

# Criminalizing Violence against Women in Politics: Innovation, Diffusion, and Transformation

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Violence against women politicians is increasingly recognized as an issue that undermines women’s presence in politics. Latin America has been at the vanguard of this global discussion. In 2012, Bolivia became the only country in the world to criminalize “political violence and harassment against women.” Several other countries have similar legislation in the works. What explains the emergence of these bill proposals? This article argues that the creation of these bills is the result of three processes: activism at the local level used international norms to propose an innovative solution to a problem; women politicians and “femocrats” worked within the state apparatus to overcome resistance; and international actors worked to foster connections among activists and politicians across the region. In this process, international norms have been transformed, with important implications for women’s political representation.

**Keywords:** Violence against women in politics, policy diffusion, gender-based political violence, international norms transformation, Latin America

**I**n recent years, various representatives in Latin America have proposed legislation to address “political violence and harassment against women.” Bolivia became the first country in the world to criminalize this problem in 2012. Legislative initiatives have since been presented in

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six other Latin American countries. The creation of these bills is remarkable, for several reasons: First, countries in the region already have comprehensive legal frameworks to address gender-based violence. Second, violence and harassment against women politicians is not a widely recognized problem. Third, there are no international norms in this regard. Finally, there is a growing global backlash against the expansion of women's rights, making the emergence of these bills even more puzzling. What, then, explains this phenomenon?

This article analyzes the emergence of state measures to address violence against women in politics (VAWIP) and argues that they are the result of a process of policy diffusion.<sup>1</sup> In this process, a variety of actors at the international and domestic levels, within both the state and civil society, played significant and complementary roles. Instead of pressuring states to create these bills, as current theories of norm diffusion emphasize, international actors amplified and supported the work of activists on the ground, helping create networks across countries in the region. Activists at the local level raised awareness about VAWIP and shaped the discussion; importantly, they were “policy innovators” by reframing international norms on democracy and gender-based violence to create legislative bill proposals. Women politicians and bureaucrats within the state used their political capital to overcome opposition to the recognition of VAWIP.

To understand how legislative proposals on VAWIP were created in multiple countries in Latin America, I analyzed bill proposals presented between 2001 and 2019. These include measures proposed in seven Latin American countries at the national and subnational levels. In total, I analyzed 38 state-created mechanisms to address VAWIP, as shown in the online appendix. This information was complemented by reports about VAWIP by diverse organizations, as well as in-person and phone interviews with politicians, activists, state officials, and staff from international organizations from all the countries that have legislation in the works.

The first section of the article discusses the theories of international norm diffusion, emphasizing feminist scholarship on gender equality norms. Then the article discusses the diffusion of norms on gender equality, including international and regional instruments against gender-based violence and discrimination. The third section analyzes theories of VAWIP and explains

1. Activists in Latin America and the bill proposals refer to this issue as “violence and harassment.” I use the acronym VAWIP, which stands for violence against women in politics, because it better reflects the types of behaviors experienced by women politicians as well as for space and readability reasons.

this form of violence as a manifestation of gender-based violence. The fourth section explains the creation of legal initiatives to address VAWIP, examining the role of activists, political elites, and international actors. The fifth section analyzes how transnational activism on VAWIP has transformed norms on gender-based violence, and the implications of this transformation. The final section discusses the implications of these findings.

## EXPLAINING THE DIFFUSION OF INTERNATIONAL NORMS

Theories of norm diffusion explain why states adopt international norms. Norms are “standards of appropriate behavior for actors with a given identity” (Finnemore and Sikkink 1998, 891) that evolve in a patterned “life cycle” in which “different behavioral logics dominate different segments of the life cycle” (888). These theories emphasize the role of international actors, civil society, and domestic elites in promoting international norms and their adoption at the domestic level. Norm diffusion is a *process* that occurs through adaptation and learning (Simmons and Elkins 2004). Learning refers to the role of other countries’ experiences when adopting international norms, while adaptation refers to the modification of international norms to particular contexts (Elkins and Simmons 2005). These accounts center international actors in the process of norm creation and diffusion. In doing so, these theories portray norm adoption as a top-down process in which norms emerge at the international level and are adopted at the domestic level.

Other accounts discuss norm diffusion as “boomerang effects” in which domestic actors use connections with transnational advocacy networks (TANs) to pressure their own governments or international organizations to promote change (Keck and Sikkink 1998, 1999; Zwingel 2005). These theories recognize the importance of activism in the adoption of norms, as well as the interactions between the international and domestic levels. Local activists not only pressure political elites but also serve to “localize” international norms by building “congruence between transnational norms . . . and local beliefs and practices” (Acharya 2004, 241).

The role of TANs becomes evident in the adoption of international norms when supranational organizations and local actors work as if they are playing “ping-pong” (Zippel 2004). Domestic actors mobilize to promote change at the supranational level, then use those changes to promote policy change at the domestic level, and finally use domestic-level transformation to promote stronger measures at the international level. Zippel emphasizes the

importance of TANs and the “back and forth” between the international and local levels. However, theories that recognize the role of local activism still center international actors as creators of norms or as those who pressure governments to adopt those norms.

Other scholars have challenged this top-down, static, and linear perspective of norm diffusion and the uncontested nature of international norms at the domestic level (what Risse and Sikkink [1999] call “internalization”). This criticism has been highlighted by feminist scholars, including Zippel (2004) and Zwingel (2005), who have analyzed the diffusion of gender equality measures, including measures against gender-based violence and the adoption of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Krook and True (2012) argue that international norms live in a contested space, showing how understanding norms as processes, instead of outcomes, explains the divergence in the adoption of international norms at the domestic local level.

Contestation is common in regard to gender equality norms, especially those that address “doctrinal issues” that endanger existing conservative gender regimes (Htun 2003; Htun and Weldon 2012, 2018). It is unsurprising, then, that even when multiple actors pressure states to transform their policies, the states frequently resist. This does not mean that the adoption of gender equality policies is not possible; rather, it means that it takes multiple actors working at different levels, as advances in this regard in the last 50 years show.

