

# Comparative analysis of the current legal frameworks in Latin America to fight online gender violence and support women's\* leadership in public life

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*\*All people who identify as women*

SUPPORTED BY GLOBAL UNIT FOR FEMINISM AND GENDER DEMOCRACY  
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 **Multitudes**

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## ABOUT THE AUTHOR

### **Fundación Multitudes**

Fundación Multitudes is a non-profit organization, founded in 2014, with the mission of reducing the gap between citizens and decision-making processes. With a team of professionals from various disciplines and with an independent partisan seal, it seeks to articulate civil society organizations to have an impact on public agenda, increasing participation, transparency, accountability, and implementing research-based advocacy. At the global level, Multitudes is an advocate for human rights and democracy and since 2020 with the launch of the Women's Observatory Against Disinformation, it has focused its efforts on studying the phenomenon of gendered disinformation, foreign influence, and the threat to democracies in Latin America.

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## ABBREVIATIONS

<b>CEDAW</b>	<i>Convention on the Elimination of All Forms of Discrimination against Women</i>
<b>NEI</b>	<i>National Electoral Institute</i>
<b>OGV</b>	<i>Online Gender Violence</i>
<b>OGPV</b>	<i>Online Gender Political Violence</i>
<b>FMBPC</b>	<i>Follow-up Mechanism to the Belém do Pará Convention</i>
<b>NDI</b>	<i>National Democratic Institute</i>
<b>IPU</b>	<i>Inter-Parliamentary Union</i>
<b>P/GBV</b>	<i>Political Gender-Based Violence</i>
<b>CSO</b>	<i>Civic Society Organizations</i>

## EXECUTIVE SUMMARY

Multiple studies show that the use of social media has a negative impact on the political leadership of women and girls in Latin America. Social media is one of citizens' most used tools in the region to get information and communicate with others, with a high level of internet penetration, and raising a series of issues related to the low level of digital literacy in the countries.

One of the biggest problems with the massive penetration of social media in Latin America is that users don't have the knowledge nor the tools to know what is real and what is not. Identifying gender political violence online, including disinformation and fake news, is particularly difficult considering that lies spread faster than truth, making them more vulnerable to disinformation.

In order to understand if the safeguards in place are efficient, it is essential to identify the state of implementation of the institutional incentives for women to participate in politics, in addition to looking at the existing safeguards and legislation to counter online gender-based violence and disinformation in Latin America. Specifically, we look at the current state of affairs in four countries of the region. Our research question is: **What is the state of implementing the institutional incentives for women to participate in politics, the existing safeguards to counter gender-based violence online, and the existing legislation against disinformation in Colombia, Mexico, Argentina, and Brazil?**

## BACKGROUND

Historically, women have been subjected to physical, symbolic, and emotional violence in several ways, from a lack of bodily anatomy, self-determination, or even freedom. Feminists and human rights activists throughout the 19th and 20th centuries have fought tirelessly for women's rights globally and against the violence they endured in both the public and private spheres. However, as we entered the 21st century, a new threat to women emerged: online violence.

*The United Nations Population Fund* defines 'online (or digital) violence' as many forms of online abuse, including harassment, hate speech, doxxing, cyberstalking, and image-based abuse, to gendered disinformation, blackmail, exploitation, and child abuse material.

It is clear from this that anyone can be a victim of online violence, so why have we -along with the United Nations- chosen to classify this as a gender issue? Because women are statistically more likely to be affected by online violence than men.

According to research published by *The United Nations Office on Drugs and Crime*, gender-based interpersonal cybercrime is of much greater risk to women and minority groups. The research study found that online predators were more likely to target women, people of color, members of the LGBTQ+ community, or people with multiple intersecting marginalized identities. That happened because digital violence stems from discrimination like misogyny, racism, and homophobia.

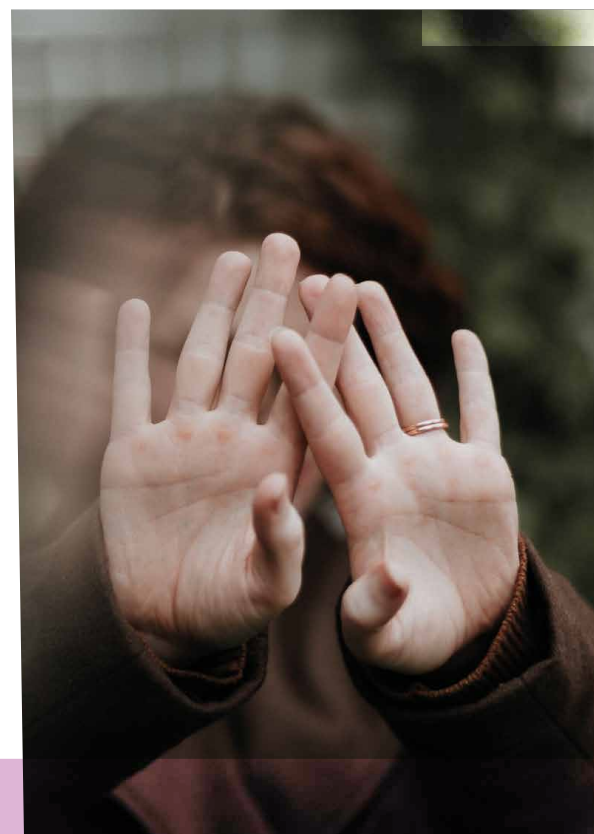
The impact of digital violence on women and girls (specifically those who are also minorities) is immense. It often involves them suffering from stigma, damaged reputation, reduced productivity, and adverse effects on mental health and psychological well-being. Also, it contributes to reduced participation of women and girls in workplaces, schools, leadership positions, and politics.

## WHY THIS IS IMPORTANT

Addressing the issue of online gender-based violence (OGBV) has great socio-political importance and impact as it significantly affects some of the most vulnerable groups. OGBV generates a series of consequences for women that modify their behavior in their private lives and public spaces. Therefore, one of these consequences is the undermining of democracy. Online gender-based violence, specifically targeted at women in politics, directly threatens democracy as it deteriorates and wears out until it becomes more unjust and less participatory.

With evidence that exemplifies how this type of violence operates, we must inquire about how states analyze this influence and what they are doing to fight against it.

In this sense, we aim to detect safeguard mechanisms in legislation and whether new legal frameworks have been developed to face this problem. At the same time, we look at how states should work on co-creating solutions with all members of society: Citizens, social organizations, and the private sector to overcome the instance of awareness and develop safeguards. It should be emphasized again that the consequences of OGBV are not limited to the presence of people in the digital spheres but also to freedom of expression, work and the economy, political participation, the exercise of fundamental rights, and the strengthening of democracy.



## INTRODUCTION

Data and research show that the use of social media impacts the political leadership of women and girls in Latin America. Social media platforms are one of the most used communications tools to inform themselves. In addition, there is a low level of digital literacy in the region despite the deep penetration of social media. Because of this, social media users cannot identify specific types of OGBV. Notably, gender political violence, including disinformation.

Since disinformation is a multi-layered problem, it requires solutions with holistic strategies at the institutional, sociocultural, and individual levels that also consider the particular information structures of each country. One of the steps to combat this threat is to improve regulatory frameworks to protect women and ensure that they enjoy violence-free environments that allow them to develop their leadership. To do this, first, it is necessary to know the existing norms aimed at protecting women.

In addition, it is crucial to analyze the negotiation of incentives for women's political participation. Studies show that several factors imply this major problem, including GBV. Online Gender-based violence is found within this type of violence. It has gained notoriety in recent years because of voters' and women's intense use of social networks in politics.

