

Gender-Based Political Violence as a Global Phenomenon

Latin-American Pioneerism, the Brazilian Exception, and the Silence of the Global North

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Abstract: *Violence against women in politics is not a new phenomenon. However, naming it, conceptualizing it, and investigating its prevalence is rather recent. Despite its global occurrence (IPU 2016; Krook 2018), the use of the concept, as well as the issuance of legal instruments to define and combat it, was pioneered by Latin American countries. Interestingly, instead of being celebrated as a leading initiative, this Latin American pioneering work seems to have instead given rise to the assessment that the violence experienced is a local problem, typical of “recent” or “not fully solid” democracies in the Global South, and does not merit discussion (as such) in the Global North. Brazil, one of the last Latin American countries to pass a bill to address the problem, has faced increasing gender-based political violence on the one hand, and on the other, has been resisting efforts to advance the sub-continent’s instruments to guarantee women more access to the political realm.*

This article joins the literature that assert that gender-based political violence is a phenomenon related to the underrepresentation of women in politics (Freidenberg 2017; Albaine 2017a; Archenti/Albaine 2018; Krook 2017, 2018, 2020; Krook/Sanín, 2016; Sanín 2022; Biroli 2016, 2018; Biroli/Marques 2020: 564; Bardall/Bjarnegård/Piscopo 2019), functioning as a tool of gender inequality to prevent women and LGBTQIA+ people from accessing it worldwide. Based on this background, this article aims to (i) briefly define gender-based political violence (GBPV) and violence against women in politics (VAWIP), addressing the social, political, and legal contexts of its conceptualization; (ii) describe the occurrence of GBPV in Brazil and its new bill to combat it, issued during

the Bolsonaro government; (iii) argue, with the help of recent research and data, that the phenomenon is not local, but global, and intertwined with the exclusion of women in politics as constituted by and constituent of gender inequality. As a conclusion, the ubiquity and global scale of aggression against women and gender non-conforming individuals in politics makes it clear that it is time to recognize and combat gender-based political violence worldwide.

Introduction

It is not new that women who defy the gendered separation of public and private and dare to dispute positions of power in the public sphere suffer consequences. Defamation, comments about their family status and sexuality, comments about their appearance (age; clothes; hair; skin tone; body, either as too bad or too good); or temper (too strong or too soft); interrupting, not letting women speak, dismissing their voices as unimportant – to name just a few such practices, is a common part of the life of a woman who dares to be involved in institutional politics.

It is so common that such discriminating and offensive behavior was (and sometimes continues to be) considered a natural part of politics. The Inter-Parliamentary Union has issued reports with anonymized data about the prevalence of violence against women parliamentarians from 39 countries of the five regions of the world, from all age groups: 81.8 per cent of them stated that they had suffered from psychological violence (IPU 2016: 2–3). In Brazil, according to the latest report of the NGOs Terra de Direitos and Justiça Global (2022), the cases of general political and electoral violence increased by 400 per cent between 2018 and 2022 (46 cases in 2018 vs. 266 cases in 2022) (*idem*: 2). A prior study about political violence against Women of Color in the Brazilian parliament (Lima/Fabris/Goulart 2022) has shown that, considering their intersectionality, Black women are subjected to specific forms of violence, such as a form we have named “misrecognition”: the phenomenon that security guards stop and prevent them from entering the legislative house because they do not recognize them as having the characteristics of people who traditionally occupy that position (*idem*: 60–61). The general message given to all of them is: “That’s part of it, if you can’t stand it, it is because you are not supposed to be there”. And women are not supposed to be there.

Only very recently did this pattern of assaulting women who hold or run for public offices gained a name. In the same way that being battered by one’s

husband was considered part of marriage, and being sexually harassed by one's boss has, for a long time, been considered part of workplace reality, it was only in the last decade that this has been identified as a specific phenomenon, a particular form of violence, that is, a form of discrimination against women. And that happened because of a brutal case of gender-based political violence: the murder of a councilwoman in Bolivia in 2012.

