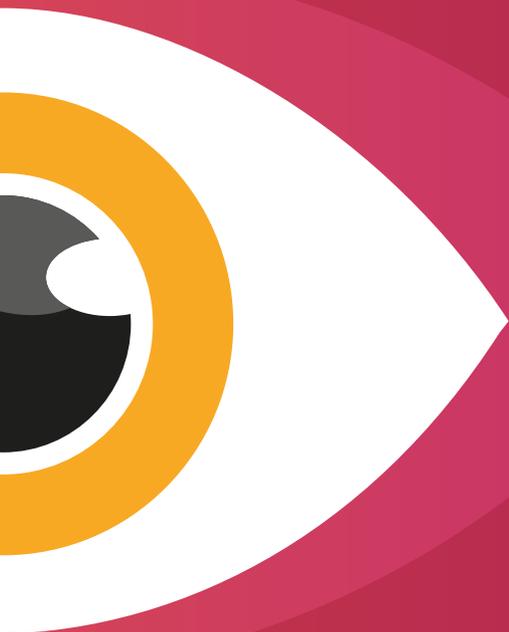


MODEL PROTOCOL FOR POLITICAL PARTIES

PREVENTING, ADDRESSING,
PUNISHING, AND ERADICATING
VIOLENCE AGAINST WOMEN
IN POLITICAL LIFE



OAS | More rights
for more people

The Organization of American States (OAS) brings together the nations of the Western hemisphere to promote democracy, strengthen human rights, foster peace, security and cooperation and advance common interests. The origins of the Organization date back to 1890 when nations of the region formed the Pan American Union to forge closer hemispheric relations. This union later evolved into the OAS and in 1948, 21 nations signed its governing charter. Since then, the OAS has expanded to include the nations of the English-speaking Caribbean and Canada, and today all of the independent nations of North, Central and South America and the Caribbean make up its 35 member states.

The Inter-American Commission of Women (CIM) is the main hemispheric policy forum for the promotion of women's rights and gender equality. Created in 1928 - in recognition of the importance of women's social inclusion to democratic strengthening and human development in the Americas - CIM was the first inter-governmental organization established to promote women's human rights and gender equality.

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Model complaint (template)

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Introduction

Political rights are fundamental rights and promoting the exercise of them places very high demands on the State and on the conduct of other key agents in a democracy, such as political parties. Generally speaking, political parties are private organizations pursuing public goals and in almost all countries they receive State funding and are therefore subject to laws and to public scrutiny. Nevertheless, these organizations still exhibit major shortcomings. One of the most challenging is the lack of internal democracy. As regards equality, studies show that, while women's participation in political parties has increased, they still hold few leadership positions and multiple gender-based hurdles persist that limit their careers in that sphere. Moreover, since the issue of violence against women in politics began to be included on the agenda of national and international organizations, research and women's testimony have shown that much of that violence takes place within political parties.

The Inter-American Commission of Women is heading efforts in the region to bolster the responses of States and political parties aimed at preventing and eradicating violence against women in politics. In October 2015, at the Sixth Conference of States Party to the Convention of Belém do Pará, Ministers for the Advancement of Women and the highest-level authorities in that sphere adopted the Declaration on Political Violence and Harassment against Women. It was the first political agreement in the region to address the problem comprehensively. Among other measures, the Declaration acknowledges the need to encourage political parties and political organizations to create their own internal instruments for preventing and combating violence against women in the political sphere and to engage in awareness-raising and training activities on the subject.



Following up on that Declaration, in 2016, the Committee of Experts of the Mechanism to Follow Up on the Implementation of the Convention of Belém do Pará (MESECVI) adopted the Inter-American Model Law on the Prevention, Punishment and Eradication of Violence Against Women in Political Life. This defines violence against women in political life 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." For political parties to implement the mandate in the Declaration, the Model Law establishes their duty to draw up protocols to prevent, address, punish, and eradicate violence against women.

The wager is that political party leaders will decide to establish new standards and adopt prevention measures aimed at eradicating that violence. If they do so, however, they need to have clear procedures for punishing the perpetrators and making reparation to victims, so as to eliminate impunity and strive for safe conditions for women in political party life. This document provides guidelines for achieving that outcome based on the results such tools have had in centers working to combat sexual, gender-based, or workplace harassment. We trust that this Protocol will prove useful for party leaders spearheading modernization in those spheres; for the militants in political parties who are demanding it; and, also, for other organizations working with political parties in the conviction that the involvement of political parties is crucial for achieving equality in democracy.