## OBJECTIVE OF THE RESEARCH

Within this framework, Fundacion Multitudes' Women's Observatory Against Disinformation developed a comparative study of the regulatory framework for the protection of women and incentives to participate in politics. Legal frameworks on disinformation and gender-based violence have been analyzed in four Latin American countries, taking as reference legislation already existing in Bolivia and Peru.

For the research, it was essential to identify the state of how countries are implementing institutional incentives for women to participate in politics. In addition, we look at the existing safeguards and legislation to counter OGBV and disinformation in Colombia, Mexico, Argentina, and Brazil. The result is concrete recommendations to advance the protection and exercise of women's leadership in politics.

### Specific objectives:

- ✔ *Identify the legislative framework on incentives for women in politics in Mexico, Colombia, Argentina, and Brazil from the reference of Peru and Bolivia.*
- ✔ *Identify the legislative framework to fight OGBV in Mexico, Colombia, Argentina, and Brazil from the references of Peru and Bolivia.*
- ✔ *Identify the legislative framework on disinformation in Mexico, Colombia, Argentina, and Brazil from the references of Peru and Bolivia.*
- ✔ *Identify legislation related to misinformation, OGBV, and women's political participation in Mexico, Colombia, Argentina, and Brazil.*
- ✔ *Generate a diagnosis of the state of the issue in the Latin American region based on the research findings.*

### Methodology:

The comparative methodology is beneficial in this study since Argentina, Mexico, Brazil, and Colombia have relatively similar regional legislative systems. In addition, Argentina, Mexico, and Brazil are countries with a federal state, including having bicameral congresses; Colombia has a bicameral congress; however, it is a unitary state.

Faced with the need to understand and explain the influence of contextual characteristics in the implementation of public policies, comparative case studies involve analyzing and synthesizing the similarities, differences, and patterns of two or more cases that share a common approach or objective. By doing so, the authors can understand and explain the influence of contextual characteristics in implementing public policies. We incorporate quantitative data through documentary analysis and qualitative data through interviews with key civil society organizations for a deeper understanding of the problem surrounding the phenomenon of disinformation and its effect on women's leadership in each country and the public policies that have been raised in this regard.

## Female Underrepresentation

In order to conduct research, it is essential to have a thorough understanding of the overall picture of women's political participation worldwide. According to the Inter-Parliamentary Union (IPU), in 2022, 25.8% of parliamentary seats worldwide were held by women, an increase of 2.3% compared to the previous report. Among the countries the research covers, Mexico meets the parity of representation in the chambers (with 50% representation). In comparison, Argentina has 44.75% representation from the part of the parliamentarians (42% of seats in the upper chamber and 45% in the lower chamber). Colombia is ranked 19th worldwide, with 28.9% of women in the lower or single chamber and 29.6% in the upper chamber; Brazil also ranked 30th, with 17.7% of women in the lower or single chamber and 16% in the upper chamber. According to the IPU, Colombia showed the most significant advance in low or single chambers (10.2 point increase) and the highest in high chambers (8.3 point increase).

## Institutional Mechanisms of gender quotas in Latin America

In Latin America, the countries that have implemented gender parity quotas (50% for women and 50% for men) in the electoral lists are Bolivia (2010), Costa Rica (2009), Argentina (2017), Ecuador (2009), Mexico (2014), Honduras (2012), Panama (2012), Peru (2020), Venezuela (2015), and Nicaragua (2012). The Dominican Republic (2018) and Chile (2015) manage 40%, and Colombia (2011), Brazil (2009), El Salvador (2013) and Haiti (2012) present quotas of at least 30%.<sup>2</sup>

The data show us that in recent years, especially since 2010, Latin American countries have made progress in a system of gender parity for the equitable development of democracy and the active participation of women. However, we still realize that some countries, including Brazil and Colombia, are still slowly moving toward reforming their legislation.

On the other hand, it should be noted that Argentina was the first country in the world to pass a quota law. Law 24012, the female quota, was passed on November 6, 1991, and established that all legislative elections must have a minimum of 30% women.

Although aimed at the same goal, the mechanisms of quotas and parity are conceptually different. The gender quota, as defined and validated in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), is a temporary measure that ensures that women occupy a minimum percentage of candidates on party electoral lists. On the other hand, parity, unlike quota, is not based on an arbitrarily fixed percentage since the only legitimate distribution of positions between women and men is 50/50 following the distribution of society itself.<sup>3</sup>

Regarding the effectiveness of quotas in the region, research indicates that these quotas' positive influence on women's representation in politics is indisputable. In the article **"From Quota to Parity: Lessons from Latin America,"**<sup>4</sup> an analysis of these measures' impact on the region is made. The following graph n°1 shows the parliaments of fourteen Latin American countries that passed quota laws between 1991 and 2015. Seven of these parliaments today have parity laws approved, and this is evident in the increase in the presence of parliamentarians as a result of these measures, especially in countries with parity.

<sup>2</sup> Observatorio Igualdad de Género & CEPAL. (s.f.). *Leyes*. Observatorio de Igualdad de Género. <https://oig.cepal.org/es/laws/3/country>

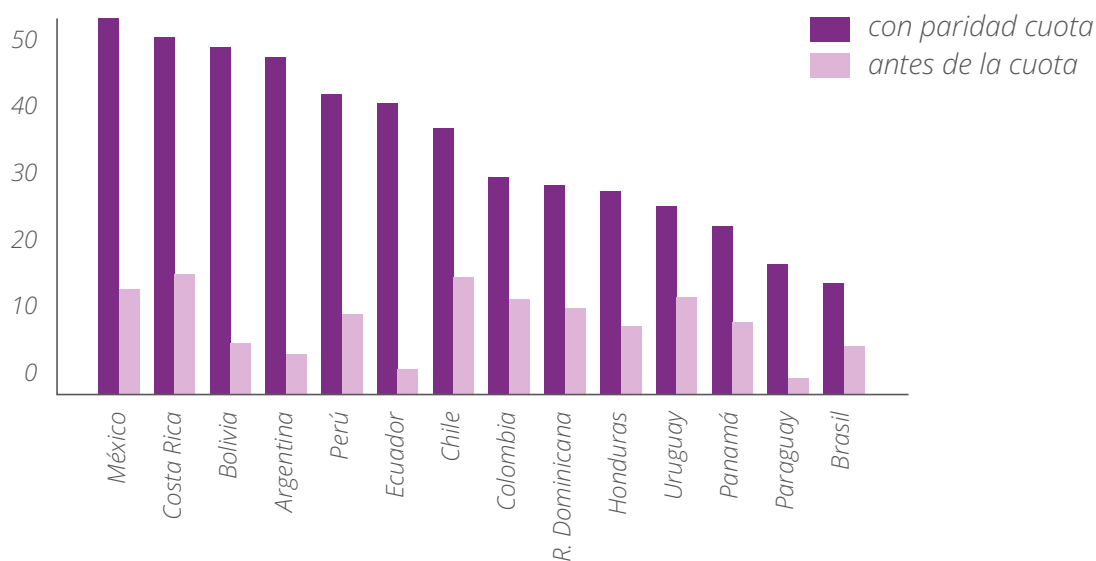
<sup>3</sup> Johnson, N. (2022). *De la cuota a la paridad: lecciones de América Latina*. *Diálogo político*, 36-43.

<https://dialogopolitico.org/wp-content/uploads/2022/10/4.-De-la-cuota-a-la-paridad.-Johnson.-Diálogo-Político.-2-2022.pdf>

<sup>4</sup> Johnson, N. (2022). *De la cuota a la paridad: lecciones de América Latina*. *Diálogo político*, 36-43.

