




Netherlands Institute for
Multiparty Democracy

VIOLENCE AGAINST WOMEN IN POLITICS IN GUATEMALA.



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INTRODUCTION

The cornerstone of democracy as a political system is the ability to balance the plurality of citizens' interests within the realm of decision-making. To this end, representation must be truly proportionate: those acting as representatives of society should have the same characteristics and interests as those they represent - or at the very least understand that they should respect said characteristics and interests and address these in the spaces where political and legislative decisions are made. The more spaces there are for decision-making, the more proposals will be debated, the more perspectives will be included in these debates and the further the democratic system will evolve. Conversely, the more homogeneous said spaces are, and the fewer voices are allowed to debate matters, the more democracies become restricted, only serving certain interests of those groups in power or that are capable of influencing proceedings.

In Guatemala the glaring underrepresentation of both women and indigenous peoples casts a shadow over the quality of the country's democracy. This underrepresentation is due - amongst other reasons - to violence against women in politics; the most significant consequence of this is discrimination against women within the political and decision-making spheres. The lack of a legal framework that would regulate the participation of women in politics and ensure equality between men and women is one of the manifestations of this. This lack of legal framework also exacerbates the problem of the underrepresentation of women holding public office, reneging on the international commitments made by the Guatemalan state (Fourth World Conference on Women, Beijing: 1995; CEDAW, 1979; Belém do Pará, 1994; etc.). As of 2015, and still today, women make up 53.7% of the electoral register (per the Supreme Electoral Tribunal) and vote more often (55.1% in 2015) than their male counterparts, and yet there are fewer women in politics, in terms of participation and representation. Contrary to developments elsewhere in North America, where the number of women in national parliaments has tripled over the past twenty years (Freidenberg, 2017), in Guatemala we have yet to reach the same figure after thirty years.



Violence against women in politics is the obvious endpoint of the mounting obstacles they must face within a legal system and culture that continues to resist concepts of equality and a place for women within society. The Declaration on Political Harassment and Violence against Women (Follow-up Mechanism to the Belém do Pará Convention - MESECVI, 2015) states that this type of violence against women specifically includes any action, conduct or omission, among others, based on their gender, individually or collectively, that has the purpose or result of undermining, annulling, impeding, or restricting their political rights, violating the rights of women to a life free of violence and to participate in political and public affairs on an equal footing with men.

This paper, by the Netherlands Institute for Multiparty Democracy Guatemala (NIMD Guatemala), aims to investigate violence against women in politics. In doing so, NIMD Guatemala used, as a starting point, the Declaration on Political Harassment and Violence against Women (Follow-up Mechanism to the Belém do Pará Convention - MESECVI, 2015), which calls on the various players within society, such as electoral authorities and the heads of political parties, to develop actions capable of preventing, punishing and sanctioning violence against women in politics. This paper will proceed to present demands and proposals aimed at addressing this particular form of violence.



1 WHAT EXACTLY DOES VIOLENCE AGAINST WOMEN IN POLITICS MEAN?

Since the start of the 21st century, attempts have been made in Latin America to conceptualize violence against women in politics. The emergence of cases of political harassment and violence in Bolivia was the first to be used to define this type of harmful conduct and behaviour against women within a political environment.

Concerns began to spread and various bodies within the international community made efforts to define the concept of political violence and develop concomitant regulatory frameworks.

In this respect, the MESECVI Committee of Experts (CEVI) enacted the Inter-American Model Law on the Prevention, Punishment and Eradication of Violence against Women in Political Life in 2017. In Article 3, this law defines violence against women in politics as

'[...] any action, conduct or omission, carried out directly or through third parties that, based on gender, causes harm or suffering to a woman or to various women, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women 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'.

Complementary to this is the concept developed by Alanís Figueroa, as cited in Freidenberg (2017), who states that 'violence against women in politics includes all those actions and omissions - including tolerance - which, based on elements of gender and committed within the framework of the execution of political and electoral rights, seek to or have the end result of undermining or dismissing the acknowledgement, enjoyment or execution of political rights or those prerogatives inherent to public duty' (page 19).

Within the feminist analytical framework implemented by NIMD Guatemala, political violence is one of a larger number of manifestations of the patriarchal barriers women face when trying to participate in politics (NIMD, 2019). To better understand this, we must first consider the social context and how this patriarchal system operates. Chauvinist and misogynist practices, symbolism, language, discourse, harassment, control and attacks are all individual weapons that are found in the arsenal of political violence.

