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Abstract

This paper explores the sexual violence against women and trans women committed by state institutions during the social protests in Latin America in 2019, using Colombia, Chile, and Argentina as case studies. Against the backdrop of a high public visibility of feminism in the current social protest movements, the thesis is that gender policing defines its surveillance. Gender policing is oriented towards women and trans bodies and translated into sexual violence as an instrument of intimidation and the dismantling of the social protests. The investigation is carried out on a qualitative basis through the analysis of the performance "a rapist on your way" and digital content, including visual content and hashtags as "#TheStateDoesNotTakeCareOfMe." This research presents findings on feminist discursive strategies of protest attendees and organizers, including women of different origins. Besides, quantitative data from the "Latin America Barometer" on the extent of sexual violence in the target countries support the argument. As the study shows, especially in the framework of social protest, similar patterns can be found of how states act in a repressive and gender-differentiated way over some populations. These actions generally have a component of sexual violence that uses rape, among other forms of physical and moral torture, as a mechanism to marginalize women and dissidents from political decisions and send a political message.

Zusammenfassung

Diese Arbeit untersucht den Einsatz sexueller Gewalt gegen Frauen und Transfrauen in Lateinamerika als Mittel staatlicher genderspezifischer Repression. Kolumbien, Chile und Argentinien dienen als Fallstudien, um die Frage aufzuwerfen, wie physische Gewalt von den staatlichen Machtinstitutionen als Instrument der Einschüchterung von Frauen und Transfrauen eingesetzt wird. Nachdem feministische als Teil breiterer sozialer Proteste im öffentlichen Raum in Lateinamerika an Bedeutung gewonnen haben, bildeten diese in Chile und Kolumbien 2019 das Ziel extremer staatlicher Repression. Diese Arbeit untersucht das gegen Frauen- und Trans-Körper gerichtete „Gender Policing“, das sich in sexueller Gewalt als Instrument der Einschüchterung und der Repression sozialer Proteste niederschlägt. Die Untersuchung erfolgt auf qualitativer Basis durch die Analyse der digitalen Inhalte (Texte, Bilder, Videos, Performances), die anlässlich der Proteste im Herbst 2019 in den sozialen Medien ausgetauscht wurden. Quantitative Daten des „Lateinamerika-Barometer“ zum Ausmaß der sexuellen Gewalt in den Zielländern stützen die Argumentation. Es wird gezeigt, dass die staatlichen Institutionen in allen untersuchten Ländern besonders gegenüber vulnerablen – rassisierten und marginalisierten – Bevölkerungsgruppen sowie Frauen und Transfrauen repressiv und geschlechtsspezifisch agieren. Sexuelle Gewalt, Vergewaltigung und andere Formen körperlicher und moralischer Folter werden als Mechanismus eingesetzt, um Frauen und andere Dissidenten vom öffentlichen, politischen Raum fernzuhalten.

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List of abbreviations

ACHR	American Convention on Human Rights
ADRDM	American Declaration of the Rights and Duties of Man
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DANE	National Administrative Department of Statistics
ECLAC	Economic Commission for Latin America and the Caribbean)
ESMAD	Escuadrón Móvil Antidisturbios (Mobile Anti-Riot Squadron)
FARC EP	Revolutionary Armed Forces of Colombia—People's Army
FTM	Female to male
IDERE LATAM	Índice de Desarrollo Regional – Latinoamérica
INDEPAZ	Institute for Development, Democracy, and Peace
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
LGTB+	"Lesbian, gay, bisexual, trans plus" "more" indicates multiple identities.
MTF	Male to female
OAS	Organization of American States
OHCHR	Office of the High Commissioner for Human Rights UN
UDHR	Universal Declaration of Human Rights

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*“Y la culpa no era mía, ni dónde estaba, ni cómo vestía
Y la culpa no era mía, ni dónde estaba, ni cómo vestía
Y la culpa no era mía, ni dónde estaba, ni cómo vestía
Y la culpa no era mía, ni dónde estaba, ni cómo vestía*

El violador eras tú ... “

(LASTESIS group. chile 2019)

Introduction

Social protests around the world characterized the second part of 2019. Millions of people from Latin America to the Middle East and Africa took the streets for several months to raise the voice against poor social conditions, social inequality, and corruption. Within these civil groups were students, workers, women, LGTB+ persons, indigenous, and afro communities. People of all ages, genders, and social classes have mobilized in the streets, calling for structural changes of everyday issues such as the lack of the political representation of certain groups and their inclusion, corruption, the neo-capitalist model, the extractive industries, the patriarchal model, and widespread inequality.

What began in Chile with the evasion of the subway ticket in October 2019 became a social outbreak that spread throughout the American continent. Although the massive protests were gaining strength in recent years, it was in 2019 that most sectors of the population conglomerated. What characterized these protests in general terms was the massive participation of people of all origins in which there was no clear leader or group, but a general dissatisfaction led people to the streets.

This dissatisfaction lies mainly in the high levels of social inequality in Latin America. In countries such as Colombia and Chile, the distribution of wealth is highly unequal and is concentrated in a few elites. This inequity is also reflected at all levels, from the essential services that are privatized to the access to justice. According to the Latin barometer's

perception survey about inequality in the region, 70% of the surveyed people considered income distribution as unfair or very unfair in their respective countries.

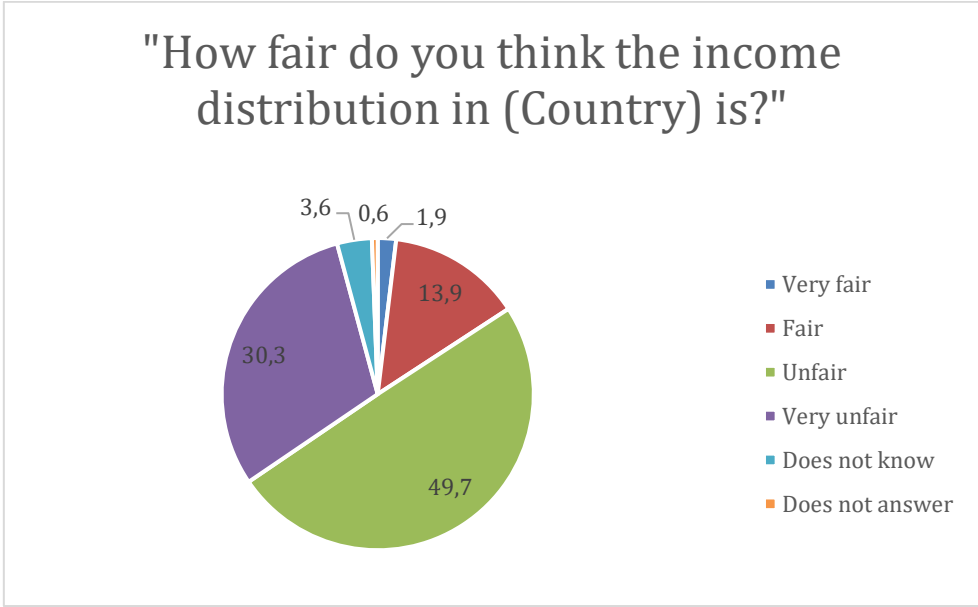


FIGURE 1: INEQUALITY PERCEPTION IN LAT

Source: Latinbarometro

This situation is even worse for the most vulnerable populations and those who live in regions far from the main cities. Peasants, indigenous people, afro-women, and transgender people are the ones who are most susceptible to living in a situation of marginalization and social exclusion.¹ Besides that, some countries such as Colombia have experienced a high level of violence. The conflict, which ran for many years, has affected most of the vulnerable people in the main cities' peripheries although, the aftermath of the peace accord focuses on post-conflict rebuilding and peacemaking, violence against these groups in Colombia and a large part of Latin America is a structural problem. It is not a surprise that violent attacks imply questions of gender, race, or social class. According to the Gender Equality Observatory for Latin America and the Caribbean of the ECLAC, 4,555 women were victims of femicide in Latin America in 2019.²

¹ J. M. Insulza, "Desigualdad e Inclusión Social En Las Américas," *San José de Costa Rica*, 2011.

² Gender Equality Observatory, for Latin America and the Caribbean, and ECLAC, "Femicide or Femicide," Text (ECLAC, February 2016), <https://oig.cepal.org/en/indicators/femicide-or-femicide>.

These violent situations have also been transferred to the streets during the protests; reprisals by the armed forces often escalate in gender, racial or xenophobic violence. For instance, police brutality in the United States and the stigmatization against the black community in demonstrations imply racism. Similarly, the reports on sexual violence against arrested women and transgender people committed by the police during public protests in Latin American countries are systematic actions against the most vulnerable population groups, implying, in the same way, the issue of gender discrimination. The public force (police and army) thus charged great importance in gendered control and surveillance.

In response to these attacks, women in many countries have manifested themselves in different ways; In Mexico, in response to the increasingly recurrent femicides, statues of national heroes have been covered with graffiti. In Chile, the group LASTESIS has created a performance to denounce sexual violence that has reached the entire world, becoming a feminist anthem.

In fact, the streets have become venues for the exchange of opinions, and social protest has gained greater importance in public debate. This significance is also thanks to the social networks that serve as a complaint mechanism and civic organization. Therefore, people have more information tools, which generate a growing social critique and dialogue within society.³ Against this background, the public space has become a place that allows exploring various methods of expression and the enforcement of rights and freedoms through artistic performances. The public space was born then as a canvas where groups that have been historically marginalized have managed to recognize and make themselves visible as political subjects.

Undoubtedly, social movements such as feminist and LGTB+ collectives play an increasingly important role in the region's political development, thus becoming political actors that take more and more public and political relevance. Therefore, it is essential to analyze the nature of the feminists' protest and their participation in today's Latin American context and the challenges they are facing within patriarchal societies.

³ Thomas Poell and Jose van Dijck, "Social Media and New Protest Movements," *Poell, Thomas & José van Dijck (2018). Social Media and New Protest Movements. In The SAGE Handbook of Social Media, 2017, 546–61.*

There have not been many studies that focus on the recent protests in Latin America. Studies with a focus on gender in Latin America, conflict and weaponization of gender, LGBT rights do exist, but they do not examine the recent waves of protests from 2019-2020

With that in mind, this thesis raises the question of how sexual violence has been used in the Latin American context as a mechanism of policing protest. I hypothesize that systematic violent actions exist against vulnerable groups like women and Trans communities in protest scenarios, and those actions are related to warmongering state policies and patriarchal ideologies.

I also argue that the feminist protest has devised, in contrast to these acts, manifestations of violence rejection through performances that resignify human rights' appropriation as a new way of expression and materialization of civil rights.

This work does not pretend to generate universal concepts of the intersection of gender and protest. It is an exploratory research that addresses a central question of the protest, putting it in a research framework. This work is only a first step in analyzing gender issues like sexual violence within social protest in the contemporary Latin American context, considering the rise of social networks as a dissemination mechanism, organization, and mobilization. Moreover, we will be able to examine and analyze the new form of protest and its expressions.

The first chapter of the thesis explores a theoretical framework of the intersection of protest and gender from a decolonial perspective. First, it presents an overview to understand the limits of protest and social movements notions. It also focuses on the gender roles and the public space to see how the public realm for women and transgender people is a continuous space of construction and contestation. In this context, I will also explore the particularities of women's protest policing, putting special attention on the repression mechanisms used by state agents.

Since social networks have been fundamental in the context of the protest in Latin America in recent years, the chapter explores how social media shape protest, some main organizational and communicative aspects, and how women and LGTB+ movements use digital channels as a political tool. Finally, I will conclude that a decolonial human rights perspective can resignify the meaning of human rights for social movements and demonstrate in which ways the public protest is a vehicle to materialize those rights.

The second chapter is based on the comparison of three cases, Chile, Colombia, and Argentina, and the protest that took place in the last months of 2019. These three countries were chosen

for several factors: Chile was the first country where the mass protest began, and women's participation was vital. In Chile, the Performance against gender violence became a symbol of women's rights and participation in the rest of the world.

Colombia is an interesting case since it did not have a recent history of consolidated social movements. The year 2019 was a historic year for the country and, in particular, for feminism. However, organized groups work for women's rights; through different forms of activism such as the national strike, a series of feminist groups and protests have emerged. These groups have been gaining more significance on the national scene.

Although Argentina did not experience social protests in 2019, it is the cradle of one of the most important feminist movements on the continent. Argentine women have waged an unprecedented fight against femicides, sexist violence, and free legal and safe abortion. The Argentine feminist movement has also been an inspiration for the continent. Many of the symbolisms used today in Latin America, like the green handkerchief or the application of social media tools like hashtags and posts as a vehicle of feminist activism, was born in the context of the legal abortion campaign.

The second chapter will provide a general context of the political and social environment that led to social protests in those countries and women's participation. Likewise, three references per country will be exposed: "A rapist on your way" (Chile), the 25N (day of non-violence against women in Colombia), and "The Green Tide" (Argentina). In these cases, the components and meanings used in feminist and gender discourses connected to phenomena such as sexual violence, racial, ethnic, and socio-economic discrimination will be analyzed. This analysis takes into consideration the role that social networks play in articulating feminist protest in these countries.

CHAPTER I

1. LITERATUR REVIEW

1.1 Protest and Social movements

Social movements tend to be interpreted as goal-oriented collective behaviors. However, the problem with this broad interpretation is that it does not define questions such as the number of persons or the formality and temporality in the constitution as a movement. These questions arise as a problematic outcome since we could not draw the boundaries between this definition and other concepts of collective behavior such as protests or collective action.

For this reason and to frame this concept within this research, I suggest using the term social movement as a special kind of protest group as addressed by Karl Dieter in his book; "social movement is a type of protest group with several distinguishing characteristics such as size and degree of organization" (2009)⁴. Moreover, he also gives us examples of these protest groups' nature that could encompass peace, environmental, civil rights, or women's movements.⁵

Studying protest groups and social movements, we have to bear in mind the context and nature of the actions that are often aimed at a goal of change. According to Calle (2015), social movements arise in political, cultural, and social conflicts.⁶ From them, they create a collective identity that in itself opposes or affirms the reality of the conjunctural moment. To some extent, this rejection is seen as an opposition to the current institutional authority.⁷ What can be translated to society's institutions or social structures such as the religious, political, or cultural systems that for the effect of this research we can refer to those institutional ways of

⁴ Karl-Dieter Opp, *Theories of Political Protest and Social Movements: A Multidisciplinary Introduction, Critique, and Synthesis* (Routledge, 2009), 42.

⁵ Opp, 42.

⁶ Ángel Calle Collado, "¿Qué Son Los Movimientos Sociales??. Ciudadanía y Solidaridad.," in *Ciudadanía y Solidaridad* (Madrid: IEPALA Editorial, n.d.), 3–61.

⁷ David A. Snow et al., *The Wiley Blackwell Companion to Social Movements* (John Wiley & Sons, 2018), 7.

discrimination like sexism, institutional violence, or gender violence. In this sense, social movements are also "agents of social change that concur, together with other actors, in the construction of our grammars of democracy (values, imaginary, practices, institutions)."⁸

The term protest in a strict sense and for the purpose of this paper refers to "a form of individual or collective action aimed at expressing ideas, visions or values of dissent, opposition, denunciation or claim."⁹ In this sense, the protest will bring a joint or collective action (demonstration). That behavior involves a common goal and the objective to show dissatisfaction, which aims to influence a third party's decision since it is not possible to satisfy this objective by themselves.¹⁰ The concept of protest has then implicit the possibility of agency.

To complement the above, I would like to cite in the same way one of the most complete definitions that in my concept meets the characteristics of the term protest. Although the right to protest is not explicitly defined in international law, it is protected and supported by a series of rights and freedoms. It is a fundamental element of any democratic and liberal society. The NGO "ARTICLE 19" in its 2015 Policy Brief "*The Right to Protest: Principles on the protection of human rights in protests*"¹¹ makes a precise definition of the scope and the actions that can be involved in the right to protest:

A protest is an individual or collective expression of oppositional, dissenting, reactive, or responsive views, values, or interests. As such, a protest may encompass, inter alia:

- I. Individual or collective actions, as well as spontaneous or simultaneous protests in the manner, form, and for the duration of one is choosing, including through the use of digital technologies.*
- II. An individual or collective expression relating to any cause or issue.*
- III. Actions targeting any audience, including public authorities, private entities or individuals, or the general public.*
- IV. Conduct or expression that may annoy or give offense to people who are opposed to the ideas or claims that a protest is seeking to promote, or conduct that temporarily hinders, impedes, or obstructs the activities of third parties.*
- V. Actions in any location, including public or privately owned places, as well as online.*

⁸ Ángel Calle Collado, "Democracia En Movimiento," 2009, 84.

⁹ Edison Lanza, Organization of American States, and Office of the Special Rapporteur for the Freedom of Expression, *Protest and Human Rights Standards on the Rights Involved in Social Protest and the Obligations to Guide the Response of the State*, 2019, <http://www.oas.org/en/iachr/expression/publications/Protesta/ProtestHumanRights.pdf>.

¹⁰ Opp, *Theories of Political Protest and Social Movements: A Multidisciplinary Introduction, Critique, and Synthesis*.(Routledge, 2009)

¹¹ "The Right to Protest: Principles on the Protection of Human Rights in Protests," ARTICLE 19, accessed March 9, 2021, <https://www.article19.org/resources/the-right-to-protest-principles-on-the-protection-of-human-rights-in-protests/>.

