

Inter-American Model Law

On the Prevention, Punishment and Eradication of Violence Against Women in Political Life



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**on the Prevention, Punishment and Eradication of
Violence against Women in Political Life**

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The **Follow-up Mechanism to the Belém do Pará Convention** (MESECVI) *is an independent, consensus-based peer evaluation system that looks at the progress made by States Party to the Convention in fulfilling its objectives. MESECVI is financed by voluntary contributions from the States Party to the Convention and other donors, and the Inter-American Commission of Women (CIM) of the OAS acts as its Secretariat.*

Inter-American Model Law on the Prevention, Punishment and Eradication of Violence against Women in Political Life

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Inter-American Commission of Women. Follow-up Mechanism to the Belém do Pará Convention (MESECVI).
Inter-American Model Law on the Prevention, Punishment and Eradication of Violence against Women in Political Life /
[Prepared by the Committee of Experts of the Mechanism to the Belém do Pará Convention (MESECVI). Inter-American
Commission of Women]. p. ; cm. (OAS. Documentos oficiales ; OEA/Ser.L/II)

ISBN 978-0-8270-6717-2

1. Women's rights--America. 2. Women--Violence against--America. 3. Women and democracy--America. 4. Women--
Political activity--America. I. Title. II. Title: Inter-American Model Law on the Prevention, Punishment and Eradication of
Violence against Women in Political Life. III. Inter-American Convention on the Prevention, Punishment and Eradication
of Violence against Women, "Convention of Belém do Pará". IV. Series: OEA/Ser.L/II.7.10 MESECVI/CEVI/doc.235/16
Rev.1 V. Series.OEA/Ser.L/II.6.17

Follow-up Mechanism to the Belém do Pará Convention (MESECVI)

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FOREWORD

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 Belem do Para. 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 Belem do Para 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 ^[1] spheres

In recent years, and parallel to the greater participation of women in political life in the region, the MESECVI has identified a growing concern over acts of violence against women carried out in the political life. Regarding this situation, the Committee of Experts of the MESECVI (CEVI) observed the need to strengthen the capacity of the States to effectively address this violence, in accordance with the provisions contained in the Convention of Belém do Pará

Since 2015, the MESECVI has adopted various agreements on the issue within its two bodies, the Conference of States Parties and the Committee of Experts. These agreements commit us to move forward in order to eradicate the gender-based violence that prevents women to achieve the full realization of their political rights. In October 2015, the Sixth Conference of States Parties to the Convention of Belém do Pará adopted the Declaration on Political Harassment and Violence against Women, the first comprehensive regional agreement addressing this issue, in which the signatory countries declared, among others, the need to promote legislation for the eradication of political violence and harassment against women.

Within the same year, the CEVI also took it upon itself to contribute to the strengthening of the capacity of States Party to the Convention of Belem do Para to effectively address this violence, paying special attention to legislation in order to protect and guarantee the exercise of women’s political rights. For this reason, the CEVI initiated the process to elaborate this Model Law. This process was informed by political authorities, civil servants and experts across the Americas who participated in two meetings that took place in Washington D.C.

¹ MESECVI (2012): *Second Hemispheric Report on the Implementation of the Belém do Pará Convention*. Washington, DC

(February 2015) and in La Paz, Bolivia (May 2016). Here we acknowledge all the participants at these meetings for their contributions, experience and knowledge about the issue and the challenges state institutions face to address the problem. The Inter-American Model Law on the Prevention, Punishment and Eradication of Violence against Women in Political Life was adopted by the CEVI in its Thirteenth Meeting held in Mexico in October, 2016.

Diana González Perrett

President of the CEVI 2015 - 2017

In memory of the Councilwoman Juana Quispe and all
of the women who have been murdered for exercising
their political rights. ***Not one less!***

Explanatory Memorandum

I

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (hereinafter “the Belém do Pará Convention” or “Convention”) was the first international treaty in the world to enshrine the right of women to a life free from violence in both the public and private spheres. Through the Convention, the States Party agreed that violence against women constitutes a violation of human rights and is a manifestation of historically unequal power relations between women and men. The Convention has also provided guidelines for the adoption of laws and policies on prevention, punishment and the eradication of violence against women in the States Party, and has been a significant contribution to the strengthening of the Inter-American Human Rights System. Since its adoption in 1994, it has been the inter-American convention with the most ratifications by the members of the Organization of American States (OAS)¹.

This Model Law incorporates the concept of violence against women set forth in article 1 of the Convention. According to this article, violence against women should be understood as “... any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.” This definition, in accordance with article 2, covers violence perpetrated in the family, domestic unit or any other interpersonal relationship, the community, and the State. For the purposes of this Model Law, it is also important to consider article 4, which enshrines the right of women to the recognition, enjoyment, exercise and protection of all human rights and freedoms enshrined in regional and international human rights instruments. Among others, these include the right of equal access to public service and to participate in public affairs in their country, including decision-making, as well as the right to freedom of association. It also takes into account Article 5, which stresses that violence against women impedes and nullifies the exercise of these rights.

Articles 7 and 8 are fundamental to the realization of the right of women to a life free from violence and, in that sense; they form the framework under which this Model Law formulates the mandates for action to both public and private bodies. Both refer to a system of obligations, through the adoption of policies and specific measures, for the States that must implement in the framework of due diligence, to prevent punish and eradicate such violence. The State duties contemplated in article 7 are immediate, and their non-compliance may imply the international responsibility of the State.

Similarly, in 2015 the Sixth Conference of States Party to the Convention, spurred by the Follow-up Mechanism to the Belém do Pará Convention (MESECVI), adopted the Declaration

¹ With the exception of Canada, Cuba and the United States of America.

on Political Harassment and Violence against Women, which is the first comprehensive regional agreement on political violence against women, and on the basis of which this Model Law has been developed. This Declaration assumes recognition in the international arena of the existence of the problem of political violence against women. The agreements include, inter alia, the commitment of States to promote the adoption, where appropriate, of norms, programs and measures for the prevention, care, protection and eradication of such violence, allowing the appropriate punishment and reparation of these acts in the administrative, criminal and electoral fields, taking into account the applicable instruments. It is in follow-up to this agreement that the Committee of Experts of the MESECVI adopts this Model Law, with the purpose of assisting in the process of harmonization of national legal frameworks with the Belém do Pará Convention, on the issue of violence against women in public life.

II

This law also incorporates the provisions of the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in particular those relating to political rights. CEDAW, in its article 7, indicates the obligation of States Party to take all appropriate measures to eliminate discrimination against women in the political and public life of their countries and, in particular, to guarantee the exercise of political rights on equal terms with men. Likewise, article 8 of the Convention establishes the obligation to take the necessary measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations. Other international conventions, declarations and agreements attach great importance to the participation of women in public life, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Political Rights of Women, the Vienna Declaration, and paragraph 13 of the Beijing Declaration and Platform for Action, among others.

For the purposes of this Model Law, the concept of public and political life developed by Recommendation No. 23 of the CEDAW Committee is relevant. According to the recommendation, the political and public life of a country is a broad concept that refers to the exercise of political power, in particular to the exercise of legislative, judicial, executive and administrative powers. The term covers all aspects of public administration and the formulation and implementation of policy at the international, national, regional and local levels, as well as many aspects of civil society and the activities of organizations such as political parties, trade unions, professional or industrial associations, women's organizations, community organizations and other organizations involved in public and political life.

In the Americas, the Inter-American Commission on Human Rights has recognized that countries have a long tradition of concern for the political rights of women, which has been reflected in the adoption of various norms that enshrine these rights. The Inter-American

Commission of Women (CIM) has played a key role in shaping this legal framework. Among other norms in favour of women, the CIM promoted the adoption in 1948 of the Inter-American Convention on the Granting of Political Rights to Women, and in 1994 the adoption of the Belem do Para Convention. In addition, in the implementation of the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (2000), one of the CIM's main objectives is to support women's full and equal participation in political life in their countries and in decision-making at all levels, for which it has developed an extensive program of work.