Carmen Moreno

Executive Secretary

Inter-American Commission of Women

NOTICE

The Inter-American Commission of Women of the OAS offers technical assistance with the adoption and implementation of this protocol, including training programs for personnel responsible for applying this mechanism. To apply for such assistance, please contact the Executive Secretariat of the CIM at: spcim@oas.org

In order to keep a record of the usefulness of this tool, the CIM would also be grateful if any political party fostering the adoption of a protocol on violence against women in political life that takes this protocol into consideration could notify the Commission by e-mailing it at spcim@oas.org.

1. Objectives of the Protocol

- To eliminate violence against women which prevents and nullifies the exercise of their rights.
- To ensure that members of political parties comply with the obligations established in the international and national legal framework for preventing, punishing, and eradicating violence against women.
- To raise awareness of women's rights and of the various forms of violence against women practiced in political life.
- To establish a procedure, specific organizational arrangements, and the measures needed to ensure that, through competent bodies, any instances of violence against women in political life within a political party can be prevented, addressed, punished, and eradicated, and that the party's governing bodies and disciplinary units are committed to that end.

2. Political Party Commitment

The political party maintains that violence against women in political life is a human rights violation and poses a serious threat to democracy. In adopting this protocol, it commits to:

- Rejecting any violent act or conduct against women, in any shape or form, based on the principle of Equality and Nondiscrimination. That statement entails amending regulations to include punishments for those who infringe them.
- Preventing and eradicating violence against women in political life through concrete actions designed to disseminate and raise awareness of women's human rights.
- Punishing each and every violent act or conduct against women.
- Counseling, defending, and protecting women in cases in which acts of violence have been reported.
- Adopting measures to prevent reprisals against persons filing complaints and against all those participating in the resolution of such cases.
- Making reparation for the harm done to women victims of verified acts of political violence.
- Providing the human and financial resources needed for a program of activities aimed at eradicating violence against women in politics.

This commitment needs to be public and binding upon all members of the political party, regardless of their rank or position in the public sphere or party hierarchy.



3. Definition of the Conduct Covered by the Protocol and Scope of Application

3.1 DEFINITION

"Violence against women in political life" is to be construed 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 several women, which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women of their political rights.

Violence against women in political life includes physical, sexual, psychological, moral, economic, or symbolic violence.

Violence against women in political life is committed when actions, conduct, or omissions:

- a)** Physically attack one or several women with the effect or purpose of reducing or nullifying their political rights;
- b)** Sexually attack one or several women, or provoke an abortion, with the effect or purpose of reducing or nullifying their political rights;
- c)** Involve 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;
- d)** Threaten, frighten, harass, or intimidate, in any way, one or several women and/or their families with the effect or purpose of nullifying her/their political rights, including resignation of the position or function that they hold or exercise, or to which they postulate;

- e)** Defame, slander, insult, or denigrate women in the exercise of their political responsibilities, based on gender stereotypes, with the effect or purpose of damaging her public image and/or limiting her political rights;
- f)** Threaten, frighten or intimidate, in any way, one or several women, and discriminate 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 accordance with the applicable regulation;
- g)** Damage in any form, elements of women's electoral campaigns, preventing the electoral competition from taking place under conditions of equality;
- h)** Provide 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;
- i)** Restrict the political rights of women on the basis of the application of traditions, customs, or juridical internal systems that contravene human rights regulations;
- j)** Disseminate images, messages or reveal 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;
- k)** Hinder or impede the use of legal actions on the part of women to protect their political rights;
- l)** Impose unjustified or excessive sanctions, preventing or restricting the exercise of women's political rights in conditions of equality;
- m)** Limit or arbitrarily deny 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;
- n)** Force women to conciliate or to abandon administrative or judicial processes in defense of their political rights;



- o)** Prevent 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;
- p)** Provide women exercising their political rights with false, erroneous, or imprecise information and/or omit information, which will hinder the exercise of their political rights in conditions of equality;
- q)** Restrict women, in the exercise of their political rights, from taking the floor; impeding their right to speak in conditions of equality;
- r)** Impose, 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 the exercise of their political and/or party functions.

3.2 SCOPE OF APPLICATION

This protocol applies to any act of political violence against women that:

- Occurs in a party setting or in any other public or private setting;
- Is perpetrated by party members or sympathizers, as well as by persons who are not members but perform a representative function for the political party and/or have been designated by it to perform a specific function, regardless of the hierarchical rank or public office they may hold;
- Occurs at any time and especially in electoral periods;

When a political party adopting the protocol is cognizant of a violent act that exceeds its sphere of competence it must apprise the State body competent to hear the complaint, without prejudice to any actions the political party must take.