<https://dialogopolitico.org/wp-content/uploads/2022/10/4.-De-la-cuota-a-la-paridad.-Johnson.-Diálogo-Político.-2-2022.pdf>

PERCENTAGE OF REPRESENTATION OF WOMEN IN THE LOWER CHAMBER OR SINGLE CHAMBER IN PARLIAMENT. INCLUDE THE PARITY OR QUOTA BEFORE THE PASSING OF THE BILL



However, this positive assessment also demonstrates that the effectiveness of quotas is mediated by the characteristics of the electoral system and the party system. In this regard, the graph shows that quota bills tend to be more effective in electoral systems with large multi-member districts, where seats are allocated according to a criterion of proportional representation, and seats are distributed among a limited number of parties or sectors.<sup>5</sup>

Even so, the Latin American experience has shown that informal practices and strategies have been carried out to avoid and reduce the purpose of quotas, causing what was thought to be a minimum floor for women to become a glass ceiling. Among the practices mentioned in the article "From Quota to Parity: Lessons from Latin America" are:

- ⊙ *The minimalist application of the quota (which involves including the minimum number of candidates and placing them in the lowest possible places according to the law).*
- ⊙ *Direct contempt, taking advantage of weak electoral controller bodies.*
- ⊙ *The use of candidates flourished, in many cases, without careers or previous political experience, who would not contest male leadership.*
- ⊙ *Tactic "pacts of complicity" with candidates who, as soon as they were elected, resigned from office in favor of their male substitutes.*
- ⊙ *Harassment or political violence to force elected women to resign, reaching, in some extreme cases, murder.*

<sup>5</sup> Johnson, N. (2022). *De la cuota a la paridad: lecciones de América Latina. Diálogo político*, 36–43. <https://dialogopolitico.org/wp-content/uploads/2022/10/4.-De-la-cuota-a-la-paridad.-Johnson.-Diálogo-Político.-2-2022.pdf>



## Gender-based violence in politics

Only in the 21st century, violence against women in politics has been exposed as a reality that must be faced, measured, documented and legislated. However, it does not manifest itself as a new problem: the gender-based violence that women have always suffered, in the spaces of public and private life, is also transferred to the political sphere, once they begin to access and participate in these spaces<sup>6</sup>. Based on this, the problems are not solved when women get access to the public sphere, because among the challenges they face in this process is political gender violence which is expressed in multiple forms and platforms, where it has been the various academics and activists who expose the various forms and expressions of this type of violence. The existing interconnections and reflections on the challenges women face not only in the physical institutional environment of politics, such as Congress and the Senate, but also in non-physical environments, like the internet.

Political violence against women can now be understood as all those microaggressions or omissions of people, servants or public servants who address a woman because she is a woman. This violence has a differentiated impact on them or affects them disproportionately, with the purpose or result of undermining or annulling their political-electoral rights. This violence may be directed and/or exercised by members of political parties, applicants, pre-candidates or candidates, party leaders, government and/or electoral officials or authorities, and representatives of the media, as well as the State and its agents.<sup>7</sup>

Although the increased representation of women in politics has made cases of violence against them more visible, few countries in the region have taken concrete measures to prevent and punish OGBV. As clarifying data, only Bolivia and Peru have a specific law on harassment and political violence against women<sup>8</sup>. Only 50% of the countries in the region have a specific regulation regarding the issue in electoral processes<sup>9</sup>. Eight of ten countries do not specify sanctions for cases of gender-based political violence, and only three countries have specific sanctions in the criminal field<sup>10</sup>.



### Colombia

*In the case of Colombia, we can briefly review the registry of political violence in the countries to be analyzed in the report of Political violence against women 2021<sup>11</sup>. This report shows the acts of violence against women leaders that have been registered throughout 2021 and the registration deadline of candidates for the National Elections of Congress of 2022. Out of the 439 violations registered between January 1st and November 13th 2021, 114 of them (26%) correspond to aggressions against political, and grassroots leaders; the last group being the most affected with 55.3%. In addition, when comparing during the same period, but in 2020, there is a 10.7% increase in aggression toward grassroots leaders.*

<sup>6</sup> Onu Mujeres, CIM MESECVI & Albaine, L. (2020). *Violencia Contra Las Mujeres En Política En América Latina: Mapeo Legislativo Y Proyectos Parlamentarios*. CIM MESECVI.

[https://lac.unwomen.org/sites/default/files/Field%20Office%20Americas/Documentos/Publicaciones/2020/10/Violencia%20contra%20las%20mujeres%20en%20politica%20en%20A\\_Amy%20Rosa%20Esther%20Rice-comprimido%20\(1\).pdf](https://lac.unwomen.org/sites/default/files/Field%20Office%20Americas/Documentos/Publicaciones/2020/10/Violencia%20contra%20las%20mujeres%20en%20politica%20en%20A_Amy%20Rosa%20Esther%20Rice-comprimido%20(1).pdf)

<sup>7</sup> [https://www.cndh.org.mx/sites/all/doc/OtrosDocumentos/Doc\\_2018\\_056.pdf](https://www.cndh.org.mx/sites/all/doc/OtrosDocumentos/Doc_2018_056.pdf)

<sup>8</sup> [https://lac.unwomen.org/sites/default/files/Field%20Office%20Americas/Documentos/Publicaciones/2020/10/Violencia%20contra%20las%20mujeres%20en%20politica%20en%20A\\_Amy%20Rosa%20Esther%20Rice-comprimido%20%281%29.pdf](https://lac.unwomen.org/sites/default/files/Field%20Office%20Americas/Documentos/Publicaciones/2020/10/Violencia%20contra%20las%20mujeres%20en%20politica%20en%20A_Amy%20Rosa%20Esther%20Rice-comprimido%20%281%29.pdf)

<sup>9</sup> México, El Salvador, Ecuador, Panamá, Paraguay, Brasil, Bolivia, Perú, Argentina y Uruguay

<sup>10</sup> <https://reformaspoliticas.org/wp-content/uploads/2021/09/ObservatorioReformas-Notas-de-prensa.pdf>

<sup>11</sup> <https://www.moe.org.co/wp-content/uploads/2021/11/Informe-25N-violencia-contra-las-mujeres-en-la-poli%CC%81tica-2021-MOE.pdf>

*This report also concludes that since 2017 the most recurrent violent event against women in leadership is the threat (256 facts, 75 of them in 2021). This refers to where there is a particular bias because the person who performs the threat also resorts to stereotypes and symbolism that extend the impact to their relatives and relatives, thus affecting the psychological integrity of those around them, unlike the threats to male leaders. Following the threats, lethal acts (attacks and murders) accounted for 28.1% of the total aggressions. This proportion is much higher in the case of grassroots leaders with 39.7%<sup>12</sup>.*

*Even though the threats continue to increase, in particular the deadly attacks against grassroots leadership have presented an increase. When reviewing the ethnic background of the grassroots leaders, 46.7% of the 63 acts of violence against indigenous leaders were lethal (6 murders and 1 attacks)<sup>13</sup>.*

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## **México**

*Mexico has sanctions against GBV, with a vast history of data collection on the issue.*

*As of January 12, 2023, 260 people (215 men and 45 women) were registered in the National Registry of Persons Sanctioned on Political Violence against Women of the National Electoral Institute (NEI). Some of them committed gender-based political violence (GBPV) on more than one occasion. The highest percentage of people sanctioned corresponds to “municipal head/leadership” with 20.38%, followed by “regular citizen” with 18.46%; “councilor” with 13.08%; “journalist” with 10.38%; authorities belonging to the internal regulatory systems, with 6.92% and “public servant” with 6.15%. Regarding the territorial scope, of the 294 records ordered, 211 correspond to the municipal level (71.77%); 47 to the state (15.99%) and 36 to the national level (12.24%)<sup>14</sup>.*