In this context, the CIM has noted that the gap between the political rights enshrined in the legal framework and the political participation of women in practice persists. Women continue to face multiple economic, social, institutional and cultural obstacles that severely limit their participation in public life, and particularly in government positions. Analyses have also highlighted advances in women's political participation. As a result of the application of quota laws, and especially of parity, the presence of women in legislatures has increased in recent years and today, the Americas is one of the regions of the world with the most women Parliamentarians. However, 50% representation, a goal set in accordance with the proportion of women in the population, is still a long way off. The participation of women in other state institutions, such as the judiciary, cabinet ministries and local governments, is even smaller. Research has shown that the presence of women is equally limited in other key areas of political life, such as the leadership of political parties.

The under-representation of women is a reflection of the discrimination faced by women in public life – of which political violence against women is one of the worst manifestations. As reflected in the aforementioned Declaration on Violence and Political Harassment against Women, this violence have become more visible due to the increased political participation of women, particularly in decision-making positions. This, in turn, is the result of implementation of gender quotas and parity policies, measures that have been adopted by a large number of countries in the Americas. In other words, given the greater political participation of women, the forms of discrimination and violence against them have intensified. The Declaration also recognizes that tolerance of violence against women hides political violence and harassment, which impedes the formulation and application of policies to address the issue.

Acts such as preventing a woman from voting; the use of sexual violence against electoral candidates; the burning of women's election campaign materials; pressures on women to resign; continuous judgements against women in the media, the main perpetrators of symbolic violence which, based on prejudices and stereotypes, undermine the image of women as effective political leaders; the violent messages and threats received by many women in public positions through social networks, which often also affect their families - constitute only some of the terrible acts of violence that women face, for being women in the exercise of their political rights. Sadly, this region has even witnessed the femicide (gender-based killing) of women for their participation in politics.

With this Model Law, the Committee recognizes that political violence against women constitutes a serious violation of the human rights of women and is a major threat to democracy. Gender-based violence prevents women from contributing to decision-making that affects their lives, or benefitting from this process, by restricting their choices and limiting their ability to influence political life. In this context, this law emphasizes the urgency of States adopting all the necessary measures for the eradication of political violence against women, in accordance with the mandates established in the international and inter-American legal framework, on the understanding that the elimination of this violence is an essential condition for democracy and governance in the hemisphere.

III

Article 7, paragraph c of the Belem do Para Convention establishes the obligation of States to include in their domestic legislation criminal, civil and administrative regulations, as well as others that are necessary to prevent, punish and eradicate violence against women and to take appropriate administrative measures as needed. The Committee of Experts of the MESECVI has argued that legislation can provide the basis for a comprehensive and effective approach to combating violence against women and is a prerequisite for eliminating impunity. In the same vein, the UN has determined that it is the duty of States to recognize the changing nature of violence against women and to react to new manifestations of it, as they are recognized.

Violence against women, according to the Convention, transcends the private sphere and is present in the neighborhoods, workplaces, transportation facilities, educational centers, hospitals, and in general, in all spaces where women participate. That is why the Convention covers the protection of women also in the public sphere. The Committee has emphasized that in recent years specific laws have been enacted covering areas of public space such as those aimed at eradicating sexual harassment in workplaces, schools, health centers and, most recently, street harassment and in the means of transport. It has also noted the inclusion in law of other forms of violence against women established in national legislation, including moral, symbolic, femicide, economic and institutional violence.

On violence against women in the political life, the Committee recognizes the relevance of the pioneering Law against Political Harassment and Violence towards Women of Bolivia, adopted in 2012, which has inspired this Model Law. In this regard, the Committee recalls the important role played by the Association of Councilwomen of Bolivia, which gave name to this violence and promoted the adoption of the Bolivian Law, and which in turn has meant a substantive push for the inclusion of this problem in the public policies of the region as a whole.

Other countries have incorporated aspects of political violence into their general laws on violence against women. This is the case of the Special Comprehensive Law for a Life Free of Violence for Women of El Salvador, which incorporates, as an expression of violence, the

mockery, discredit, degradation or isolation of women in different spheres, including spaces of political or civic participation. In its definition of institutional violence, the Argentinean Law for the Integral Protection of Women includes that which is exercised within political parties, unions, business organizations, sports and civil society. The Committee also highlights the advances in some Mexican states, which have included the concept of political violence against women, and has criminalized it in some legislation.

Despite the significant progress made however, the Committee of Experts in its Hemispheric Reports has noted the persistent challenge in the region to enacting legislation to protect women from violence in the public sphere, including politics and, in this regard, has recommended that States Party advance in legal harmonization, as a follow-up to the provisions of the Convention.

IV

This law represents the first regional effort to define the problem of political violence against women by incorporating the inter-American and international legal framework; as well as to identify responsible bodies and action guidelines in relation to prevention, care, punishment and redress of this violence, including the role of the National Machineries for Women. In addition, it seeks to determine what type of acts of political violence should be sanctioned, distinguishing between serious and very serious offenses, and criminal offenses, indicating the punishments that can be applied.

Among the main contributions of this norm is the consecration of the right of women to a political life free from violence and the definition of the concept of violence against women in the political life, following the definitions established in the Belém do Pará Convention and by the CEDAW Committee in its General Recommendation No. 19 (1992). The key to the definition of political violence against women is found in the expression “based on gender.” The concept thus encompasses any manifestation of violence in the political sphere directed against women by virtue of their being women, or disproportionately affecting women, the purpose or result of which is to fully or partially prevent women from enjoying their political rights. Thus, this violence is produced by the fact of being a woman and participating in public and political space, bearing in mind that it is not the physical space where the violence takes place that defines it, but rather the power relations that exist in that space.

The definition arises from the fact that violence against women is one of the main social mechanisms by which women are forced into subordination to men. In this regard, the Committee notes that the creation and use of gender stereotypes, based on the premise of the inferiority of women, is one of the causes and consequences of violence against women in the political life. Thus, a considerable minority of the population in the Americas continues to think that women do not have the same capacity as men to manage public affairs. In a number of countries, very different strategies have been applied to obstruct compliance with

legal affirmative action measures and parity that were put in place to ensure the exercise of women's political rights. Female stereotyped political roles are often attributed to women, a practice that prevents them from developing their potential in other areas, which often carry with them more political clout.

Therefore, the Model Law refers to the right of women to be free from all forms of discrimination in the exercise of their political rights, as well as the right to live free from stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination.

In keeping with the provisions of the Convention, the Model Law also distinguishes the areas in which political violence, such as: the private or family sphere when a partner prevents a woman from voting or from accessing the polls; the public sphere, referring to the violence that can occur, for example, in a political party, a neighborhood association or through communications media; and at the level of the State, as is the case of violence perpetrated by persons in government positions.

The Committee of Experts has also stated that violence against women assumes many different expressions, manifested in a continuous series of multiple, interrelated and sometimes recurrent forms that vary according to social, economic, cultural and political contexts. Hence, the Model Law, complementing the general definition of the concept, establishes in article 6 a series of manifestations that political violence against women can adopt. The Committee is aware that no list of forms of violence against women can be exhaustive, and taking into account the Bolivian law, this norm reflects expressions of this violence that have occurred in the region up to the present.

On the other hand, Article 9 of the Convention sets out the obligation of States Party to take into account the vulnerability that women may suffer from the intersection of gender with other factors of inequality. Meaning that the particular and contextual conditions of some women increase the risk of suffering this violence, which creates the need for the protections established in Article 7.2 of this Model Law. In particular reference to indigenous women, the Committee has established that customs and their own institutions cannot be detrimental to the right of women to live free from violence, and in this case, this Model Law interprets it as a manifestation of political violence.

V

One of the most innovative aspects of the Model Law is the establishment of the link between political violence against women and the achievement of political parity, taking as a reference the work of the CIM in this area. This perspective was embodied in the Declaration on Political Harassment and Violence Against Women, which states that the problem of political violence against women shows that the achievement of political parity in democracy is not exhausted

by the adoption of quotas or electoral parity, but requires a comprehensive approach that ensures, on the one hand, the equal access of women and men to all State institutions and political organizations, and on the other, to ensure that the conditions in the exercise are free from discrimination and violence against women at all levels and spaces of political life.