Contestation of gender equality norms can be overcome, Van der Vleuten (2005) argues, through the use of “prestige” and “pinzers.” When states are susceptible to international pressure, activists work with international actors, pressuring states from above and below to promote domestic change. However, if there is no domestic pressure to adopt policies, legal changes at the domestic level are only rhetorical. Prestige, Towns argues (2010b), is an important driver of the adoption of norms on gender equality, such as women’s suffrage or gender quotas, because such norms increase states’ ranking in international society by making them appear “modern.” However, the role of “status” is only possible or effective in certain states (Montoya 2013; Och 2018). Local activism and capacity building are thus key in the process of policy adoption and implementation.

Montoya’s work calls attention to the region as an important level of analysis. When analyzing policy regarding VAW (in politics) in Latin America, the role of regional actors becomes more evident. Friedman (2009), Towns (2010a), and Roggeband (2016) all highlight the role of

the Organization of American States (OAS) in making Latin America a leader in the adoption of measures to end VAW. Despite the weakness of the OAS as a regional body, women's rights activists have successfully used the organization to pressure states to adopt and strengthen domestic policies regarding VAW. This has been possible, Friedman argues, because activists have framed VAW as a human rights issue, using the Inter-American Human Rights System as one of the "pinzers" pressuring from above while activists exert pressure from below.<sup>2</sup> Friedman, Towns, and Roggeband emphasize the role of the Inter-American Commission on Women (CIM) in advancing women's rights regionally and promoting the adoption of a strong and legally binding mechanism to end VAW — the Convention of Belém do Pará.

Roggeband's account portrays a more complex process of norm diffusion. Instead of a top-down process (either in boomerang, ping-pong, spiral, or pinzers models), policy diffusion is multidirectional, with states sometimes adopting norms because of international pressure, sometimes because their neighbors adopt similar policies, sometimes because of activism from within, and sometimes because all of these processes occur at the same time. This perspective helps us understand the creation of VAWIP measures.

## EXPLAINING THE DIFFUSION OF GENDER EQUALITY

Feminist accounts of policy diffusion highlight the importance of civil society actors but do not fully explain the mechanisms through which feminist activism at the domestic level produces policy change. Htun and Weldon (2012, 2018) demonstrate the importance of autonomous feminist movements in the adoption of domestic policies on VAW. Their cross-country, multiyear analysis of the adoption of gender equality policies globally shows that even though international and regional agreements are significant, independent and autonomous feminist organizing is the most important explanatory variable for the adoption of VAW laws. International norms only become relevant after a certain "tipping point" at which a significant number of states have adopted gender equality policies (Htun and Weldon 2012).

The role of feminist activists in civil society has been evident to scholars working on VAW and other issues in Latin America. Roggeband (2016), for example, highlights the role of women activists, notably, the feminist

2. The Inter-American Human Rights System comprises the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

*Encuentros* (encounters) in mobilizing women in Latin America around VAW. The *Encuentros* – regional meetings of feminist activists – served to make VAW a policy priority for women’s movements across the region, especially through the recognition of VAW as a continuum that ties together acts of violence within the home and the public sphere, perpetrated by the state.

The role of civil society activists also becomes relevant when international norms are contested at the domestic level. Htun and Weldon (2012, 2018), building on Htun’s prior work (2003), stress that gender equality policies vary in their nature, and this helps explain how policies are adopted. Policies that challenge gender hierarchies and the position of political or cultural leaders are most likely to find opposition. Norms on VAW are doctrinal because they “challenge social norms establishing male dominance in sexuality, the family, and the broader society” (Htun and Weldon 2012, 552). This makes it harder for activists or politicians to speak up against VAW for fear of reprisal, which, in turn, makes feminist activism more necessary. VAWIP policies also fall within the category of “doctrinal issues” as they are an extension of VAW laws, with an added complication: their approval threatens the position of the legislators who should vote to pass them.

Htun and Weldon’s work points to the importance of context in the adoption of international norms. Although VAW is recognized as a problem evident in the adoption of international norms, particular manifestations of VAW or the nature of policies to address it are subject to opposition from different groups. In this regard, the adoption of international norms depends on the active interpretation and appropriation of those norms by local actors (Zwingel 2005). Local actors across the world have accepted the legitimacy of CEDAW and interpreted it according to the gender hierarchies of different countries, resulting in the transformation of legal codes globally (Zwingel 2005).

Despite the apparent acceptance of global norms on gender equality, adoption is often just lip service reflecting rhetorical, not substantive, commitments to achieving gender justice (Stratigaki 2004; Van der Vleuten 2005). Because it is hard for states to be vocally against gender equality, contestation frequently occurs in subtler ways. Stratigaki (2004) shows that the co-optation of gender equality norms leads to the adoption of policies that do not reflect the feminist principles that inspired them. This process occurs when the values of the norm are not rejected, but its meaning is subsumed under different policy priorities. This strategy undermines domestic activism because it is a gradual process and there is no open opposition to the principle that guides policy change.

Domestic political elites are portrayed as the most significant opponents of gender equality because they are responsible for bringing about policy change. However, domestic political elites are not only the passive receivers of pressures from above or below, as characterized by the aforementioned theories. Instead, they are active participants in deciding which international norms are adopted and the limits of those norms at the domestic level. Paying attention to domestic political elites also reveals the nature and strategies used both to support and to question international norms (Krook 2009; Weyland 2005).

In sum, international norms spread through the work of international and domestic actors who pressure states to adopt global principles (Finnemore and Sikkink 1998; Friedman 2009; Roggeband 2016; Van der Vleuten 2005; Zippel 2004). Although the role of the international community is undeniable, gender equality norms are not as strongly enforced as other international agreements. While most countries have signed CEDAW, 58 states have expressed reservations, including to the core provisions<sup>3</sup>; of the 189 states parties to CEDAW, only 113 have signed the Optional Protocol that allows the CEDAW Committee to hear complaints against state parties. Since the Optional Protocol has been in force, the CEDAW Committee has only decided 10 cases.<sup>4</sup> Instead of serving as “pinzers” pressuring states to comply, international actors, I argue, support and amplify activists by fostering networks between activists and politicians across and within countries.

Other scholars of norm diffusion have centered their analysis on activism, either transnational (Friedman 2009; Montoya 2013; Roggeband 2016; Zippel 2004; Zwingel 2005) or domestic (Htun and Weldon 2012; Krook 2009; Och 2018; Weldon and Htun 2013). While these theories hold true in regard to the diffusion of VAWIP norms, these works do not explain how activists at the domestic level overcome opposition. This article fills this gap by showing that the coexistence of multiple normative and legal frameworks provides activists an important strategy: instead of framing VAWIP only as a “women’s rights issue” — which results in wide opposition — activists in Latin America have framed this problem as a violation of democratic principles, a norm that is less contested. This framing helped activists, women politicians, and feminists working within

3. The core provisions are in Articles 2 and 16: <http://asiapacific.unwomen.org/en/focus-areas/cedaw-human-rights/faq#whatstateparties>.