*In the last elections, on June 6, 2021, from the beginning of the campaign until 20 days before the elections, cases of political violence against women increased by 80%, where a change in the narrative of violence is also recognized. While before 2020 the main issue of the sentences revolved around affirmative actions such as gender quotas – and, to a lesser extent, allegations of violence through media and social networks, since the reform and under the context of the 2020-2021 electoral process, symbolic and psychological violence through media and social networks such as Facebook and Twitter as part of the electoral campaigns is much more frequently.<sup>15</sup> Moreover, in the same context of these elections, the Observatoria Todos MX observed that the violence against women during the last electoral process resulted in the murder of at least 21 candidates running for office.*

*This is in addition to other cases of GBV in this year’s electoral process, such as sexist language, insults, minimization or exclusion, discrimination based on race and gender, threats and physical violence<sup>16</sup>.*

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## **Argentina**

*In Argentina, the Electoral Political Observatory made an infographic on political violence by interviewing women legislators. It shows the obstacles women face in exercising their political rights. Among them are interruptions in the use of the word, criticism of physical appearance and personal life, exclusion of social and/or gathering events, reception of derogatory gender-based qualifiers, and different ways to refer to them with less care and allusions to the role of mother to generate guilt<sup>17</sup>.*

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<sup>12</sup><https://www.moe.org.co/wp-content/uploads/2021/11/Informe-25N-violencia-contra-las-mujeres-en-la-poli%CC%81tica-2021-MOE.pdf>

<sup>13</sup><https://www.moe.org.co/wp-content/uploads/2021/11/Informe-25N-violencia-contra-las-mujeres-en-la-poli%CC%81tica-2021-MOE.pdf>

<sup>14</sup><https://centralelectoral.ine.mx/2023/01/12/registra-ine-a-260-personas-por-violencia-politica-contra-las-mujeres-en-razon-de-genero/>

<sup>15</sup><https://politica.expansion.mx/mexico/2021/05/10/los-casos-de-violencia-politica-contra-las-mujeres-incrementan-80-en-campanas>

<sup>16</sup><https://politica.expansion.mx/mexico/2021/06/01/elecciones2021-las-mas-violentas-para-las-mujeres-21-candidatas-asesinadas>

<sup>17</sup><https://www.argentina.gob.ar/interior/observatorioelectoral/infografias-sobre-democracia-paritaria/infografia-sobre-violencia>

In addition, in the report *Gender-based Political Violence in Elections (2021)*<sup>18</sup>, we see that social networks and especially Twitter, are spaces where political violence is installed as a particular phenomenon impacting women candidates. This violence intensifies in times of electoral campaigns. The report also indicates that women usually receive comments of political violence due to gender, involving content aiming to discredit them based on gender stereotypes. This digital violence (often conducted in the form of messaging) reveals or disseminates images and intimate information: harassment, threats, messages with sexual content, and finally images or messages that damage their political campaigns.

## **Brazil**

Research shows that there is still an environment of tolerance to gender-based political violence, whereby public women are constantly exposed and vulnerable in their intimate aspect<sup>19</sup>. In the last general elections in Brazil, on October 2, 2022, between the official start of the electoral campaign, on August 16, and the end of the first round, on October 2, there were at least 148 cases of electoral violence in the country. According to an exclusive survey conducted by the Public Agency, political violence against women appears in 58 of the cases mapped since the beginning of the campaign. Threats, assaults and three cases of sexual violence were recorded during the elections<sup>20</sup>.

According to data from the Observatory of Political and Electoral Violence of the Federal University of the state of Rio de Janeiro, in the first quarter of 2023 the country recorded 114 cases of political violence. This represents a worrying increase in relation to the first quarter of 2020 and 2022, electoral years and historically with an increase in the occurrence of the type of violence in the country<sup>21</sup>.

Political assassination in electoral contexts, many attributed to militia groups, multiplied in 2020, where more than 165 politicians in Brazil killed in the last three years. This number represents an average of one person killed per week, as reported by Globo and the Electoral Research Group of the Federal University of the State of Rio de Janeiro.<sup>22</sup>

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## **Gender violence on the internet in Politics: Latin America**

Online Gender-Based Violence (OGBV), and gender-based violence in a broader sense, are issues related to gender role desires. In recent years, the virtual space has become a stage for disseminating hate and fake news, especially for the most marginalized groups, such as women, indigenous people, and the LGBTQ community, among others.

OGBV is a widespread phenomenon rooted in Latin America, and a reflection of the gender violence of the region expressed in a digital format. Based on this, it is clear that public programs and policies to promote greater awareness and implement measures to prevent, and fight OGBV are not yet sufficient<sup>23</sup>. Digital violence can be as devastating as the violence happening in physical space, restricting the right to live free of aggression and without fear; to participate in political, social and cultural life, access information and to exercise freedom of expression.

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<sup>18</sup> <https://www4.hcdn.gob.ar/archivos/genero/archivos/InfViolenciaPolitica.pdf>

<sup>19</sup> <https://transparenciaelectoral.org/caoeste/misoginia-en-las-elecciones-brasilenas-la-construccion-del-concepto-de-violencia-politica-de-genero-en-las-campanas-electorales/>

<sup>20</sup> <https://latfem.org/en-las-elecciones-brasilenas-hubo-al-menos-3-casos-de-violencia-al-dia-y-6-asesinatos/>

<sup>21</sup> [https://www.prensa-latina.cu/2023/04/18/brasil-registra-114-casos-de-violencia-politica-en-primer-trimestre#:~:text=Brasilia%2C%2018%20abr%20\(Prensa%20Latina,R%3%ADo%20de%20Janeiro%2C%20citados%20hoy.](https://www.prensa-latina.cu/2023/04/18/brasil-registra-114-casos-de-violencia-politica-en-primer-trimestre#:~:text=Brasilia%2C%2018%20abr%20(Prensa%20Latina,R%3%ADo%20de%20Janeiro%2C%20citados%20hoy.)

<sup>22</sup> <https://es.insightcrime.org/noticias/analisis/asesinatos-politicos-brasil/>

<sup>23</sup> <https://www.alsur.lat/sites/default/files/2021-07/Violencia%20Pol%C3%ADtica%20de%20G%C3%A9nero%20en%20Internet%20ES.pdf> <https://dplnews.com/la-violencia-digital-es-real-iniciativas-en-america-latina-que-luchan-por-in-ternet-seguro-para-las-mujeres/>

For this reason, online gender political violence (OGPV) can affect women's participation in digital platforms and, in more severe cases, in political life in general. It is one of the findings of the study **"Gender Political Violence on the Internet: Policy Paper Latin American and The Caribbean."** This paper analyzes the narratives of OGPV present in the region, using examples from the women currently in Congress and female congressional candidates.

The report **"Sexism, harassment and violence against women parliamentarians"**, prepared by the IPU (2016) and based on interviews conducted in 39 countries in 5 world regions, indicates that 81.8% of the women parliamentarian interviewed experienced some form of psychological violence during their term in office and social networks were the main channel for the violence they received. National Democratic Institute "Tweets That Chill: Analyzing Online Violence Against Women In Politics" (2019), carried out in Indonesia, Colombia and Kenya shows that after suffering OGPV women often reduced, paused or completely stopped their presence on social media<sup>24</sup>. In Brazil, *tretaqui.org* mapped instances of political violence online where most were linked to gender inequalities.

In Mexico, the collective **"Luchadoras"** and NDI published a report on OGPV during the 2018 electoral campaign. They identified 62 candidates attacked on digital platforms. They also found that women candidates were subjected to offline violence and most of the aggressions were connected with each other. In Argentina, the First Conversation on Violence against Women and Dissidents in Politics of 2019, identified that during the election campaigns of 2019, 85% of the candidates were victims of gender-based violence<sup>25</sup>.