Parity is thus measured not only by the number of women occupying the public and political space, and particularly management positions, but also by the existence of certain egalitarian conditions for the effective realization of political rights. The eradication of political violence against women is thus a condition of parity.

In this perspective, the Model Law is also a response to the challenge of expanding the catalogue of public policies and measures that must be adopted to protect the political rights of women as a whole, beyond the electoral sphere, in accordance with the definition of political rights established by CEDAW, and incorporated into article 2 of this Model Law. Likewise, the Model Law adopts a broad concept of public and political life, which means that protection extends to all women who participate in public spaces, including electoral candidates, women appointed to public office, or women human rights defenders. In this regard, the Committee notes that despite the efforts to expand what has been the traditional contour of women's political participation, the predominance of provisions relating to the electoral sphere is remarkable. In this sense, the Committee recognizes that this tool is based on an agenda under construction, whose contents can be updated as the agenda is expanded.

Another of the complexities that the Model Law has faced is to establish measures for women who participate in local political spaces. Research in the region has shown that the local level is where women are most affected by political violence, a situation that is exacerbated by the fact that protection systems are weaker compared to those at the national level. Precisely, data indicates that it is at the local level that the greatest challenges are faced in terms of representation of women, particularly at the municipal level. It is for this reason that this framework rule establishes provisions aimed at ensuring that subnational levels of government also provide adequate mechanisms to respond effectively to the problem of political violence within the framework of their competencies.

In the same sense, according to the different forms of territorial government of the countries, as well as the process of decentralization to local governments in progress in some countries of the region, the second final provision states that federal states, and those states where the subnational government bodies have competencies in matters of gender equality and women's rights, must adapt their legal-electoral framework within the time period determined from the entry into force of this law. Notwithstanding this, the Committee notes that, due to the lack of awareness of the problems of women's political underrepresentation, and of violence in political life at the local level, together with the heterogeneity between countries in terms of territorial organization in the region, the provisions contained in this Model Law in this regard

are limited, and accordingly the Committee draws attention to the need to strengthen work in this area so as to fill this important gap in the future.

VI

Among the competent authorities in the application of this law, the National Machineries for the Advancement of Women have a predominant role, as the governing bodies on policies for gender equality and women's rights in most countries of the region, and are assigned a catalogue of actions to prevent, attend to and protect women in situations of political violence. Thus, the National Machineries are given the task of ensuring that political violence is incorporated as a component of the National Plan on Violence or its equivalent. In this framework, the National Machineries should determine the appropriate specialized services to be provided to women in situations of violence in political life, pursuant to Article 7, paragraph d of the Belém do Pará Convention.

The Committee of Experts has already expressed its views on the coordination of all relevant actors as a vital element in effectively combating violence against women. In this sense, the Model Law indicates the responsibility of the National Machineries to establish a protocol to coordinate the actions of the competent authorities, including the different levels of government for the prevention, punishment, care and eradication of violence against women in the political life.

In addition, drawing on the Committee's deep concern over the limited production of statistics on violence against women in the region, the Model Law establishes an obligation for the National Machineries research and develop statistics on violence in the public life, as well as to adopt a methodology that takes into account multiple factors of discrimination, to determine the extent to which these factors may increase the risk of such violence. The application of this obligation would make it possible to know the magnitude of violence against women in political life and its characteristics, appropriately informing public policies in this area.

In line with the Pachuca Declaration on "Strengthening efforts to prevent violence against women," adopted by the Committee of Experts in 2014, this law also reflects the Committee's commitment to strengthening the approach to prevention. The Model Law accordingly includes prevention as a guiding principle and attributes the main responsibility for materializing this principle to the National Machineries for the Advancement of Women, as well as to the electoral bodies. Among the measures available are the organization of awareness campaigns on violence against women in the political life; campaigns on knowledge and promotion of the rights of women and campaigns for the application of this law. In order to ensure that these measures produce sustainable change, the Model Law includes the criteria set by the Committee of Experts itself: ensure that campaigns are carried out in a stable time frame, incorporate the diversity approach, ensure inter-governmental coordination and evaluate results.

In connection with the above, and pursuant to article 8, subparagraph c of the Belém do Pará Convention regarding the obligation to promote the education and training of officials charged with the application of the law, both the National Machineries and the electoral bodies are called upon in this Model Law to incorporate the issue of violence against women in the political life into training and education plans, especially those directed at law enforcement officials, in order to ensure that they are aware of their existence and are competent in the use of their obligations. As a more concrete measure aimed at protecting women in elections, the electoral bodies are charged with carrying out a risk analysis and drawing up a security plan with the aim of preventing political violence against women in its area of competence. The Committee is aware that there is still little systematized knowledge on how to carry out prevention and how to measure the impact of prevention efforts, and therefore, this Model Law may be modified as new findings come to light in this area, which it considers critical to the eradication of violence against women.

The Model Law also includes the duty of the National Machineries to analyze the discriminatory impact of norms and practices related to women's rights. Finally, in order to reinforce the scarce accountability mechanisms for gender equality policies in the region, which the Committee considers to be fundamental to the achievement of internationally agreed goals and commitments in relation to equality and empowerment of women, the Model Law established as an obligation the submission of an annual report on its application and impact before the national parliament.

VII

Electoral bodies are key actors for the effective protection of women's political rights in the electoral arena. They have roles essential to the proper functioning of democratic life, such as administering elections, imparting electoral justice, working with political parties, and establishing educational actions aimed at the population as a whole on the values of democracy and citizenship, among others. The Model Law, establishes the responsibility of electoral bodies to promote, guarantee and protect the political rights of women and to resolve cases of political violence, within the framework of their competencies. In order to comply with the new attributions granted to it, the Model Law determines that the electoral body must have the necessary resources.

In order to fulfill its obligations effectively, the Committee of Experts considers that electoral bodies should develop internal protocols that clearly identify the responsible units, as well as the applicable measures and sanctions, always within the framework that defines legally established competencies. It also assigns responsibility for compiling statistics and instructs them to adopt training and awareness measures on this issue, including working with the media, among other measures. In response to the Belém do Pará Convention's mandate to promote awareness and observance of the right of women to a life free from violence; it is a

duty to include in training programs information on electoral dispute mechanisms, in order to encourage strategic litigation. Finally, in terms of the attributions of political parties, the Model Law assigns them the obligation to monitor the measures they adopt to combat this violence and empowers them to apply the corresponding sanctions in case of non-compliance.

In order to deal fully with the problem of violence against women in the political life, the Model Law includes other public bodies, pointing out their competencies in this area. The Office of the Public Prosecutor/Attorney General and the courts determined by the corresponding law are responsible for guaranteeing and protecting the rights of women in situations of violence in the political life and for resolving constitutional, civil, administrative and criminal actions. The Ombudsperson's Office also plays a prominent role in this Model Law with regard to protecting women from violence and seeking justice.

The Committee has been very emphatic about the need for policies to protect the right of women to have resources from the general budget that enable the actual implementation of policies with the greatest possible coverage. For this reason, this Model Law gives the body responsible for budgetary policy the responsibility to ensure that the economic valuation of the law is carried out and that it is incorporated into the general budget of the State. Another important aspect is that the body responsible for education should include the principles of equality, parity and the political rights of women in primary, secondary and higher education programs. The Committee has pointed out that an essential measure to achieve the modification of prejudices and social norms that perpetuate violence against women is to influence the education system.

VIII

Political parties and organizations are also key democratic actors and play an essential role in protecting the political rights of women and in contributing to the eradication of political violence against them. Political parties are spaces from which women have traditionally been excluded, and today, despite the fact that women militate widely in these spaces, they are scarcely represented on their governing bodies. Political violence against women also occurs within political parties.

Therefore, the Model Law establishes a series of obligations for political parties on the prevention and punishment of violence against women in the political life and the promotion of parity and equality in political participation. These obligations must be incorporated into the statutes of political parties, as principles that should guide their action and that allow members to enforce compliance in practice. This article also includes measures aimed at the political empowerment of women as a decisive factor in the eradication of violence against women.