VI. *Actions involving various degrees and methods of organizing, including where there is no clear organizational structure, hierarchy, or predetermined form or duration of the protest.*

This definition includes other elements that became very pertinent to the current study of social movements and protest. For example, the space where the protest occurs extends its scope to online spaces that give a new significance to the term protest as a form of online activism. On the other hand, the nature of the groups that participate in the protest is diversified where in the same way, there is no hierarchy or a predetermined structure. Those new spaces allow the presence of heterogeneous groups and a variety of demonstrations. This is fundamental for this work since it does not classify the protest groups within any category of analysis. Still, on the contrary, there is the possibility of analyzing it as a pluriverse of social manifestations.

Diversity enables a gender and intersectional analysis of social movements that lead to a new reading of the protest: finding new cultural dynamics,¹² problems of representation, and the participation of groups that are present but invisible within the mainstream of the movements, for example, genderqueer, transgender, or indigenous feminists. Likewise, it puts the magnifying glass on phenomena such as other types of violent repression of the protest, such as sexual violence, which is exercised against specific groups within the demonstrations.

According to this, it is possible to analyze the phenomena of protest-policing in vulnerable groups, women, or transgender. However, this is an under-investigated issue. It is still possible to find in research works carried out during the uprisings of the Arab Spring, for example, how sexual violence was used as a mechanism of intimidation and to discourage participation of women in public demonstrations.¹³ Moreover, how the state sees women's participation as a threat to some traditional societies' status quo and as a transgression of an already established social and cultural order.¹⁴

¹² Snow et al., *The Wiley Blackwell Companion to Social Movements*, chap. Gender and Social Movements. (John Wiley & Sons, 2018), 537

¹³ Mariz Tadros, "Understanding Politically Motivated Sexual Assault in Protest Spaces: Evidence from Egypt (March 2011 to June 2013)," *Social & Legal Studies* 25, no. 1 (2016): 93–110.

¹⁴ Helen Monk, Joanna Gilmore, and William Jackson, "Gendering Pacification: Policing Women at Anti-Fracking Protests," *Feminist Review* 122, no. 1 (2019): 64–79.

1.2 Women in public space

The separation of the public and private sphere has been the central starting point of feminist critique. Authors like Kerber (1988) argue that this differentiation has served, among others, to categorize power relationships in society.¹⁵ The domestic aspect has been widely debated as a role lacking real impact on the public realm, while the man's role in public life has been synonymous with power and agency.¹⁶ In the case of the private sphere, it has been considered as a woman's space and attributed to domestic functions¹⁷. The domestic realm includes, therefore, household chores, family life, and care work in general.¹⁸ Public life, on the contrary, is a place where social debates are traced and where there is the possibility of exercising the rights and freedoms of listening and being heard.¹⁹ Far from being a space for inclusion and free access, it is, therefore, a place where different types of marginalization and discrimination are exercised, often becoming violent for different social groups.

In this way, we can agree that this differentiation of the public and private spheres of life has significance in terms of power and recognition.²⁰ This has to do with the fact that the social activities carried out by men throughout the history of many societies have been given much more value due to their capacity to be recognized by their pairs in the public sphere. Or in the words of Delgado (2007), "The public sphere is, then, in political language, a construct in which

¹⁵ Linda K. Kerber, "Separate Spheres, Female Worlds, Woman's Place: The Rhetoric of Women's History," *The Journal of American History* 75, no. 1 (1988): 9–39.

¹⁶ Louise Lamphere, "The Domestic Sphere of Women and the Public World of Men: The Strengths and Limitations of an Anthropological Dichotomy," *Gender in Cross-Cultural Perspective*, 1993, 86–95; LouAnn Wurst, "The Legacy of Separate Spheres," *Shared Spaces and Divided Places: Material Dimensions of Gender Relations and the American Historical Landscape*, 2003, 225–37.

¹⁷ Kerber, "Separate Spheres, Female Worlds, Woman's Place: The Rhetoric of Women's History."

¹⁸ William Andrus Alcott, *The Young Wife, Or, Duties of Woman in the Marriage Relation* (GW Light, 1837); Nancy F. Cott, *The Bonds of Womanhood: 'Women's Sphere' in New 1780-1835* (New Haven: Yale University Press, 1977).

¹⁹ Mercedes Zúñiga Elizalde, "Las Mujeres En Los Espacios Públicos: Entre La Violencia y La Búsqueda de Libertad," *Región y Sociedad* 26, no. ESPECIAL4 (2014): 78.

²⁰ Celia Amorós, "Espacio Público, Espacio Privado y Definiciones Ideológicas de 'Lo Masculino' y 'Lo Femenino,'" *Feminismo, Igualdad y Diferencia*, 1994, 23–52.

each human being is recognized as such in relation and as the relationship with others, with whom he is linked from reflective pacts permanently updated."²¹

The recognition of a woman's public voice has been denied for the last centuries, and imaginary boundaries that tend to exclude women from the public discourse and public spaces exist still in our times. This exclusion is also translated into the alienation of the social action and interaction.²² Moreover, it implies the impossibility to create a public identity independent from a woman's role in the private life or within the family.²³ Unlike the man who can have both a public and private identity, women are deprived of their public role as they are recognized only for the role played within the private sphere (daughter, wife, mother).

To a certain extent, the participation of women in public roles and public spaces is also limited to the functions attributed to women in the private sphere, that is, the role that women play within their families²⁴. Those roles are much more marked in traditional societies where cultural and religious aspects have an impact on the private jurisdiction of families and women.

Besides, the socio-economic level and the geographic context play an essential role in the assigned roles and what is expected of a woman in specific populations. Finding, peasant women, for example, are more inclined to carry a much heavier burden in terms of household work and, on the contrary, less representation and participation in the decisions of the community.²⁵

When we talk about women and their participation in public demonstrations and protests, we must take the burden which most women carry into consideration. The care for children, the housework is, therefore, a limitation to the participation of women in the public sphere and affects their decision-making capacity. These women are consequently often not well

²¹ Manuel Delgado, *El Espacio Público Como Ideología* (Los libros de la Catarata, 2019).

²² Vikas Mehta, "Evaluating Public Space," *Journal of Urban Design* 19, no. 1 (2014): 55.

²³ Daphne Spain, *Gendered Spaces, and the Public Realm* (Emerald Group Publishing Limited, 2008).

²⁴ Pradeep Chhibber, "Why Are Some Women Politically Active? The Household, Public Space, and Political Participation in India," *International Journal of Comparative Sociology* 43, no. 3–5 (2002): 409–29.

²⁵ Miranda Morgan, "Women, Gender and Protest: Contesting Oil Palm Plantation Expansion in Indonesia," *The Journal of Peasant Studies* 44, no. 6 (2017): 1177–96; Augustine Ikelegbe, "Engendering Civil Society: Oil, Women Groups and Resource Conflicts in the Niger Delta Region of Nigeria," *Journal of Modern African Studies*, 2005, 241–70.

represented within protest groups. Moreover, women can also be relegated to specific roles within these organizations that reproduce the patriarchal paradigm.

For instance, within the Piquetero social movements in Argentina²⁶, according to Paternio (2018), "the organizational dynamics of the movements, a gendered division of tasks is visualized, where women began by taking charge of aspects related to the management of social policy, the care of community canteens and wardrobes, hindering their participation in areas of representation and political leadership within their movement."²⁷

The public space has an ideological impact on the gender roles for each individual, which translates into social structures aimed at excluding or including individuals depending on their sexuality. This ideology is reflected in the limitations that arise in access to public spaces. These limitations are not only abstract social prohibitions but actions that can become coercive and come from state actors like institutional violence.

"In the collective imagination, the perception that violence that women experienced outside their homes, due to the fact that they are women, it is their entire responsibility and not a problem that public institutions should attend and prevent. Suppose a woman is harassed or sexually attacked in a public place; in principle, she is questioned about her behavior, dress code, or questioned of the reasons for her presence at that specific place and time at the moment of the assault."²⁸

Gender violence and, in particular, sexual violence serve as a mechanism to exercise these limitations of the public space for women. These actions are taken to reprimand or punish women who take a public role and present themselves in a historically male-occupied terrain. Sexual violence has also been used historically in times of conflict to send a message to society and intimidate progressive sectors, turning this into a weapon of war.²⁹

²⁶ The word "piquetero / a" originates from the pickets that unemployed workers decided to do, cutting routes and roads, to protest and demand work in the face of the increasing unemployment rates that devastated the country during the 1990s. Andrea D'Atri and Celeste Escati, "Movimiento Piquetero/a En Argentina," *Ver En: [https://www. Awid. Org/Sites/Default/Files/Atoms/Files/Cambiando_el_Mundo_-_Movimiento_piquetera_en_argentina. Pdf](https://www.awid.org/sites/default/files/atoms/files/cambiando_el_mundo_-_movimiento_piquetera_en_argentina.pdf)*, 2008.

²⁷ Florencia Partenio, "Género y Participación Política: Los Desafíos de La Organización de Las Mujeres Dentro de Los Movimientos Piqueteros En Argentina," *Informe Final Del Concurso: Las Deudas Abiertas En América Latina y El Caribe. Programa Regional de Becas CLACSO*, 2008, 5.

²⁸ Mercedes Zúñiga Elizalde, "Las Mujeres En Los Espacios Públicos: Entre La Violencia y La Búsqueda de Libertad," *Región y Sociedad* 26, no. ESPECIAL4 (2014): 80.

²⁹ Anne-Kathrin Kreft, "Civil Society Perspectives on Sexual Violence in Conflict: Patriarchy and War Strategy in Colombia," *International Affairs* 96, no. 2 (2020): 457–78.

Likewise, in the case of moments of social agitation in the framework of protests in public places, it has been used to discourage the participation of actors such as feminist groups and movements for women's rights.³⁰ We could equate these phenomena with sexual violence against journalists or human rights defenders whose sole objective is to silence their voice and restrict their right to freedom of expression.³¹ Limiting the possibility of influencing public spaces and the impact or agency that this woman can have in a specific context's social reality.

According to the "Report on violence against women journalists" (2020) issued by the Human Rights Council, in recent years, different types of attacks against women journalists have been identified, among which the following stand out: the selective rape of journalists who are used in retaliation for their work; mob-related sexual violence against journalists covering public events; and sexual abuse of detained or captive journalists.³²

1.3 Transgender women and the public space

One of the communities in which the problem of access to public spaces is most visible and with which marginalization and discrimination are much more notorious is the LGBT + community. In this regard, I would like to highlight three fundamental aspects when analyzing the relationship between the LGTB+ and the public spaces taking into account its heterogeneity character and particular challenges. I will mainly focus on the situation of trans women in the public realm and common issues like marginalization and stigmatization.

At first, I analyze the fundamental role that public demonstrations and marches have had in the appropriation of public space by LGBT+ communities and the construction of spatiality within urban contexts and the challenges faced by the community in the public realm.

In the case of the LGBT community, the public space has been a stage of constant dialogue between different narratives; it has been a place that allows to perform a narrative of liberation

³⁰ Tadros, "Understanding Politically Motivated Sexual Assault in Protest Spaces: Evidence from Egypt (March 2011 to June 2013)," 13.

³¹ Marte Havikbotn Høiby, "Sexual Violence against Journalists in Conflict Zones-Gendered Practices and Cultures in the Newsroom," 2016.

³² Special Rapporteur on violence against women, its causes, and consequences, "Report on Violence against Women Journalists," To the Human Rights Council at its 44th session (OHCHR |, May 6, 2020), <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/VAWJournalists.aspx>.

and at the same time where the affirmation of the self-conception of identity have been possible.³³ The street is a scenario where the identity is acting out and where the process throughout the individual could reaffirm its position within the society and the community is possible.

"Pride Parades symbolize 'the shift from Gemeinschaft to Gesellschaft,' from the gay community to gay culture nationally, Bringing the community from stigma to pride, turning homosexuals into gays, Pride Parades are symbolically efficient and demonstrate and generate power through social mobilization. They are annual arenas of queer public culture, where embodied notions of subjectivity are sold, enacted."³⁴

Presence in public space has been used as a political act of liberation for minorities, so much that today's pride parade is a worldwide event that encompasses not only the LGTB+ community but is an event of public interest. In this way, public demonstrations are also a tool for reclaiming the public through placemaking³⁵ and political engagement³⁶.

The paradox of these events is that although the media massively cover them, their realization is often trivialized because the focus is oriented to the artistic performances. On the contrary, the background and facts that have to do with a historical claim of civil and political rights of the LGTB + community for many years have been denied due to the discrimination and social marginalization of patriarchal societies.

Likewise, while the pride parades are followed by the press and have excellent visibility and sizeable public outreach, the participation of LGTB + groups is often invisible within social movements. Moreover, the violence suffered within them is also ignored, even though it is one of the usual problems within protest and social marches. Gender violence concerning sexual orientation is, therefore, one of the most common phenomena in public spaces.

The public space represents for LGTB + people and especially to trans women in the day-to-day a much more rugged scenario in which, in the same way that happens with women, there is a susceptibility to experiencing cases of gender/sexual violence due to the transgression of

³³ Begonya Enguix, "Identities, Sexualities and Commemorations: Pride Parades, Public Space and Sexual Dissidence.," *Anthropological Notebooks* 15, no. 2 (2009): 22.

³⁴ Enguix, 16.

³⁵ Erin E. Toolis, "Theorizing Critical Placemaking as a Tool for Reclaiming Public Space," *American Journal of Community Psychology* 59, no. 1–2 (2017): 193

³⁶ Toolis, 185.

traditional gender roles. Therefore, while women are condemned for taking public space, trans people are banned for transgressing the norms assigned to their corporality.

"The division of public and private spaces, which relies upon and reinforces a binary gender system, has profound implications for people who live outside normative sex/gender relations. Transgendered people are in jeopardy in both "ordinary" public spaces and those designated as lesbian/gay."³⁷

Trans women especially suffer different types of violence related to their female bodies in public spaces. Generally, they experience attacks involving sexual violence such as rape, coercion, or intimidation to engage in sexual activity against their will and refusal to wear a condom. "There is an instance of violence that is more than a mere attack on someone perceived to be a gay man; it is fundamentally about policing one's gender presentation in public sites. The act of rape functions as an aggressive re-inscription of the FTM individual's biological sex and social gender."³⁸

Trans women may experience extreme marginalization within urban spaces, forcing them to inhabit only specific areas such as ghettos and cities' marginal neighborhoods. Therefore, by being prevented from occupying public spaces, they are deprived of their right to participation, representation, and social debate within the community.

Furthermore, this relegated spatiality puts transgender women in a situation of extreme vulnerability and stigmatization. In the case of trans women, for example, who are engaged in sex work suffer discrimination based on their gender and face all kinds of exacerbated violence in the streets. They also face other types of violence, such as institutional violence, where they are often criminalized³⁹ and harassed by the police and judicial systems.⁴⁰

³⁷ Viviane K. Namaste, "Genderbashing: Sexuality, Gender, and the Regulation of Public Space," in *The Transgender Studies Reader*, by Susan Stryker and Stephen Whittle, vol. 1 (Taylor & Francis, 2006), 592.

³⁸ *ibid.*, 592.

³⁹ Christian Rios Vallejo, "Pobreza y Criminalización En La Población Trans," *Rev. Estudios Críticos D.* 13 (2017): 87.

⁴⁰ César Sánchez Avella and Paula Lucía Arévalo Mutiz, "Aproximación al Abordaje Jurídico de La Violencia Letal Contra Mujeres Trans En Colombia: Del Femicidio al Transfemicidio," *Via Iuris*, no. 29 (2020): 1–42.

1.4 Protest policing and the state

In a liberal democratic state such as most western states, the political rights and freedoms of the citizens would be guaranteed; that is, rights such as free association and the right to free expression would be transferred to the guarantee of the right to dissent and to protest. In the case of the liberal and democratic state, these fundamental freedoms are related to negative freedoms characterized by the absence of obstacles, barriers, or constraints⁴¹ generally implemented by a third party, in this case, is represented by the state. Today negative freedom is translated into the legal framework of individual rights. It is enshrined in the UN Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and other international standards designed to protect the person from abuses such as arbitrary detention, degrading treatment, torture, among others (see appendix A).

However, in the case of state control of protests, the postulates of a liberal and democratic state are blurred. As Martin (1994) argues, "The reality of repression undercuts the liberal assumption of a free and pluralist society and provides support for the idea that protest, and arguments about the justification of protest, are part of a wider political struggle."⁴² Thereby what will determine the level of guarantee to the right to dissent, according to Charles Tilly (1978), will be the type of political regime. Each type of regime reacts in a different way to the Social protest. According to his classification, governments can be: "repressive regimes," characterized by repressing many groups and actions while facilitating very few or none of them; "totalitarian regimes," which repress fewer groups and promote a wide range of actions. "Tolerant regimes" accept a wide range of activities but reduce the power of the strongest groups, and "weak regimes" have a wide range of tolerance and little repression or facilitation.⁴³

Furthermore, according to Bonner (2020), what determines the tension between the democratic and coercive character of the state is the political ideology. In the case of Latin American democracies, the author considers the left and the right have different attitudes regarding police control over the communities; for example, in the case of the right, the power of the police is a priority, for example, there are public policies of zero tolerance with some marginalized

⁴¹ Philip Pettit, "A Definition of Negative Liberty," *Ratio* 2, no. 2 (1989): 153–68, <https://doi.org/10.1111/j.1467-9329.1989.tb00004.x>.