4. Prevention Measures

The political party must pro-actively promote actions to prevent and eradicate violence against women in political life and, where applicable, ensure that appropriate procedures are applied, though such measures as:

- Incorporating the prohibition of acts of violence against women in political life in political party statutes, in the rules for selecting candidates, and in induction programs for new members.
- Disseminating the protocol and conducting training and awareness-raising activities for political party members, regardless of their rank, via:
 - Documents and media platforms constantly reporting on the contents of this protocol;
 - Specific awareness-raising sessions and campaigns at least once a year;
 - Training sessions geared to the eradication of political violence against women inside political parties, during electoral processes, and in government.
- Evaluating and periodically revising the ways in which the procedure established in this protocol operates and is applied.
- Drawing up studies of the prevalence of violence against women in political life within political parties and assessing the effectiveness of the measures contemplated in the protocol.

- Ordering security measures to prevent violence against women inside political parties that, inter alia, identify risks, locate them physically by area, and focus in particular on electoral campaign periods.



5. Operating Procedure

5.1 PROCEDURAL GUARANTEES WHEN DEALING WITH COMPLAINTS OF POLITICAL VIOLENCE AGAINST WOMEN

The procedure shall be applied with due observance of the following guarantees:

- **Respect for and protection of persons:** All actions and proceedings must show the greatest respect for everyone involved and avoid any form of maltreatment.

All those taking part in the procedure have to be informed of the contents of this protocol.

- **Confidentiality:** All consultations or complaints processed regarding possible instances of political violence must be governed by the principle of confidentiality.

From the time a complaint is lodged, the person(s) responsible for processing it shall assign a numerical code to protect the identity of both the woman whose rights were allegedly violated and that of the alleged perpetrator. Confidentiality shall be preserved until the procedure concludes or the victim decides to end it.

- **Qualified personnel:** To guarantee that the procedure is properly conducted, the political party must have people trained in the area of violence against women. The political party shall acquire the means or tools needed to provide that training.



Reporting acts of gender-based violence is difficult and it is very possible that women subjected to them are not well versed in how to make technically valid statements, refer to concrete facts, and eschew ambiguities.

- **Due diligence:** investigation and resolution of an instance of violence must be carried out with due diligence and expeditiously, so as not to irreversibly damage the political and electoral rights of the parties or render it impossible to execute the final decision resolving the case.
- **Impartiality and contradiction:** The procedure must guarantee that all parties involved are given an impartial hearing and are treated fairly. Everyone taking part in the procedure must act in good faith to seek out the truth and throw light on the acts reported.
- **Prohibition of reprisals:** Reprisals against persons filing complaints are expressly prohibited, as are those against witnesses who testify or persons participating in an inquiry into political violence against women.
- **Collaboration:** Everyone who is summonsed during the application of this procedure has a duty to become involved and collaborate with it.
- **Duty to report:** Any member or sympathizer of the political party is obliged to notify the governing body of cases of possible political violence against women that she or he is aware of.

5.2. GOVERNING BODY

The political party shall assign the tasks of receiving and processing complaints to the Ethics or another Committee, or shall establish a new body, such as an Office for the Defense of Women.



Sub-national complaints shall also be filed with that body.

Once the governing body has been established, all members and sympathizers of the political party shall be notified that it is up and running and provided with the necessary contact information. The political party shall make sure that said information reaches all its branches, nationwide.

5.3 FILING OF THE COMPLAINT AND INITIATION OF PROCEEDINGS

A complaint may be filed:

- a) By the woman or women affected;
- b) By party members or sympathizers who are directly or indirectly cognizant of any inappropriate conduct.

The governing body shall act ex officio.

In cases in which the woman or women affected does/do not file the complaint directly, her/their express consent must be obtained for the proceedings under this protocol to begin.

Bodies receiving the complaint. The complaint shall be filed with the governing body. In the event that the complaint is filed with another authority or unit of the party, that authority must immediately refer the complaint to the governing body.

The complaint may be filed in writing or orally. If it is filed orally with one of the people in the governing body, that person shall draw up a written record (minutes) to be signed by the complainant. If she does not know how to write, the complainant shall affix her fingerprint.

Initial processing of the complaint. The governing body shall follow the processing procedure set forth in this protocol.