4. See the list of cases at <https://www.un.org/womenwatch/daw/cedaw/protocol/dec-views.htm>.

the state (called “femocrats”; see Chappell 2002) justify the adoption of laws and electoral guidelines to end VAWIP.<sup>5</sup>

Finally, theories of norm diffusion portray domestic political elites as homogeneous groups that oppose the adoption of gender equality policies. Weyland (2005) argues that elites adopt international norms because of self-interested electoral gains. However, the role of political elites is more complex. On the one hand, opposition to VAWIP laws does come from political elites: it is in political circles that activists have faced the most resistance to the criminalization of this problem, but women politicians and femocrats have used their political capital and their own experiences to raise awareness about the problem, emphasizing the state’s responsibility in guaranteeing women’s rights.

### **Cedaw, Belém do Pará, and the Mesecvi: Normative Frameworks on Violence Against Women**

Legislation to address VAWIP was not developed in a vacuum. The conceptualization of VAWIP is grounded in international norms on gender-based violence, women’s political participation, and human rights. At the global level, CEDAW is the most important instrument for addressing gender-based violence, as it recognizes some manifestations of VAW. CEDAW is not legally binding but has been widely ratified, and its Optional Protocol, approved in 1999, provides mechanisms for enforcement. All countries in Latin America have signed or ratified CEDAW, and only Nicaragua and Honduras have not ratified the Optional Protocol.

Besides CEDAW, and arguably more important in Latin America, there is the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the Convention of Belém do Pará. The convention was signed in Brazil in 1994, just one year after the adoption of the Vienna Declaration. Belém do Pará was the result of more than 60 years of work by the CIM. The CIM has worked for the improvement of women’s status since 1928, including the promotion of women’s suffrage, and, more recently, women’s political

5. Latin America has not been immune to the growth of opposition and nondemocratic sentiments worldwide. However, more than half of Latin Americans still support democracy as a form of government, and only 15% say that dictatorship is better, according to the most recent Latinobarometro survey. This suggests that instead of being against democracy, Latin Americans are dissatisfied with particular governments.



participation and right to live free from violence (Friedman 2009; Towns 2010a).

The adoption of regional and domestic legal frameworks to address VAW has been the result of sustained activism by women across the region. Activism to end VAW in Latin America predates both CEDAW and Belém do Pará. Since at least the 1970s, when the region was ruled by authoritarian regimes, women activists made connections between VAW in the domestic sphere and violence in the public sphere (Roggeband 2016). The processes of democratization, in which women participated actively (Alvarez 1990; Baldez 2002; Bouvard 2004; Waylen 2007), expanded women's ability to organize, share experiences, and strengthen their ties with activists across the region (Alvarez et al. 2003; Friedman 2003; Roggeband 2016; Sternbach et al. 1992).

Belém do Pará was a result of that activism and recognized some of the manifestations of violence brought to light by feminists (Friedman 2009; Roggeband 2016). The convention "defines violence against women, establishes that women have the right to live a life free of violence and that violence against women constitutes a violation of human rights and fundamental freedoms," including the recognition of violence against women in public life and violence that is perpetrated or condoned by the state (Article 2). The recognition of the role of the state in perpetrating or tolerating violence makes the convention a pioneering international instrument on VAW and creates important routes for justice, making states responsible for addressing gender-based discrimination and violence (Acosta López 2012; Roggeband 2016).

Unlike CEDAW, Belém do Pará is legally binding. The Follow-up Mechanism to the Belém do Pará Convention (MESECVI) is a tool for permanent evaluation of the implementation of Belém do Pará that is made up of a committee of experts designated by each state party.<sup>6</sup> This committee meets periodically and evaluates the status of the implementation of the convention, prepares country and hemispheric reports with recommendations, and follows up with the states.

The importance of Belém do Pará is not limited to the writing of reports and recommendations. The convention is tied to other human rights instruments in the region, including the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (Friedman 2009). The court

6. Organization of American States, "What Is MESECVI?," <https://www.oas.org/en/mese cvi/about.asp>.

“expressly recognized the justiciability” of Belém do Pará, emphasizing states’ responsibilities in adopting reasonable policies to address VAW when it ruled against Mexico in *Gonzalez et al. v. Mexico*, known as the Cotton Field case (Acosta López 2012, 24).

Since the adoption of Belém do Pará, all states in Latin America have created laws to recognize violence against women. Initially, those laws were focused on domestic violence, but most states have strengthened their legal instruments to recognize gender-based violence, including violence perpetrated outside the home and by strangers (Friedman 2009). Seventeen states have recognized femicide as an extreme form of gender-based violence that is different from “regular” homicide (Restrepo Sanín 2018b). Legislation on VAWIP is part of this expansion of the legal framework on VAW.

## VIOLENCE AGAINST WOMEN IN POLITICS

The previous section explained the emergence of international and regional frameworks on VAW. The conceptualization of VAWIP developed within this larger framework. The concept of VAWIP has “multiple, parallel origins” in the global South, and it has been amplified by networks of practitioners, academics, activists, and politicians, in both the global North and the global South (Krook 2019, 78).

VAWIP refers to “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 2016, 128). This form of violence is not related to a woman’s political ideology or party affiliation but to her gender. Women are attacked by colleagues in the same institutions they work in, by members of their own political party, and by citizens, civil servants, and opponents. As a form of gender-based violence, acts of VAWIP take many forms, including physical, sexual, and psychological violence.

There are also other manifestations recognized by activists around the world, including economic violence, which is defined as “acts seeking to control women’s access to, or behavior in, the political realm by systematically restricting access to economic resources which are otherwise available to men” (Krook and Restrepo Sanín 2016, 141). Economic violence is accepted as a manifestation of gender-based violence as perpetrators use economic control to abuse their victims (Stark 2007). International norms and organizations, including the

Convention of Belém do Pará, the Istanbul Convention,<sup>7</sup> and the World Health Organization, designate economic violence as a manifestation of VAW (García-Moreno et al. 2005).