The second report of the Observatory of Political Violence against Women in Colombia (2023)<sup>26</sup> reveals that women who participate in politics are exposed to macho attacks, using digital media, with content questioning their leadership, belittling their abilities and using their physical appearance to put down or sexualize them.

Finally, according to the manual **"Eleições y Internet"**<sup>27</sup> the most common types of attacks of OGPV include: misinformation campaigns, dissemination of fake news (which may involve their sexuality and marriage), privacy violations, online exposure of personal data (doxing), leakage of private information, exposure of intimate images, non-consensual use of materials and photos, identity theft, cyberbullying, sexual and stereotyped exploitation of images, image and video editing, sexual and moral harassment, harassment in social media inboxes, threats of physical violence, manipulation of algorithms, elimination of content, blocking of publications, pages and profiles through complaints or initiatives in social networks; an intrusion into video conferences or online events (zoombing), unauthorized access to personal accounts or devices, and invasion or cyberattacks.

<sup>24</sup> <https://es.readkong.com/page/violencia-politica-de-genero-en-internet-policy-paper-5746911>

<sup>25</sup> <https://www.vozvoto.com.mx/articulo/violencia-digital-contra-candidatas>

<sup>26</sup> [https://issuu.com/artemisas/docs/informe\\_artemisas\\_2\\_final\\_2\\_](https://issuu.com/artemisas/docs/informe_artemisas_2_final_2_)

<sup>27</sup> Souza, L., & Varon, J. (2020). *Internet E Eleições Guia Para Proteção De Direitos Nas Campanhas Eleitorais. coalizao direitos na rede.* <https://www.codingrights.org/docs/eleicoes&internet.pdf> (Obra original publicada en 2020)

## Disinformation and fake news as a manifestation of OGPV

Disinformation reinforces the phenomenon of political violence against women. The MONITOR report, analyzed online political violence in pages and profiles of candidates for the 2020 Brazilian municipal elections. Carried out by AzMina magazine in collaboration with InternetLab and the Update Institute, the report shows that the social network most prone to the spread of this type of violence is Twitter, while Instagram is revealed as a space in which users and politicians usually have more affinity. The data shows that, in the first round of the total offensive tweets collected, 40% were insults against candidates. There are several types of offenses, such as moral, fatphobic, discrediting, intellectual, physical, racist, transphobic, homophobic and threatening. According to this report, political violence in the digital world against women can be classified as follows: Misinformation, harassment, trolling, cyberbullying, intimate images shared as a form of violence, unsolicited sexting, or pornography.<sup>28</sup>

Despite contributing to an expansion of democracy, the internet can also cause unlimited freedom of expression to raise questions about political polarization, violent communication, and online harassment<sup>29</sup>. When comparing men and women, men tend to receive more insults and physical threats, while women receive more sexual harassment. Nadim (2021) and other authors show that men suffer more harassment than women, however, violence is practiced against men based on their comments made on social media, that is, "for what they think", while women suffer harassment more "for who they are". In addition, women tend to be more cautious about expressing their arguments publicly after experiencing online harassment.

Before 2014, academic literature and mainstream media paid little attention to issues related to online misogyny.<sup>30</sup> In this sense, cyberspace is constituted and permeated by a masculine logic.<sup>31</sup> The phenomenon of online misogyny generally pertains to a particular race and class, but any woman can be subject to this type of violence. Patricia Hill Collins<sup>32</sup> shows that an intersectional approach highlights how different social categories, such as sexuality, nationality, race, class, age, and other variables, can explain social inequality. Therefore, it is important to move beyond the category of "woman" to understand how the phenomenon of gender-based online violence surrounding fake news is expressed.

In a report on violence against female candidates on social media during the 2019 electoral campaigns in Argentina, 54% of the contents reviewed were related to discriminatory expressions (disparaging capabilities, gender roles, references to the body and sexuality), 25% were about harassment, 16% were threats (physical, psychological, economic, sexual), and 5% were campaigns of discredit.<sup>33</sup> In Colombia, in 2021, 62 reports were made regarding cases of sextortion, 325 of cyberbullying, 676 reports of defamation or slander, and 972 reports of threats, all related to social media platforms<sup>34</sup>. In a study conducted in Mexico, it was found that online violence primarily affects young people under the age of 29. This group is particularly susceptible to cyberbullying. Additionally, the research shows that women's engagement and participation in social media, challenging male dominance norms, make them more vulnerable to attacks. Furthermore, other variables such as sexual orientation, ethnic origin, and religion are targets of digital hate.<sup>35</sup>

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<sup>28</sup> NDI, *Enfrentando la violencia política contra las mujeres. Meta*; National Democratic Institute, 2022.

<sup>29</sup> Nadim, M., & Fladmoe, A. (2021). *Silencing women? Gender and online harassment*. *Social Science Computer Review*, 39(2), 245-258.

<sup>30</sup> Ging, D., & Siapera, E. (2018). *Special issue on online misogyny*. *Feminist media studies*, 18(4), 515-524.

<sup>31</sup> Ging, D., & Siapera, E. (2018). *Special issue on online misogyny*. *Feminist media studies*, 18(4), 515-524.

<sup>32</sup> Collins, P. H. (2022). *Bem mais que ideias: a interseccionalidade como teoria social crítica*. Boitempo Editorial

<sup>33</sup> Equipo Latinoamericano de Justicia y Género (ELA), *Violencia contra las mujeres y disidencias en política a través de redes sociales. Una aproximación a partir del análisis de la campaña electoral en Twitter, Facebook e Instagram durante 2019*. <https://www.mujeresenelpoder.org.ar/archivos-documentos/3-Violencia%20contra%20las%20mujeres%20y%20disidencias%20a%20traves%20de%20redes%20sociales.pdf>

<sup>34</sup> Moreno, C. (2021, 23 de noviembre). *Violencia de género: internet su nuevo campo de batalla* : Fundación Karisma. Fundación Karisma. <https://web.karisma.org.co/violencia-de-genero-internet-su-nuevo-campo-de-batalla/>

<sup>35</sup> Instituto de las Mujeres del Distrito Federal. (2016). *Programa Anual PAIMEF 2016: "CDMX Ciudad Segura y Amigable para la Mujeres y las Niñas"*.

[https://semujeres.cdmx.gob.mx/storage/app/media/Estudios\\_Diagnosticos/PlanAccionesPublicas\\_RedSociales.pdf](https://semujeres.cdmx.gob.mx/storage/app/media/Estudios_Diagnosticos/PlanAccionesPublicas_RedSociales.pdf)

## LEGISLATIVE FRAMEWORK

Under the purpose of the research, it is necessary to know the conventions, laws and resolutions that address the legislative framework of incentives for women in politics, and regulation against OGPV and disinformation in Argentina, Brazil, Colombia and Mexico.

We found that there is international legislation addressing a general overview of women's rights and the rights related to their political participation. Among this, the international conventions in which the four countries are immersed are the following:

- ✔ *Convention on the Elimination of All Forms of Discrimination against Women, New York, December 18, 1979.*
- ✔ *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.*
- ✔ *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Belem do Para, June 9, 1994.*
- ✔ *Follow-Up Mechanism to the Belém do Pará Convention (MESECVI), October 15, 2015.*
- ✔ *Model Inter-American Law on Political Violence against Women (OEA/CIM, 2017).*

The Treaty Belém Do Pará established the need for States to commit to fighting violence against women, with the particular purpose of protecting human rights, and Argentina, Brazil and Mexico "ratified" the treaty, while Colombia is in an "adhered" state. In addition, it is worth mentioning that the indicators of the results of the treaty include digital gender violence.