⁴² Brian Martin, "Protest in a Liberal Democracy," *Philosophy and Social Action* 20, no. 1–2 (1994): 13–24.

⁴³ Charles Tilly, "From Mobilization to Revolution," *Reading, Mass: Addison-Es Ey*, 1978.

communities. The left, on the other hand, prioritizes social programs that focus on crime prevention. However, those attitudes change when we talk about violence since the right or the left are not homogeneous organisms. They could perform moderate or extreme attitudes, and these ideologies will determine at the end the response and the level of repression of government over social protests.

"For moderates, democratic policing will include the protection of civil rights and favour checks (mechanisms of accountability) that limit the use of violence by police in both crime control and protest policing (aspects of liberal democracy. (...) extremist definitions of democratic policing will favour police using high levels of violence both in crime control and particularly in the management of public protests (notably of protests that challenge the desired break with history). In this context, policing can be violent and yet consistent with this definition of democracy."⁴⁴

1.4.1 Repression

According to Della Porta (1995), who focuses on the protest responses of the police forces, there is a differentiation between "repressive or tolerant" reactions according to the nature of prohibited behaviors. She also adds further categories of analysis that will depend on the policed target groups. For example, the response could be selective or diffuse, and finally, according to the methods and use of the force, the actions could have an unlawful or lawful character.⁴⁵ Considering the above repressive means could encompass a more direct action to deal with a selected protest target group usually implementing coercive mechanisms.

Repressive behavior applies a series of actions that can be physical or threatening in order to dissuade or discourage activities that are considered threatening to the state or a specific public institution.⁴⁶ Although the state has the legitimate coercive power, this power cannot be exercised against individuals' fundamental rights and their integrity (see appendix A). In this way, a repressive state can be considered as the one that uses mechanisms ranging from indirect means such as censorship, selective use of the law, or surveillance to direct actions as harassment, arrests, torture, and mass killing by government agents and/or affiliates within the national territory.

⁴⁴ Bonner, "What Democratic Policing Is... and Is Not," 1050.

⁴⁵ Donatella Della Porta, "Social Movements and the State: Thoughts on the Policing of Protest," 1995.

⁴⁶ Christian Davenport, "State Repression and Political Order," *Annu. Rev. Polit. Sci.* 10 (2007): 1–23.

As Della Porta (1995) mentioned, state repression over protest tends to have a selective component that implies that the mechanisms implemented will depend on the target group's nature. For example, in protest scenarios, the repression used by states directed against female bodies corresponds to a form of social control based on patriarchal and heteronormative structures. In this sense, rape and other forms of sexual violence that occur during social protests and that are perpetrated by agents of the states or encouraged by the state will belong to the category of "forms of state perpetrate violence against women."⁴⁷

1.4.2 Sexual violence as an instrument of repression

I want to mention sexual violence as a weapon of torture and a weapon of war since I believe that it should be taken into account in the context of the policing of protests in Latin America. However, this work does not cover a prevalent armed conflict; there are lags in the military and police forces' institutional policies. For example, in Colombia, these violence patterns date back to the armed conflict or, in Chile and Argentina, remain inheritances from military dictatorships that used rape as a weapon and torture as a part of the state policy. As we will see later, these techniques included illegal arrests of women during the protests who were forced to undress and squat naked and other types of sexual violence. According to the Istanbul Protocol, these acts correspond, among others, to an act of sexual torture.

"Sexual torture begins with forced nudity, which in many countries is a constant factor in torture situations. An individual is never as vulnerable as when naked and helpless. Nudity enhances the psychological terror of every aspect of torture, as there is always the background of potential abuse, rape, or sodomy. Furthermore, verbal sexual threats, abuse, and mocking are also part of sexual torture, as they enhance the humiliation and degrading aspects, all part and parcel of the procedure. The groping of women is traumatic in all cases and is considered to be torture."⁴⁸

As stated by the international committee of the Red Cross, the term "sexual violence" is used to describe acts of a sexual nature imposed by force or through coercion, such as that caused by fear of violence, intimidation, arrest, psychological oppression, or **abuse of power** against any

⁴⁷ Walter S. DeKeseredy, Callie Marie Rennison, and Amanda K. Hall-Sanchez, *The Routledge International Handbook of Violence Studies* (Routledge, 2018).

⁴⁸ United Nations, *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (United Nations New York and Geneva, 2004).

victim. Sexual violence includes rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or any other form. Moreover, sexual violence can be used as a form of **retaliation**, to **generate fear**, or as torture. It can also be used systematically as a method of warfare in order to destroy the social networks.⁴⁹

For the Inter-American Court of Human Rights, rape corresponds to an act of torture when: It is intentional, in the sense that it is deliberately inflicted against the victim; it causes severe physical or mental suffering that is inherent to the victimizing act; it is committed with a specific purpose or purpose such as intimidating, degrading, humiliating, punishing or controlling the person who suffers it; and when it consists of a single event or occurs outside state facilities.⁵⁰

Moreover, these torture mechanisms applied against women's bodies constitute a differentiated treatment as compared to men who may suffer from these episodes to a lesser extent. Since attacks on men generally have a different nature. For example, they are more likely to be victims of homicide or forced disappearance. On the other hand, the use of rape as a weapon of war has been against women who take a more public role and break gender stereotypes, such as women journalists, women activists, students, etc. Rape is used in these cases as a type of punishment against the victim for challenging the pre-established order and giving other women a message to discourage their participation in public life. "In addition to killings, sexual violence, including sexual assault and rape, and in particular the threat of rape, continue to be used as a form of gender-based violence and as a tool to undermine the credibility of women journalists and discourage them from working in the media."⁵¹

⁴⁹ "Violencia sexual en conflictos armados: preguntas y respuestas - CICR," 00:00:00.0, [/spa/resources/documents/faq/sexual-violence-questions-and-answers.htm](#).

⁵⁰ Corte Interamericana de Derechos Humanos, *Caso González y Otras ("Campo Algodonero") vs. México* (Sentencia, 2009).

⁵¹ Special Rapporteur on violence against women, its causes and consequences, "Report on Violence against Women Journalists."

1.5 The role of social media in social movements and protest

Social networks such as Twitter, Facebook, or Instagram and their integration into contemporary political movements have been debated in recent years. In the Arab Spring, for example, social media played a fundamental role in mobilizing citizens through the dissemination of information, so much so that they have been called "Facebook and Twitter revolutions."⁵² For Castell (2012), one of the authors who has studied this topic in-depth, movements such as Tunisia's Jasmine Revolution, Egypt's Tahrir Square Protests, Occupy Wall Street, among others, have the ability to move from digital spaces to physical spaces, "movements went from cyberspace to urban space." According to him, the success of this type of mobilization lies in its multimodal nature that encompasses online networks but also non-online networks. Such networks allow the dispersion of feelings such as indignation, which tend to go viral and gather people around the same feeling.⁵³

Other debates focus on how social networks disseminated information that impacts citizens' decision-making process, especially since the US elections in 2018 and the Brexit. The power of the networks in the masses' influence and political opinion was revealed.

"Social media usage is likely to affect political behavior by changing the quality and/or quantity of information to which individual citizens are exposed. More specifically, social media may affect the decision to participate by increasing or otherwise altering knowledge about the ratio of costs to benefits. On the "costs" side of the equation." ⁵⁴

Social networks are, thus, new scenarios of public participation in which we can analyze and follow the behavior of social groups who enter public debates. Social networks can influence three fundamental aspects: Organization, information, and motivations in protest contexts. Regarding the protest, there is one of those aspects that encompasses the others and contains the information. Mainly, social networks are channels of information through which the

⁵² Halim Rane and Sumra Salem, "Social Media, Social Movements and the Diffusion of Ideas in the Arab Uprisings," *The Journal of International Communication* 18, no. 1 (April 1, 2012): 97–111, <https://doi.org/10.1080/13216597.2012.662168>.

⁵³ Manuel Castells, *Networks of Outrage and Hope: Social Movements in the Internet Age* (John Wiley & Sons, 2015).

⁵⁴ John T. Jost et al., "How Social Media Facilitates Political Protest: Information, Motivation, and Social Networks," *Political Psychology* 39 (2018): 88.

organization of different actors and the mobilization of citizens is viable. Also, social media allow the dissemination of discourses that contain the main social motivations.

Social networks facilitate the dissemination of information about the how, when, and where. This characteristic enables the organization of social protests and collective actions in public spaces and also on digital channels. In the case of Twitter, considering its potential as a massive channel of information and dissemination, it has been used as a mechanism that influences social movements' organizational structure.⁵⁵ Social networks affect how different actors can come together, such as the coordination of stakeholders, activists, and public figures. As well, it influences other aspects such as resource mobilization and interventions.

Additionally, social networks have an almost unlimited capacity to disseminate and integrate the community through the production and circulation of materials related to the protest and collective action.⁵⁶ The materials include hashtags, memes, images, reports, complaints, videos, among others. Hashtags, for example, within the framework of the protests, work as a cohesive mechanism and a common site of collective identity for the participants. Similarly, they contribute to constructing a political and discursive agenda. For example, that is the case of hashtags like #metoo, #niunamenos, #legalabortion #YesAllWomen, among others. To a certain extent, the information disseminated through social networks, given a public and open nature, provokes to a certain extent empathy for the cause and the situation of the others.

"When citizens have better information about the preferences of others, they place less weight on their individual preferred tactic and more on what they expect others to do. This emphatic character makes the protest more cohesive and hence participation more attractive. So, even if better information means that fewer citizens participate, the increase in cohesion may make the protest more effective."⁵⁷

Many scholars have stressed the new media's role, social media opening the doors for greater participation and engagement for all parts of society, including women and other minorities. According to Newsom and Lengel (2012), online activism provides a space for marginalized

⁵⁵ Alexandra Segerberg and W. Lance Bennett, "Social Media and the Organization of Collective Action: Using Twitter to Explore the Ecologies of Two Climate Change Protests," *The Communication Review* 14, no. 3 (2011): 197–215.

⁵⁶ Poell and van Dijck, "Social Media and New Protest Movements," 1.

⁵⁷ Andrew T. Little, "Communication Technology and Protest," *The Journal of Politics* 78, no. 1 (2016): 161.

communities and has a great potential for the empowerment of women and gendered dialogue.⁵⁸ Within traditional societies or in conflict contexts, social media could provide a safe place to mobilize and advocate,⁵⁹ providing a flexible space for women and minorities living in conservative communities that cannot expose or do not want to be exposed in public places.⁶⁰

Online activism is also a way to overcome physical and geographic barriers⁶¹ by integrating international actors across borders, which is especially important for activists living in exile. And on the other hand, to incorporate the maximum number of people who cannot be in physical protests reaching out to people from different backgrounds.

Social media enable women and minorities to create virtual communities of solidarity and support. For instance, hashtags like #BeenRapedNeverReported⁶² and #MeToo allow survivors to feel heard by sharing personal stories of sexual violence, enabling girls and women to produce networks of solidarity⁶³, support, and empowerment. These solidarity networks often become large-scale social movements that achieve public and political notoriety and influence the countries' social and political agendas at the national or international level.

Paradoxically, social media can be used as an instrument of abuse and violence against women and determined social groups, "Women are more likely than men to be victims of sexual harassment, cyberstalking, and non-consensual pornography. (...) This form of gendered

⁵⁸ Victoria A. Newsom and Lara Lengel, "Arab Women, Social Media, and the Arab Spring: Applying the Framework of Digital Reflexivity to Analyze Gender and Online Activism," *Journal of International Women's Studies* 13, no. 5 (2012): 31–45.

⁵⁹ Habibul Haque Khondker, "Role of the New Media in the Arab Spring," *Globalizations* 8, no. 5 (2011): 675–79.

⁶⁰ Andrea Khalil, *Gender, Women, and the Arab Spring* (Routledge, 2016).

⁶¹ Dhiraj Murthy, "Introduction to Social Media, Activism, and Organizations," *Social Media+ Society* 4, no. 1 (2018): 2.

⁶² Kaitlynn Mendes, Jessalynn Keller, and Jessica Ringrose, "Digitized Narratives of Sexual Violence: Making Sexual Violence Felt and Known through Digital Disclosures," *New Media & Society* 21, no. 6 (2019): 1290–1310.

⁶³ Kaitlynn Mendes, Jessica Ringrose, and Jessalynn Keller, "# MeToo and the Promise and Pitfalls of Challenging Rape Culture through Digital Feminist Activism," *European Journal of Women's Studies* 25, no. 2 (2018): 236–46.

harassment is often sexually"⁶⁴. Public figures such as journalists⁶⁵, activists, and social leaders or human rights defenders are easy targets for this kind of attack in social media⁶⁶.

1.6 Decolonial feminism, Protest, and human rights

The tendency to universalize the category "women" and to standardize their struggles has been a recurring debate in feminism. The word woman is presented in the discourse as a homogeneous category where women share the same concerns, situations, and historical past. Moreover, this approach aims to elucidate women's status based on universalized patterns that emerge from a particular production of knowledge and the institution of patriarchy. Latin American feminism as a social movement could also suffer from a bias that came from this ethnocentric westernized worldview.

Within the Latin American feminist social movements, we find the same evils of coloniality regarding the construction of the category woman that later reproduces other categories constructed from arbitrariness and privileges. This aspect is addressed by Chandra Mohanty (2008) in her work "Under the eyes of the West" when she refers to the discursive construction of the _ "third world woman"_, which is presented as homogeneous based on the biological categorization of women on the one hand, and on the other by sharing the same struggle against the oppression of the patriarchy.

"The problem with this analytic strategy is that it assumes men and women are already constituted as sexual-political subjects before they enter into the arena of social relations. Only if we subscribe to this assumption is it possible to undertake analysis that looks at the "effects" of kinship structures, colonialism, organization of labor, etc., on women, who are already defined as a group apparently because of shared dependencies, but ultimately because of their gender. But women are produced through these very relations as well as being implicated in forming these relations.

⁶⁴ Dunja Antunovic, "'We Wouldn't Say It to Their Faces': Online Harassment, Women Sports Journalists, and Feminism," *Feminist Media Studies* 19, no. 3 (2019): 5.

⁶⁵ Samiksha Koirala, "Female Journalists' Experience of Online Harassment: A Case Study of Nepal," *Media and Communication* 8, no. 1 (2020): 47–56.

⁶⁶ Cecilia Alejandra Ananías Soto and Karen Denisse Vergara Sánchez, "Violencia En Internet Contra Feministas y Otras Activistas Chilenas," *Revista Estudios Feministas* 27, no. 3 (2019).

(...). That women mother in a variety of societies is not as significant as the value attached to motherhood in these societies."⁶⁷

Feminist movements of the South could also reproduce the same determinism with which the role of women in society has been pigeonholed. By not contextualizing the effects of complex relationships in which the subjects are involved in certain communities, the struggles for women's rights in the Latin American context would be worthless. It would be, in the end, as Baldwin (2014) puts it, a "concept more than those exported from the West."⁶⁸ Hence the importance of the appropriation and pluriverse of feminist discourses.

Decolonial feminism is thus one of these fields that is itself broad, heterogeneous, and diverse. It tries to accommodate other ways of being, doing, and thinking as subjects, not only from the criticism of the different relations of class, gender, and race in specific contexts but also that this translates into a diversity of proposals in which the struggle for women's rights can be transformed. From this perspective, we could then speak of "feminisms" since we start from the notion of the diversity of projects and issues that concern women's being and acting in the Latin American political, economic, and sociocultural context.

In this sense and as explained by Maria Lugones, a decolonial feminist academic who proposes the reading of the "fractured locus," feminism must start from the basis that we colonialize and live in a fractured world of different realities. From this space, the function of the decolonial feminist would be to forge a subjective consciousness that at the same time would be in constant dialogue with other subjectivities.⁶⁹

Therefore, the feminist decolonial struggles in Latin America occur from different angles and stages of indigenous movements, afro, and peasant women, among others, with ideals in the claim of rights and the recognition of other ways of perceiving the world. Protests in this sense for the feminist social movements open up multiple possibilities of dialogue. The feminist protest is itself a form of manifestation and a decolonial declaration of rights. That is why, as

⁶⁷ Chandra Talpade Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourses," *Boundary 2*, 1984, 340.

⁶⁸ Houria Bouteldja, "¿Feministas o No? Pensar La Posibilidad de Un «feminismo Decolonial» Con James Baldwin y Audre Lorde," *Tabula Rasa*, no. 21 (2014).

⁶⁹ María Lugones, "Hacia Un Feminismo Descolonial," *Teoría y Pensamiento Feminista*, 2010, 110.

new symbolism and forms of public discourse arise around human rights, these cease to have an abstract character to become tangible places of appropriation.

"Decolonial thinking shifts the focus away from the liberal doctrine of human rights codified in law and the state, as intrinsic to the universal (abstract) individual, toward alternative, human rights contingencies, as modeled by the collectivist politics of social justice activists and creative practitioners."⁷⁰

We could understand Latin American feminist activism as an assemblage⁷¹ in the sense that feminists dispute a series of parameters of traditional feminist assumptions and change their structure, for example, transforming the historical oppression of women to issues such as femicide or legal abortion, which in turn are materialized through performance as a political practice.