Semiotic violence is perpetrated “through degrading images and sexist language,” symbolic annihilation, or sexual objectification (Krook and Restrepo Sanín 2019, 5–6). This form of violence targets the direct victim and the public simultaneously and includes the symbolic erasure of women politicians through, for example, the use of grammar rules to make women’s presence invisible in political spaces. This form of violence frequently occurs online (Krook and Restrepo Sanín 2019).

Most of the publications on VAWIP have been written by women’s organizations at the local and domestic levels. These reports focus on giving this phenomenon a name, collecting data, and proposing ways of addressing cases (Rojas Valverde 2012; SAP International 2006). International organizations have also worked to understand VAWIP and make the problem visible, creating strategies to support women politicians and bring light to the problem as a cross-national issue (Krook 2019). In Latin America, associations of women politicians at the local level have named this issue “violence and harassment against women politicians,” emphasizing that this problem does not refer to discrete actions but to multiple, interrelated, and systematic forms of violence (Restrepo Sanín 2018c).

Academic research on VAWIP has focused on theoretically building the concept to facilitate data collection (Bardall, Bjarnegård, and Piscopo 2019; Cerva 2014; Krook 2017, 2018; Krook and Restrepo Sanín 2016, 2019; Piscopo 2016), the importance of intersectionality (Kuperberg 2018), strategies designed to combat VAWIP, as well as challenges and possibilities in data collection and research (Ballington 2018; Bjarnegård 2018; Restrepo Sanín 2018a). Some articles have focused on specific cases to highlight VAWIP as a barrier to women’s inclusion (Bouka, Berry, and Kamuru 2019; Dalton 2017; Håkansson, *forthcoming*). These discussions have emphasized the need to recognize violence in expansive terms, including multiple expressions of violence that are connected.

Scholarship has also contributed to the debate about VAWIP by analyzing the legislative proposals presented in Latin America and the implications of the legal definitions of VAWIP (Albaine 2017; Restrepo Sanín 2018a). Scholars have tracked the parallel discussions in Bolivia, Southeast Asia, and Kenya that led, with the support of international

7. In full, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

actors, to the increased recognition of VAWIP and its effects on women's political participation (Krook 2019).

None of these articles, however, has explained why states in Latin America created legislative proposals to address this problem. This article analyzes this question, explaining the role of actors at the international, domestic, and local levels, in the context of important institutional reforms and contestation of gender equality norms.

### **Vawip as a Manifestation of Vaw**

VAWIP became a policy issue in Latin America in the early 2000s when activists, first in Bolivia and later in other countries, tried to use VAW laws to protect women politicians who were forced to resign. Existing legislation on domestic violence could not protect women in politics because it narrowly focused on violence in the home, perpetrated by family members.<sup>8</sup> During this time, countries were reforming their legislation on VAW, and some passed more comprehensive legislation on gender-based violence and femicide (Walsh and Menjívar 2016). El Salvador (Decree No. 520 of 2011), Argentina (Law 26.485 of 2009), and Panama (Law 82 of 2013) included “institutional violence” or violence in the public sphere in their general laws on gender-based violence, but they only recognize some manifestations of VAWIP.

The creation of legislative proposals to criminalize VAWIP constitutes an innovation, as these bills emphasize the state's responsibility in addressing gender-based violence, making multiple institutions accountable, including electoral authorities, victims' offices, and — in some cases — political parties. This article represents the first analysis of how the process of policy innovation and diffusion evolved in Latin America. The next section analyzes the processes of diffusion and explains the role of domestic actors in reframing international norms and proposing new policies to address VAWIP.

## **CRIMINALIZING VIOLENCE AND HARASSMENT AGAINST WOMEN IN POLITICS**

The first bill proposal to address VAWIP was drafted in Bolivia in 2004, commissioned by the Association of Female Councilors and Mayors of

8. Interview with activist, La Paz, Bolivia, summer 2015.

Bolivia (Asociación de Concejalas y Alcaldesas de Bolivia, ACOBOL). The discussion of the Bolivian bill proposal promptly moved to other countries. Legislators in Ecuador (2014, 2016), Peru (2012), Mexico (since 2012), Costa Rica (2015, 2017), Honduras (2018), and Colombia (2018) proposed similar measures. Electoral authorities in Mexico created an Electoral Protocol in 2016 with guidelines to address VAWIP, while in Peru, the National Election Jury proposed an electoral reform that included some forms of VAWIP (2017). The Bolivian proposal was approved as Law 243 in 2012.

All these proposals share important characteristics. The bills recognize the Bolivian law and use remarkably similar language, specifically regarding the separation between “harassment” and “violence.” The Bolivian law defines political harassment as “any action or actions of pressure, persecution, harassment or threats,” while political violence is defined as “physical, psychological or sexual aggressions.” The main difference between the two is that, hypothetically, harassment does not cause harm. These definitions are repeated almost verbatim in other proposals, but they include other manifestations to adapt to specific national conditions. In Ecuador, for example, the 2011 proposal includes verbal violence as one of the manifestations of VAWIP. This responds to the findings in one study from the country that concluded that one of the most common manifestations of VAWIP in Ecuador was verbal abuse (Arboleda 2012; Tiban 2011). The Peruvian proposal does not include “violence” and only refers to this problem as “political harassment” because activists wanted to emphasize that VAWIP is not a product of the country’s armed conflict but a particular form of gender-based violence.<sup>9</sup>

There are also important additions or differences regarding the punishments perpetrators receive. In Costa Rica, for example, the sanctions include losing one’s seat and being unable to run for office for a number of years if a person is convicted of VAWIP. This proposal also has different sanctions based on the perpetrator’s power vis-à-vis the victim. In Ecuador, sanctions include a fine of 20% of the perpetrator’s salary.

Although most of these proposals are still being discussed, they represent an important example of the process of policy diffusion, the strategic use of international standards, and the transformation of international norms. All these proposals make reference to women’s political rights and democracy, which are accepted as international norms in the Beijing Platform for

9. Phone interview with Peruvian activist and politician, fall 2015.

Action and various human rights instruments. The Ecuadorean 2016 proposal, for example, not only proposes the criminalization of VAWIP but includes reforms to the “Democratic Code” that regulates elections (Carrillo 2016). The bill proposals represent a “policy innovation” as there were no international standards on VAWIP when they were created. Activists were responsible for this innovation, as will be analyzed in the next section.