Conceptualizations: Gender-Based Political Violence and Violence Against Women in Politics

The terms used to refer to the political violence suffered because of gender are mostly variations of “political violence against women” or “gender-based political violence”.¹ These different terminologies are sometimes used interchangeably (Krook 2020: 63) but can also connote potential differences in framing and scope. The first is restricted to women (cis- or transgender) and refers to the gender asymmetries between men and women (Archenti/Albaine 2018: 18; Cerva Cerna 2014). It expresses, in a similar way as the studies of violence against women, that this is a violence conducted “on the basis of gender” – that is: a violence a woman suffers *because* she is a woman.

The second concept – gender-based political violence – has a potentially different, less discussed meaning. The use of “gender-based” instead on “women” opens the concept to the possibility of recognizing the violence directed to someone *whose existence defies the heteronorm*. Therefore, *gender-based political violence* can also encompass the violence directed at LGBTQIA+ politicians (Freidenberg 2017; Albaine 2017a; Krook 2017, 2018, 2020; Krook/Sanin, 2016; Biroli 2016, 2018; Biroli/Marques 2020: 564; Bardall/Bjarnegård/Piscopo 2019).

Consequently, although gender-based political violence is not a new phenomenon, it has only recently been named as such and debated in terms of its occurrence and conceptualization. The definition of gender-based political violence does not only encompass extreme forms of violence such as murder, rape, or battering, but also economic and psychological forms of violence.

1 Another term – less used – is “gendered political violence”. See Bardall, Bjarnegård, Piscopo 2019.

While gender-based political violence is being called a “rising global trend” in its incidence (Krook 2018), the first – and, until now, the only – countries to name it under their domestic legal order are situated in Latin America.

On the international level, several previous instruments paved the way for legal internal frameworks to fight this specific kind of violence. The 1953 Convention on the political rights of women; the 1969 American Convention on Human Rights (Pact of San Jose, Costa Rica), that implemented the Inter-American Human Rights System; the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); 1994 the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) that created a follow-up mechanism for a continuous and independent evaluation process of its implementation, and the 1995 United Nations’ Fourth World Conference on Women in Beijing that stressed the necessity of granting women access to power positions, including politics, and issued a “platform for action”. These are instruments created to protect women’s political and human rights and were all ratified by Latin-American countries.²

The concept of political violence against women first emerged in the late 1990s in Bolivia, but only became a national subject after the emblematic political feminicide³ of Juana Quispe Apaza, a member of the indigenous and peas-

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- 2 Although these mechanisms were mostly held by the UN and the Organization of American States, the United States of America have not ratified neither the American Convention on Human Rights, nor the Convention on the Elimination of All Forms of Discrimination Against Women, and have not signed the Belém do Pará Convention. This can be seen as an “[US-]American exemptionalism, or the hubristic assumption that the United States is being ‘above’ or an ‘exception’ to the law” (Schalatek 2019, arguing about the USA not having signed the CEDAW).
 - 3 The initial term used in the English language was “femicide”, formulated by Diane Russell (2012, 1) in 1976. She more recently defined it as “the killing of a female because she is a female” (ibid.). In turn, the term “feminicide” was coined in Spanish (*feminicidio*) during Russell’s participation on a seminar at the UNAM in 2005 to avoid the idea of a feminization of the word “*homicidio*” (homicide) under a translation into “*femicidio*” (Russell/Radford 1992, 17). Later, Marcela Lagarde added that institutional violence was part of feminicide, leading to impunity (Lagarde 2006, 223). Yet, both terms are often used as synonyms. The term “feminicide” has been established in Latin America and has also been used in English. I use the term “feminicide” because I understand the state to be responsible for the violence against and murder of women. In the case of a killing of a MP or councilwoman, the state is responsible not only for failing to ensure their safety, but also often for not conducting the investigation properly, neither hav-

ant women's movement who was the first female councilwoman elected in Ancoraimes, a municipality in the province of Omasuyos. In April 2010, she won the municipal elections with 70 percent of the votes, and nevertheless was harassed and threatened by the mayor and councilors of the municipality, not only during her campaign but also after being elected (Gil 2019).