In addition, the Model Law, in the context of the broad definition of public and political life established by the CEDAW Committee, includes the obligation that all public organizations, comprising social organizations, trade unions, student organizations, and human rights organizations, among others, must include in their rules of operation the obligations to prevent,

punish and eradicate political violence against women, and to promote parity and equal political participation of women and men.

IX

The Belém do Pará Convention, in article 8, section g, encourages the media to develop adequate dissemination guidelines that contribute to eradicating violence against women in all its forms and to enhancing respect for the dignity of women. The Declaration on Political Harassment and Violence against Women recognizes that the use of symbolic violence as an instrument of political discussion seriously affects the exercise of women's political rights. The importance that the Convention and the MESECVI have attributed to the media in its own work is reflected in several provisions throughout the Model Law.

Under these premises, the Model Law attributes to the State the mandate to guarantee the protection of women against political violence that may be exercised by the media, and to take the necessary measures to ensure that the media adopt by mutual agreement appropriate guidelines that respect the rights of women. Likewise, in accordance with the provisions of the American Convention on Human Rights, all propaganda against the political rights of women and any apologia for hatred based on gender and/or sex that constitutes incitements to violence against women is prohibited in political life, or any other similar illegal action against women or groups of women participating in political life, for reasons of sex and/or gender.

Recognizing the equally important role of social networks and the new information and communication technologies as tools of political influence, over which there are few controls, this section also refers to the measures that the State must adopt in order to ensure that messages and images of women transmitted through these platforms are respectful of their rights. In both cases, the Model Law calls on authorities to pay particular attention during electoral campaign periods. In this regard, the Committee of Experts recalls that, as part of their treaty obligations, States Party shall be liable both for acts or omissions of their agents and for private acts involving a violation of the right of women to a life free of violence.

X

In application of the Belém do Pará Convention, this Model Law incorporates the standard of due diligence as the guiding principle aimed at protecting women from violence in the political life. On this basis, Article 29 of the Model Law refers to the obligations of the State to prevent, investigate, punish and repair acts of violence against women in the political life. Generally, the Model Law establishes that women in situations of violence will be entitled to all the guarantees established in national legislation on violence against women. The Committee of Experts nevertheless wished to establish minimum guarantees in this Model Law to strengthen

judicial protection of the rights established therein. Thus, it is established that the process to resolve the facts of political violence must be summary, and that the complaint requires the consent of the victim. Likewise, the rights of women candidates during the legal campaign period are particularly protected. The Model Law also indicates the obligation of public servants to denounce any incidents of political violence of which they are aware. It explicitly prohibits the use of conciliation for the resolution of crimes of political violence, thus leaving the door open to the use of extrajudicial methods when faults are committed, which the Committee understands may be used when the woman is not in a situation of disadvantage in relation to the aggressor. Finally, it is stated that, when the case so requires, mechanisms of coordination and cooperation with indigenous jurisdictions will be established in order to encourage their resolution through an intercultural approach.

This Model Law provides for a specific section on protection measures. The Committee has already stated that a timely security measure prevents women from being unprotected against the imminent risk of serious harm. In situations that require particular protection, this norm accordingly reflects the urgency of taking action to adopt the corresponding protective and precautionary measures. Those responsible for implementing the protection measures shall be the competent bodies according to the applicable legislation. In addition, the Committee has resolved that the electoral body is competent to decide on protective measures when appropriate, since experience has shown that this may be the only way to ensure that such measures are immediate and effective, in the face of situations of political violence in the electoral field.

The Committee has also taken the view that protection measures must respond to the urgency of the situation, and therefore their nature will vary. This Model Law outlines some of the measures that may be taken in situations of political violence, such as conducting a risk analysis and formulating a security plan, granting escorts to the woman and her relatives, withdrawing the violent campaign of an aggressor, suspending the electoral candidacy of the aggressor, or suspending the election of a candidate. Likewise, according to Bolivian legislation, this Model Law includes the obligation of the corresponding body to: (i) ensure that a woman's resignation of her candidacy or position was not issued in conditions of political violence; and (ii) declare void any acts performed by women candidates, elected, appointed or in-office officials when they originate from acts of political violence that are duly proven and have a final decision from competent bodies.

XI

In accordance with the Belém do Pará Convention's obligation for States Party to provide appropriate measures to achieve the punishment of the person responsible for violence, from the regional level this Model Law highlights discriminatory behaviours by distinguishing between serious offenses, very serious offenses and crimes, and determines that legal consequences

of such conduct shall be established according to the applicable regulations. It also refers to a catalogue of specific punishments for political violence. Specifically, this framework law indicates that political violence against women can lead to the following sanctions: reprimand, which may be public or private; suspension of employment or public office and / or salary; penalty fee; withdrawal of messages contrary to this rule.

Faced with the commission of crimes of violence against women in political life, this rule establishes as punishment the political disqualification of the aggressor, as well as the penalties provided for these crimes aggravated by a third party. Likewise, it is pointed out that parliamentary immunity or privilege of public servants who are denounced for an act of political violence against women will be suppressed in cases where the respective investigations establish direct responsibility for the crimes provided for in this Model Law.

It also establishes a series of aggravating circumstances, including when the act is committed by agents of the State. The Belém do Pará Convention, in article 2, section c, expressly protects against the violence exercised by the State, through its agents, by omission or through public policy. In this regard, the Committee has found that protection from violence against women perpetrated by the State is increasingly relevant, as the number of cases of violence against women perpetrated by State agents continually increases. In the case of violence in the public life, research has shown that such violence is often exercised by men who hold leadership positions in State institutions, from local governments to electoral bodies. In this regard, the Committee of Experts has stated that, in order to contribute to the eradication of violence against women perpetrated by the State or its agents, it is important to establish sanctions against responsible officials, including in the Criminal Code. Accordingly, in cases of violence in the political life perpetrated by public servants, but also by candidates, aspirants, pre-candidates or militants, this Model Law recognizes as an aggravating circumstance when the author or authors are repeat offenders in the commission of acts of harassment and / or political violence against women and when acts of violence against women are committed by two or more persons. Because of the particular relevance to democratic life of the periods of electoral campaigning, the penalty will also be considered as aggravating when the acts of violence are committed during the electoral campaign with it as a motive.

Finally, the Model Law refers in a specific chapter to reparation measures. In application of the Belém do Pará Convention, it is established that reparation measures must guarantee full satisfaction of the rights of victims, as well as their families and their community, if they have been affected by acts of violence, as well as a guarantee of non-repetition of acts. This Model Law considers as measures of reparation, among others: compensation of the victim; immediate restitution to the office that she was forced to resign as a result of political violence; issuance of security and other measures to ensure the exercise of the office; and the retraction of offenses against women in situations of violence. It also points out that the funds for the reparation of

victims will come from regular resources of the national budget, without prejudice to the right of the State to repeat against the aggressor or aggressors.

XII

In accordance with the obligations established in the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women and the Convention on the Elimination of All Forms of Discrimination against Women, and taking into account international, inter-American and national legal frameworks and the Declaration on Political Harassment and Violence against Women and its mandates, the Committee of Experts of the Follow-up Mechanism to the Belem do Para Convention (MESECVI) adopts the Model Inter-American Law on Violence against Women in the Political Life, whereby political violence against women is considered a form of violence at the international level. The purpose of this Model Law is to serve as a legal basis and to provide States with the necessary legal framework to ensure the right of women to a political life free from violence and thus to advance in the harmonization of national legal systems with the provisions established in the Convention.

The Model Law is structured into five chapters and three final provisions:

Chapter I: General Provisions

Chapter II: Responsibilities of the Competent Bodies and other Organizations of Public and Political Life for the Application of this Law

Section I: Competent Body on Policies for Gender Equality and Women's Rights of the Executive Branch (National Women's Machineries)

Section II: Electoral Bodies

Section III: Other Competent Public Bodies

Section IV: Political Parties and Political Representation Organizations

Section V: Other Organizations of Public Life

Section VI: Media

Chapter III: Of the Guarantees of Protection

Section I: Common Provisions

Section II: Protection Measures

Chapter IV: Sanctions

Section I: Faults and Sanctions

Section II: Offences and Penalties

Chapter V: Reparation Measures

Final Provisions

Inter-American Model Law on Violence against Women in the Political Life

Chapter I General Provisions

Article 1. Objective

The objective of this law is to prevent and eradicate political violence against women in order to ensure the full realization of their political rights and their participation, in conditions of parity and on equal terms, in all public functions and at all levels of government and of public life, particularly in decision-making positions.