### Local Activists as Policy Innovators

The creation of policy measures to combat VAWIP began in Bolivia in the late 1990s, when women politicians at the local level realized that the instances of violence and harassment they were suffering were not isolated events but a broader and more systematic set of practices that sought to control their political decisions or force them out of office.<sup>10</sup> Throughout this process, activists relied on international norms on women’s political participation, gender-based violence, and electoral integrity and democracy to develop mechanisms to address VAWIP. The first bill proposal draft that sought to criminalize VAWIP was created by ACOBOL in 2004.

ACOBOL collected data on violence and harassment and used existing legislation to protect the rights of elected women (Machicao Barbery 2004). However, laws on VAW could not protect women politicians because their focus was on intrafamily violence and did not include violence in the public sphere or perpetrated by strangers.<sup>11</sup> In 2004, ACOBOL commissioned a lawyer to draft a legislative proposal against “Gender-Based Political Violence.” This draft differentiated between harassment and violence to make the legislative proposal more palatable to men who feared the use of the law as a political tool against them.<sup>12</sup> Further, the draft emphasized that VAWIP was rooted in unequal power relations, linking the “new” phenomenon of VAWIP to “old” practices already recognized by international norms on VAW.

The debate in Bolivia increased with the work of a network of women’s rights activists. Deputy Elizabeth Salguero sponsored the proposal in 2004, and it was debated in the Chamber of Deputies that same year but was not

10. Phone and in-person interviews with women activists and politicians, Bolivia, summer 2015–fall 2017.

11. Phone and in-person interviews with women activists and politicians from Bolivia, summer and fall 2015.

12. Interview with activist, La Paz, Bolivia, summer 2015.

approved by the Senate.<sup>13</sup> During this time, the country was going through a massive political transformation with the election of the first indigenous president, Evo Morales, in 2005, and the approval of a new constitution in 2009 (Rousseau 2011). This process is known as the “Process of Change.”

During the constitutional process, women’s organizations held workshops and meetings with local and national politicians to raise awareness about VAWIP and gather support for the bill proposal (Salguero 2008). This bill was also included in the “Political Agenda by and for Women” (referred to “the Agenda”), a series of demands made by Bolivian women to be included in the Process of Change promoted by Morales’s government (Salguero 2008). This Agenda was the result of mobilization organized by feminist and indigenous women’s activists throughout the country and gathered the demands of women from diverse indigenous groups, social organizations, and socioeconomic backgrounds (Movimiento de Mujeres Presentes en la Historia 2009; Rousseau 2011). The bill proposal was presented again to the National Assembly in 2010, and, after the murder of a councilwoman in La Paz, it was approved in 2012 as Law 243. Law 243 marked the first time a legal instrument explicitly recognized VAWIP. Table 4 in the on-line appendix presents a chronological overview of these events.

### **VAWIP as Gender-Based Violence and as a Violation of Democratic Principles**

Bolivian activists used norms on gender-based violence, democracy, and women’s representation to gather support for the bill proposal. They argued that true democracy requires the inclusion of women on equal footing as men, as a necessity for a democratic society and as a reflection of indigenous values (Movimiento de Mujeres Presentes en la Historia 2009).<sup>14</sup> Activists also used the Aymara and Quechua principle of “Chachawarmi” to support their demands for parity in decision-making and against violence. The ideal of Chachawarmi as gender complementarity “refers not to the construction of exclusive spheres corresponding to each gender but rather to the fact that the duality of gender should be represented in all spheres” (Rousseau 2011, 18). Including the ideal of Chachawarmi in the constitution gave indigenous and nonindigenous women a common ground to demand parity in

13. Interviews with activists and politicians, La Paz, Bolivia, summer 2015.

14. Interviews with feminist activists, La Paz, Bolivia, summer 2015.

decision-making and policies against gender-based violence (Rousseau 2011).

The approval of the constitution gave activists new grounds to present the bill proposal on VAWIP. During the discussion of the bill proposal in 2010 supporters argued that this form of gender-based violence undermines women's political rights and agency as political actors, and ultimately affects women's substantive representation (Novillo 2011; Rojas Valverde 2010, 2012). Further, activists emphasized that democracy is more than electoral procedures, stressing the normative elements of democracy. A country where women do not have guarantees of effective political participation is not a democracy. In this way, activists used international norms on democracy, such as the OAS's Inter-American Democratic Charter, as the basis for domestic reform.

The bill proposal was approved in March 2012 after an indigenous councilwoman from the town of Ancoraimés was murdered in La Paz. Juana Quispe had reported being a victim of harassment and violence since 2010 and had been forced to resign. Electoral and constitutional authorities ruled that her resignation had been made under pressure and thus not valid. Her murder was ruled a "robbery gone bad" by the police even though there was evidence that it was politically motivated (Pando 2016). The murder of Juana Quispe galvanized support for the bill proposal on VAWIP. During the legislative debates, Quispe's murder was brought as evidence of the consequences of VAWIP for women and democracy. Law 243 was approved unanimously and signed into law by President Evo Morales on May 28, 2012.

### **How Can We Make This Work for Us? The Role of Associations of Women Politicians**

The work of activists in Bolivia inspired politicians and feminists throughout the region to propose similar measures in other countries. In this process, organizations of women politicians at the local level played an important role. These organizations emerged in Latin America around 1990. Their goals include representing and protecting the interests of women in politics at the local level, as well as providing training and information to facilitate their role as policy makers.<sup>15</sup>

15. The first organizations of local women politicians were the Red de Mujeres Municipales del Paraguay (Network of Women at the Municipal Level in Paraguay) and the Ecuadorean Asociación de Mujeres Municipalistas Del Ecuador (Association of Women at the Municipal Level in Ecuador), both of which were created in 1993. Similar organizations were created in El Salvador



Although these institutions work primarily at the local level, they have exchanged information, strategies, and resources about VAWIP and legislative initiatives to combat this problem.<sup>16</sup> In 2008, these associations organized a Latin American Network called Redlamugol.<sup>17</sup> This association brings together women elected to public office in Latin America and the Caribbean to share information, promote the protection of women's rights and political participation, and "fight against all forms of violence against women, especially political violence." In Peru and Ecuador, they worked closely with legislators in the drafting of bill proposals.<sup>18</sup>