On several occasions, the (all-male) councilors changed the council meeting locations without telling her, or ostensibly prevented her from entering the sessions, so they could remove her from office for absenteeism. As a result, Juana Quispe Apaza was removed from her position. She refused to resign and was not reinstated in her position until 2012. Quispe filed a lawsuit and only after 20 months, on 9 February 2012, was she restored to her position (Gil 2019).

A month later, she was found dead with signs of hanging in the city of La Paz. Quispe Apaza was running a project against political gender harassment and violence to combat the constant aggression and pressure that Bolivian women suffer when engaging in politics (Gil 2019). After her political femicide, the bill that was drafted in the late 1990s following several complaints of violence and presented in 2001 (Freidenberg 2017: 25). It was finally approved on the 28th of May 2012 and became the first law to combat harassment and political violence against women in the world. After that, Costa Rica, Ecuador, Honduras, Mexico and Peru drafted bills (Albaine 2017b: 120, Freidenberg 2017: 25), as well as El Salvador, Argentina, Uruguay and more recently, Brazil.⁴ In 2017, the Organization of American States, following the 1994 Convention of Belém do Pará (namely, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women) published

ing the crime resolved, nor holding the perpetrators accountable for it, as in the cases of Juana Quispe (Bolivia) and Marielle Franco (Brazil) (Lima/Fabris/Goulart 2022: 70).

- 4 Some of those bills came into force. In my free English translation the names of these laws would be: Costa Rica, Act 10235/2022 – Law to prevent, address, punish and eradicate violence against women in politics; Ecuador, Act 157/2018 – Comprehensive Organic Law to Prevent and Eradicate Violence against Women; Mexico – The General Law on Women's Access to a Life Free of Violence, 2007 with political violence against women added in 2013 as art. 20; Peru, Act 31155/2021 – Law that prevents and punishes harassment against women in political life; El Salvador, Decree No. 520/2010 – Special Integral Law for a Life Free of Violence for Women; Argentina, Act 26.485/2019 – Comprehensive Protection to prevent, punish and eradicate violence against women in the environments in which they develop their interpersonal relationships; Uruguay, Act 19.580/2018 – Gender-based Violence against Women, and Brazil, Act 14.192/2021 – Law to combat political violence against women.

an “Inter-American Model Law on the Prevention, Punishment and Eradication of Violence against Women in Political Life”.⁵

In this context, Latin American countries have been pioneers in legislative efforts to define and combat forms of gender-based violence. The Model Law defines it as follows:

Violence against women in political life shall be understood as any action, conduct, or omission, directly or through third parties, which, on the basis of gender, causes injury or suffering to one or more women, and which has the purpose or effect of impairing or nullifying the recognition, enjoyment, or exercise of their political rights. Violence against women in political life may include, but is not limited to, physical, sexual, psychological, moral, economic, or symbolic violence. (Inter-American Commission of Women 2017: 23).

Violence Against Women in Politics in Brazil: a Political Femicide, and a New Bill

In the Brazilian public sphere, the subject has gained increasing attention especially after the political femicide of Marielle Franco in 2018, then the second most voted councilwoman in the municipality of Rio de Janeiro. Marielle Franco was Black, of poor origin, raised in the Favela da Maré in Rio de Janeiro, and openly bi-sexual.

5 The relation between the Belém do Pará Convention and the Inter-American Model Law is explained in the document itself: “In 1994, the Inter-American Commission of Women (CIM) promoted the adoption of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, better known as the Convention of Belém do Pará. The Convention entered into force in 1995 and has been ratified by 32 States to date. In 2004, the States Parties to the Convention agreed on the creation of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) with the objective of monitoring the implementation of the Convention in the State Parties. Within the framework of its mandate, the MESECVI has recognized the progress of the States in the prevention and punishment of violence against women in the private sphere, however, it has also repeatedly emphasized that ‘these actions do not cover all manifestations of violence against women, especially those produced in the public sphere,’ and has affirmed the need to make progress in legislation that sanctions violence against women perpetrated in the public sphere” (Inter-American Commission of Women 2017: 5).