### Argentina

*The following are Argentina's laws addressing women's rights in general life and in politics, including online political violence, over the past 15 years:*

LAW	YEAR	CONTENT
Law N° 26.485	2009	<i>Comprehensive Law for the Prevention, Punishment, and Eradication of Violence against Women in the Areas where They Develop their Interpersonal Relationships. It seeks to prevent and eradicate violence against women in different spaces, such as domestic and interpersonal relationships.</i>
Law N° 26.571	2009	<i>Law of Democratization of Political Representation, Transparency, and Electoral Equity. Promote measures of inclusion and equity in political parties, such as quotas, access to information, transparency, equal access to party resources, and participation of socially minority groups.</i>
Law N° 27.412	2017	<i>Gender Parity in Political Representation Law. Establishes gender parity in candidacies.</i>
Law N° 27.499	2018	<i>Micaela Law. Establish training for civil servants from a gender perspective, as well as promote cooperation between civil society organizations.</i>
Law N° 27.533	2019	<i>Violence against women is conceptualized as any action or lack of it that is based on gender, affecting women in different ways. In addition, actions that try to prevent or nullify women's participation in politics are also considered violence against women</i>
<i>Draft bill Modification Of Law 28.485 Digital Violence And Telematic Violence. Digital Literacy. Digital Rights</i>	2021	<i>Protect women's digital rights and assets, their development and permanence in cyberspace, as well as their digital dignity, identity and reputation in their digital dignity, identity and reputation, in virtual environments, due to gender-based violence. of gender-based violence.</i>

Currently in Congress there is the so-called "Olympia Law" that would add seven types of digital violence to the present law of gender violence<sup>37</sup>.

## Brazil

Below are legislations addressing women's rights in general life and politics in the last 15 years:

LAW	YEAR	CONTENT
Law N° 12.034	2009	Reinforces the percentage of previously established quotas, establishes the commitment of the parties to promote female political participation.
Law N° 12.737	2012	Criminalizes the invasion of other people's electronic devices with the "purpose of obtaining, changing or destroying data or information".
Law N° 13.104	2015	Femicide is now classified as a crime, which happens because the gender of the victim.
Law N° 13.165	2015	The Superior Electoral Court must disseminate campaigns that encourage female political participation.
Law N° 13.718	2018	At least 30% of party campaign transfers are earmarked for women.
Law N° 14.192	2021	It establishes a new type of gender violence, political violence against women.
Law N° 14.132	2021	It establishes the crime of stalking, including against women.

## México

Below are legislations addressing women's rights in general life and politics passed in the last 15 years:

LAW	YEAR	CONTENT
General Law of Gender Parity	2014	Establishes gender parity in candidacies.
General Law on Women's Access to a Life Free from Political Violence	2018	Reaffirms the dimensions of violence against women, including violence against women in politics.
Decree N° 146	2020	Amending and adding various provisions of the General Law on Women's Access to a Life Free from Violence, the General Law on Institutions and Electoral Procedures, the General Law on the System of Appeals in Electoral Matters, the General Law on Political Parties, the General Law on Electoral Crimes, the Organic Law of the Attorney General's Office, the Organic Law of the Judiciary of the Federation, and the General Law on Administrative Responsibilities of 2020.
Regulation of Complaints and Denunciations in the Matter of Political Violence against Women on Grounds of Gender-Based Violence against Women (National Electoral Institute)	2020	Regulates the processing and substantiation of the special sanctioning procedure established in the General Law of Institutions and Electoral Procedures for cases related to political violence against women on the basis of gender, within the jurisdiction of the Institute.

Currently in Congress is being discussed the so-called "Olympia Law", that would include seven types of digital violence to the present law of gender violence, which includes politics<sup>38</sup>. And in reference to the Protocol to Address VMPRG, implemented by the Electoral Tribunal of the Judicial Power of the Federation, in collaboration with the INE, the Specialized Prosecutor for the Attention of Electoral Crimes, the Undersecretary of Human Rights of the Ministry of the Interior, the Executive Commission for Attention to Victims, the National Institute of Women, the Special Prosecutor's Office for the Crimes of Violence against Women and Trafficking in Persons, and the National Commission to Prevent and Eradicate Violence against Women. Municipal protocols have been implemented to address cases of Political Violence due to Gender<sup>39</sup>.

## Colombia

Below are legislations in Colombia that address women's rights in general life and politics in the last 15 years:

LAW	YEAR	CONTENT
Law N° 1257	2008, 2018, 2019	Entitled the Law of Violence Against Women, it establishes measures of protection, assistance, awareness, and punishment.
Law N° 1719	2014	Entitled the Law of Comprehensive Assistance to Victims of Sexual Crimes, it protects and assists victims, prevents, and strengthens reporting mechanisms and access to justice.
Law N° 1761	2015	Classify femicide as an autonomous crime, to guarantee the investigation and punishment of gender-based violence and discrimination against women, as well as to prevent and eradicate such violence.

There are no laws against political violence in Colombia. However, there is a draft bill (Bill 095S) that would dictate norms for the control, surveillance and sanction of political violence against women and other provisions. Even though there is still no specific law against OGBV, Bill No. 339, of 2020, sought to create a comprehensive reform in matters of digital violence. This bill incorporated regulations in matters of non-consensual dissemination of images with sexual content, cyber harassment, digital identity theft, as well as reforms in terms of digital identity usurpation, sexual content, cyber harassment, digital identity usurpation. In addition, it contained reforms in terms of the institutionalization of gender and sexual violence, gender violence and cybercrime institutions.<sup>40</sup>

## Disinformation

In the region there are laws and draft bills to fight disinformation. Even in some legal bodies it is considered as part of the political digital violence to which women in politics may be subject.

## Argentina

In October 2020, the government of Argentina launched the Observatory of Disinformation and Symbolic Violence in Digital Media and Platforms with the goal of "protecting citizens from false, malicious and fallacious news" circulating on the internet. However, the creation of this body generated criticism, because it is linked to the Public Defender's Office, which in turn is a body created by the Media Law, regulating the media in Argentina.<sup>41</sup>

As for disinformation as a form of political gender-based violence, this is not currently contemplated in the legal frameworks. However, in the current draft of the Olympia Law, it would be considered delegitimization by technological means.

<sup>40</sup> [https://eurosocial.eu/wp-content/uploads/2022/06/Herramientas\\_103\\_Estado\\_de\\_la-legislacion\\_materia\\_de\\_violencia\\_genero.pdf](https://eurosocial.eu/wp-content/uploads/2022/06/Herramientas_103_Estado_de_la-legislacion_materia_de_violencia_genero.pdf)

<sup>41</sup> ---



## Brazil

There are multiple bills that contemplate disinformation. The bill that creates the Brazilian Law of Freedom, Responsibility and Transparency on the Internet was approved in 2020 and is currently pending in the House. This bill's goal is to fight the dissemination of false information on the internet by regulating social media platforms, like Facebook and Twitter, and private messaging services, including WhatsApp, making these providers responsible for combating disinformation. However, the project has criticism and a very active debate about its relevance, scope, political conflict and action.<sup>42</sup>

## Colombia

The proposal for electoral reform in Colombia intended to typify "political violence", and therefore prohibit the dissemination of "false or injurious news through propaganda or advertising means regulated in this code." The passage was removed from the project following social pressure against what was called "a ban on speaking ill on politicians."<sup>43</sup>

In addition, in 2020, a draft bill was introduced to promote media and digital literacy on the identification of fake news and to promote the responsible use of social networks.<sup>44</sup>

## México

No information has been found on bills regulating this matter in the country.