### **Beyond Activism: The Role of Political Elites**

The creation of bill proposals was not just the result of activism. Women politicians and femocrats were important actors in the approval of the Bolivian law and in other countries. This section will analyze the role of political elites, defined as members of Congress or those with high-level positions within the state apparatus. Although scholars analyzing the adoption of gender policies have highlighted the role of autonomous feminist activism (Htun and Weldon 2012; Weldon 2002, 2012; Weldon and Htun 2013), activism by itself is often insufficient to guarantee the passing of women-friendly public policy (Carroll 2006). Feminist politicians are important actors in the proposal of bills advancing women's interests (Carroll 2002; Celis 2007; Childs and Krook 2009; Ewig 2018). Femocrats can also play a role in the advancement of women's interests and the implementation of women-friendly policies (Baldez 2001; Chappell 2000, 2002; Franceschet 2003; Lovenduski and Baudino 2005; McBride and Mazur 2010; Piscopo 2015). This section will analyze the role of these actors.

The approval of Law 243 in Bolivia was not just the result of activism and mobilization. In the Andean country, activists lobbied legislators and members of the state apparatus who played a key role in the approval of the law. Senator Elizabeth Salguero first sponsored the bill proposal

(1998), Honduras (1999), Bolivia (1999), the Dominican Republic (2006), Costa Rica, Peru (2008), and Colombia (2010).

16. See <http://cedead.org/congreso/es/agenda>.

17. Red Latinoamericana y del Caribe de Asociaciones de Mujeres Autoridades Electas a Gobiernos Locales (Latin American and the Caribbean Network of Associations of Women Authorities Elected for Local Governments).

18. Phone interviews with activists, fall 2016.

drafted by ACOBOL. Although by the time her tenure in office ended, the law was not approved, she became minister of culture (2011–12), in which capacity she led the process of “depatriarchalization of the state” and used her power within the government to support the bill.<sup>19</sup> When the bill proposal was discussed the second time in 2010, the Chamber of Deputies and the Senate were led by two women from the Movement Toward Socialism. They were recognized by the activists interviewed as important allies in the approval of Law 243 by mobilizing other legislators and making sure the proposal was debated.

Another important actor was the vice minister of gender and generational affairs. Bolivia does not have a women’s ministry or machinery as other countries do. Rather, this office is embedded within the Ministry of Justice as a vice ministry. The vice ministry ensured a positive and prompt review of the proposal.<sup>20</sup>

Political elites have had an important role in other countries as well. In Mexico, the first bill proposal was presented by Senator Lucero Saldaña. At least 12 other proposals have been presented by women senators or deputies. However, because of intra- and interparty conflicts, none of these proposals has been approved.<sup>21</sup> The National Institute of Women also supports the criminalization of VAWIP, but it does not have enough political capital to overcome the conflicts mentioned earlier.<sup>22</sup> In Costa Rica, the Women’s Institute has also supported the approval of legislative measures by providing positive feedback when the proposals are sent for review.

Despite these difficulties, political elites have been fundamental in Mexico. Instead of working within Congress, women in electoral institutions are responsible for advancing measures to address VAWIP. In 2016, the Federal Electoral Tribunal, the Specialized Attorney for Electoral Crimes, the National Electoral Institute, and other state institutions, created an Electoral Protocol with guidelines to respond to cases of VAWIP. Although it is not legally binding, the Electoral Protocol has been used to protect and restore women’s political rights (Restrepo Sanín 2018c).

The efforts of these individuals are better understood using the concept of “critical actors” as “[people] who act individually or collectively to bring

19. In-person and phone interviews with Bolivian activists and politicians, summer and fall 2015.

20. Interview with activists and politicians, La Paz, Bolivia, summer 2015.

21. Personal communication with senator staff, Mexico, D.F., November 2015.

22. Interview with staff from the Women’s Institute, Mexico D.F., November 2015.

about women-friendly policy change” (Childs and Krook 2009, 127). This concept accounts not only for the success in passing some measure to address VAWIP in Bolivia and Mexico but also the setbacks encountered by politicians and femocrats in other countries. The success of critical actors is determined not only by individual efforts but also by the context in which they act and their relationships with other actors (Childs and Krook 2009, 128).

In Bolivia, the bill proposal passed because supporters within the government party used their political capital to convince other legislators to approve the law and because the context of the Process of Change facilitated the inclusion of gender parity. In Mexico, individual legislators have not been able to overcome party rivalries, but women in other state institutions have used their own prestige to convince members of the electoral institutions to approve the Electoral Protocol.<sup>23</sup> Further, the strengthening of electoral institutions, and their increasing independence, has allowed electoral authorities to include VAWIP within the larger goals of democratization and electoral transparency (Piscopo 2015, 2017).

Women politicians have also played a role in Peru, where Congresswoman Veronika Mendoza presented a bill proposal prepared in collaboration with feminist organizations. Former mayor of Lima, Susana Villarán, who was president of the National Network of Women Authorities, has used her visibility as the first woman mayor of the most important city in the country to raise awareness about VAWIP, participating in international meetings, including the Experts’ Meeting organized by the CIM and the launching of the global call to action #NotTheCost by the National Democratic Institute (NDI) in 2016. In Costa Rica, the Women’s Institute and several women members of Congress have supported the approval of the proposal.<sup>24</sup> In Ecuador, two women politicians have also presented different proposals (in 2011 and 2016). In Honduras, where activism on this issue has been limited, it has been one congresswoman presenting the two bill proposals in the country. So far, none of these bills has been approved, but their discussion in legislative agendas shows that there is a *process* of diffusion occurring in the region in regard to VAWIP.

23. Phone interview with Mexican electoral magistrate, spring 2016.

24. Phone and in-person interviews, spring and fall 2016.

## Fighting Opposition to VAWIP

Besides the evident role in sponsoring and supporting legislative measures, women politicians and femocrats have been key in overcoming opposition to the criminalization of VAWIP. Globally, actors opposing gender equality have become important in light of the rise of populist parties (Corredor 2019; Goetz 2020; Htun and Weldon 2012; Piscopo and Walsh 2020). Unsurprisingly, the legislative proposals on VAWIP have encountered opposition. This resistance has been mostly indirect, such as denying that VAWIP is gender based and asserting instead that it happens to men and women politicians alike. In Bolivia, for example, male legislators said that there was no such thing as “political harassment against women” as they, too, had been *sexually* harassed by women.<sup>25</sup> In Ecuador, the first bill proposal presented was transformed into a gender-neutral addition to the Democratic Code, while in Peru, there is a bill proposal against political harassment that is also gender-neutral. This strategy mimics opposition to gender quotas, when opponents to these measures argued that they were unnecessary because there were no longer formal barriers to women’s inclusion and women had the ability to participate in politics under the same conditions as men (Krook 2009, 2016).