She stood up for women's rights, raising topics such as abortion and combating violence against women, and she constantly denounced police abuse in the favelas. On 14 March 2018, as she was leaving an event on Women's Day with young Black women in central Rio, a vehicle pulled up next to Marielle's car and someone fired thirteen shots, killing Marielle Franco and the driver Anderson Pedro Gomes. In 2022, four years after her murder, the case was still under investigation and under political dispute. The police investigation's main hypothesis is that it was a politically motivated execution carried out by paramilitary forces (Phillips 2019). The central question asked by awareness campaigns relating to this crime was: "Who ordered the killing of Marielle Franco?"

Although Marielle Franco has become a symbol against political brutality and femicide, it was only in 2021, three years after her death, that Brazil passed a law creating the criminal category of "violence against women in politics". And, contrary to all the other extensive laws on the subject by its neighbour countries, this law is very brief and only creates criminal offenses, thus only creating avenues in criminal law to deal with the matter. That means that other legal mechanisms, such as electoral law, torts, administrative law, for instance, which may be more effective in countering the most widespread forms of gender-based political violence, were not considered or addressed in this new Brazilian law. The Act No. 14.192/2021 "establishes norms to prevent, repress and combat political violence against women" and defines in its Art. 3^o: "Political violence against women is considered to be all actions, conduct, or omissions with the purpose of preventing, hindering, or restricting women's political rights"⁶.

The process of passing this law – under the ultraconservative government of Bolsonaro – was surrounded by disputes. For instance, it was impossible to pass a more comprehensive law, also because the former president and his supporters were often the very entities who attack women, with right-wing congresswomen participating in such defamations. One example is Carla Zambelli, a federal representative of São Paulo State, accused of having committed

6 The law adds to the penal code the criminal offense of 'political violence against women', defined as: Art. 326-B – "To harass, coerce, humiliate, persecute or threaten, by any means, a female candidate for elective office or holder of an elective office, using contempt or discrimination against the condition of women or her color, race or ethnicity, with the purpose of preventing or hindering her electoral campaign or the performance of her elective office." (All translations from Portuguese into English by the author).

political violence against Talíria Petrone, Sâmia Bonfim and Manuela D'Ávila, three left-wing women politicians who were called “genocidal leftists” and had their images disfigured with devilish red eyes and horns because they celebrated the passing of the abortion law in Colombia (UOL 2022).

Another reason that made it impossible to speak of “gender-based” political violence is the federal government’s ban on using the word gender in any of its official documents, as a sign for its opposition to “gender ideology”⁷ and as an attempt to exclude trans women. On a side note: In 2019, it was reported that the Brazilian delegation at the UN opposed the word “gender” – in Portuguese, “*gênero*” –, in all documents, including completely unrelated contexts, such as “foodstuffs” (*gênero alimentício*). In this context, compared to the other Latin American countries, the Brazilian law on gender-based violence turned out to be rather unambitious. Furthermore, it mobilized what is called “penal populism”.⁸ The term describes the practice of passing criminal law(s) and advertising it as the solution to social problems that have created public out-

7 On “gender ideology” and its creation by the Catholic Church in the 1990s and its purposes, see Case 2019.

8 Penal populism can be described as “a process whereby the major political parties compete with each other to be ‘tough on crime’. It is generally associated with a public perception that crime is out of control and tends to manifest at general elections when politicians put forward hard-line policies which would remand more offenders into prison prior to sentencing and impose longer sentences. (...) According to a book written by John Pratt (2007), a criminologist and international authority on the subject, penal populism speaks to the way in which criminals and prisoners are thought to have been favored at the expense of crime victims in particular and the law-abiding public in general. It feeds on expressions of anger, disenchantment and disillusionment with the criminal justice establishment. It holds this responsible for what seems to have been the insidious inversion of commonsensical priorities: protecting the well-being and security of law-abiding ‘ordinary people’, punishing those whose crimes jeopardize this. Pratt wrote that ‘as with populism itself, penal populism usually takes the form of ‘feelings and intuitions’ rather than some more quantifiable indicator: for example, expressions of everyday talk between citizens which revolves around concerns and anxieties about crime and disorder; anger and concern about these matters volubly expressed in the media – not simply the national press or broadcasters; and a variety of new information and media outlets which allow the voices of the general public a much more direct airing – local newspapers and news sheets, talk-back radio and reality television” (ECPS, available at: <https://www.populismstudies.org/Vocabulary/penal-populism/>, accessed on 13 October 2022).

cry and scandal; when in fact, critical criminology⁹ shows that criminal law is never a (single) solution, since it is of difficult and selective implementation, especially when its intention is to discipline privileged sectors of society, like (male) politicians.