Within the Guatemalan context specifically, the lawyer Claudia Say conceptualized violence against women in politics as follows:

'Crimes of electoral political violence against women via the performance - publicly or in private - of any action, conduct or omission based on gender, perpetrated either directly or by third parties, which causes harm or suffering to women candidates, elected authorities, holders of office, deputies, delegates or women who otherwise hold an elected office by means of appointment, representation and/or popular election. The end purpose or result of said crime is to undermine, limit or dismiss the acknowledgement or enjoyment of the execution of her electoral political rights or those prerogatives inherent to the public duty she must perform. This type of violence may include, but is not limited to, manifestations of physical, sexual, psychological and economic violence as well as femicide'.

Violence against women in politics may also manifest itself as symbolic violence and is present everywhere, from family life through to traditional and social media.

2

VIOLENCE AGAINST WOMEN IN POLITICS: CATEGORIES AND MANIFESTATIONS

Violence against women in politics occurs because men deem them to be a source of competition within the political realm and view them negatively due to their purportedly having broken with the patriarchal mandate, trespassing within a sphere of activity that has historically been the preserve of men. Whenever a woman assumes a position of leadership, she is compared to her male counterparts and assessed in a more negative manner, even if she possesses the same qualifications or performs at the same level. This is because she is viewed from a standpoint dominated by sexist stereotypes that invalidate - or seek to invalidate - her ability to participate within this sphere. It is precisely because this male-dominated monopoly exists that politics is understood to be a space where violence is permitted and, in some cases, believed to be completely valid.



THE TYPES OF VIOLENCE AGAINST WOMEN IN POLITICS ARE:

PHYSICAL VIOLENCE

This includes any action that affects the bodily integrity of a woman or a member of her family. This may take the form of beatings, kidnappings, murders or domestic abuse, all with the aim of preventing women from participating in politics. Of all the Mayors in Colombia's 400 municipalities, women mayors (of which there were only nine in 2016-2020) were most likely to be the victims of direct attacks. Two of those nine were shot in their own homes or sustained injuries after being struck and falling.

PSYCHOLOGICAL VIOLENCE

This includes anything affecting a woman's emotional or mental well-being, such as threatening physical violence, coercion, defamation and ostracizing and silencing them.

This type of violence affects women within all areas of society and is aggravated whenever the victim exhibits other traits likely to subject them to oppression (such as being young, indigenous or defying sexual taboos).

SEXUAL VIOLENCE

This occurs via sexual acts - or attempts at such - used coercively, such as unsolicited comments or insinuation, sexual harassment or rape. It is employed to force women to use sexual favours to gain a political edge.

ECONOMIC VIOLENCE

This is a form of coercion involving control over a woman's financial resources, such as refusing her access to these resources, withholding money for political campaigns or withholding support for affirmative action. In many cases, parties have not instituted the conditions for achieving the equal distribution of resources, with this situation even worse in smaller parties. There are countless shortcomings in this respect, such as the lack of spaces for political and administrative training for women. Women themselves must foot the bill to fund their own campaigns, in some cases even taking on debt to achieve this.

SYMBOLIC VIOLENCE

This is a form of violence that is not necessarily openly perceived as such. The attitudes of the general population, misogynist content in the media, violence on social media and women being silenced by their own political party are all concrete examples. During the 2019 electoral campaign, whilst the media published a larger number of stories covering the four women candidates (1,420 articles) than the twenty male candidates (1,232 articles), a negative bias dominated. The difference in terms of a positive bias towards male candidates was 15%. In other words, although women received more coverage, this tended to have a more negative slant.

Source: Prepared by the author based on Freidenberg (2017) and NDI (2019).

In research backed by NIMD covering 2018 and 2019, which included the participation of thirty women with ties to politics (i.e. candidates and/or elected public officials), all the interviewees stated they had been subjected to attacks, insults, belittlement, intimidation and threats during the electoral campaign. They furthermore stressed that political parties refuse to grant them spaces where they would be viewed as eligible and place them on the official party lists in positions where they would be ineligible, and that they are victims of sexual harassment

However, there is an under-reporting of these actions. This is because in some instances women, convinced of their case, make formal, evidence-based complaints and then become disillusioned with the system because there are no repercussions. In other cases, political violence is not acknowledged as a crime and, in others still, some women do not even bother reporting these actions due to a lack of balance of power or simply out of fear.