Article 2. Political Rights

Political rights include, at least, the following:

- a)** To vote in all elections and public referendums and to be eligible for election to all publicly elected bodies;
- b)** To participate in conditions of parity in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c)** To participate in political parties, trade unions and in non-governmental organizations and associations concerned with the public and political life of the country.

It is considered that parity between women and men in public and political life implies taking all necessary measures to guarantee equal access to all spaces of public life and to all State institutions, particularly government posts, from the international to the local levels; as well as to ensure equal conditions, free from discrimination and violence based on sex/gender, in the exercise of political rights.

Article 3. Definition of violence against women in the political life

For the effects of this law, “violence against women in the political life” shall be understood 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 the political life may include, but is not limited to, physical, sexual, psychological, moral, economic or symbolic violence.

Article 4. The right of women to a political life free from violence

The right of women to a political life free from violence includes, among other rights:

- a)** The right to be free from any form of discrimination in the exercise of their political rights.
- b)** The right to be valued free from any stereotyped patterns of behavior and of political, social and cultural practices based on concepts of inferiority and subordination.

For the effects of this law, gender stereotyping is considered to be an opinion or a general prejudice on the attributes or characteristics that women and men have or should have or on the social functions that either perform or should perform. A gender stereotype is harmful when it denies a right, imposes a burden, limits women's autonomy, decision-making over their lives and their life projects or their personal and professional growth.

Article 5. Spheres of violence

Violence against women in the political life has as its object or result undermining or nullifying the recognition, enjoyment or exercise of women's political rights and can take place:

- a)** Within the family or domestic unit or in any other interpersonal relationship.
- b)** In any public sphere, including all public, private, and mixed organizations such as political parties; trade unions; communications media and social networks.
- c)** That is perpetrated or condoned by the state, or its agents regardless of where it occurs.

Article 6. Manifestations of violence against women in the political life

Violence against women in the political life shall be understood, among other actions, as any conduct, action or omission that, based on gender:

- a)** (Femicide) Cause, or may cause, the violent death of women because of their participation or political activity;
- b)** Physically attacks one or several women with the effect or purpose of reducing or nullifying their political rights.
- c)** Sexually attacks one or several women, or provokes an abortion, with the effect or purpose of reducing or nullifying their political rights.
- d)** Involves unwanted sexual proposals, touching, approaching, or invitations that influence the political aspirations of women and the conditions and environment where political and public activity takes place.

- e)** Threatens, frightens or intimidates, in any way, one or several women and/or their families with the effect or purpose of nullifying her political rights, including resignation of the position or function that they hold or exercise, or to which they postulate.
- f)** Restrict or nullify the right of women to free and secret vote.
- g)** Defames, slanders, insults or uses any expression or action to discredit women in the exercise of their political responsibilities, based on gender stereotypes, with the purpose or effect of damaging her public image and/ or limiting her political rights.
- h)** Threaten, frighten or intimidate, in any way, one or several women and/or their families with the effect or purpose of limit her political rights.
- i)** Threatens, attacks, or incites to violence against women human rights activists on the basis of gender or against those activists who defend women's rights.
- j)** Improperly uses criminal law without grounds and with the intent to criminalize the work of women human rights activists and/or paralyze or delegitimize the causes they are defending.
- k)** Discriminates against women in the exercise of their political rights, on the basis of pregnancy, childbirth, puerperium, maternity leave or any other valid form of leave, in agreement with the applicable regulation.
- l)** Damages in any form, elements of women's electoral campaigns, preventing the electoral competition from taking place under conditions of equality;
- m)** Provides electoral institutes with false or incomplete information on the identity or sex of the candidate or designated person with the aim of impeding the exercise of women's political rights;
- n)** Restricts the political rights of women on the basis of the application of traditions, customs or juridical internal systems not in accordance with the human rights regulations.
- o)** Disseminates images, messages or reveals information about women in the exercise of their political rights, by any physical or virtual means, in political, electoral or other propaganda, which on the basis of gender stereotypes transmits and/or reproduces relations of domination, inequality and discrimination against women, with the intent of diminishing their public image and/or limiting their political rights.
- p)** Hinders or impedes the use of legal actions on the part of the women to protect their political rights;
- q)** Imposes unjustified or excessive sanctions, preventing or restricting the exercise of women's political rights in conditions of equality.
- r)** Limits or arbitrarily denies the use of any resource and/or attribution inherent to the political positions that women occupy, hindering the exercise of their functions on a basis of equality.
- s)** Forces women to conciliate or to abandon administrative or judicial processes in defense of their political rights.

- t)** Prevents by any means that women, in the exercise of their political rights, participate in any activity where decisions will be made, in conditions of equality;
- u)** Provides women exercising their political rights with false, erroneous, or imprecise information and/or omits information, which will hinder the exercise of their political rights in conditions of equality;
- v)** Restricts women, in the exercise of their political rights, from taking the floor; impeding their right to speak, in agreement with applicable regulations and in conditions of inequality.
- w)** Imposes, based on gender stereotypes, the realization of activities and tasks not in accordance with the functions and attributions of the office or rank they hold with the effect or purpose of limiting their political rights.

Article 7. Guiding Principles

- 1.** The public policies directed at ensuring a political life free from violence towards women should be guided in accordance with the following principles:
 - a)** Substantive equality and non-discrimination based on gender;
 - b)** Parity between women and men in public and political life;
 - c)** Due diligence;
 - d)** Autonomy of women;
 - e)** Prevention of violence against women;
 - f)** Participation of women, political parties and social organizations, including human rights organizations;
 - g)** Centrality of the rights of victims;
 - h)** Transparency and accountability.
- 2.** The policies that are developed in the implementation of this law will respect and guarantee the rights recognized in this law to all women, and to their families and communities when these are used as a means of pressure in the violation of women's rights, regardless of race, ethnicity, color, sex, sexual orientation, gender identity, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 8.

For the effects of the present law, the following will be considered:

- a)** Public Servant: persons who perform tasks, are employed by or are under commission of any nature in the public administration of the State and its decentralized federal or local bodies, as well as judicial, legislative and autonomous bodies.
- b)** Electoral Civil Servants: persons who, according to the terms of the applicable electoral legislation, are an integral part of the bodies that perform electoral functions.

- c) **Party Member:** person who participates in the activities of a political party on a regular basis and/or is registered or affiliated with a political party, or is part of a legal register of persons associated with a coalition or political group.
- d) **Candidates:** persons that are formally registered as such by the competent authority, including independent candidates.
- e) **Contenders:** persons who seek the support of a political party to be registered as pre-candidates or obtain registration as independent candidates.
- f) **Pre-candidates:** persons who seek to be nominated by a political party as candidate to an elected office in the internal candidate selection process.
- g) **Elected candidate:** persons who have been elected but are not yet in office.

Chapter II

Responsibilities of the Competent Bodies and other Organizations of Public and Political Life for the Application of this Law

Section I

Of the Competent Body on Policies for Gender Equality and Women's Rights of the Executive Branch (National Women's Machineries)

Article 9.