## FOCUS GROUP

Two focus group discussions have been held as a part of this study, among expert organizations on women's political participation, digital violence and disinformation. One was executed with actors from the region and the other with only actors from Colombia. This was done separately because we had the opportunity to be in Colombia and hold a conversation with various actors relevant to this research.

Regional Focus Group: The regional focus group was held on June 23th, 2023 and was attended by 5 experts from Brazil, Argentina and Mexico.

	PARTICIPANTS	COUNTRY
June 23, 2023	Directora OSC	México
	Directora OSC	México
	Fundación Getulio Vargas	Brazil
	Chequeado	Argentina

Colombian Focus Group: Was held on March 31 th, 2023 and was attended by 6 experts from Colombia.

	POSITIONS
March 31, 2023	Area Manager
	Coordinator
	Journalist
	Activist
	Feminist activist
	Feminist activist

<sup>42</sup><https://www.infobae.com/america/america-latina/2023/05/04/la-ley-brasilena-contra-las-fake-news-pierde-apoyo-y-exhibe-la-fragil-posicion-de-lula-en-el-congreso/>

<sup>43</sup> Lobianco, J. (2020, 16 de diciembre). Once leyes y proyectos de ley contra la desinformación en América Latina implican multas, cárcel y censura. *Latam Journalism Review*.

<https://latamjournalismreview.org/es/articles/leyes-contra-desinformacion-america-latina/>

<sup>44</sup><https://www.camara.gov.co/sites/default/files/2020-04/P.L.330-2020C%20%28ALFABETIZACION%20MEDIATICA%29.pdf>

## Key findings

- ✔ *In the case of Colombia, the type of gender violence that exists in the country is influenced by the social consequences of the guerrilla and the institutionalization of drug trafficking.*
- ✔ *The Colombian institutional system re-victimizes women who suffer gender-based violence. For example, the fuchsia code, which is the expression that activates the Comprehensive Care Protocol for Victims of Sexual Violence in the forensic and health sectors, is not adequately implemented in the country.*
- ✔ *It was concluded that in the case of Colombia there is a democracy under construction; therefore there is an inability on the part of the public system to guarantee fundamental rights.*
- ✔ *The subjectivity of laws and politics provoke that compliance be seen as voluntary.*  
*There are no relevant regulations regarding digital violence and political gender-based violence in Colombia.*
- ✔ *Political violence occurs in a case of political bias. An analysis can be made taking into account the last elections of 2022. It identified gender political violence, political harassment, narratives of gender violence, racist, and class. In addition, women were primarily victims of these attacks. Exemplary cases of these attacks, including disinformation.*
- ✔ *It is concluded that although there is a regulation, the current challenges are related to the control capacity to apply these laws, political will and education.*

## Focus Group Regional

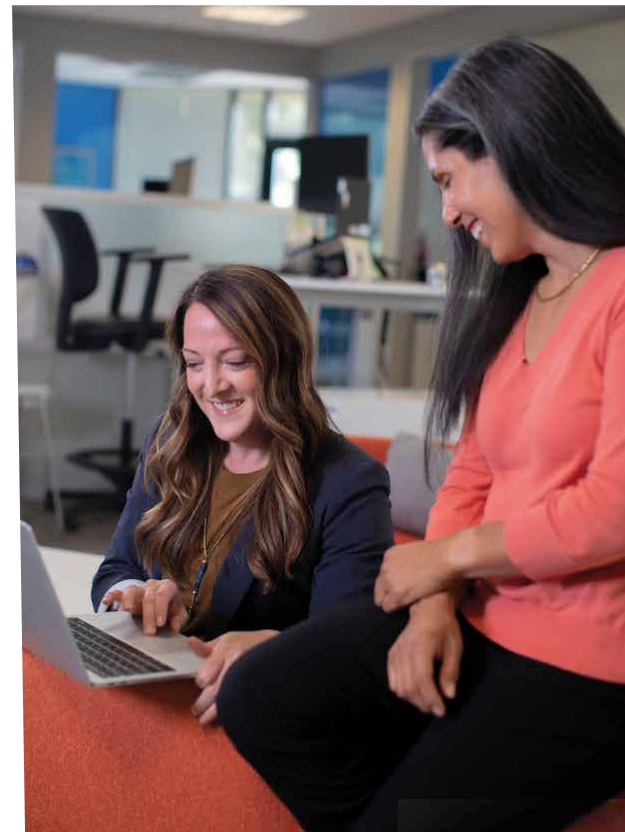
In the meeting participants evaluated existing legal frameworks related to the protection of women, the promotion of women's political participation and the management of gender political disinformation in Mexico, Brazil, Colombia and Argentina. Participants highlighted the progress made in legislation and the challenges faced in implementation.

The role of political parties and platforms in combating disinformation and promoting gender equality was also discussed. The meeting emphasized the need for regional collaboration and learning from the experiences of others. The importance of unifying claims and generating transnational groups to increase influence was discussed.

On the other hand, one of the participants pointed out that she does not consider that there should be legislation with enforcement of sanctions by the Justice system regarding disinformation, ***because she considers it dangerous for the State to define what is true and what is false, generating the silence of critical opposing voices.***

Another participant considers the opposite to be true. She believes ***that without being strict about what is true and what is false, there should be regulations to counteract and mitigate hate speeches.***

Participants recognized that different countries have different contexts, governments, initiatives and levels of tension with authorities. Spaces for conversation and coordination between countries were considered helpful for effective policies.



The meeting also addressed the role of the media in containing or exacerbating political violence against women. Strategies such as alliances with the media and monitoring coverage were proposed. Collective action strategies were proposed, such as processes for monitoring the contents published on social media in order to alert about disinformation narratives.

Finally, with regard to the challenges facing the region in this area, there was agreement on the need to continue to carry out awareness-raising and training activities to provide citizens with tools to enable them to deal with these situations, which tend to multiply and become more complex rapidly due to the advance of technology. Emphasis was placed on strengthening institutional alliances at the regional level, so that actions can be articulated to counteract disinformation and also to influence, for example, Big Tech regulation in the region.

## INTERVIEWS

In order to learn more about the normative frameworks on the issue of gender-based political violence, disinformation as a type of this violence, and its impact on women's political participation, we conducted interviews with key actors to deepen our understanding of the current situation in the countries where research was carried out.

COUNTRY OF EXPERISE	SOURCE OF EXPERIENCE
<i>Brazil</i>	<i>CSO</i>
<i>Colombia</i>	<i>Academic</i>
<i>International</i>	<i>Academic</i>
<i>Brazil</i>	<i>CSO</i>
<i>Brazil</i>	<i>Academic</i>
<i>Colombia</i>	<i>Politics</i>
<i>Argentina</i>	<i>Academic</i>
<i>México</i>	<i>CSO</i>

## Problem

- ☑ There is agreement that women are more susceptible to violence and especially online gender-based violence.
- ☑ The patriarchal structure and how this extends to women themselves judging women is identified as a key factor in this problem.
- ☑ Much of this problem is attributed to the use of social media and the proliferation of hate speech.
- ☑ It is recognized that women received real threats and there is a concrete need to proctor their lives and privacy.
- ☑ Specifically in Brazil, fake news is detected as a strategy used against women and it is a normalized phenomenon.
- ☑ There is fear among women running for public office regarding their integrity, their family and their private life.
- ☑ The legislation establishes ways to prevent, eradicate and punish violence against women, but in general, sanctions are not applied or the law is interpreted in a lax manner.

## Possible solutions and challenges

✓ Gender-based political violence has started to be included in the legal frameworks of the region.

✓ In Argentina, the Olimpia Law was incorporated, which is based on a Mexican law that addresses crimes that violate the sexual intimacy of individuals through digital media. The law punishes the dissemination without consent of any intimate content.