The processing procedure shall not preclude the stakeholders from, simultaneously or subsequently, filing any applicable administrative or judicial suits.

Duration: The duration of the procedure shall be determined in accordance with the political party's internal regulations.

5.4 CARE SERVICES

The Women's Secretariat of the political party, or the equivalent local unit in the area in which the complaint originates, must ensure that the complainant has access to necessary psychological, legal, and medical care provided by the National Machinery for Women or the institution empowered by the State to provide that care.

In the event of circumstances that prevent the women from accessing said services, the leadership of the political party must endow the Women's Secretariat with sufficient resources to hire appropriate external care services for women in violent circumstances.

5.5 PRECAUTIONARY MEASURES

Once the complaint has been filed, in order to protect the rights of the woman involved in the process, the governing body shall propose to the disciplinary or appropriate jurisdictional unit within the political party that it adopt such precautionary measures as it deems fit, and that it monitor their implementation, with a view to guaranteeing an end to the violence.

5.6 PROCESSING

Investigation of the facts

During processing, the governing body must request as much information as possible in order to be able to conduct an initial appraisal of the case. The information gathering process needs to be conducted as expeditiously, confidentially, and sensitively as possible, with full respect for the rights of everyone involved.

The persons directly affected—the alleged perpetrator of the violence and the woman allegedly undergoing it—must be interviewed, along with persons testifying and others, if any, with connections to the case.



Throughout the procedure, the persons involved may, if they so request, be accompanied by anyone of their choice.

All members of the political party are obliged to collaborate with the governing body throughout the investigation process.

Final report with recommendations

Upon completion of the investigation, the governing body must issue an appraisal report with conclusions and proposals based on them. That report has to be approved by a majority. Subsequently, that report shall be referred to the disciplinary or competent jurisdictional organ of the political party for resolution of the case.

The conclusions report must include at least the following information:

- Identification of the persons making up the governing body that issued the report, and, using the code number applied to each, identification of the woman allegedly subject to violence and identification of the alleged perpetrator;
- Background to the case, the complaint, and the circumstances surrounding the case;
- Actions taken by the governing body;
- Other proceedings: witnesses, tests, summary of the main facts, and so on;
- Conclusions and concrete measures proposed, including applicable sanctions and reparation measures;
- Identification of a date in the short or medium term for supervising and reviewing implementation of the measures and verification of the absence of violence.

The report must propose one or other of the following options:

- a)** Shelving of the complaint. A proposal to shelve the file on the case that led to the complaint must be substantiated: i.e. show that it is either groundless or unsupported by sufficient circumstantial evidence.
- b)** Opening of a disciplinary file, along with corrective and reparation measures. If the report clearly shows the existence of political violence, the governing body shall propose opening a disciplinary



case file along with measures to correct the situation and make reparation for the harm done. The parties involved must be notified of the resolution adopted and shall be given a set amount of time to submit comments, which the governing body may, at its own discretion, include in the file.

- c) Opening of a disciplinary file. If it follows from an analysis of the case that some misconduct other than the violence against women in political life characterized in the political party's statutes was committed, then a proposal must be made to open a distinct disciplinary file applicable to that misconduct.

- d) Referral to the competent body. In cases in which the report ascertains the existence of violations calling for the opening of electoral, criminal, civil, or administrative inquiries, the governing body shall recommend that they be opened by the competent authorities.

Once the liability of the person denounced has been definitively established, the report shall be remitted to the political party's disciplinary or jurisdictional organ, for it, in turn, to relay information regarding the resolution issued to the units in the political party that are to intervene in the implementation of the corresponding measures. The governing body shall likewise notify the National Executive Committee or equivalent body.

Follow-up. The political party bodies responsible for implementing the corresponding measures shall, within a pre-established period of time, notify the governing body and the disciplinary or jurisdictional organ of the political party that those measures have been implemented, attaching to such notification the supporting documents accrediting implementation.

Evaluation and accountability. Each year, the governing body shall report to the National Executive Committee on the findings of the reports on conclusions drawn up during the year, maintaining confidentiality and the right to privacy of all persons involved for as long as the procedure lasts and the victim so decides.



6. Penalties

Depending on the seriousness of the acts committed and pursuant to the political party's statutes, penalties may include:

- a) Private reprimand, in writing or oral;
- b) Public reprimand, in writing or oral;
- c) Removal from representative or management office in the political party;
- d) Disqualification from participation in representative or management bodies in the political party;
- e) Temporary suspension of party entitlements;
- f) Denial or cancellation of registration as a potential candidate;
- g) Cancellation of party membership.