Today this is reflected in feminist protests as NI UNA MENOS in Argentina or Chile with the performance UN VIOLADOR EN TU CAMINO and in the same way with the virtual feminist activism and the hashtag #metoo. The protest is a shared space where there are different types of seeing, inhabiting, and understanding the social reality. For this reason, feminism in Latin American protest movements must be understood beyond uniformity and taken to the terrain of the pluriverse⁷² and heterogeneity.

The feminist protests in Latin America that have been developing in recent years are, therefore, decolonial struggles that invite us to look at and adopt civil rights from new places of thought beyond the westernized. The spaces in which human rights can be included in zones of symbolic production and that in turn grow into claims of social justice.⁷³ In this sense, artistic performance has become increasingly important, building up decolonizing and appropriating forms of civil rights. Songs, street artworks, choreographies, images, and slogans are now materializing as a new pluriversal declaration of human rights

⁷⁰ Rosa-Linda Fregoso, "For a Pluriversal Declaration of Human Rights," *American Quarterly* 66, no. 3 (2014): 27.

⁷¹ Claudia de Lima Costa, "Equivocation, Translation, and Performative Interseccionalidad: Notes on Decolonial Feminist Practices and Ethics in Latin America," *A GLO N* 73 (2013).

⁷² Arturo Escobar, "Política Pluriversal: Lo Real y Lo Posible En El Pensamiento Crítico y Las Luchas Latinoamericanas Contemporáneas," *Tabula Rasa*, no. 36 (2020): 323–54.

⁷³ Fregoso, "For a Pluriversal Declaration of Human Rights."

CHAPTER II

2. Methodology

To understand to what extent gender-policing in Latin America is oriented towards women and trans bodies and translated into sexual violence as an instrument of intimidation and dismantling of protest, this research will develop a comparative case study analysis in three countries: Chile, Colombia, and Argentina. Additionally, the circumstances in which social networks and performance play a leading role in social protest will be considered.

Comparative case analysis is a very appropriate method for this investigation as it "involves the analysis and synthesis of the similarities, differences, and patterns across two or more cases that share a common focus or goal in a way that produces knowledge that is easier to generalize about causal questions."⁷⁴

The feminist movement in Chile will be the first case to analyze. In this context, I will focus on the participation of women in the protest in 2019 and particularly on the analysis for the feminist performance "UN VIOLADOR EN TU CAMINO," which became a global feminist hymn against sexual violence. The second case will be the diverse feminist and transgender movements that arise in the *Paro-Nacional* framework in Colombia. Here I will analyze the participation and activism of different women groups, including Transgender, in the protests of November 25 (25N) (International Day for the Elimination of Violence against Women). In third place, I will examine the case of the campaign for the legal and safe abortion movement in Argentina and its powerful symbolism and influence in the feminist protests throughout Latin America. Mainly, the regional impact of the "green handkerchief" will be explored.

Finally, I will carry out a comparative analysis based on the common patterns of the occurrence of systematic gendered/sexual violence in the framework of the protest in these three countries and raise the question of how these social movements have addressed this phenomenon using different tools as the artistic performance or digital activism.

⁷⁴ Delwyn Goodrick, "Comparative Case Studies: Methodological Briefs-Impact Evaluation No. 9," 2014.

This comparative case study will incorporate both qualitative and quantitative data. However, qualitative methods will be the backbone of my investigation that will combine field observations, discourse analysis, and documentary content analysis of social media. These methods focus on generating a deep understanding of the social triggers of protests and allow understanding their structural causes.

Given the importance and impact that social media have demonstrated to be a tool of organization, participation, and motivation in protest, I will conduct a major part of my research on social media platforms like Facebook, Twitter, and Instagram, understanding social media research as the one that "encompasses any form of research that uses data derived from social media sources."⁷⁵ For the purpose of this thesis, I will be focusing only on the activity and especially on the content of social media itself. Still, I will not use social media as a research tool (for example, online surveys).

Digital fieldwork and Field Observations

Among the qualitative methods, the combination of *live fieldwork and online* will be the key to collect data and understand the situation of women and trans women within the protests in South America. This method will be used mainly in the case study of the protest in Colombia in November 2019. This fieldwork is based on my own experience attending one of Bogota's first demonstrations on November 21.

My participation in the march at that moment was not motivated by a research purpose. Although having experience in ethnographic fieldwork, I was able to notice certain behaviors, performances, and meanings that are important for this research. The days after 21 November and due to public order and logistics problems, I managed to follow the marches online through digital channels, considering the same guidelines that we could take in fieldwork as the non-obstructive observation⁷⁶ and the trace of behaviors and practices. In this way, media practices could be understood as "a wider set of practices – most of them with, around and through digital

⁷⁵ "Using Social Media for Social Research: An Introduction: May 2016" (Social Media Research Group, 2016), 6, http://dera.ioe.ac.uk/26600/1/GSR_Social_Media_Research_Guidance_-_Using_social_media_for_social_research.pdf.

⁷⁶ Gary Eugene Gorman et al., *Qualitative Research for the Information Professional: A Practical Handbook* (Facet Publishing, 2005).

technologies – related to creative processes carried out by individuals or collectives with different goals and purposes."⁷⁷

Digital ethnography in social media and the use of observation, as we mentioned above, was used as the method at the first stage of this research to ensure the collection of the data related to feminist discursive strategies of protest attendees and organizers that were analyzed through the discourse analysis tools. As Myles (2020) points out, "the Internet could also allow for non-obstructive and fairly rapid collection methods of potentially rich qualitative data." Audiovisual sources like posts containing photos or videos and other pictures were used as an important tool to document new forms of social expressions through artistic performances and the protesters' interactions with the public force. The data was collected mostly online on different social media platforms such as Twitter, Facebook, and Instagram.

The material and relevant data were collected, considering a specific spatiality and temporality. The period was clearly defined for each of the case studies. In the case of Chile, this was between October and December 2019. In the case of the national strike in Colombia, it was between November 2019 and January 2020. For Argentina, I mostly focused on different moments of the campaign for legal abortion and feminist protest from 2016 to the present.

Although digital ethnography offers several challenges when defining a specific field and delimiting the space where observations can be made as well as defining the study subjects. As they are not physical spaces, virtual spaces could be reconceptualized in the case of the follow-up of events such as protests and collective actions by redefining the follow-up of hashtags⁷⁸ or trending topics. As Airoldi (2018) points out;

"In the qualitative study of the large, dynamic social formations observable on social media such as Twitter, Instagram and – to a minor extent – Facebook, these points are often represented by hashtags and keywords, and an 'un-sited' meta-field can be ethnographically researched by following the native affordances of the medium itself."

⁷⁷ Edgar Cruz and Elisenda Ardèvol, "Ethnography and the Field in Media (Ted) Studies: A Practice Theory Approach," *Westminster Papers in Communication and Culture* 9, no. 3 (2017): 32.

⁷⁸ Yarimar Bonilla and Jonathan Rosa, "# Ferguson: Digital Protest, Hashtag Ethnography, and the Racial Politics of Social Media in the United States," *American Ethnologist* 42, no. 1 (2015): 4–17.

In other words, we could delimit our research field using a particular hashtag in a defined period and studying it not by the number of interactions but rather by the shared content and the impact it can have on society. The following table shows the collection of hashtags by a country that formed a thematic axis during the protests.

CHILE	COLOMBIA	ARGENTINA
#chiledesperto	#21N	#niunamenos
#estallidosocial	#paronacional	#19F
#unvioladorentucamino	#25N	#abortolegalseguroygratiso
#SiTocAnaUnaRespondemosTodas	#diacontralaviolenciadegenero	#seraley
#elvioladorerestu	#estallidofeminista	#vivasnosqueremos
#niunamenos	#elestadonomecuida	#pañuelazo
#feministasenalerta	#elestadoencomplice	#elmachismomata
#nomasviolenciapoliticasesexual	#somosunrostrocolectivo	#abortolegal2020
#8NCHILE	#feministasparamos	#ninasnomadres

Following up a social phenomenon in the virtual context could be challenging for traditional ethnography, especially when using participant observation techniques. Some scholars argue that when observing social media, we are in the presence of a product instead of a process as we collect, for example, posts of videos of photos that could be edited and reedited.⁷⁹ In order to overcome this issue, we can use some elements that the networks provide today. For example, Facebook live, YouTube streaming, live videos on Instagram, etc., are tools that offer the possibility to do research following different events that occur in a determined time. Another benefit that this tool might provide to the researcher is the possibility of saving the record event to further analysis.

⁷⁹ Piia Varis, "Digital Ethnography," *The Routledge Handbook of Language and Digital Communication* 55 (2016): 13.

Critical Feminist Discourse analysis

Platforms such as Instagram, Facebook, or Twitter have been vital not only in the mobilization of civil society but also in the follow-up and documentation of social mobilizations, turning them into a form of virtual activism. Similarly, social networks such as Instagram have been vital in making human rights violations visible.

Therefore, the research's primary focus is the activity and content of social media itself related to the events of the protests. There is no doubt that the analysis of social networks material is a subject still in development and that it presents many challenges, however as Myles (2020) argues, we can benefit from using discourse analysis when working with social media content in order to validate the ethnographic observations and ground them more systematically.⁸⁰ Furthermore, "Critical Discourse Analysis could offer a theoretical framework for studying social issues through analysis of discourse. Social media is a discursive system in which social issues are enacted through textual discourse."⁸¹

The research employs a critical feminist discourse analysis⁸² on the material which was collected in the social media doing active research in the audiovisual (videos, pictures, and images) content and giving especially attention to the material that encompasses forms of sexual/gender violence and artistic performances during the public demonstrations. This approach could offer a useful tool to understand the different dimensions of this phenomenon.

Feminist discourse analysis enables to examine the data collected considering some basic guidelines exposed by Lazar (2018). The first aspect is that this analysis is made from criticism and activism that pursued a change in the sexist institutional policies derive from gender as a heteropatriarchal structure that privileges men and marginalizes women.⁸³

⁸⁰ Myles, D. (2020). Les bénéfices mutuels de l'ethnographie et de l'analyse du discours en contexte numérique. In Millette, M., Millerand, F., Myles, D. & G. Latzko-Toth. *Méthodes de recherche en contexte numérique : une orientation qualitative*. Presses de l'Université de Montréal, p. 1-9.

⁸¹ Connie S. Albert and Al Farooq Salam, "Critical Discourse Analysis: Toward Theories in Social Media," 2013, 6.

⁸² Michelle M. Lazar, *Feminist Critical Discourse Analysis* (Routledge Oxon, 2018).

⁸³ Michelle M. Lazar, *Feminist Critical Discourse Analysis* (Routledge Oxon, 2018), 90.

FDA also allows approaching the phenomena from the complexity of power relations and moreover the variety of modalities and degrees through which power relations are exercised.⁸⁴ This approach is very pertinent within this study because it allows us to understand sexual violence not only from direct forms (such as rape or harassment) but also to understand other less outstanding forms such as the criminalization of trans women.

The FDA is used mainly on the visual content that emerged in response to police violence and sexual violence. This content will be analyzed considering the discursive strategies used by the participants of the protest and demonstrations since this method "the active production of social identities and relationships in/through discourse is emphasized, cognizant though of the particular material conditions and constraints of these discursive actions."⁸⁵ For example, the use of multimodal ways of communication as memes, short videos, songs, and other forms of aesthetics symbolism was employed to share experiences, meanings, and interpretations in the framework of the feminist and trans protest.

The Feminist Critical Discourse Analysis is particularly appropriate to analyze the performance "UN VIOLADOR EN TU CAMINO" in the Chilean case. Here I take into account two dimensions of the performance: a way to transmit the postulates of feminism as well as to denounce and make visible sexist violence. For this purpose, each of the gestures and movements are analyzed as the language used within the song.

Document analysis

Another essential part of my research is developed from the qualitative documentary analysis of secondary data, particularly literature and research related to gender/sexual violence, particularly against women and trans people in Chile, Colombia, and Argentina in the framework of the 2019-protests. The material will include press articles, web pages, reports, and studies from both state and private organizations. Document analysis is a way of obtaining unobstructive information on events that cannot be recorded in person, are difficult to follow up, or when more detailed information is needed.⁸⁶ This method supports to a great extent the

⁸⁴ Lazar, 91.

⁸⁵ Lazar, 91.

⁸⁶ Glenn A. Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal*, 2009.

analysis of the Argentine case since the fight for legal abortion has been a process of several years, and Argentine feminist activism has a long history and visibility in the region.

Finally, and to support the research, I will use secondary quantitative data. In this step, a collection of statistical data from governmental and non-governmental organizations (Ex Americas Barometer) will be carried out on gender and sexual violence, police brutality, social inequality, and women's public participation. The quantitative data analysis will allow to acknowledge the situation of women and the trans community in the target countries and corroborate issues as systematic gender violence.

3. Case studies

Throughout this chapter, three specific cases are analyzed within the framework of the protest movements organized in South America in the second half of 2019. Chile will be the first case to explore the gender violence committed during the social outbreak. I will thoroughly analyze the role played by stage actions of denunciation and feminist activism in the public space, such as the case of "a rapist on your way" from the LASTESIS group.

The second case to analyze is Colombia and the national strike. In this case, patterns of sexual violence by the state during the public marches of November 21 will be explored. Likewise, the role of feminist and trans activism in social networks during the days of social upheaval and the various ways in which art played a crucial role in social mobilization will be analyzed.

The third case analyzes the power of symbolism and dissemination in social networks of the Argentine feminist struggle for legal abortion and gender violence, especially systemic violence. The analysis will focus on the impact of the symbol of the green handkerchief feminist movements throughout Latin America.

3.1 “Un violador en tu camino” The case of Chile

Socio-political context

On October 4, 2019, members of the public transport experts board in Santiago de Chile rushed a series of measures to regulate the subway ticket cost. This measure increases the ticket cost in peak hours to 30 pesos leaving the trip at about 830 Chilean pesos (USD 1.17).⁸⁷ According to the experts, this rise corresponds to the fact that the dollar and electricity have risen in price, so the Metro and bus contracts are indexed to the dollar and electric power. Consequently, costs rise.

This measure had the rejection of citizens, many of whom expressed their non-conformity in social media networks through numerous posts and memes. In response, the economy minister Juan Andrés Fontaine in a sign of disconnection with Chileans' social reality, suggested in a press conference that people should get up earlier and take the subway at a non-peak time to benefit from the discount of the subway ticket.⁸⁸ The government announcement was the trigger that led a group of about 80 students from the National Institute to mobilize on social media and organized a spontaneous evasion.⁸⁹

⁸⁷ “Panel Expertos - Home,” accessed March 10, 2021, <http://www.paneldeexpertostarifas.cl/>.

⁸⁸ CNN Chile, *Fontaine: “Quien Madruga Puede Ser Ayudado a Través de Una Tarifa Más Baja” - 7 Octubre 2019*, 2019, <https://www.youtube.com/watch?v=nFO4zjFniso>.

⁸⁹ “Estudiantes del Instituto Nacional realizaron evasión masiva al Metro por alza en los pasajes,” BioBioChile - La Red de Prensa Más Grande de Chile, October 11, 2019, <https://www.biobiochile.cl/noticias/nacional/region-metropolitana/2019/10/11/estudiantes-del-instituto-nacional-realizaron-evasion-masiva-al-metro-por-alza-en-los-pasajes.shtml>.



FIGURE 2: SUBWAY EVASIONS

Daniel Barahona 2019

Source: <https://www.eldesconcierto.cl/fotoperiodismo/2019/10/18/fotos-desobediencia-civil-las-postales-de-la-evasion-masiva-en-el-metro.html>

"I consider evading a collective feeling in the city of Santiago, we have all asked permission, or we have entered by some of the back doors of them like, we jumped a tourniquet or talked to him or the guard of the validator, we passed the beep without having emergency balance or we have entered by the exit to the subway. Evade becomes a symbol and is written in every place we went in those days."⁹⁰

From this act of civil disobedience, on October 14, college and high school students organized a massive evasion of the entire public transport through social networks. From this moment, the evasions took much more force and were dispersed throughout Santiago. The students took several subway lines and the most important stations in the city. These acts led to several days of protests and demonstrations in the subway stations.⁹¹ The government, however, decided not to succumb and continues increasing costs of public transport.

In the following days, these demonstrations in the stations spread to the streets and the main squares. The students were joined by people of all origins, workers, women, civil society

⁹⁰Pinto Jorge, "Evade" Ivan Ojeda Pereira and Ricardo Marilaf, *Postales Del Estallido Social Chileno: Entre La Vivencia y La Memoria*, 2020, <https://doi.org/10.34720/wf41-1f06>.

⁹¹ "Cronología de los días antes del Estallido Social," *Primavera Chilena* (blog), December 22, 2020, <http://primaverachilena.cl/2020/12/22/cronologia-de-los-dias-antes-del-estallido-social/>.

groups, etc. The following figure from the survey "Pulzo ciudadano" in October 2018⁹² of the agency "Activa Research" shows how the protests had high public approval. About 83.6% of those surveyed in the days after the demonstrations stated that they agreed with the protest, while 6% stated that they disagreed. The survey also shows broad approval by almost all social-political sectors and citizen groups.