✓ How the judiciary deals with sanctions, complaints and the progress of cases.

✓ Raise awareness regarding the different biases that make violence on social networks deeper and more serious against women.

✓ At the level of political practice, women in leadership can learn about existing tools to fight against online gender violence, especially hate speech and threats.

✓ In the focus groups and the interviews, the question regarding the limits between freedom of expression and in turn how this freedom can be used, was raised particularly on how it could lead to crimes affecting and damaging life.

## COMPARATIVE DATA

Concerning legal frameworks for incentives for women's participation, the four countries have quotas installed on candidate lists. However, their normative frameworks differ; while some are more demanding, others are less concerned with what, how, and who regulates political violence. While the literature classifies some of these countries as "high demand," as in the case of Mexico, others, such as Brazil, are considered weak regarding the severity of the norm. With the data of the Observatory of Political Reforms in Latin America, the following table was made:

	LAW	YEAR	% PERCENT	ORDER <sup>45</sup>	FORCE OF LAW <sup>46</sup>	TYPE OF SANCTION	REACH	EXCEPTIONS MENTIONED
<b>Argentina</b>	27.412	2017	30%	strong	strong	Prohibition of Participation	wide	absent
<b>Brazil</b>	D 12.412	2009	30%	absent	weak	The electoral justice decides whether the electoral body amends the list or prohibits registration	limited	absent
<b>Colombia</b>	L 1475	2011	30%	absent	strong	Prohibition of Registration	limited	absent
<b>México</b>	[agreement INE /CG508/2017	2017	50%	absent	strong	Prohibition of Registration	wide	absent

<sup>45</sup> Rules for placing women candidates on lists

<sup>46</sup> Position command type

a. Absent: absent in the regulations

b. Weak: possibility of placing women at the bottom of the list or in single-member districts where there is no chance of success

c. Strong: requirement to incorporate women in effective candidacies so that

## Regarding legislation on violence against women

Among the countries analyzed, Mexico has the most demanding design because it has a broad and non-restrictive classification of acts of gender-based political violence. These include a scheme of close and harmonious collaboration between State institutions and the various political actors, which contributes to the care of victims; protection of orders, preventive measures, non-repetition of acts committed; guarantees of reparation for victims and a comprehensive sanctions scheme, which also includes administrative and/or criminal measures, where the loss of eligibility (the right to be elected) is contemplated for those who have been convicted of committing a crime related to GBPV. In addition, Mexico has managed to establish a broad definition in its regulations, a broad catalog of typified behaviors and adheres to the Inter-American Model Law to Prevent, Punish and Eradicate Violence against Women in Political Life. Of all of them, Mexico is the country that regulates in a clearer and more specific way the assumptions that involve cases of violence.

In Mexico specific sanctions are included for cases of gender-based political violence and, in particular, and the ineligibility to run for public office for those sanctioned for this type of act is foreseen to be passed in the near future. This means that if someone is firmly sanctioned for exercising political violence on the basis of gender, they will not be able to hold public office.

The laws also establish mechanisms for reparation to victims. Mexico includes specific means of addressing gender-based political violence, such as precautionary measures, and the rest of the cases analyzed do not specify the means of protection for gender-based political violence. Rather, it provides the existing legislation on how to deal with violence against women, especially in the family sphere. Finally, Mexico establishes the obligation of the State to repair the damage and restore the rights of the victims.

Argentina includes sanctions to violence against women in politics mainly on Law 26485, against gender violence in general, including a typification as an amendment introduced in 2019. This amendment includes administrative sanctions. However, it does not include mechanisms of reparation or partisan statutes. Recently, the inclusion of digital violence as adherence to the types of violence specified in this law, under the Olympia Law project, was included.

In Brazil, Law 14,192 (2021) rules are established to prevent, repress and fight political violence against women; also in a modification to Law No. 4,737 (July 15, 1965 in the Electoral Code), Law No. 9,096 of September 19, 1995 (Political Parties Law), and Law No. 9,504 of September 30, 1997 (Elections Law). These laws and reforms address the crimes of dissemination of facts or videos of non-truthful content during electoral campaign periods, criminalize political violence against women and ensure the participation of women in electoral debates in proportion to the number of candidates in elections. Pecuniary, prison and administrative sanctions are mentioned.

Colombia has the oldest current regulations. As of 2008, through Law 1257 of awareness, prevention and sanction of forms of violence and discrimination against women, including multiple modifications. However, the incorporation of the typification of political gender violence and digital gender violence is still in draft. The comparison of the Information is displayed as follows:

	<b>It has its own law on political gender violence</b>	<b>Force and sanctions</b>	<b>Includes political parties</b>	<b>Includes digital violence</b>	<b>Includes disinformation or other forms of delegitimization</b>
<b>Argentina</b>	No	Administrative sanction	does not mention	No 47	No
<b>Brazil</b>	Yes	Administrative and criminal	Yes	Includes digital violence	Yes
<b>Colombia</b>	No	No	No	No	No
<b>México</b>	Yes	Administrative and criminal	Yes	Related to dissemination of sexual content	No

## CONCLUSIONS AND RECOMMENDATIONS

As we have seen, OGPV and OGBV are issues involving different perspectives and, therefore, require the participation and commitment of multiple actors to advance the protection of women in politics and incentives for them to enter and stay in public life. The importance of applying the quota laws includes certain conditions to ensure its effectiveness. The quota must be applied throughout the payroll of candidates (both holders and alternates) instead of being applied globally to the list and penalties for non-compliance. Moreover, and as mentioned in the article *"From Quota to Parity: Lessons from Latin America,"* we must strengthen the norm to avoid:

- ☑ The minimalist application of the quota (which implies including the minimum number of candidates and placing them in the lowest possible places according to the law).
- ☑ Direct contempt, taking advantage of weak electoral control bodies.
- ☑ The use of vase candidates, in many cases, without careers or previous political experience, who would not contest the male leadership.
- ☑ Complicity pacts with candidates who, as soon as they were elected, resigned from office in favor of their male substitutes.
- ☑ Political harassment or violence to force elected women to resign, in some cases even to the point of murder.

### Colombia

- *Need to emphasize the importance of promoting the elaboration of a law on gender political violence, including gender disinformation. In order to accomplish this goal, a political debate must be opened to highlight the significance of such a legal framework to strengthen democracy as a whole.*
- *In the proposed public debate, political parties must have a relevant role, as well as civil society organizations and the private sector.*
- *In order to enforce the application of the proposed laws, the state's ability to monitor and sanction must be increased.*

### México

- *Government must strengthen sanctions for the violation of the general Law for the Access of Women to a Life Free of Violence, in particular in relation to political violence.*
- *It is recommended to increase awareness of the importance of the general Law for the Access of Women to a Life Free of Violence, through capacity-building programs in public institutions and awareness campaigns for the general public.*

### Argentina

- *Disinformation as a form of political gender violence is not currently contemplated in the legal bodies of the country; however, if the Olympia Law is approved, it could be considered as "delegitimization by technological means".*
- *Is important to strengthen the judicial capacity to enforce the application of the Olympia Law once approved.*
- *Political parties should be included in the enforcement of the Olympia Law through capacity-building programs*

### Brazil

- *The State's capacity to monitor and sanction violations of Law 14,192 of 2021 must be strengthened to ensure compliance. Furthermore, public institutions should be trained to increase knowledge of the established regulations, as well as implement awareness campaigns for political parties and citizens*
- *It is important to ensure that all legal frameworks related to disinformation are in line with the protection and promotion of fundamental rights such as freedom of expression, in order to prevent any legal tool from being used as a means of political persecution against the opposition by political forces, or even against activists.*

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