Women politicians were crucial to overcoming opposition. In Bolivia, the president of the Senate, Gabriela Montaña, said during the debate on the proposal: “[W]e are talking here about harassment, that, in our country, I regret to tell my male colleagues, exist . . . that is why we need this law” (Montaña 2012). Women politicians and femocrats have also used their own experience to raise awareness. Susana Villarán, in Peru, has openly talked about her own experience with violence and harassment and has called for the criminalization of VAWIP.<sup>26</sup> Similarly, in Mexico, former electoral magistrate Maria del Carmen Alanis, who was a key actor in the creation of the Electoral Protocol, has openly talked about the opposition she faced as the only woman and president of the Mexican Federal Electoral Tribunal (Alanis 2017). In narrating their experiences, women politicians show that VAWIP is not isolated and occurs at all levels of government, affecting the performance of women as political actors and inspiring other women to share their own stories. In fact, ACOBOL was created after a case of VAWIP received

25. Interview with activist. La Paz, Bolivia, summer 2015.

26. Phone interview with politician, fall 2015.

national attention. This shows that domestic political elites are not homogeneous actors that oppose international norms but some actively work to undermine the opposition.

### **International Actors**

Theories of norm diffusion have emphasized the role of international actors in the adoption of legal frameworks to comply with international mandates (Friedman 2009; Keck and Sikkink 1998, 1999; Montoya 2013; Roggeband 2016; Van der Vleuten 2005). Although in the case of VAWIP, international actors were important, they do not exert pressure on states. Instead, international actors have supported the work of activists and politicians, creating spaces for the exchange of information and facilitating networking among and between domestic actors in different countries. Finally, international actors have legitimized the work of women activists and politicians through the transformation of international norms to address problems identified by activists.

International actors have been supporting activism in relation to VAWIP since at least 2009. The United Nations International Research and Training Institute for the Advancement of Women, in association with the Spanish International Cooperation Agency (Agencia Española de Cooperación Internacional) and the Latin American School of Social Sciences (Facultad Latinoamericana de Ciencias Sociales), sponsored a virtual forum with actors from the region to discuss women's political participation at the local level. One of the thematic units of this forum was VAWIP (Bonder and Rodríguez 2009). In 2011, the delegates to the network of national legislatures of the Americas, ParlAmericas (previously known as FIPA), published a manifesto condemning the violence suffered by women parliamentarians in Haiti (Group of Women Parliamentarians of FIPA 2011).

Probably the most significant event sponsored by international actors in relation to VAWIP was the Experts' Meeting with activists, politicians, and academics from the region organized by the CIM in February 2015. This meeting presented the experiences of Bolivia, Costa Rica, Peru, and Mexico and was attended by women from 13 countries. After this meeting, the MESECVI published the Declaration on Political Violence and Harassment against Women in October 2015. In 2016, the CIM organized a second Experts' Meeting in La Paz, Bolivia, where representatives from several countries worked toward the goal of

publishing an Inter-American Model Law on Political Violence and Harassment against Women. This summit used the Bolivian law as a reference.

Other regional organizations also held meetings to discuss VAWIP, including ParlAmericas in June 2015 with more than 70 parliamentarians (ParlAmericas 2015), another one in 2016 in Saint Lucia with parliamentarians from the Caribbean, and in August with politicians from Central America.<sup>27</sup> Besides these regional-level organizations, UN Women has coordinated two global Experts' Meetings to expand the understanding of VAWIP, share experiences, and create global indicators.

Other important international actors have been development institutions, especially those focused on democratic programming. The NDI has developed tools to collect data, created international campaigns to raise awareness, and promoted the issue of VAWIP within other international organizations including the United Nations (Krook 2019). At the domestic level, the NDI works with stakeholders to raise awareness and promote political spaces that are safe for women.<sup>28</sup> The Netherlands Institute for Multiparty Democracy in Colombia, International IDEA, the International Foundation for Electoral Systems, the Inter-Parliamentary Union, and the Westminster Foundation have all done similar work (Krook 2019). As was previously explained, these actors do not pressure governments as some theories of norm diffusion suggest, but work toward expanding TANs.

## THE TRANSFORMATION OF INTERNATIONAL NORMS

Theories of norm diffusion argue that the life cycle of international norms ends when norms are internalized and no longer contested (Risse and Sikkink 1999). Feminist scholars have challenged these accounts, bringing attention to the disputed nature of gender equality norms, even as domestic legal frameworks are adapted to comply with global standards (Krook and True 2012). An important component of the process of norm diffusion that is not widely theorized is the transformation of international norms. In this section, I show that the work of women activists and the diffusion of legislative proposals on VAWIP is transforming regional and international norms on gender-based violence. Norm transformation is a slow process, and in the case of

27. See <http://www.parlAmericas.org/es/gender-equality/our-work-pnge/2016.aspx>.

28. Phone interview with staff member from NDI Colombia, spring 2019.

VAWIP, it has occurred almost concurrently as the diffusion of legislative proposals. This shows that international and domestic processes are mutually reinforcing.

### Changes in Regional Norms on VAW

During the 10th Regional Conference on Women held in Quito, Ecuador, representatives from Latin American countries recognized “political and administrative harassment” and urged governments to adopt legislative measures to end it.<sup>29</sup> The Quito Consensus’s recognition of administrative violence is evidence of an emerging process of international norm transformation. The regional dialogue and the work of women activists and politicians would later shift the focus from “administrative harassment” to VAWIP.

As mentioned earlier, the CIM hosted several Experts’ Meetings and the MESECVI published the Declaration on Political Violence and Harassment against Women in October 2015. This declaration, invoking numerous international and regional norms on violence against women, democracy, human rights, and women’s political participation, urges countries in the region to “Promote the adoption . . . of regulations, programs, and measures for the prevention, attention, protection, eradication of political violence and/or harassment against women” (OAS 2015, 8).