The governing body for gender equality policies and women's rights of the Executive branch of the State (hereafter National Machineries for Women) and/or competent authorities on the subject shall determine, within their scope of their attributions, under the National Plan on Violence and/or Equality or its equivalent, as well as related policies, the following actions in coordination with other levels of government where appropriate:

- a) Guarantee, within the framework of the National Plans on Violence against women and/or Equal Opportunities, with the necessary budget, a specific component on political violence against women;
- b) Establish a protocol that coordinates the actions of the competent bodies for the prevention, care and eradication of political violence against women, as well as for the effective resolution of cases;

- c) Incorporate violence against women in political life in existing care and investigation protocols;
- d) Broaden access to specialized services to victims of violence in the political life;
- e) Guarantee mechanisms for urgent care in order to ensure protection of the exercise of the office held in cases of violence in the political life;
- f) Establish a channel for research and data gathering on the causes, consequences and frequency of violence against women in the political life, as well as conducting surveys, determining the means for their circulation in coordination with the competent State statistical body;
- g) Develop a risk assessment methodology that takes into account multiple factors of discrimination, such as sex, age, race, ethnicity and economic status, among others, and designs the corresponding measures to counteract these factors.
- h) Incorporate the issue of violence against women in the political life in training and education plans, especially those aimed at the authorities and personnel in charge of implementing this law.
- i) Include cooperation strategies with communications media, advertising agencies and social networks so as to disseminate the political rights of women.

Article 10.

With regard to prevention and, within the framework of their respective competencies, the National Machineries for Women, in collaboration with electoral bodies, will implement awareness-raising and prevention campaigns on violence against women in the political life, as well as education and promotion of their political rights in general and the application of this law in particular. These campaigns should:

- a) Be carried out within a stable time frame;
- b) Mainstream a diversity perspective in order to respond to the needs of specific groups;
- c) Incorporate the necessary mechanisms of inter-governmental coordination and the means to ensure their implementation at the local level;
- d) Establish mechanisms that will assess results and if necessary, design new strategies.

Article 11.

The National Machineries for Women, in collaboration with the electoral body, will analyze by means of strict scrutiny all the procedures and practices related to the exercise of women's political rights, including normative internal systems that could have discriminatory impact on women.

Article 12.

It is the responsibility of the competent bodies, including those at a sub-national level, under the supervision of the National Machinery for Women to implement this law, and to be accountable to the citizenry through the preparation of a report on the implementation of this law and its impact. This report must be annual and presented before the national parliament.

Section II Of the Electoral Bodies

Article 13.

It is the responsibility of the electoral administration and the judicial electoral bodies to promote, within the framework of their competencies, guarantee and protect the political rights of women and to attend, in the cases foreseen by this law, complaints of violence against women in the political life.

Article 14.

The electoral body will assign specialized personnel, logistical and budgetary resources in order to comply with the obligations established in this law.

Article 15.

In the framework of its competencies, the electoral body, in coordination with the competent authorities must adopt, among others, the following measures:

- a)** Establish an internal action protocol that identifies the responsible units, as well as the applicable measures and sanctions, in cases of violence against women in the political life;
- b)** Compile statistics on violence against women in the political life in the electoral sphere that allow for assessment of the problem and the design of concrete actions;
- c)** Incorporate the prevention and eradication of violence against women in the political life in civic and democratic education policies; as well as in all education and training programs that it implements;
- d)** Carry out an analysis of the risks and develop a safety plan in order to prevent violence against women in the political life;
- e)** Implement periodic campaigns based on the prevention and eradication of violence against women in the political life, and evaluate its impact;

- f)** Promote that the media and social networks do not violate the rights of women, the image of women who participate in public life and their privacy, and combat content that reinforces, justifies or tolerates violence against women in the political life;
- g)** Include the issue of violence against women in political life in their training and education programs on the means of electoral contestation, encouraging strategic litigation in these cases;
- h)** Establish a registry on the application of this law, including complaints received, judicial resolutions, particular and concurring opinions, as well as jurisprudence on violence against women in the political life;
- i)** Establish an information system and statistics that progressively reflect votes disaggregated by sex, geographic locations, age, race, ethnicity and disability, among others.

Article 16.

The electoral body has the annual obligation to annually monitor, within political parties, the implementation of the measures adopted for the prevention, punishment, and eradication of violence against women in the political life and to apply the corresponding sanctions in cases of non-compliance with applicable norms.

Section III Of Other Competent public Bodies

Article 17.

It is the responsibility of the Office of the Public Prosecutor/Attorney General and the courts indicated by law to guarantee and protect the rights of women victims of violence in political life and resolve the corresponding constitutional, civil, administrative and penal processes in the cases foreseen in this law.

Article 18.

The Ombudsperson and other human rights defense bodies shall exercise the relevant constitutional, civil or administrative actions as an auxiliary to criminal law in cases of infringement of the present law and of the rights contained therein, so as to guarantee and protect the exercise of the human rights of victims of violence in the political life.

Article 19.

It is the responsibility of the competent body on budgetary policies to carry out an economic costing of this law and its incorporation to general State budgets.

Article 20.

The competent authority on education policies must include the principle of equality, and women's rights, in primary, secondary and higher education, as well as in the training plans for student governments and of any other type that are conducted on human rights, democracy and citizenship

Article 21.

It is the responsibility of the National Machinery for Women, the Office of the Public Prosecutor/ Attorney General, the justice sector, the electoral body and other competent bodies to implement this law, the dissemination of the present law through actions aimed at creating public awareness of the problem and the applicable instruments, particularly among public officials charged with the implementation of this law.

Section IV Of Political Parties and Political Representation Organizations

Article 22.

The following are obligations of political parties, and shall be incorporated to their bylaws:

- a)** To prevent, punish and eradicate violence against women in the political life;
- b)** To reject and punish any expression that implies violence against women in political life in political and electoral publicity/propaganda;
- c)** To promote the political participation of women and men in equality of conditions and free from discrimination and violence;
- d)** To assign a percentage of public financing to strengthening the political leadership of women.;
- e)** To develop and apply protocols to prevent, punish, and eradicate violence against women within political parties.

Article 23.

It is an obligation of contenders, pre-candidates, or candidates to elected offices to abstain from any action or conduct that implies violence against women in the political life.

Article 24.

Political parties should inform electoral bodies about known cases of violence against women in the political life and the means established for their resolution.

Section IV

Other Organizations of Public Life

Article 25.

All social organizations, unions, student organizations, human rights organizations and others that deal with public life should incorporate in their operating norms the following obligations:

- a)** To prevent, punish and eradicate violence against women in the political life.
- b)** To promote parity in the political participation of women under equal conditions.

Article 26.

Organizations dealing with public life must adopt and apply internal protocols to prevent, punish and eradicate violence against women in the political life.

Section VI

Of the Media

Article 27.

- 1.** The State will protect women from violence in the political life and in consequence will implement the necessary measures to guarantee that communication media, through mutual agreement, develop suitable communication guidelines to contribute to the eradication of violence against women in the political life, avoid any expression that denigrates women on the basis of harmful gender stereotypes and highlight respect for the dignity of women; as well as condemn these actions, through their ethical codes. These measures will be permanent and pay particular attention to the legal period of the electoral campaign.
- 2.** All propaganda against women's political rights and any hate speech on the basis of gender and/or sex that constitutes incitement to violence against women in political life, or any other similar illegal action for reasons of sex and/or gender against women or a group of women who participate in political life is prohibited.

Article 28.

The State will adopt appropriate measures to promote responsible and respectful use of communication through new information and communication technologies in relation to women's rights and their political participation, with particular attention to the legal period of the electoral campaign.

Chapter III

On Guarantees of Protection

Section I

Common Provisions

Article 29.

The State will act with due diligence to prevent, investigate and punish violence against women in the political life, in accordance with this law.

Article 30.

Women in a situation of violence in the political life will be entitled to all the guarantees established in the national legislation on violence against women in the political life. The process for resolving these complaints shall be summary.

Article 31.

The report of the acts of violence may be presented by the victim or victims, or by third parties as their relatives or any natural or juridical person, with the consent victim(s) when the victim(s) can provide it, orally or in writing, before the competent authorities.

Article 32.

During the legal period of the electoral campaign, the administrative and / or judicial electoral body shall especially protect women candidates in situations of violence and shall take all necessary measures to ensure that this situation ceases and does not prejudice the conditions of electoral competition for the candidate.

Article 33.

Public officials who are aware of acts of violence against women in the political life have the obligation to report the incident to the competent authorities, after notifying the victim of violence and obtaining their consent, otherwise they will incur civil, administrative and criminal liabilities, as the case may be. In the event that the woman victim of violence opposes the complaint, public servants will leave a written record of the situation of violence in the notification document.