3 WHAT CAN WE DO ABOUT IT? RECOMMENDATIONS FOR POLITICAL DECISION-MAKERS

The response of the state to violence against women in politics entails a number of challenges, such as ensuring the legal framework is suitable for this purpose, reimagining public policy, using affirmative action to reduce the gender gap between men and women in all areas of life and promoting other, non-sexist educational patterns capable of eliminating androcentric, misogynist views concerning gender roles. To this end, we wish to recommend the following actions:





3.1

Implementing the appropriate legal framework. The current legal framework is lacking in that a number of gaps exist with respect to the categorization of violence against women in politics in Guatemala. There is also a lack of regulation concerning violence committed on social media, which is where the majority of psychological and symbolic violence against women occurs. As such, the legal framework must be updated, specifically classing such violence as an electoral crime. Women wishing to stand for elected office - regardless of whether it is for the position of mayor, councillor or another representative post - should be explicitly named as a potential victim of violence under the definition of the crime, with the wording changed to 'this shall refer to violence committed against women seeking a position determined by popular election and/or a representative position, during and after the relevant electoral processes, and may include violence in its many forms: physical violence, psychological violence, sexual violence, symbolic violence, economic violence and femicide'.

A further recommendation in this respect is to account for the three environments where violence occurs: privately, where the active subject of the crime (the person committing the crime) may be the husband or a cohabitant; publicly, where aggressions may be committed by public officials, colleagues of the women in question and even by private citizens, 'because it is here that the letter of the law should protect the execution of the political right that all women possess to both elect and be elected. This right must not be infringed upon'. Lastly, there is the online environment created by new technologies, where symbolic violence occurs.

1 Public officials who were not elected, but rather appointed to their posts, also participated. In addition, participants included members of political parties, which means they were either on the National Executive Committee or placed on the official party lists, as well as academics and/or activists, whose work focuses on political participation.



3.2

Reimagining public policy. For the purposes of preventing this particular form of violence, public policy must be recreated or reimagined to include a framework that is not just capable of identifying such violence but also regulating how cases are dealt with, as well as the penalties to be meted out and the remedies. Likewise, discussions should be re-launched on the importance of affirmative action to reduce the gap between men and women in all areas of society as well as for promoting other, non-sexist educational patterns capable of eliminating androcentric, sexist views concerning gender roles. The work done by the Presidential Secretariat for Women (SEPREM), the Ministry of Education and even the Office of the Human Rights Ombudsman is an important part of this framework.

3.3

What the Supreme Electoral Tribunal can do: The Supreme Electoral Tribunal (TSE) is the entity mandated with implementing the proposal to codify violence against women in politics as a crime within the framework of what constitutes electoral political violence. It has already prepared a gender policy that underpins this objective. Furthermore, it possesses the authority to rule on matters and establish the appropriate directives to stop this form of violence from occurring, as well as creating the appropriate guidelines for political parties in respect of preventing violence against women in politics. To this end, we propose that this body take on the role of facilitator in the process of social dialogue as a precursor to the creation of a specific legal framework or amendments to the Guatemalan Penal Code. Round tables should result in the greatest plurality possible in terms of participation (with representatives from political parties, women within political parties, women's organizations, the Women's Commission of the National Congress, the Office of the Human Rights Ombudsman and the Public Prosecutor's Office - particularly the Prosecutor's Office for Electoral Offences), so that a multilateral consensus can be reached on any decisions to be made going forward.

3.4

What political parties can do: We recommend that party regulations (constitutions) include clauses directly addressing violence against women in politics and stating actions to sanction such behaviour. Furthermore, parties should systematically provide continuous political training to women so that they maintain a heightened presence within party structures. Lastly, parties should conduct internal campaigns involving senior male leadership to raise awareness within the voter base concerning these issues, promoting change within society at large to break away from the misogynistic attitudes and patterns of violence affecting women in politics

3.5

What civil society can do: Civil society - particularly women's community organizations - plays an important role in both preventing political violence and challenging concepts of the role women should play within society and political life. In this sense, an important input to drive changes to the legal framework is access to information about this type of violence. To this end, an observer organization should be created, made up solely of private citizens or of a mix of citizens and representatives of public bodies (possibly advised by the Electoral Supreme Tribunal and assigned to the National Institute of Statistics to produce national statistical data). This observer organization should be tasked with collecting information and creating a body of evidence, registers and statistics. Such input could then be used to drive crime prevention processes.



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La democracia empieza con diálogo.