Two years after the Declaration on Political Violence and Harassment, the MESECVI published the Inter-American Model Law on the Prevention, Punishment and Eradication of Violence against Women in Political Life in 2017.<sup>30</sup> The discussions on the previously held meetings, along with the collaboration of experts from the MESECVI and academics and feminist activists from the region, were the basis for writing the Model Law.<sup>31</sup> The Model Law recognizes women human rights defenders among the protected categories as it includes nonelectoral forms of political participation. The inclusion of women human rights defenders is fundamental as women activists in the region face particular obstacles to their mobilization, especially when they promote women’s, environmental, and community rights (Zulver 2018).

29. The text of the Quito Consensus is available at <https://www.cepal.org/sites/default/files/events/files/quitoconsensus.pdf>.

30. The text of the Model Law is available at <http://www.oas.org/es/cim/docs/ViolenciaPolitica-LeyModelo-EN.pdf>.

31. Interviews with member of the IACW-OAS staff, fall 2015.

## Beyond Latin America

The process of norm transformation is also occurring beyond the regional level. Organizations in Southeast Asia, Africa, and Europe have had similar discussions as those in Latin America (Bardall 2011; FIDA 2013; NDI 2012; SAP International 2006, 2007, 2009). At the international level, the NDI's #NotTheCost campaign and its electoral tools have started to change standards regarding the meaning of safe elections (NDI 2016). The Special Rapporteur on Violence against Women, its Causes and Consequences presented a report to the United Nations General Assembly on October 3, 2018, focusing on VAWIP (Šimonović 2018). UN Women is working toward developing indicators and measures for VAWIP.

## Implications of Norm Transformation

Even though it is not yet inscribed in legally binding international norms, the publication of the Special Rapporteur's report is not only rhetorical. First, it signals international support for activists working on the ground, in Latin America and beyond, to raise awareness about VAWIP and transform local and domestic practices. As other scholars have shown, international norms on gender equality have helped to galvanize the efforts of domestic activists, especially when there is opposition at the national level (Krook 2009; Montoya 2013; Van der Vleuten 2005; Zippel 2004).

The recognition of VAWIP as an expression of gender-based violence against women and as a form of political violence that undermines women's political participation by the MESECVI has important consequences. First, it legitimizes the work that women activists in Latin America have been doing for years and gives them a valuable tool to pressure governments to act (Krook 2009). Second, it has the potential to promote the approval of legal measures currently stalled in legislative committees, or promote the creation of similar measures in other countries. In the case of gender quotas, for example, the Beijing Platform for Action, adopted in 1995, incited countries to increase the number of women in decision-making to a minimum of 30% (Krook 2009). Although the goal has not been reached globally, the majority of the countries in the world have some sort of affirmative action measure to increase women's presence in politics, and the global average has increased from 11.7% in 1997 to 24.5% in 2020 (International IDEA



2020; IPU 2020). As Towns (2010b) argues, states adopt gender equality norms to appear more “civilized” and improve their status in international society. Approving these laws is an important signal in this direction because it shows a commitment to gender equality in decision-making.

Finally, the transformation of international norms, even if it does not lead to the criminalization of VAWIP in domestic legal frameworks, can provide victims with some redress. Given that the IACHR has recognized states’ responsibility in addressing gender-based violence, victims can use the Inter-American Court of Human Rights when states fail to protect them. In October 2019, the IACHR heard the family of Juana Quispe in a public hearing and recommended that the Bolivian state take measures to find those responsible for her murder and protect other women in politics (IACHR 2019).

## DISCUSSION AND CONCLUSIONS

Theories of norm diffusion provide an important theoretical framework for understanding why bill proposals to address VAWIP emerged in Latin America. These theories emphasize the role of international and domestic actors. The diffusion of legislative proposals to address VAWIP was a polycentric process occurring in different directions and at multiple levels almost simultaneously, as Roggeband (2016) suggests. This article, however, shows that international actors have limited power in pressuring states to conform to a norm that does not exist. Instead, international actors support the work of activists on the ground, providing spaces for discussion, exchange of ideas, and networking. They also legitimize activism, but this role only becomes possible once international norms are transformed. The publication of the Model Law in Latin America has given local activists an important mechanism to pressure governments, as VAWIP is included in the MESECVI and other regional human rights instruments.

This article supports theories of norm diffusion that emphasize it as a *process* (Krook and True 2012; Roggeband 2016). Although only two countries in Latin America currently recognize VAWIP, the creation of multiple measures is evidence of the process of diffusion, as they are not just the result of a legislative initiative but a larger discussion between actors at different levels within and outside the countries where the bills have been proposed. VAWIP has only been recognized as a global problem very recently. The analysis of these bill proposals is important to

understand different obstacles in the process of norm diffusion and implementation.

Second, this article has complicated the role of domestic political elites. While theories of norm diffusion tend to portray them as a block that opposes the adoption of international norms, or that adopt them only for electoral gains, political elites play an important role in the transformation of domestic legal frameworks. Women politicians and bureaucrats invest their political capital in convincing opponents of the existence of VAWIP as a problem that is different from other forms of violence and harassment against political actors. They also coordinated with women's machineries to provide positive recommendations to congressional committees. Their role in supporting VAWIP laws emphasizes the need for increasing the number of women in politics, at all levels of government. Women politicians in Bolivia and Mexico were able to use their experience with VAWIP to gather support for different measures. Women's presence in decision-making is all the more important in a climate of democratic backsliding and opposition to gender equality norms (Corredor 2019; Goetz 2020).

Finally, the work of local activists in interpreting international norms and creating innovative domestic frameworks for addressing VAWIP has had repercussions at the international level. This article has shown that this activism has transformed regional norms on gender-based violence in Latin America. The inclusion of VAWIP in the MESECVI provides victims and activists an important tool to demand states take action to punish VAWIP. This instrument also offers the potential for justice and redress.

This article has demonstrated the role of different actors in the process of norm adoption and transformation at the domestic, regional, and international levels. The paper has focused on legal frameworks criminalizing VAWIP. Future research should analyze the impact of these measures, including the MESECVI, in addressing VAWIP, punishing perpetrators, and protecting women's political rights in Latin America and beyond.

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## SUPPLEMENTARY MATERIAL

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