The other Latin-American laws on gender-based political violence represent undeniable advancements, not only in terms of their potential to change their country's reality, but also with regards to the wider debate on women's political rights across the world. This conclusion has not been unanimous, though.

Gender-Based Political Violence: A Global Phenomenon

Internationally, the pioneering spirit of Latin American countries in the field of legislating against gender-based violence has mostly been portrayed as exceptions, inside and outside of the continent. Based on stereotypes of the region rooted in notions of global hierarchy (such as labelling only the Global South as violent, backward and underdeveloped), political contexts in Western countries usually maintain that such a concept would be useless in the Global North, because this kind of violence is believed to only exist in countries with "weak and threatened" democracies.

This, however, is not true. Just as gender-based violence is globally present, so is its occurrence in the political sphere. The aforementioned false arguments punish and invisibilize the continent's protagonism in creating what could be called, following Cho, Crenshaw and McCall (2013: 788), an "analytical tool to

9 "... the field of critical criminology is united in its emphasis on addressing power differentials, hierarchies, and inequalities as explanations of crime, as these impact the distribution of crime over time and place, and in relation to definitions of crime and justice and processes of doing justice, as these impact the making and enforcing of laws." (Lynch 2014, available at: <https://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0064.xml> accessed on 13 October 2022). As stated by Alessandro Baratta (2004 [1982]), one of the founders of critical criminology: "The attention of the new criminology, of critical criminology, has been directed above all to the process of criminalization, identifying in it one of the major theoretical and practical knots of the social relations of inequality characteristic of capitalist society, and pursuing, as one of its main objectives, a rigorous expansion of the critique of unequal law to the field of criminal law" (Translated from Spanish into English by the author).

capture and engage contextual dynamics of power”, an epistemological frame to name, make visible, and oppose a pervasive phenomenon of subordination. Thus, one overlooks the presence of these acts of violence in countries of the Global North. One example would be the attacks delivered by former president Donald Trump against former candidate Hillary Clinton (Chozick/Parker 2016) or congresswoman Alexandria Ocasio-Cortez and other congresswomen (Pengelly 2019) in the U.S. Or, in Germany, the sexist scrutiny to which Angela Merkel has been subjected (Tagesspiegel 2021a), and the transphobic treatment of MP Tessa Ganserer since she got elected (Tagesspiegel 2021b); and in the UK, the political femicide of Jo Cox in 2016 (Mondragón/de Cosío 2017: 214).

The first global study on violence against women legislators conducted from the Inter-Parliamentary Union in 39 countries showed that more than 80% of women in politics have experienced psychological violence, understood as “any hostile behavior or act likely to cause psychological harm, suffering and/or fear” (IPU 2016: 3). 65.5 per cent have experienced humiliating sexual or sexist remarks. Almost half, 44.4 per cent have received threats of death, rape, beatings, or abduction. In 2018 another report from the IPU showed alarming levels of sexual abuse and violence in European parliaments (2018: 5).

In addition to leading efforts to recognize gender-based political violence, Latin American countries have recently also made huge advances in increasing women's participation in politics: Of the ten countries with the highest number of women in parliament (ranging in percentages from 42.6 to 61.3 per cent), five are from Latin America: Second in the world is Cuba, with 55.7 per cent; third, Nicaragua, with 51.7 per cent; fourth, Mexico, 50 per cent; eighth, Costa Rica, 47.4 per cent; Bolivia comes now in the eleventh position, with 46.2 per cent (IPU 2023). Thus, violence against women in politics is also a response to the increasing presence of women in the political sphere and their agendas, trying to stop and reverse this tide.