Article 34.

The application of administrative or disciplinary sanctions will be carried out without prejudice to the criminal action, when applicable. In the event that in the internal administrative or disciplinary process, indications of criminal responsibility are found, the fact must immediately be transmitted to the Public Prosecutor's Office.

Article 35.

The use of conciliation for the resolution of crimes of violence against women in the political life is prohibited.

Article 36.

When required by the case, coordinating and cooperating mechanisms shall be established with indigenous jurisdiction, with a view to resolving said case from a perspective of inter-culturalism.

Section II On Protection Measures

Article 37.

The competent body, including the electoral body where appropriate, in the face of imminent risk of serious harm, will determine the protection and cautionary measures that correspond, which may include, among others:

- a)** Restricting aggressors' access to places the victim frequents;
- b)** Assigning bodyguards to women in situations of violence, and their family members when necessary;
- c)** Performing risk analysis and preparing a safety plan;
- d)** Restricting aggressors' access to firearms;
- e)** Withdrawing the aggressor's campaign publicity;
- f)** Withdrawing violent campaigns, and making the reasons public. Said publicity shall be financed by whoever is found responsible for the violence;
- g)** Withdrawing a percentage of public electoral financing from the aggressor;
- h)** Suspending the candidacy of the aggressor;
- i)** Suspending the election of a candidate;
- j)** Suspending the aggressor from public office or employment;
- k)** Any other measure required for the protection of the victims and their families.

Article 38.

The competent body, including the electoral body when applicable, must ensure that a woman's resignation of her candidacy or position was not issued in a situation of political violence.

Article 39.

The acts performed by women candidates or officials that are elected, designated or in public office will be void when they originate from duly proven acts of political violence and that possess definite resolutions from the competent and judicial authorities.

Chapter IV

On the Sanctions

Section I

On Faults and Sanctions

Article 40.

Those offenses established in Article 6, sub-section t) to w) are considered serious.

Article 41.

Those offenses established in Article 6, sub-sections h) to s) are considered very serious offenses.

Article 42.

Violence against women in the political life may lead to the following punishments: reprimand, which may be public or private; suspension of employment or public office and / or salary; penalty fee; withdrawal of messages contrary to this rule.

Section II

On Offences and Penalties

Article 43.

The actions established in Article 6, subsections a) to g) are considered crimes.

Article 44.

The commission of crimes of violence against women in political life will be punished by the political disqualification of the aggressor plus the penalties provided for these crimes aggravated by a third party.

Article 45.

The granting of parliamentary privileges and immunity to public officials who are accused of an act of political violence against women will be suppressed in those cases in which the respective investigations establish responsibility for the reported incidents.

Article 46.

The penalties and punishments provided for in articles 40, 41 and 43 will be aggravated when a situation of political violence coincides with any of the following circumstances:

- a) The actions are carried out by public servants, candidates, aspirants or pre-candidates or political party members;
- b) The author or authors are recidivists in the commission of acts of harassment and / or political violence against women;
- c) Acts of violence against women are committed by two or more persons;
- d) When the acts are committed during the campaign period with that as a motive.

Chapter V

On Reparation Measures

Article 47.

Reparation measures shall guarantee the complete satisfaction of the victim's rights and those of their families and communities when they have been affected by the violence, as well as the guarantee of non-repetition of the acts.

Article 48.

Measures of reparation are considered, among others: compensation of the victim; immediate restitution to the office from which she was forced to resign on grounds of political violence; the determination of security and other measures to ensure the exercise of the position; and the retraction of offenses against women in situations of violence.

Article 49.

Funds for the reparation of the victims will come from the regular national budget, without prejudice to the right of the State to repeat against the aggressor or aggressors.

Final Provisions

FIRST.

The regulation of this law will be issued within the timeframe that is determined from its entry into force, and will include a process of consultations between the bodies with regulatory powers in charge of enforcing the law.

SECOND.

The federal States and those States where sub-national organisms have the competency for gender equality and women's rights must adapt the legal and electoral framework in the timeframe determined from the entry into force of this Law.

THIRD.

For the purposes of this Law, interim/temporary dispositions/regulations of the criminal, criminal process, electoral and other applicable procedures that correspond will be applied, to the extent that they do not oppose what is foreseen here.

Inter-American Convention On the Prevention, Punishment and Eradication of Violence against Women “Convention of Belém do Pará”



OAS

More rights
for more people



OAS

More rights
for more people

Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belém do Pará”

The States Parties to this Convention,

RECOGNIZING that full respect for human rights has been enshrined in the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights, and reaffirmed in other international and regional instruments;

AFFIRMING that violence against women constitutes a violation of their human rights and fundamental freedoms, and impairs or nullifies the observance, enjoyment and exercise of such rights and freedoms;

CONCERNED that violence against women is an offense against human dignity and a manifestation of the historically unequal power relations between women and men;

RECALLING the Declaration on the Elimination of Violence against Women, adopted by the Twenty-fifth Assembly of Delegates of the Inter-American Commission of Women, and affirming that violence against women pervades every sector of society regardless of class, race or ethnic group, income, culture, level of education, age or religion and strikes at its very foundations:

CONVINCED that the elimination of violence against women is essential for their individual and social development and their full and equal participation in all walks of life; and

CONVINCED that the adoption of a convention on the prevention, punishment and eradication of all forms of violence against women within the framework of the Organization of American States is a positive contribution to protecting the rights of women and eliminating violence against them,

HAVE AGREED to the following:

Chapter I

Definition and Scope of Application

Article 1

For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.

Article 2

Violence against women shall be understood to include physical, sexual and psychological violence:

- a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse;
- b. that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and
- c. that is perpetrated or condoned by the state or its agents regardless of where it occurs.

Chapter II

Rights Protected

Article 3

Every woman has the right to be free from violence in both the public and private spheres.

Article 4

Every woman has the right to the recognition, enjoyment, exercise and protection of all human rights and freedoms embodied in regional and international human rights instruments. These rights include, among others:

- a. The right to have her life respected;
- b. The right to have her physical, mental and moral integrity respected;
- c. The right to personal liberty and security;
- d. The right not to be subjected to torture;

- e.** The rights to have the inherent dignity of her person respected and her family protected;
- f.** The right to equal protection before the law and of the law;
- g.** The right to simple and prompt recourse to a competent court for protection against acts that violate her rights;
- h.** The right to associate freely;
- i.** The right of freedom to profess her religion and beliefs within the law; and
- j.** The right to have equal access to the public service of her country and to take part in the conduct of public affairs, including decision-making.

Article 5

Every woman is entitled to the free and full exercise of her civil, political, economic, social and cultural rights, and may rely on the full protection of those rights as embodied in regional and international instruments on human rights. The States Parties recognize that violence against women prevents and nullifies the exercise of these rights.

Article 6

The right of every woman to be free from violence includes, among others:

- a.** The right of women to be free from all forms of discrimination; and
- b.** The right of women to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination.

Chapter III

Duties of The States

Article 7

The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:

- a.** refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;
- b.** apply due diligence to prevent, investigate and impose penalties for violence against women;

- c. include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary;
- d. adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property;
- e. take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women;
- f. establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures;
- g. establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies; and
- h. adopt such legislative or other measures as may be necessary to give effect to this Convention.

Article 8

The States Parties agree to undertake progressively specific measures, including programs:

- a. to promote awareness and observance of the right of women to be free from violence, and the right of women to have their human rights respected and protected;
- b. to modify social and cultural patterns of conduct of men and women, including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women;
- c. to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women;
- d. to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counseling services for all family members where appropriate, and care and custody of the affected children;

- e. to promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies for violence against women;
- f. to provide women who are subjected to violence access to effective readjustment and training programs to enable them to fully participate in public, private and social life;
- g. to encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women;
- h. to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate and implement the necessary changes; and
- i. to foster international cooperation for the exchange of ideas and experiences and the execution of programs aimed at protecting women who are subjected to violence.