FIGURE 3: PUBLIC'S ATTITUDE TOWARD PROTEST IN CHILE

Source: Activa research

Although the president announced a few days later the measure's revocation, the protests did not cease. The ticket cost was not the main reason that led people to the streets, but instead, there was a series of social dissatisfaction that Chileans had accumulated for many years, and that came to light because of this measure. During the last fifteen years, Chile has remained one of the most prosperous countries in the region; its GDP per Capita is the highest in Latin America. In 2018 its GDP was around 300,000 million dollars, and its growth rate stood at 4.0%.⁹³ The truth is that these apparently favorable economic figures concealed a reality that was not so adjusted to the image of Chile in the region and the world. In the last 30 years, Chile

⁹² "Pulzo Ciudadano," *Somos Activa* (blog), accessed March 11, 2021, <https://chile.activasite.com/pulzo-ciudadano/>.

⁹³ Comisión Económica para América Latina y el Caribe, *Balance Preliminar de las Economías de América Latina y el Caribe 2018* (CEPAL, 2019), <https://www.cepal.org/es/publicaciones/44326-balance-preliminar-economias-america-latina-caribe-2018>.

has lived the neoliberal model instituted since the Pinochet dictatorship between 1973 and 1989, which led the country to an extreme privatization policy. This tendency reaches the point to privatize the country's water supply in Article 19, number 24 of the Political Constitution of Chile⁹⁴. Other public essential services like health, education, social security, among others, are also privatized.

Social discontent is clearly reflected in the previous survey results also conducted by "Pulso ciudadano" in October 2019.⁹⁵ It is striking that this graph lists several citizen concerns of which almost all of them show more of the 50 percent. According to this graph, the main motivations that led Chileans to manifest were low wages, high prices for essential services, lack of social security for the elderly reflected in the pension system, and the increased economic inequality.



FIGURE 4:PROTEST MOTIVATIONS

Source: Activa research

Of course, these factors are interconnected; for example, inequality of wages strongly correlates with education. Education in Chile is highly privatized. The students start from the very

⁹⁴ BCN Biblioteca del Congreso Nacional de Chile, "Historia Política," Text, bcn.cl (BCN. Biblioteca del Congreso Nacional de Chile, October 2020), <https://www.bcn.cl/historiapolitica>.

⁹⁵ "Pulso Ciudadano," *Somos Activa* (blog),2019, accessed March 11, 2021, <https://chile.activasite.com/pulso-ciudadano/>.

beginning of their studies to be in debt with the banks because they are forced to make loans to pay the high tuition fees. Chile is, therefore, one of the few countries where public education is liable to pay.⁹⁶

The education system in Chile implies that students finish their studies with a credit load that is often impossible to pay back with a recent graduate's salary. This situation is linked to the low minimum wage with respect to the high costs of living. For example, Chilean households' indebtedness in 2019 reached 75% of their total income, reflecting that Chileans may use credit to pay for almost all essential goods and services.

Therefore, all these factors were the triggers that led Chile to what was called the "Estallido social" (social explosion). However, different protests and public demonstrations, mainly of student and feminist origin, had already been presented before October 2019 (Mochilazo (2001), la Revolución de Los Pingüinos (2006), Marcha de Los Paraguas (2011); Ni una menos (2016); Ola Feminista o Mayo Feminista (2018))⁹⁷ even though it was 2019 when a social movement that integrated the majority of the Chilean population was consolidated.

Since the taking of the subway stations and the multiple evasions, the public protests continued for several days and weeks, conglomerating the Chilean population in squares and parks in different parts of Santiago and throughout the country. From the beginning of the marches in the streets, different artistic expressions were performed. Chileans expressed all kinds of citizens' demands in the streets, from claims to social inclusion and gender equity to the power elites' resignation. The music, the posters, the choreographies were part of the panorama during those days in Chile.

This phenomenon contrasted with the violence and repression that occurred after President Sebastián Piñera ⁹⁸ said in a press conference that the country was at war and under threat and decided to militarize the streets by ordering various curfews. According to a Human Rights

⁹⁶ "BBC Mundo - Noticias - ¿Por qué es tan cara la universidad en Chile?" (British Broadcasting Corporation), accessed March 12, 2021, https://www.bbc.com/mundo/noticias/2012/05/120515_chile_educacion_costo_protestas_vh.

⁹⁷ César Jiménez-Yañez, "# Chiledespertó: Causas Del Estallido Social En Chile," *Revista Mexicana de Sociología* 82, no. 4 (2020).

⁹⁸ Rocío Montes, "Chile decreta el estado de emergencia por las revueltas contra el precio del metro," *El País*, October 19, 2019, sec. America, https://elpais.com/internacional/2019/10/18/america/1571403677_862701.html.

Watch report issued in November 2019,⁹⁹ from the beginning of the protest in October and until November 21, the Chilean police (Carabineros) were involved in about 442 physical abuse cases, including injuries, cruel treatment, torture, sexual abuse, homicides, and attempted homicides.

Regarding the abuses, it is important to remark that those acts are often targeted to vulnerable groups of the population, such as women and LGTB+ people. According to the National Institute of Human Rights (INDH) of Chile, 93 people were victims of sexual abuse by state agents during the protests.¹⁰⁰ Likewise, in the report on the mission to Chile from November 30 to December 22, 2019, the UN Human Rights Act (OHCHR) has compiled close to 24 cases of sexual violence against women (14), men (6), and adolescent girls (3). Sexual violence reported to OHCHR included rape, threats of rape, degrading treatment (such as being forced to undress), homophobic or misogynistic comments, hitting or acts that cause pain in the genitals, and groping.¹⁰¹

The social outbreak will eventually trigger a process to draft a new constitution. For the first time and after more than 30 years, a change would occur in Chile's political constitution that had been immovable since the dictatorship. 78.3%, Chilean citizens, through a referendum held on October 25, 2020,¹⁰² voted in favor of a constitutional change. Likewise, it is important to note that a body was elected to draft the constitution composed of 155 citizens, selected on an equal basis between men and women.¹⁰³

⁹⁹ “Chile: Llamado urgente a una reforma policial tras las protestas,” Human Rights Watch, November 26, 2019, <https://www.hrw.org/es/news/2019/11/26/chile-llamado-urgente-una-reforma-policial-tras-las-protestas>.

¹⁰⁰ INDH, “Reporte General de Datos Sobre Violaciones a Los Derechos Humanos” (Chile: INDH, March 19, 2020), <https://www.indh.cl/bb/wp-content/uploads/2020/04/Reporte-INDH-19-de-marzo-de-2020.pdf>.

¹⁰¹ “OHCHR | UN Human Rights Office Report on Chile Crisis Describes Multiple Police Violations and Calls for Reforms,” accessed March 12, 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25423&LangID=E>.

¹⁰² “Plebiscito Nacional 2020 fue la mayor votación de la historia de Chile,” *Plebiscito Nacional +* (blog), October 26, 2020, <https://www.plebiscitonacional2020.cl/plebiscito-nacional-2020-fue-la-mayor-votacion-de-la-historia-de-chile/>.

¹⁰³ “Una Constitución Con Perspectiva de Género En Chile | Internacional | EL PAÍS,” accessed March 13, 2021, <https://elpais.com/internacional/2020-11-02/una-constitucion-con-perspectiva-de-genero-en-chile.html>.

Sexual violence

During the protests and reprimands by the carabineros (police), several events were concealed that were related to gender discrimination, and that had a significant component of sexual violence. Several cases were documented by different human rights organizations and various feminine and LGTB+ groups. ABOFEM, for example, documented and processed several cases of police abuse against women who experienced illegal detentions and subsequent abuses.¹⁰⁴ In an interview for VICE magazine, the lawyer Paula Peña described several of the episodes of sexual violence that were documented.

“We collected testimonies from victims and realized that the police protocol was very similar, even though it is not written. There was a differentiated violence directed towards women that included sexual violence. All the women related the same thing: when they were taken into custody, they touched their genitals, their breasts, they shouted whores, maracas. During the arrests, many were left naked when they tried to escape. Under these conditions, they would arrive at the police stations, where they were taken to a bathroom, usually open, or to the patio, and were stripped naked and forced to do squats. In some cases, they even checked their vaginas with flashlights.”¹⁰⁵

According to the report of the OHCHR, 1,300 women and 180 girls were detained by the Chilean police. Among these, 525 women reported some type of violence against them.¹⁰⁶ In general, as documented in the complaints, this violence involved sexist and derogatory language, unworthy treatment, rape, physical and psychological torture.

This same type of violence was experienced by members of the LGBT + community who were subjected to torture and sexual violence due to their sexual identity. The report documents several cases, such as that of Mauricio, 29, from Temuco, He is a member and activist of a group that advocates for LGTB + rights. According to his account, “the police threw Mauricio

¹⁰⁴ “ABOFEM | ‘Nos cuidamos entre todas’: abogadas feministas entregan asistencia jurídica a la población en medio de protestas,” accessed April 5, 2021, <https://abofem.cl/2019/10/23/nos-cuidamos-entre-todas-abogadas-feministas-entregan-asistencia-juridica-a-la-poblacion-en-medio-de-protestas/>.

¹⁰⁵ “La tortura sexual de la policía chilena contra las mujeres que se manifiestan,” accessed April 5, 2021, <https://www.vice.com/es/article/dy8g7q/la-tortura-sexual-de-la-policia-chilena-contra-las-mujeres-que-se-manifiestan>.

¹⁰⁶ “OHCHR | UN Human Rights Office Report on Chile Crisis Describes Multiple Police Violations and Calls for Reforms.”

to the ground, pushed his face to the ground, and one of the police officers proceeded to kneel on his head. While this was happening, Carabineros used homophobic insults.”¹⁰⁷

Performance “un violador en tu camino” (a rapist on your way)

In response to these acts of gender and sexual violence, several groups of women demonstrated in the streets and through social networks. Within these denunciations and feminist activism, the LASTESIS, a feminist group from Valparaiso, organized a public demonstration in Aníbal Pinto Square on November 20, 2019. The event was published on their Facebook page¹⁰⁸ (see the link below), and some other posts were shared on their Instagram profile. Social networks served as platforms to spread these messages but also to summon the community to join the public demonstrations, as we can see in the following image that make a public call to participate in the performance. This image uses a varied palette of colors in which we can observe several sportswomen in the background. This image can be related to the sense of belonging to a team and the fight for the same ideals. In this same photo appear the date, time, and place where the performance will take place.



FIGURE 5: PERFORMANCE INVITATION POST-INSTAGRAM

Source: @lastesis

¹⁰⁷ “OHCHR | UN Human Rights Office Report on Chile Crisis Describes Multiple Police Violations and Calls for Reforms.”

¹⁰⁸ “LASTESIS - Posts | Facebook,” accessed April 5, 2021, https://www.facebook.com/colectivo.lastesis/posts/106291037519264?comment_id=116452823169752.

The Performance, "a rapist on your way," was initially born as a theatre production that wanted to denounce sexual violence, especially rape. It was created by the interdisciplinary feminist collective LASTESIS, made up of Dafne Valdés and Sibila Sotomayor, Paula Cometa, and Lea Cáceres, who have a background in performing arts, design, and social sciences.¹⁰⁹ The idea of the performance was to integrate the feminist postulates on gender violence from Rita Segato¹¹⁰ into the practical scene.¹¹¹ However, after the acts of violence that occurred during the protests, the collective decided to launch it within a public demonstration framework.

The song's lyrics are born from the construction and criticism of the state through the resignification of the symbolism used by the Chilean police in their institutional motto. For example, the song title "a rapist on your way" refers to the institutional slogan "a friend on your way"¹¹² used as a campaign for safety on the roads by police forces in the 1980s. Rather than paraphrasing this slogan, what can be analyzed is the insinuation that the obligation that lies on the police to protect citizens has been set aside to become a dangerous agent capable of inflicting harm.

A rapist in your way (LASTESIS group 2019)

*The patriarchy is a judge
that judges us for being born
and our punishment
Is the violence you do not see.*

*The patriarchy is a judge
that judges us for being born
and our punishment
Is the violence that I have seen.*

*It is femicide.
Impunity for the killer.*

¹⁰⁹ "Las Tesis sobre 'Un violador en tu camino': 'Se nos escapó de las manos y lo hermoso es que fue apropiado por otras,'" *BBC News Mundo*, accessed April 5, 2021, <https://www.bbc.com/mundo/noticias-america-latina-50690475>.

¹¹⁰ Rita Laura Segato, "La Guerra Contra Las Mujeres," *Política y Sociedad* 55, no. 2 (2018): 639–43.

¹¹¹ Vanessa East Carrasco and Anastasia María Benavente, "Colectivo Las Tesis. 'Y La Culpa No Era Mía Ni Donde Estaba Ni Como Vestía. El Violador Eres Tú,'" *Nomadías*, no. 29 (2020): 331–43.

¹¹² Noelia Figueroa Burdiles, "Comunicación Feminista y Arte Performático: El Proyecto Político Del Colectivo Lastesis," *Nomadías*, no. 29 (2020): 257–79.

It is disappearance.

It is rape.

And the fault was not mine, not where I was, not how I dressed

And the fault wasn't mine, not where I was, not how I dressed

And the fault wasn't mine, not where I was, not how I dressed

And the fault wasn't mine, not where I was, not how I dressed.

The rapist is you.

The rapist is you.

It is the cops,

The judges,

The state,

The president.

The oppressive state is a rapist.

The oppressive state is a rapist.

The rapist is you

The rapist is you

“Sleep calmly, innocent girl

Without worrying about the bandit,

Over your dreams smiling and sweet,

watches your loving cop.”

The patriarchy is a judge that judges us for being born; The patriarchal gender system is seen as an omnipresent structure in the lives of women from birth where a biological gender is assigned, so they are categorized in a binary system. This system is nothing more than a system of power relations that acts as a judge since the judge determines the position of women within societies. This position is determined by social class, gender, race, socio-economic level, and territoriality. Therefore, the woman's body is one more possession of the state on which it can judge, command, or legislate.

Dance: Arms are kept loose at the sides while marching in place; This gesture is related to how women and dissidents such as the LGTB+ population are subjected to maintaining a sexual and gender uniformity while there is no room for other ways of inhabiting the body and society. Likewise, an allusion is made to the carabinieri's march to the military language, which establishes the mandate always to maintain a stable order and the status quo.

(...)and our punishment is the violence you do not see. (...) and our punishment is the violence that have seen. This part of the song refers to the consequences of the patriarchal system that led to the gender violence that is invisible, this kind of violence that we cannot see with the

naked eye, the one that is experienced within the family. Generally, when the aggressor is a family member or a partner, violence is usually disabled in the community. According to ECLAC's Gender Equality Observatory, in most Latin American countries, two out of three femicides occur in the context of relationships with a partner or ex-partner.¹¹³ The song also refers to the violence that we can see; this could be described as the public violence, which happens every day in the streets, the sexist violence that exists in language, and that normalized, for example, in the discourse of the mass media.

It is femicide. Impunity for the killer. It is disappearance. It is rape; The song points out that the structure present in societies like Chile and other Latin American societies allows that femicides and different ways of violence as rape and disappearance to happen. Violence against women and other dissidents as the trans community is often normalized within patriarchal and traditional societies. For Rita Segato (2018), these acts of rape are related to an act of power; in her opinion, “rape is not an anomaly of a lonely subject. It is a message of power and appropriation pronounced in society.”¹¹⁴

According to a comparative analysis of population-based data from twelve countries in the Latin American region in 2012, 1.1 million girls between the ages of 15 and 19 have experienced some type of sexual violence or any other forced sexual act¹¹⁵. Likewise, at least one in three women have suffered physical and/or sexual violence at some point in her life. However, these data must be analyzed with caution, although the numbers could be alarming: sexual violence and especially rape are crimes in which the victims rarely report. If they do, they are faced with long and tortuous processes that tend to revictimize women. Access to justice, to a fair and dignifying process for the victims, is thus one of the factors that generally lead to impunity for the perpetrators of these crimes.

¹¹³ Observatorio de Igualdad de Género, “Muerte de Mujeres Ocasiónada Por Su Pareja o Ex-Pareja Íntima,” Text, Observatorio de Igualdad de Género, January 11, 2016, <https://oig.cepal.org/es/indicadores/muerte-mujeres-ocasionada-su-pareja-o-ex-pareja-intima>.

¹¹⁴ Segato, “La Guerra Contra Las Mujeres.”

¹¹⁵ Sarah Bott et al., “Violence against Women in Latin America and the Caribbean: A Comparative Analysis of Population-Based Data from 12 Countries,” 2012.

Dance: hands are placed behind the head, and then knees are bend, lowering down to a sitting position, then Straighten back up and repeat.

As mentioned before, women and members of the LGTB community were arrested and tortured during the protest. Some of those acts of torture and degrading treatment involve police abuse by forcing women and minors who were detained in police stations to be naked in front of the policemen and perform squats. During the choreography, while singing *Its femicide. Impunity for the killer. It is disappearance. It is rape.* A squad is performed to denounce and make visible what happened within the polices stations and the impunity of those acts.



FIGURE 6:WOMEN IN A SQUAT POSITION

Mila Belén @mila.belen_

Source: <https://www.vice.com/es/article/dy8g7q/la-tortura-sexual-de-la-policia-chilena-contras-las-mujeres-que-se-manifiestan>

And the fault was not mine, not where I was, not how I dressed(x4). This part is particularly a very important statement regarding the revictimization and indictment that is generally made to the victim of sexual violence. Women are usually questioned and blamed for leading men to commit violent acts against them. During investigations of cases of harassment, for example, victims are questioned about their dress, whether it was provocative or not. Or in the case of rape, it is questioned whether the woman had ingested alcohol or other drugs. The dress code used during the performance also refers to this complaint that judges women by their way of dressing. For this reason, the women are encouraged to wear a glam dress code during the performance and also blindfolds to represent those injured in the protests by the police.