The following factors shall be considered when establishing the penalty:

- a) The gravity of the violent act or conduct;
- b) Rank or level of responsibility within the political party or in government;
- c) The social standing of the woman or women affected by the violent act or conduct, and of her/their family members;
- d) The intentionality of the violent act or conduct;
- e) Whether the perpetrator(s) of the violent act or conduct is/are repeat offenders or have a tendency not to fulfill their obligations;
- f) Whether the violent act or conduct is committed during an electoral process or when the party is in power.



The political party shall not allow persons to be members who have been convicted of acts of violence against women and shall proceed to suspend their membership or expel them from the political party when the acts of violence are demonstrated in a final resolution by a competent body.



7. Reparations

Reparation measures must guarantee full satisfaction of the victims' rights and those of their family members and community if they, too, have been affected by the acts of violence. Guarantees of non-repetition are also required.

Reparation measures include, inter alia: compensation for the victim; immediate restoration to any position she may have been forced to resign; determination of security and other measures needed to ensure that she can perform the functions of that office; and retraction of the offenses against the woman victim of the violence.

The penalty imposed serves as a mechanism of reparation for the victim in that it represents explicit acknowledgment that the conduct occurred and that it warranted the political party's condemnation.

8. Alternative Procedure for Acts of Economic/ Financial Violence

This is an abridged procedure to be used only if the alleged victim of violence so requests before the Committee on Acts of Economic Violence.

The governing body shall initiate a confidential procedure to confirm the veracity of the complaint and to gather any information it deems necessary. Once it is convinced that circumstantial evidence exists pointing to the veracity of the complaint, the governing body shall, confidentially, contact the person against whom the complaint has been lodged, either alone or accompanied by the complainant, if the latter so chooses, to inform the alleged perpetrator that a complaint against his/her conduct has been filed and to advise him or her of the disciplinary consequences that could result if the accusation is proved or the conduct reiterated.

The person against whom the complaint was lodged may offer such explanations as he/she sees fit.

The governing body shall restrict itself to transmitting the complaint and informing the person against whom the complaint was lodged of potential disciplinary liabilities.

Should the violence persist after this alternative procedure has been used, the governing body shall be obliged to investigate and formalize the case, following the regular procedure.



9. Prohibition of Reprisals

9.1 DEFINITION

Reprisal" shall be construed to mean any direct or indirect act or adverse omission, threatened or undertaken by any member of the political party, regardless of rank, against a person who has lodged a complaint regarding violence against women in political life or who has been cited to testify in a case of that nature. Those adverse threats and measures include, inter alia, suspension from political position or function, reassignment to other functions, harassment, denial of the exercise of political responsibility that was previously agreed to, or any other measure that restricts or impedes activities provided for in the political party's statutes.

9.2 OBLIGATION TO REPORT AN ACT OF REPRISAL

All members of the political party who are cognizant of facts and circumstances constituting an "act of reprisal" are obliged to report it without delay, to the competent authority, and to provide supporting evidence.

9.3 THE PROCEDURE AND PRECAUTIONARY MEASURES

This procedure shall be brief and shall be recorded in a separate file in the main proceedings. It shall be processed in accordance with the procedural principles set forth in this protocol.



Prior to issuing its final decision, the competent authority may adopt precautionary measures immediately in order to safeguard the interests of the complainant, including, inter alia, suspending implementation of the alleged "act of reprisal"; temporary reassignment of the person allegedly committing the "act of reprisal"; and temporary reassignment of the complainant, with her prior consent.

9.4 PENALTIES

When the commission of "acts of reprisal" is demonstrated, those acts in themselves constitute serious misconduct punishable with the disciplinary measures contemplated in applicable regulations.



MODEL COMPLAINT (TEMPLATE)

Complainant:

- Person affected
- Others (describe)

Personal data and position within the political party:

Name:

Last names:

E-mail address:

Contact telephone number:

Member:

Sympathizer:

Position or function within the political party:

Description of what happened to the complainant:

- Name and position of the persons involved
- Place where the acts took place
- Date of the acts:
- Frequency
- The acts complained about took place in an electoral campaign context:
- Personal harm done / reprisals
- Political impacts
- Other impacts
- State whether this is an isolated case or you know of others



Annexed documentation

Yes (specify)

No

City and date:

Signature:

The body receiving this complaint has been informed of the facts described and stamps and signs a duplicate of this letter by way of receipt.

City and date:

Name, last names, and signature of the person receiving the complaint:



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