Article 9

With respect to the adoption of the measures in this Chapter, the States Parties shall take special account of the vulnerability of women to violence by reason of, among others, their race or ethnic background or their status as migrants, refugees or displaced persons. Similar consideration shall be given to women subjected to violence while pregnant or who are disabled, of minor age, elderly, socioeconomically disadvantaged, affected by armed conflict or deprived of their freedom.

Chapter IV

Inter-American Mechanisms of Protection

Article 10

In order to protect the rights of every woman to be free from violence, the States Parties shall include in their national reports to the Inter-American Commission of Women information on measures adopted to prevent and prohibit violence against women, and to assist women affected by violence, as well as on any difficulties they observe in applying those measures, and the factors that contribute to violence against women.

Article 11

The States Parties to this Convention and the Inter-American Commission of Women may request of the Inter-American Court of Human Rights advisory opinions on the interpretation of this Convention.

Article 12

Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Inter-American Commission on Human Rights containing denunciations or complaints of violations of Article 7 of this Convention by a State Party, and the Commission shall consider such claims in accordance with the norms and procedures established by the American Convention on Human Rights and the Statutes and Regulations of the Inter-American Commission on Human Rights for lodging and considering petitions.

Chapter V

General Provisions

Article 13

No part of this Convention shall be understood to restrict or limit the domestic law of any State Party that affords equal or greater protection and guarantees of the rights of women and appropriate safeguards to prevent and eradicate violence against women.

Article 14

No part of this Convention shall be understood to restrict or limit the American Convention on Human Rights or any other international convention on the subject that provides for equal or greater protection in this area.

Article 15

This Convention is open to signature by all the member states of the Organization of American States.

Article 16

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article 17

This Convention is open to accession by any other state. Instruments of accession shall be deposited with the General Secretariat of the Organization of American States.

Article 18

Any State may, at the time of approval, signature, ratification, or accession, make reservations to this Convention provided that such reservations are:

- a.** not incompatible with the object and purpose of the Convention, and
- b.** not of a general nature and relate to one or more specific provisions.

Article 19

Any State Party may submit to the General Assembly, through the Inter-American Commission of Women, proposals for the amendment of this Convention.

Amendments shall enter into force for the states ratifying them on the date when two-thirds of the States Parties to this Convention have deposited their respective instruments of ratification. With respect to the other States Parties, the amendments shall enter into force on the dates on which they deposit their respective instruments of ratification.

Article 20

If a State Party has two or more territorial units in which the matters dealt with in this Convention are governed by different systems of law, it may, at the time of signature, ratification or accession, declare that this Convention shall extend to all its territorial units or to only one or more of them.

Such a declaration may be amended at any time by subsequent declarations, which shall expressly specify the territorial unit or units to which this Convention applies. Such subsequent declarations shall be transmitted to the General Secretariat of the Organization of American States, and shall enter into force thirty days after the date of their receipt.

Article 21

This Convention shall enter into force on the thirtieth day after the date of deposit of the second instrument of ratification. For each State that ratifies or accedes to the Convention after the second instrument of ratification is deposited, it shall enter into force thirty days after the date on which that State deposited its instrument of ratification or accession.

Article 22

The Secretary General shall inform all member states of the Organization of American States of the entry into force of this Convention.

Article 23

The Secretary General of the Organization of American States shall present an annual report to the member states of the Organization on the status of this Convention, including the signatures, deposits of instruments of ratification and accession, and declarations, and any reservations that may have been presented by the States Parties, accompanied by a report thereon if needed.

Article 24

This Convention shall remain in force indefinitely, but any of the States Parties may denounce it by depositing an instrument to that effect with the General Secretariat of the Organization of American States. One year after the date of deposit of the instrument of denunciation, this Convention shall cease to be in effect for the denouncing State but shall remain in force for the remaining States Parties.

Article 25

The original instrument of this Convention, the English, French, Portuguese and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall send a certified copy to the Secretariat of the United Nations for registration and publication in accordance with the provisions of Article 102 of the United Nations Charter.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective governments, have signed this Convention, which shall be called the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belém do Pará.”

DONE IN THE CITY OF BELÉM DO PARÁ, BRAZIL, the ninth of June in the year one thousand nine hundred ninety-four.

ACKNOWLEDGMENTS

The CEVI acknowledges the generous advice and contributions by a host of politicians, civil servants and experts working in violence against women across the Americas who participated in the process of drafting the Model Law.

PARTICIPANTS IN THE FIRST MEETING (WASHINGTON, D.C. FEBRUARY 25, 2015)

- Alejandra Mora, President of the CIM and Minister for the Status of Women and Executive President of the National Institute of Women of Costa Rica (INAMU)
- Angélica de la Peña, Senator, Mexico
- Lucero Saldaña, Senator, Mexico
- Paola Pabón, Member of Parliament, Ecuador
- Gale Rigobert, Member of Parliament, Saint Lucia
- Loretta Butler, Member of the Parliament, Bahamas
- María del Carmen Alanís, Magistrate, Electoral Tribunal of Justice of the Mexican Federation
- Lía Limón, Subsecretary of Human Rights, Secretaría de Gobernación, Mexico
- Otilia Lux de Cotí, politician, Guatemala
- Morena Herrera, women's rights expert, El Salvador
- Cecilia López, former Senator and former Minister, Colombia
- Susana Villarán, former Mayor of Lima, Perú
- Flor María Díaz, President of the CEVI, Colombia
- Susana Chiarotti, Expert of the CEVI, Argentina
- Diana González, Expert of the CEVI, Uruguay
- Rosa Celorio, specialist of the Office of the Rapporteur on the Rights of Women at the Inter-American Commission on Human Rights (IACHR/OEA).
- Sara Mía Noguera, Chief of the Electoral Observation Section, OAS Department of Electoral Cooperation and Observation
- Jessy López, representative of Association of local Councilors (ACOBOL), Bolivia
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- Mona Lena Krook, academic, Rutgers University, United States
- Juliana Restrepo, academic, Rutgers University, United States
- Vivian Roza, Coordinator of the PROLEAD, Inter-American Development Bank
- Paula Tavares, expert of the group Women, Business and the Law, World Bank

PARTICIPANTS IN THE SECOND MEETING (LA PAZ, BOLIVIA, MAY 30 -31, 2016)

- Diana González, President of the CEVI, Uruguay
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- Aracely Escobar, Ministry of Defense, Bolivia
- Liliana Guzmán, Ministry of Defense, Bolivia
- Adolfo Sovia, Ministry of Justice, Bolivia
- Ana María Rojas, lawyer of the Plurinational Integral System of Prevention, Care, Sanction and Eradication of violence (SIPASSE), Bolivia
- Cecilia Urquieta, Director General for the Constitutional Development Directorate of the Viceminister of Justice and Fundamental Rights, Bolivia
- Elizabeth Gomez, Member of Parliament, El Salvador
- Angélica Lozano, Member of Parliament, Colombia and Delegate of Parlamericas
- Yensi Herrera, Coordinator of the Active Citizenship Area of the National Institute of Women, Costa Rica
- Silvia Loli, General Director against Gender-based violence, Minister of Woman and Vulnerable Populations, Peru
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- Claire de Soi, representative of the National Democratic Institute, United States
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- Verónica Salinas, UNITAS, Bolivia
- Patricia Rojas, Bolivia
- Sandra Aliaga, Bolivia
- Tania Nava, Bolivia

- Uganda Pacheco, Bolivia
- Hilaria Choquebuena, FENTRAB, Bolivia
- Liliana Guzman, Bolivia
- Daniel Espinoza, Bolivia
- Tania Sanchez, Bolivia
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Marta Martinez Gomez, specialist in democracy and political rights of women of the Inter-American Commission of Women (CIM), served as lead draftsperson of the Model Law, under the coordination of Luz Patricia Mejia Guerrero, Technical Secretary of the MESECVI and Diana Gonzalez Perrett, President of the CEVI.

The CEVI would like to acknowledge Hilary Anderson, CIM Senior Gender Specialist, for her work translating the Model Law into English.

Inter-American Model Law

ON THE PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN IN POLITICAL LIFE



OAS

More rights
for more people