Likewise, women's appearance is condemned in public spaces considered masculine and becoming taboo and exclusionary places. As mentioned above, in the case of protests, the pre-established social order sees women and dissidents' presence as an affront to the natural order. It legitimizes de facto means for the reestablishment of that order through various types of gender violence.

The rapist is you. The rapist is you. It is the cops, The judges, The state, The president.

The difficulty of women to point out their aggressors is made manifest in this section of the song. Perhaps the most moving part of the performance since it is accompanied by a gesture when pointing with the finger. This gesture has a tremendous symbolic and meaningful charge because it empowers women by verbalizing what could have been a personal trauma. Likewise, it shows that societies have normalized toxic masculinities where men are rewarded for having aggressive and dominant behaviors. That's the reason why the song points to men in power (the cops, the judges, or the president) as a symbol of unequal relations between men and women and the occurrence of violence related to gender and power relations.



FIGURE 7:EL VIOLADOR ERES TU

Patricio de la rosa Bórquez @phpato_

Source: *Postales Del Estallido Social Chileno: Entre La Vivencia y La Memoria*, 2020,

The oppressive state is a rapist. The oppressive state is a rapist. The oppressive state refers to the fact that gender violence is systemic and structural. It includes public policies that continue to be discriminatory for various sectors of the population and that widen the gender gap. The discriminatory policies have their origin in the colonial matrix. Later in development, policies in which, as well as resources are appropriated, female bodies are objectified and can be captured by appropriation. Moreover, the State, together with neoliberal logic, has promoted an economic system that has used the exploitation of the woman's body, its reproductive capacity, for the accumulation of capital.¹¹⁶

*“Sleep calmly, innocent girl
Without worrying about the bandit,
Over your dreams smiling and sweet,
watches your loving cop.”*

The last part of the performance ends with a verse that belonged to the Chilean police's institutional anthem. This verse is an irony of the state's unfulfilled duty to protect citizens and provide guarantees, dignified treatment, and justice to the population, especially towards vulnerable groups.

3.2 #25N Day of Non-Violence against Women in Colombia

Background

Although there have been significant strikes in recent years in Colombia headed by peasants, students, teachers, or workers unions, it was not until November 21, 2019, when the National Strike became an unprecedented event in Colombia's recent history. The strike was initially organized by different sectors of Colombian society, such as university students, the Colombian Federation of Educators (Fecode), the Central Unitary of Workers (CUT), and the Pensioners' Confederation. These protests and marches took place in the streets of Bogota and were joined

¹¹⁶ Silvia Federici, *Calibán y La Bruja: Mujeres, Cuerpo y Acumulación Originaria* (Madrid: Traficantes de Sueños, 2004., 2004).

by different factions of the Colombian society, students, women, Afro, indigenous, LGBT + community peasants, artists.

The reasons that brought millions of people to the streets were diverse, but in general, people were expressing their disagreement with the social situation in the country and the nonconformity with the public policies of the government of President Iván Duque Marquez, who was driving a so-called “neoliberal package” that imply a tax reform, pension reform and labor reform. The pessimism around old-age assistance is reflected in the following survey made in December 2019 by the Gallup poll ¹¹⁷ that discusses the possible pension reform. Regarding the question, whether Colombia is improving or worsening in terms of assistance to the elderly, the pessimism shot up from 55 to 69 percent in just four months.

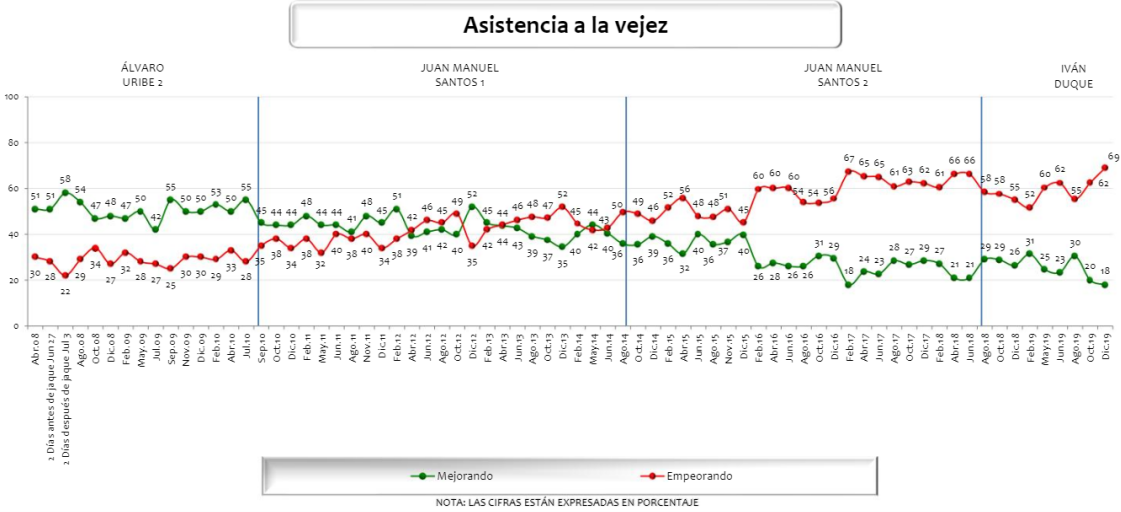


FIGURE 8:PUBLIC'S ATTITUDE TOWARD OLD-AGE ASSISTANCE

Source: Invamer

Likewise, Colombia is also one of the most unequal countries in Latin America, where the income gap is increasingly wide and social mobility decreases. According to the Regional Development Index for Latin America (IDERE LATAM), Colombia is a country that presents significant gaps of internal inequality.¹¹⁸ Major social challenges arise from the centralization

¹¹⁷ “Gallup #134 Diciembre 2019,” issuu, accessed March 15, 2021, https://issuu.com/damg22/docs/051500190000_poll__134/1.

¹¹⁸ “IDERE LATAM | Índice de Desarrollo Regional,” accessed March 15, 2021, <http://www.iderelatam.com/>.

of the country and the marginalization of rural areas. This is coupled with the informality of the jobs that are created and an unequal distribution of income. According to the OECD report “A Broken Social Elevator? How to Promote Social Mobility” in 2018, a child will have to wait for eleven generations to get out of poverty in Colombia.

For young people, the challenges are even harder; according to an estimation of the DANE between April and June 2019, young women were the most affected group by the lack of job opportunities. The female youth unemployment rate was 11.6 percentage points (pp) above the national average, which was 10.1%.¹¹⁹ The following graph from a DANE report in 2029¹²⁰ establishes how young women are more affected by unemployment than men in Colombia. The widest gaps can be seen for age groups 18-24.

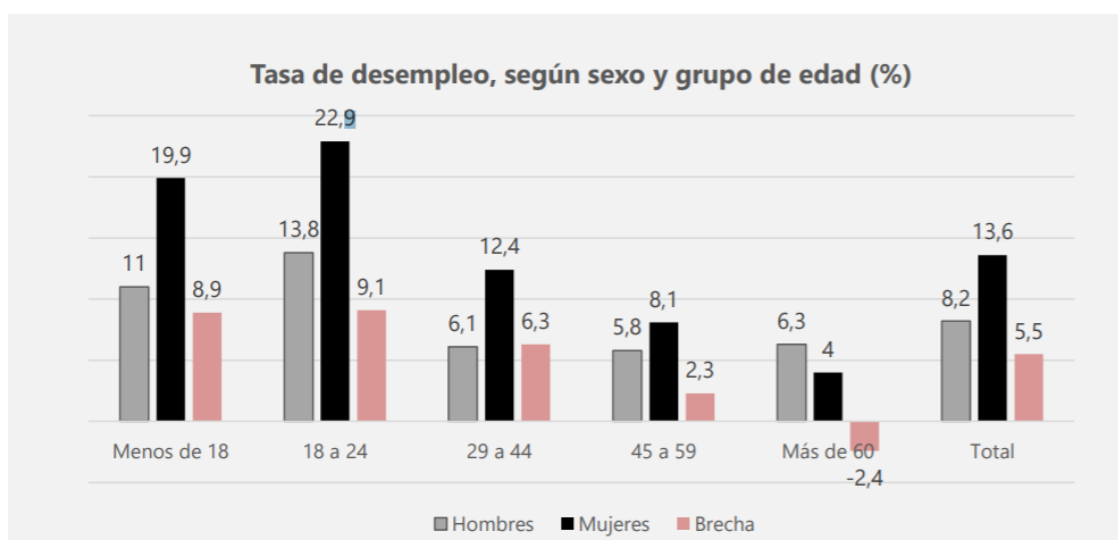


FIGURE 9: YOUTH UNEMPLOYMENT RATE BY GENDER IN COLOMBIA

Source: Dane 2019

From the peace agreement between the guerrillas of the FARC-EP and the government, Colombia has undergone a process of change at the social and political level in the last years.

¹¹⁹ DANE, “Mercado Laboral Según Sexo Trimestre Abril - Junio 2019,” Boletín Técnico, Gran Encuesta Integrada de Hogares (GEIH (Colombia: DANE, de agosto de 2019), accessed March 15, 2021 https://www.dane.gov.co/files/investigaciones/boletines/ech/ech_genero/bol_eje_sexo_abr19_jun19.pdf.

¹²⁰ COMISIÓN LEGAL PARA LA EQUIDAD DE LA MUJER, “PARTICIPACIÓN DE LAS MUJERES COLOMBIANAS EN EL MERCADO LABORAL” (Colombia: DANE, ABRIL 2020), <https://www.dane.gov.co/files/investigaciones/genero/informes/Informe-participacion-mujer-mercado-laboral.pdf>.

Although in the years before the peace agreement, the national political agenda oriented towards the war against the guerrillas. Now, in the post-conflict age, the fog that the war brings has cleared up and has allowed the population to debate and identify other problems. And the reason is that the war was used for many years in Colombia as a smokescreen to divert attention from the structural issues that Colombian society has experienced.

In fact, one of the reasons that bring people to the streets was the poor implementation of the peace process and the persistent warmongering policy of the new government of Ivan Duque. One fact that shocked the entire country was that in November 2019, eight children were killed in bombardment by the army in the department of Caquetá in the south of the country.¹²¹ A group of FARC dissidents had forcibly detained these children, and the government knew that they were missing in the area.¹²² Despite this, the bombing occurred, and later they wanted to hide the details of the operation. This led to the resignation of the then Minister of Defense days after what happened was known. Added to this is the upsurge in violence and the systematic murder of social and environmental leaders and human rights defenders. According to INDEPAZ¹²³, Since the Peace Agreement between the National Government and the FARC - EP was signed in 2016 until September 2019, 666 social leaders and Human Rights defenders have been murdered in Colombia.

This situation is much more dangerous for regional and territorial leaders in remote places of the country and has less access to justice and protection measures from the state. According to the same study of INDEPAZ, 468 homicides were committed against leaders of peasant communities, indigenous, Afro-descendant, environmental, and community organizations. Agrarian conflicts over land, territory, and natural resources are the causes of almost 70.27% of all homicides.¹²⁴

¹²¹ Casa Editorial El Tiempo, “Secretos del bombardeo que mató a 8 niños y cobró la cabeza de Botero,” El Tiempo, November 9, 2019, <https://www.eltiempo.com/unidad-investigativa/asi-fue-el-bombardeo-en-el-que-murieron-8-ninos-en-caqueta-432146>.

¹²² “Yo Ya Había Denunciado Que En El Bombardeo Murieron Tres Niñas: Personero de Puerto Rico | EL ESPECTADOR,” accessed March 15, 2021, <https://www.elespectador.com/noticias/judicial/yo-ya-habia-denunciado-que-en-el-bombardeo-murieron-tres-ninas-personero-de-puerto-rico/>.

¹²³ Indepaz et al., “INFORME ESPECIAL – VIOLACIÓN A LOS DERECHOS HUMANOS EN TIEMPOS DE PAZ” (Colombia, September 2019), <http://www.indepaz.org.co/informe-especial-violacion-a-los-derechos-humano-en-tiempos-de-paz/>.

¹²⁴ Ibid.

Women and Transgender women are the most vulnerable groups within this spectrum of violence. These attacks are a consequence not only of their work as social leaders and human rights defenders; rather, they have a sexist motivation, which is aimed at committing acts in which the woman's body is used as an example or message to the community. Attacks against women, unlike men, for example, would seek punishment, so there is frequent use of torture and sexual violence and a more significant number of attacks against their families.¹²⁵

In the case of violence against women between November 24, 2016, and September 8, 2019, 14.56% of homicides were carried out against women. These numbers have increased since the Government of Ivan Duque Marquez's in 2019, standing at 16%.¹²⁶

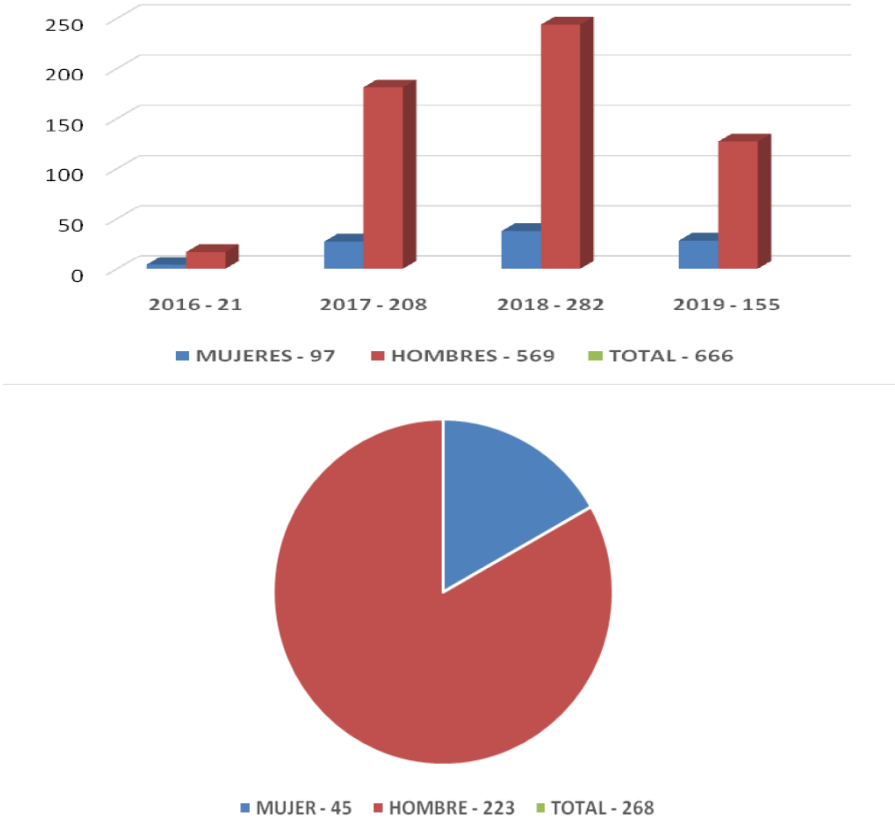


FIGURE 10: MURDERS OF SOCIAL LEADERS IN COLOMBIA SINCE THE PEACE AGREEMENT

Source: INDEPAZ

When discussing certain populations' fragility, we must consider the complexity of violence cases against women and LGTB+ groups in Colombia. Within the category of women and when

¹²⁵ Paola Hurtado et al., "Lideresas Sociales en Colombia:," n.d., 26.

¹²⁶ Ibid.

speaking of trans women, we must be aware that there are various levels of oppression and vulnerability due to issues of race, ethnicity, socioeconomic status, and territoriality. The situation is not the same for a middle-class feminist leader in Bogotá as it is for an indigenous activist in Nariño, in southern Colombia, where there is still an armed conflict.

The protests in Colombia lasted for more than fifteen days in which different important events took place that have to be highlighted in the context of this investigation. On the first day of the strike, the marches spread along the main streets and reached the Plaza de Bolívar in Bogotá's historic center. There, violent acts occurred by some hooded men (Encapuchados), which led to confrontations with the ESMAD (anti-riot police force). That night the first “cacerolazo”¹²⁷ in the history of Colombia took place.¹²⁸ People from their homes, balconies, and in various locations in the most important cities took out pots and pans to ask for a change in government policies.

On November 22, the demonstrations and cacerolazos continued. Violent acts were reported in Bogotá and other cities in the country, such as Cali and Buenaventura. Therefore, the government declared a curfew, a ban on the sale of liquor, and the militarization of Bogotá. In the night, fake news about looting and robberies in residential complexes were circulated¹²⁹ in order to generate an atmosphere of fear among the population and keep people in their homes and prevent them from going out into the streets.

On November 23, and in response to the acts of violence, the citizens convened a demonstration directed towards the Plaza de Bolívar, in the center of Bogotá. The march was repressed and violently interrupted by ESMAD. That day, the eighteen-year-old high school student Dilan Cruz was injured by a blow on the head with a Bean bag-type projectile, fired by a gauge shotgun by a member of ESMAD. Dilan Cruz died the next day and became one of the symbols of the disproportionate violence experienced by many protesters during the marches.¹³⁰ Some

¹²⁷ Cacerolazo is a form of popular protest which consists of a group of people making noise by banging pots, pans, and others utensils in order to call for attention.

