as “young women, rural women, women with disabilities, indigenous women, Afro-descendent women, displaced women, migrant women, other women who live in particularly vulnerable or marginalized circumstances and lesbian, gay, bisexual, transsexual, transgender, transvestite and intersex (LGBTTI) persons”.

However, no direct link is established between these multiple categories and VAWP. For its part, the OAS Model Law only refers to indigenous peoples to specify that traditional uses and customs cannot be used to oppose gender equality in political participation or to justify VAWP (OAS, 2017) – a reference which does not equate to introducing the intersectional perspective, because it does not take into account the higher vulnerability of indigenous women to VAWP, as highlighted by a researcher in VAWP who was interviewed for this research. The intersectional approach is completely absent from the Frame Norm to Promote *Paritarian* Democracy and the 2015 OAS Declaration on Political Violence and Harassment Against Women.

In national draft laws on VAWP, the intersectional approach can be identified in the articles that introduce aggravating circumstances to the crime of political violence against women. In the draft law on VAWP presented in 2011 to the Ecuadorian Parliament, the disability or pregnancy of the victim are considered as aggravating circumstances (article 6). In a similar way, the Costa Rica draft law imposes more severe penalties to acts of political violence committed against women who suffer a disability, are pregnant or are older than 65, among other circumstances (article 16). Lastly, the Mexican Protocol to Address Political Violence against Women explicitly refers to the need to adopt an intersectional perspective to effectively tackle VAWP. To sum up, intersectionality is growingly present in discussions and legislation on VAWP, but, similarly to the Bolivian case, the adoption of this approach is uneven, and existent regulations do not consider the possibility that several structures of oppression simultaneously impact victims of VAWP. As an expert who I interviewed underlined, this is a particularly complex issue when it comes to drafting legislation. However, intersectionality could be introduced in legislation by increasing the penalty when VAWP constitutes an expression of *several forms* of interacting categories of discrimination (e.g. gender, ethnicity and gender identity).

6. Conclusions

Violence against women in politics (VAWP) is a particularly serious form of gender-based violence, because it challenges women’s right to equal political participation, a core democratic right, and could in turn jeopardize the legislative efforts deployed during the last two decades to promote women’s equal political participation around the world, mostly through quotas. Bolivia approved in 2012 the first law in the world that specifically focuses on tackling VAWP, inspiring legal action by other Latin American countries and international organizations. The present article has analyzed the process of policy diffusion through which specific elements of the Bolivian legislation of VAWP (influential features) have impacted subsequent norms on VAWP in Latin America, the only region in the world where major attempts to tackle VAWP through law have taken place.

A scarcity of academic analysis of legislation on VAWP makes this research timely, contributing to filling that gap by analyzing the Bolivian legislation on VAWP, together with other national laws and draft laws, and international regulations. The analysis has allowed us to identify three influential features of the Bolivian legal framework on VAWP, which have impacted subsequent norms. First, most norms have adopted a broad and detailed definition of VAWP, following the example of the 243/2012 Bolivian law. Second, the attribution to the electoral organ of a role in the prevention of VAWP in the 243 Law has been replicated in other norms, and in one case (the Mexican Protocol on VAWP) electoral authorities have also been attributed competences to sanction authors of violence.

Third, regarding the intersectional approach the relation between the Bolivian regulation and subsequent legislation in other countries is more complex. The 243 Law partially adopted the intersectional perspective, establishing aggravating circumstances when VAWP is committed against specific groups of vulnerable women. Yet, the law did not include key categories such as ethnicity, sexual orientation and gender identity, and failed in considering how several structures of oppression can intersect in the field of VAWP. This incomplete adoption of intersectionality is also present in other norms of VAWP: references to the need of considering the intersection of gender with other categories are frequent in Latin American norms and draft norms on VAWP, but none of them has coherently and fully adopted intersectionality so far. It would be possible to establish heavier sanctions when VAWP is committed as an expression and several forms of discrimination (such as gender, ethnicity, sexual orientation and gender identity), as a way of taking into account in law how these categories interact in the case of VAWP.

The mentioned findings allow us to understand how the 243/2012 Bolivian law on VAWP, the first of its kind in the world, influenced subsequent norms on the issue, which constitutes a prototypical case of policy diffusion. In addition, the present article provides a complete view of the current situation of legal efforts to tackle VAWP in Latin America. Legislation is not enough to effectively tackle violence against women in politics, because this form of violence is legitimized by patriarchal beliefs that are deeply rooted in all societies. In addition, the implementation of legislation has been limited so far. However, legislation is a necessary first step

towards the elimination of all forms of gender-based violence, and it has the immediate effect of delegitimizing violence against women, as illustrated by the Bolivian legislative efforts against VAWP. A good knowledge of the existing legislation is the first step towards a correct design of legal instruments to tackle this form of violence, which is greatly important to achieve the aim of having democratic societies free of violence against women. The present article intends to constitute a step in that direction.

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Appendix 1: table of respondents

Figure 5. Respondents

Name of the respondent	Organisation	Position	Place and date of the interview
Elizabeth Salguero	Government and parliament of Bolivia	Minister of culture (2011-2012) and MAS MP (2006-2010)	La Paz, 2016
Teresa Morales	Government of Bolivia	Minister of productive development (2011-2015)	La Paz, 2016
Patricia Costas	Vice-presidency of Bolivia	Policy advisor (2016)	La Paz, 2016
<i>Anonymous</i>	Ministry of justice	Gender consultant (2016)	La Paz, 2016
Diana Urioste	“Conexión” Development Fund	Director (2016-2017)	La Paz, 2016 and 2017
Mónica Novillo	Women’s Coordination	Director (2013-2017)	La Paz, 2017
Celima Torrico	Government of Bolivia, Cochabamba local government and ‘Bartolinas’, ACOBOL	Secretary of relations of the departmental federation of ‘Bartolinas’ (1999-2001), minister of justice (2007-2010), member of Cochabamba local government and member of ACOBOL (2017)	Cochabamba, 2017
Claudia Peña	Government of Bolivia and Friedrich Ebert foundation	Minister of autonomies (2011-2015) and vice-minister of departmental and municipal autonomies (2010-2011), projects coordinator at Friedrich Ebert foundation (2017)	La Paz, 2017
Tania Sánchez	“Gregoria Apaza” Centre for Women’s Pormotion	Director (2015-2017)	La Paz, 2017
<i>Anonymous</i>	Government of Bolivia	Former general director for the prevention and elimination of all forms of gender- and generational-based violence	La Paz, 2016 and 2017
Maritza Jiménez	ACOBOL and La Paz Foundation	Vice-president of ACOBOL (2000-2005) and director of La Paz Foundation (2017)	La Paz, 2017
Sandra Silva	ACOBOL	Legal advisor (2017)	La Paz, 2017
Marta Martínez	Inter-American Commission of Women (Organisation of American States)	Expert in women’s political rights (2011-...)	Virtual interview, 2019
Marta Val	UN Women	Expert in women’s political participation (2012-...)	Virtual interview, 2019
Brigitte Fillon	Inter-Parliamentary Union	Consultant at the Gender Partnership Program (2009-...)	Virtual interview, 2019
<i>Anonymous</i>	University of Buenos Aires	Researcher in women’s political participation	Virtual interview, 2019

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