Unlike its neighbors, however, Brazil has faced immense difficulties in advancing on both fields: political violence against women and women's participation in politics. This is even more perplexing as we analyze some data on these phenomena in the country: Brazil is one of the countries with the fewest women in politics in the world: The current figure of 17.5 per cent after 2022's elections is the highest in Brazilian records (n. 131 in the IPU ranking of 187 positions – IPU 2023). The rate of women elected increased by 50 per cent for the first time in history in 2018 compared to the 2014 national elections (it went from about 10 per cent in 2014 to 15 per cent in 2018) and was reached after a Federal Supreme Court decision that granted women candidates access to pub-

lic campaign resources proportionately to the percentage of candidacies (that is, at least 30 per cent) (Fabris 2019). This landmark decision was issued the day after Marielle Franco's murder. It is important to note that the exclusion rate of Black congresswomen in Brazilian parliament is even greater: Currently, they constitute only 2 per cent of the lower house and only 1 per cent of the senate, while representing 27.8 per cent of the Brazilian population (MND 2023: 7). Additionally, Black congresswomen are more likely to experience political violence, as well as female opposition members, especially Black and trans women MPs, as recent research and episodes have demonstrated (Lima/Fabris/Goulart 2022; Terra de Direitos et al 2022).¹⁰

The advancement achieved by the Brazilian Supreme Court was followed by political conservative attempts at retrogression: Under the Bolsonaro government, conservative politicians attempted to pass new laws reforming the rules of the Brazilian electoral system, most frequently trying to furtively impede the advancement of women's presence in politics, while also electing some women with a massive number of votes (Araújo/Fabris/Ferreti 2021).

Moreover, Eurocentrically taking Europe and the US as a reference, (conservative) Brazilian politicians have been resisting the adoption of laws and public policies both to increase women's political participation and to comprehensively fight gender-based political violence. Such voices argued that “no civilized country in the world – meaning: in the EU and the USA – has a federal law on a quota or parity for women in politics and on violence against women in politics”. With the help of some conservative women MPs, the Parliament

10 Benny Briolly, a Black and trans Councilwoman from Niterói and her staff received several death threats, as well as transphobic and racist insults. These facts were denounced to the IPU Committee and the transphobia she suffered from a colleague became the first case to be denounced by the Public Ministry as the conduct of violence against a woman in politics (IACHR & OAS 2022, available at: http://www.oas.org/en/iachr/decisions/mc/2022/res_34-22%20_mc_408-22_br_en.pdf). Also, on the Federal level, the Black and left-wing Congresswoman Talíria Petrone has been a symbol for political violence against (Black) women in Brazil, having her case recently acknowledged as a Human Rights Violation by the IPU Committee on the Human Rights of Parliamentarians, expressing concern on the death threats, acts of intimidation, violation of freedom of opinion and expression, violation of freedom of movement and discrimination she has been suffering, and requesting that state to take measures to protect her (IPU 2022, available at: https://www.ipu.org/sites/default/files/document/s/brazil-e_1.pdf).

tried to pass in 2021 a constitutional amendment aiming at ending the 30 per cent quota for women candidates.

Therefore, due to the political, economic, and epistemological global power imbalance, the pioneering role of Latin American countries (actually, of Latin-American women and social movements) in acknowledging and framing this specific form of violence has so far neither been recognized, nor followed by countries of the Global North. On the contrary, this pioneering spirit has been used to rehash the old stereotypical label that the issue is a mere exception pertaining only to violence-ridden and weak democracies.

The omnipresence and global scale of assaults against women and gender-nonconforming individuals makes it clear that it is time for gender-based political violence to be acknowledged: as an attempt to prevent women from entering politics; a response to the ones who made it, so they are unable to do their jobs and represent the interests of women as a group; as an enforcement of gendered division of public and private as hierarchy and inequality per se; as a message for other women who outside of the political realm, all women. Gender-based political violence needs to be recognized as a specific form of discrimination against women and that pervasively occurs on the intersection with other markers of difference and subordination, like racism and LGBTQIA+ phobia. Gender-based political violence forms an integral part of the patriarchy; therefore, it is global and an issue affecting each and every country, not only the Global South. As a consequence, gender-based political violence must, together with Latin America's vanguardism, be acknowledged, as well as addressed and opposed, worldwide.

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