¹²⁸ “[PODCAST] Cacerolas: Un Paisaje Sonoro Del Paro Nacional - Cerasetenta,” accessed March 16, 2021, <https://cerosetenta.uniandes.edu.co/cacerolas-podcast/>.

¹²⁹ Casa Editorial El Tiempo, “Persisten las dudas sobre caos que llevó a toque de queda en Bogotá,” El Tiempo, August 20, 2020, <https://www.eltiempo.com/bogota/toque-de-queda-persisten-las-dudas-sobre-el-caos-en-las-protestas-del-ano-pasado-en-bogota-531642>.

¹³⁰ “Dilan Cruz, Colombian Teenager Injured by Police Projectile, Dies - BBC News,” accessed March 16, 2021, <https://www.bbc.com/news/world-latin-america-50557496>.

days later, more than one hundred members of the Indigenous Guard of Cauca (Minga indígena) arrived in Bogotá to join the protests and denounce the violence in their territories and murder of social leaders.¹³¹ In a multicultural and diverse country that has historically marginalized the indigenous population, indigenous people's presence in the protests and diversification of the social movement was of great importance.

25N Day of Non-Violence against Women in Colombia

On November 25, within the framework of the Day of Non-Violence against Women, thousands of women met in the streets of Colombia's main cities.¹³² On this particular day, marches and events are organized worldwide, especially in Latin America, to denounce the violence that is used against women and raise the voice for the change in public policies. The protest built on a tradition of the Latin American feminist movements recalling the date on which the three Mirabal sisters (Patria, Minerva, and María Teresa) were assassinated in the Dominican Republic by orders of the dictatorship of Rafael Leonidas Trujillo in 1981.¹³³ In 2019, this event coincided with a social upheaval, turning this day into a notorious moment. However, many feminist groups, activists for women's rights, and LGTB+ groups have had a fundamental role and great trajectory in Colombia's public debate. Through the strike in 2019 and the demonstrations, many feminists and LGTB+ initiatives have gained visibility as a political movement. Women's participation in the national strike was one of the most outstanding moments that became visible within the marches in the streets and public squares. The involvement of women with different backgrounds, afro-Colombian, indigenous, peasants, trans, lesbians, sexual workers, among others, was remarkable.

The National Women's Network initially convoked the November 25 march; this is an alliance of various social organizations of women and independent women that work for the integral

¹³¹ “La Minga Indígena Le Dio Un Respiro al Paro | ¡PACIFISTA!,” accessed March 16, 2021, <https://pacifista.tv/notas/paro-colombia-indigenas-minga/>.

¹³² “En Bogotá, Las Calles También Son de Las Mujeres: Convocan Marcha Contra La Violencia de Género | EL ESPECTADOR,” accessed March 16, 2021, <https://www.elespectador.com/noticias/bogota/en-bogota-las-calles-tambien-son-de-las-mujeres-convocan-marcha-contra-la-violencia-de-genero/>.

¹³³ United Nations, “International Day for the Elimination of Violence against Women,” United Nations (United Nations), accessed April 7, 2021, <https://www.un.org/en/observances/ending-violence-against-women-day>.

realization of human rights with a feminist approach in Colombia.¹³⁴ For the call, organization, and socialization of this event, social networks were one of the fundamental tools for the dissemination of protest material but also as a means for the dissemination of feminist discourse and social demands.

As shown in figure 10, the demonstrations' calls were launched through Facebook and shared on other platforms. Through these channels, the time and place where the march will take place were shared. Likewise, following the Chilean and Argentine trends, the women used a series of symbols and costumes displayed both on the platforms and in the streets during the protest.



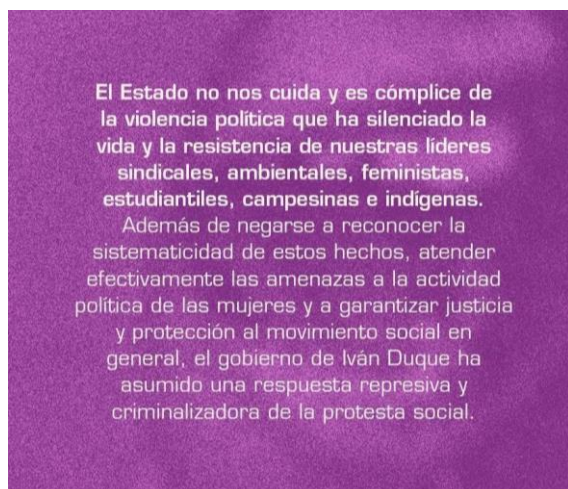
FIGURE 11:FACEBOOK EVENT 25N BOGOTA

Source: <https://www.facebook.com/events/2148673748762333>

Considering the political situation, the feminist movement, the women groups, and dissidents who participated in the protests created a thematic axis around three central points: #EIEstado NoMeCuida #EIEstadoEsComplice and #SomosUnRostroColectivo (the state does not take care of me, the state is an accomplice, and we are a collective face). These aspects were reproduced and materialized in hashtags, memes, posters, banners, and different artistic manifestations and performances.

¹³⁴ Red Nacional de Mujeres, “Cero Violencia Contra las Mujeres,” accessed April 7, 2021, <http://www.rednacionaldemujeres.org/index.php/2015-03-25-19-09-43/cero-violencia-contra-las-mujeres>.

“El estado no nos cuida ““The state does not take care of us.”



“The state does not take care of us and is an accomplice in the political violence that has silenced the life and resistance of our union, environmental, feminist, student, peasant, and indigenous leaders. In addition to refusing to recognize these events' systematic nature, to effectively address threats to women's political activity and guarantee justice and protection to the social movement in general, the government of Ivan Duque has assumed a repressive and criminalizing response to social protest.”

FIGURE 12: MOTIVATIONS 25N

SOURCE: @somosunrostrocolectivo

As we saw in the first chapter, the state must guarantee the fundamental right to free association and free expression; it must also provide all the guarantees for protecting vulnerable groups and their rights. In the case of women and dissidents, the Colombian state has failed to guarantee security for these groups' participation in protests and public demonstrations. In fact, the guard that the police must carry out during a public protest has turned on many occasions in violent reprimands that usually replicates the systemic discrimination and the hetero-patriarchal violence.

The encounters with the police are, of course, a factor that must be seen from a gender perspective since the violence suffered by women or the trans community by the public force is a differentiated violence from that suffered by men. According to the TEMBLORES NGO, within the accusations of sexual violence reported in the years 2017 to 2019 by the police, 80.4% of the victims are women, with a total of 82 cases, while men occupy 19.6%, with 20 cases.¹³⁵

Here must be considered other factors of; vulnerability, sexual orientation, race, territoriality, and socioeconomic status could also play a fundamental role in populations that are more

¹³⁵ Observatorio de Violencia Policial, “Bolillo Dios y Patria” (Temblores ONG, 2020), <https://issuu.com/temblores/docs/bolillo-dios-patria-digital>.

threatened by suffering physical violence. As mentioned in previous chapters, gender is not the only category to analyze the problem of sexual violence; other levels of oppression and power categories are present when we try to understand the common causes of this phenomenon in public spaces, especially in the case of protest.

In Colombia, given the situation in the last 50 years regarding the armed conflict with one of the oldest guerrillas in the world, the political and social agenda has been oriented towards the war against illegal armed groups. This happened to a greater extent during Alvaro Uribe Velez's term when a government program dubbed democratic security was implemented. This agenda, although managed to destabilize the FARC.EP did not manage to consolidate its surrender or disarmament only until the second term of Juan Manuel Santos's government, which achieved the signing of the peace agreement. On the contrary, consolidate a state policy oriented towards the stigmatization of the left social groups and human rights activists. This ideology is in part one of the reasons why today there is a systematic murder of social leaders in Colombia.

In relation to the acts of violence committed by the Police against women, the following graph shows how female students, drug users, street vendors, and black women were the most affected during the last three years.

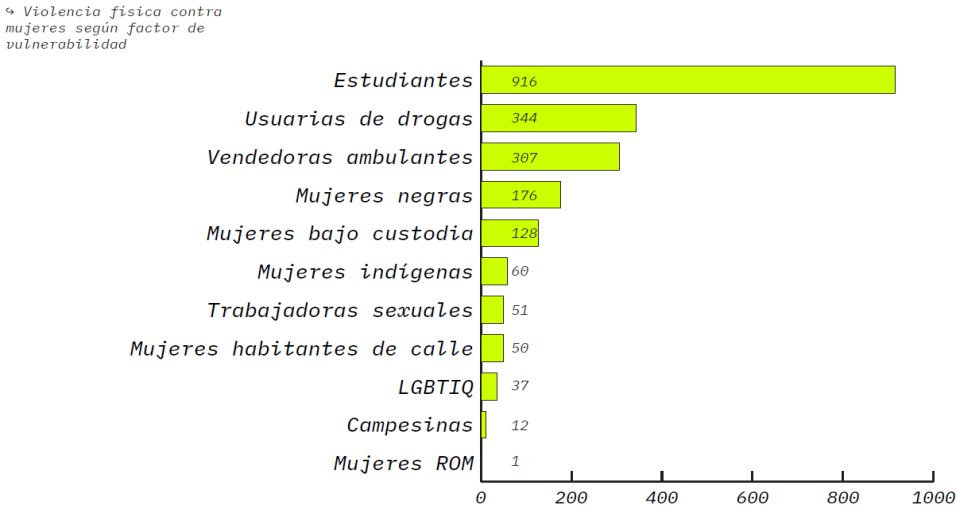


FIGURE 13:PHYSICAL VIOLENCE AGAINST WOMEN ACCORDING TO VULNERABILITY FACTOR

Source: “Bolillo Dios y Patria” (Tembloros ONG, 2020),

Within the framework of this state policy, social protest has been one of the targets of this policy. Those who participate in it have been victims of control and stigmatization. As maintained by TEMBLORES ONG, historically, young people have been the object of particular stigmatization (referred to with derogatory terms such as “revoltosos,” “throw stones,” etc.) and over which a policy of surveillance and control by the public force has been legitimized.¹³⁶

Thereby, “the state does not take care of us” is a public statement from the most vulnerable persons in social movements, generally young women, students, black and indigenous women who attempt to raise their voices about the acts of violence perpetrated by the government agents. Moreover, it is understood that for many of them, the state's protective role is non-existent, but on the contrary, it has turned oppressive.

For this purpose, social media plays a pivotal role in spreading this kind of resonant messages and has an enormous significance in creating a collective identity among the participants of the protest of the 25N. These messages were transmitted in all kinds of banners and shared on different social platforms. Mainly, Instagram was used for women and movements to share and spread various statements during the protests. The following are just some examples of how women appropriate and generate a public discourse around the thematic “the state does not take care of me.”



Figure 14:who takes care of me from the police?

Source: @ siniestraterquedad

¹³⁶ Observatorio de Violencia Policial.



Figure:15 State doesn't take care of me.

Source: @itamaria83

Many of the images that have been shared through Facebook, Instagram, and Twitter as protest material also include support, help, and care networks. As can be read in figure 13, since the state has breached its duty of care, now this is transferred to the women who in turn take care of each other "the state does not take care of me, my friends take care of me." Likewise, some other posts offer women legal advisory services in case of illegal arrests, information on what to do in the face of confrontations with the police, as well as general recommendations to attend a protest.



FIGURE 16: A PRACTICAL GUIDE TO GO TO PROTEST.

Source: @lalenguaenelcaldero

“El estado es cómplice” “the state is accomplice.”

Another of the central axes of feminist mobilizations in Colombia is impunity in cases of sexual violence and femicides. Especially in cases of sexual violence, access to justice for women is lacking. In the first place, rape entails, apart from the personal psychological trauma, a series of social repercussions for the victim that generally include accusations, family and social rejection, and marginalization, especially in traditional and conservative societies where the alienation of the rape victim is generated.

Impunity in crimes of sexual violence has, among other causes, the difficulty that victims have in reporting their aggressor. It is usual for acts of sexual violence to be perpetrated by family members, a close person, or a superior in a power relationship; due to this, the victims tend not to report their aggressor or delay the complaint because of fear of reprisals or coercion. Furthermore, the prevalence of few guarantees in the judicial process of the crime of sexual violence where women are often subjected to a revictimizing process¹³⁷. When one is a victim of this crime, the process must begin with a medical examination that is usually doubly torturous for the woman. She must face an interrogation in which she is generally questioned and revictimized. These processes are long and painful and rarely lead to a conviction for the aggressors.

According to the rapporteur on the rights of women of the Inter-American Commission on Human Rights (OAS), In several Latin American countries,

“There is a pattern of systematic impunity in the judicial process and in the actions surrounding cases of violence against women due to the fact that the vast majority of these cases lack an effective investigation, sanction, and reparation. The impunity of these rights violations perpetuates the social acceptance of the phenomenon of violence against women, the feeling of insecurity in women, as well as a persistent distrust of these in the justice administration system. These deficiencies translate into a still minimal number of oral trials and convictions that do not correspond to the prevalence of the problem.”¹³⁸

¹³⁷ “El ABC imposible para denunciar una violación en Colombia,” Cerosetenta, February 21, 2018, <https://cerosetenta.uniandes.edu.co/el-abc-imposible-para-denunciar-un-abuso-en-colombia/>.

¹³⁸ “Acceso a La Justicia Para Las Mujeres Víctimas de Violencia En Las Américas,” accessed April 9, 2021, <http://www.cidh.org/women/acceso07/cap2.htm>.

Impunity is even more recurrent when the cases involve state agents in which the processes tend to be shelved or delayed for several years. One of the most notorious cases in Colombia is Jineth Bedoya¹³⁹, a journalist who was kidnapped at the entrance to the Modelo prison in Bogotá in 2012, where she was at that time investigating corruption and irregularities within the prison. Her kidnapping and subsequent rapes were an intimidation mechanism and a message for other journalists investigating government institutions. Rape was therefore used as a weapon of war, as a mechanism of terror and persuasion. Her process has taken more than eight years, in which the victim had to give her version more than twelve times and be revictimized. In her process, only two material actors were convicted, although the investigation concluded high-ranking military personnel was involved. She likewise was questioned for doing her journalistic work in a prison, and even though she had already denounced threats, she did not receive adequate status protection.

This is one of the emblematic cases of how Colombian justice fails in its duty and diligence in preventing, investigating, and punishing acts of sexual violence. However, the situation for specific communities that have historically been vulnerable due to the armed conflict and socio-political violence, impunity is much more recurrent. These types of violence have particularly impacted indigenous communities, Afro-Colombian girls, and women, and their rights have been violated historically violate in many ways.

According to Amnesty International, indigenous women suffer multiple forms of discrimination, as they are discriminated against because of their ethnicity, their gender, and their socio-economic condition. Likewise, Indigenous women who seek help or who report crimes of sexual violence face additional obstacles, such as the absence of translators, lack of understanding of their culture, difficulties in obtaining official assistance¹⁴⁰. Furthermore, the military's significant presence in the areas where they live is related to the fact that they tend to be intimidated and coerced.

¹³⁹ Corte Interamericana de Derechos Humanos, *Audiencia Pública. Caso Bedoya Lima y Otra Vs. Colombia. Parte 2*, 2021, <https://www.youtube.com/watch?v=tfdVfBMVAUo>.

¹⁴⁰ Amnistía Internacional, “Eso El Lo Que Nosotras Exigimos Que Se Haga Justicia. Impunidad Por Actos de Violencia Sexual Cometidos Contra Mujeres En El Conflicto Armado de Colombia” (Madrid: Amnistía Internacional, 2011).



FIGURE 17: EMBERA CHAMI GIRL

Source: unknown

Just as there are vulnerability and discrimination against women because of their ethnicity and race, women's bodies have been subjected to police violence and persecution by state agents for years. For instance trans women who, apart from the oppression that exists by race or poverty conditions, their body is constantly signaled and stigmatized by the social and patriarchal order. State agents identify themselves as guardians of that patriarchal social order who are repeatedly given the power to criminalize this population.

According to the report of the NGO Colombia Diversa on violence against the LGTB+ population in 2015, The main victims of assaults and physical violence by the National Police were transgender people, from which some 57 cases were documented so far in 2015. Among the reported, seventeen were engaged in sex work, four were students, and three were human rights defenders. According to the report, the relationship between police violence and sex work is one of the problems, mainly for trans women. Likewise, the NGO maintains that police procedures are applied in an unjustified, selective, and disproportionate manner, generating expulsions from public space and unnecessary controls towards LGTB+ people.¹⁴¹

Social networks such as Twitter and Instagram have served in many cases to disseminate complaints and pressure state agencies to demand justice and a faster process. Thanks to their

¹⁴¹ Colombia Diversa, Caribe Afirmativo, Santamaría Fundación., “CUERPOS EXCLUIDOS, ROSTROS DE IMPUNIDAD INFORME DE VIOLENCIA HACIA PERSONAS LGBT EN COLOMBIA 2015” (Colombia Diversa, 2015), <https://colombiadiversa.org/ddhh-lgbt/>.

easy access and reach, social networks have become a mechanism that can allow victims and activists to reach more people than traditional media where more bureaucratic barriers exist. Likewise, to create awareness and give visibility to the problems experienced by minorities such as the trans population who public officials and society have given a differentiated treatment.



FIGURE 18: COMPLAINT ON TWITTER

Source: @redcomunitariat

*“Mayor @ClaudiaLopez Police violence is a structural problem. **They are not "bad apples."** **There is an institutional policy of mistreatment, profiling, and abuse of power against citizens who do not fall into the categories of order and cleanliness.**”*

The protests of the 25N (November 25) were, therefore, a platform where different struggles were grouped. Where Latin American feminism is understood as a diverse, decolonial, and grassroots movement, this is why one of the central axes was the hashtag #Somosunrostrocolectivo (we are a collective face). This approach intended to incorporate not only the diversity of Colombian women; Afro, indigenous, lesbian, impoverished, peasant, trans, but also to understand gender violence from the different faces of oppression that inhabit the bodies of women ranging from gender, race, ethnicity, territory, conflict, poverty, etc.



somosunrostrocolectivo



FIGURE 19: #SOMOSUNROSTROCOLECTIVO

Source: @unrostrocolectivo

3.3 Argentina's 'green handkerchief' movement

The history of feminist movements in Argentina dates back to the 19th century when the first feminist anarchist struggles against men's authority began to take shape aligned with the proletarian struggles and civil rights that later unleashed the suffrage movement. However, these groups were in principle attached to the political parties of a progressive and socialist order where they were often discriminated against and marginalized within their own party. Despite this, and with Eva Peron's leadership, who was first lady and one of the most important figures in Argentinean political history, women were able to vote in 1947.

With the dictatorship's arrival in the 1970s, a series of authoritarian policies were produced, including police harassment, illegal arrests, forced disappearance, and extrajudicial executions. From this fact, one of the most representative social and human rights movements arises in

Argentina. "las madres de la plaza de mayo"¹⁴² and "las abuelas de la plaza de mayo"¹⁴³. Those were some of the first women's social movements that had a leading role in the public space and achieved national and international recognition. At first, their primary purpose was to demand that the government have news of their sons, daughters, husbands, and grandchildren arrested or disappeared.



FIGURE 20: "LAS ABUELAS DE LA PLAZA DE MAYO"

Source: www.abuelas.org.ar

The consolidation as a social movement was achieved after several protests and marches characterized by solid symbolism (wearing a headscarf that symbolizes the love for their lost children) and posited a different social reality vision¹⁴⁴. Many of them were organized in the main squares and streets of Buenos Aires, where churches and state offices operated. Likewise, they occurred on working days like the March of Thursdays that became iconic and had been taking place for 45 years in front of the presidential palace.

In the last decade, part of this historical symbolism has been used by the National Campaign for the Right to Legal, Safe, and Free Abortion, which was inspired by the white headscarf of the "Madres de la Plaza de Mayo." The pro-abortion movement has created a whole campaign

¹⁴² "Asociación – Asociación Madres de Plaza de Mayo," accessed March 17, 2021, <https://madres.org/index.php/category/asociacion/>.

¹⁴³ "History | Abuelas de Plaza de Mayo," accessed March 17, 2021, <https://abuelas.org.ar/idiomas/english/history.htm>.

¹⁴⁴ Karen Ortiz Cuchivague, "Las Madres de La Plaza de Mayo y Su Legado Por La Defensa de Los Derechos Humanos," *Trabajo Social*, no. 14 (2012): 165–77.

around the green scarf¹⁴⁵ that in turn represents the right of women to access health care and has made a discourse through the slogan: "Sex education to decide, contraceptives to avoid abortion and legal abortion not to die."



FIGURE 21:THE GREEN SCARF

Source: <http://www.abortolegal.com.ar/>

Besides, a whole campaign has been built through social networks with thematic hashtags related to the reproductive rights of women # PañuelazoInternacional and #seraley in relation to the right to life was launched, #vivasnosqueremos and #niunamenos. These links are made strategically to present how the right to dignity and life is violated if free and safe access to early pregnancy termination is not allowed.

This type of campaign through hashtags on social networks such as Twitter and Instagram accompanied by protest material, images, drawings, among others, has been replicated by women's movements throughout Latin America and some parts of the world where similar battles are fought. From the construction of common identities such as #metoo or #yotambien, mutual support networks have been created to empower women, exchange information, and offer help. An example is how, from the campaign for legal abortion, the women's collective "rescuers in-network" was created. This network provides support and accompaniment to abort from social networks.

¹⁴⁵ "EL PAÑUELO VERDE: SÍMBOLO DE RESISTENCIA DE LAS MUJERES," International Planned Parenthood, accessed March 18, 2021, <https://www.ippfwhr.org/resource/el-panuelo-verde-simbolo-de-resistencia-de-las-mujeres/>.



FIGURE 22: “RESCUERS IN-NETWORK.”

Source: @ socenredarg

In Argentina, in the legal matter, abortion was regulated in the Penal Code, in Article 86 within the title of "Crimes against life,"¹⁴⁶ and where the interruption of pregnancy was punishable. The regulation also includes a limited framework of causes where abortion is not punishable: rape and risk to the pregnant woman's life or health. In addition to legal obstacles, there were also de facto barriers¹⁴⁷ that in practice limit, even more, the possibility of interrupting the pregnancy even if it is for these causes. Within them are the conscientious objection or extensive bureaucratic processes that delay the rapid access to abortion.

For this reason, since 2018, Argentine women and various feminist groups have consolidated what is known as the "National Campaign for the Right to Free and Safe Legal Abortion." In the framework of the MAREA VERDE campaign, different forms of activism were organized

¹⁴⁶ “CODIGO PENAL DE LA NACION ARGENTINA,” accessed March 18, 2021, <http://servicios.infoleg.gob.ar/infolegInternet/anexos/15000-19999/16546/texact.htm#15>.

¹⁴⁷ Luciana Wechselblatt, “El Rol Del Derecho Internacional de Los Derechos Humanos En Las Estrategias de Incidencia de Los Movimientos Sociales Pro-Aborto: Una Perspectiva Latinoamericana y Argentina (Dossier),” n.d., 142.

in the networks such as Twitter, mobilizing the population with various hashtags such as #AbortoLegalYa (which was a trending topic).

Likewise, it was organized in the streets and main squares of Argentina what was called a "Pañuelazo"¹⁴⁸ that took place in front of the Congress intending to pressure for the approval of the 2017 Voluntary Interruption of Pregnancy (IVE) Bill that was rejected by the national congress later in 2018. However, it was not the first time that Congress rejected it; the bill was already presented more than seven times and discarding without debating it.



FIGURE 23: ACTIVISTS HOLD UP GREEN HANDKERCHIEFS

Source: REUTERS, February 19, 2019, Agustin Marcarian.

Finally, in 2020 and after numerous marches, activism, and social mobilization both in the social networks and in the streets, the Law of Voluntary Interruption of Pregnancy (IVE) No. 27,610¹⁴⁹ was sanctioned and promulgated, and entered into force on January 14, 2021. With this law, the Article 86 of the Penal Code is modified, enabling the right of abortion in all cases up to the fourteenth week. It also maintains the validity of the right to abortion in cases of rape and risk to the mother's life or health, without a time limit.

¹⁴⁸ María del Rosario Ramírez Morales and Karina Felitti, "Pañuelos Verdes Por El Aborto Legal: Historia, Significados y Circulaciones En Argentina y México," *Encartes* 3, no. 5 (2020): 111–45.

¹⁴⁹ "BOLETIN OFICIAL REPUBLICA ARGENTINA - ACCESO A LA INTERRUPCIÓN VOLUNTARIA DEL EMBARAZO - Ley 27610," accessed March 18, 2021, <https://www.boletinoficial.gob.ar/detalleAviso/primera/239807>.

This movement has evolved together with the feminist movement "NI UNA MENOS" that since 2015 has demonstrated against sexist violence and gender violence. This movement was born from the rejection of the growing femicides that are being experienced in Argentina and throughout Latin America. According to the Women's Office of the Supreme Court of National Justice of Argentina, only in 2019, a total of 268 femicides were registered.¹⁵⁰

According to the "NI UNA MENOS " movement, this violence also translates into other dimensions of inequality and social discrimination that affect the bodies of women and other groups, such as: "The wage gap, work of unrecognized and unpaid care, the unemployment that falls more heavily among women, lesbians, transsexuals, and transvestites, and among them, the youngest. "¹⁵¹

This movement has been particularly important in social networks reaching all corners of Latin America and the world through social networks like Twitter. It has become a trending topic and a symbol of the feminist movement against gender violence.¹⁵² Likewise, it has been an instrument to organize and summon mobilizations and marches on dates such as Women's Day and the International Day of Nonviolence against Women, which have become the most attended and diverse mobilizations in recent years throughout Latin America.

4. Analysis

At this stage of the research, I will examine the data concerning gender-based violence I have obtained during the public protests. The analysis of the collected data and considering the three case studies, it has been possible to establish four axes around it is possible to create a preliminary idea of how sexual violence is used systematically in the context of the protest as

¹⁵⁰ Oficina de la mujer, OM, "REGISTRO NACIONAL DE FEMICIDIOS DE LA JUSTICIA ARGENTINA (RNFJA)" (Argentina: Corte suprema de justicia de Argentina, 2019), <https://www.csjn.gov.ar/omrecopilacion/docs/informefemicidios2019.pdf>.

¹⁵¹ "Carta orgánica," *Ni Una Menos* (blog), accessed March 18, 2021, <http://niunamenos.org.ar/quienes-somos/carta-organica/>.

¹⁵² Claudia Laudano, "Movilizaciones# NiUnaMenos Y# VivasNosQueremos En Argentina. Entre El Activismo Digital Y# ElFeminismoLoHizo," in *Ponencia Presentada En El Seminario Internacional 13th Women's Worlds Congress & Fazendo Género*, vol. 11, 2017.

a tool of political repression and social dismantling and to contrast it finally with the redefinition of the new forms of collective social expression.

The lack of a liberal-democratic state

Taking into account the study of the socio-political contexts of the studied cases, we see how there is a displacement of the guaranteeing role of the state towards a police state, particularly when it comes to the protection and guarantee of the fundamental rights of the most vulnerable groups. Phenomena such as social inequality, lack of social mobility, and discrimination against young women and the LGTB+ population are common denominators within the Latin American spectrum, leading to a social outbreak in countries such as Chile Colombia.

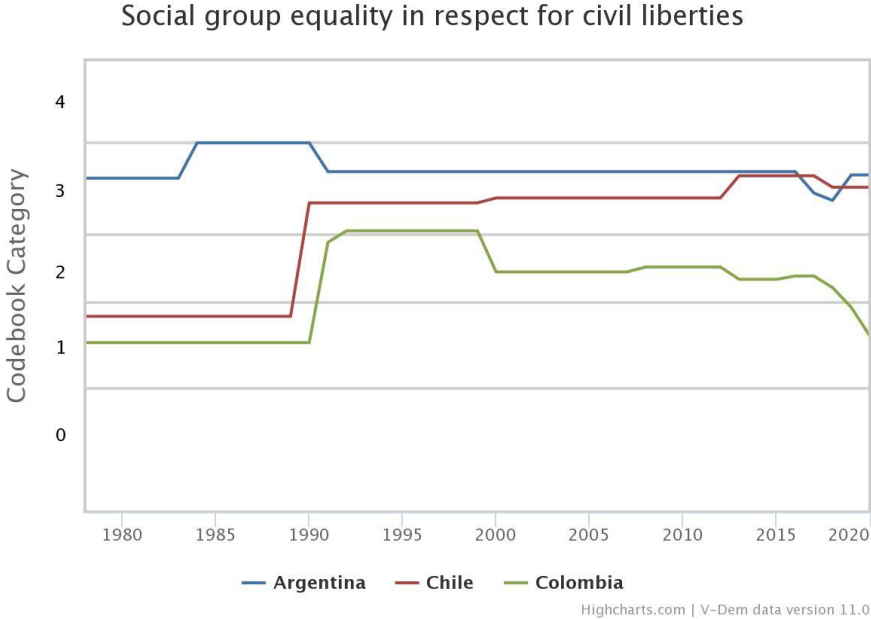


FIGURE 24: SOCIAL GROUP EQUALITY

Source: Latin America Barometer

The chart above shows that social groups (distinguished by race, ethnicity, gender, etc.) in Colombia enjoy substantially fewer civil liberties than Argentina and Chile, where the Members of some social groups enjoy slightly fewer civil liberties than the general population. If we look at the trends over time since 2017 in Colombia, the freedoms have been reduced significantly while Argentina and Chile remain steady. This trend shows how the social inequality in countries like

Colombia has a broad impact on the exercise of rights such as free expression and association, where mainly the unfavorable situation is exacerbated within ethnic, gender, and racial minorities.

As we saw in the protest's legal framework, the state has certain obligations to guarantee the protection of fundamental rights such as freedom of expression and association. Its functions also encompass ensuring the necessary mechanisms so that people have the necessary guarantees during the occurrence of a protest. In the case of vulnerable communities that often suffer discrimination regarding race, gender, social status, ethnicity, or religion, the estate has an especial duty to protect and facilitate the exercise of their rights not only by recognizing them. Measures to prevent, for example, cases of degrading treatment, persecution, torture, etc., also must be implemented.

On the contrary, we could observe that the state takes a patriarchal and oppressive role, limiting the spaces for participation for the most vulnerable groups of the population, such as women, and all marginal groups such as indigenous, Afro, trans women, peasants, etc. This marginalization is achieved, among others, with the creation and maintenance of public policies that reproduce traditional gender roles such as care and household tasks, which represent a burden for women, which leads to a limitation to the public presence of women and their participation in political decision making.

Besides, the state plays the role of a judge in the patriarchal logic, as expressed in the performance, “A rapist on your way.” the state does not fulfill its protective and guarantor’s role, on the contrary, it condemns. Both the state and society tend to transfer this responsibility to the individual; for example, public institutions often impose the responsibility unto the woman who is attacked in a public space. This leads to re-victimization episodes within the same judicial processes that ultimately lead to impunity.

“The state does not take care of me” is another example of women’s mistrust in public institutions. There is a general imaginary that there is structural discrimination in institutions such as the police or the army against certain groups of the population, and the institutions put aside their duty to protect vulnerable groups and become repressive and oppressive agents. We could see this very clear in the case of the criminalization against the trans community against whom police procedures are applied in an unjustified, selective, and disproportionate manner.

Another dimension in which the state is seen as an omission agent is the impunity in femicide, rape, and harassment cases. The state's duty to guarantee justice is generally much less effective

when cases involve state agents in which the processes tend to be shelved or delayed for several years. In this area, we also saw how there are few guarantees for the victims to be treated in a dignified and diligent manner in the judicial processes. Those procedures generally follow the same heteronormative patriarchal logic from the system’s lowest to its supreme structures.

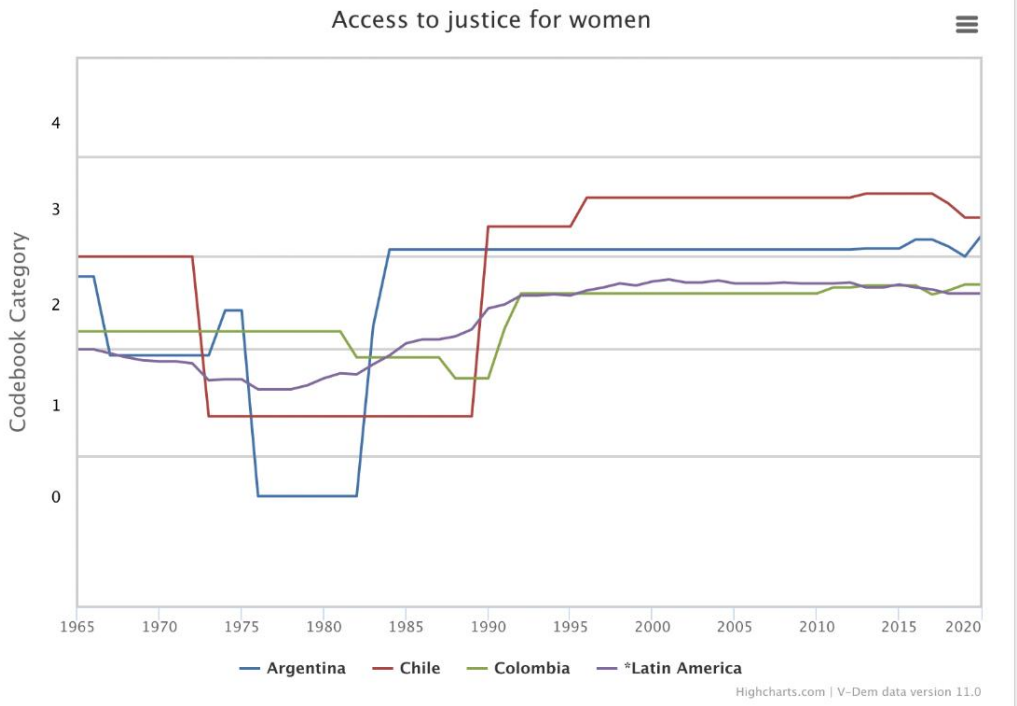


FIGURE 25: ACCESS TO JUSTICE FOR WOMEN
Source: Latin America Barometer

Regarding the Secure and effective access to justice for women in these countries, the graph above shows that we have not seen a significant positive change in the last 20 years. As we have discussed, this lack of improvement has to do with several factors. On the one hand, women have little trust in institutions, and especially judicial systems, as lawsuits tend to revictimize the victims and do not offer sufficient guarantees. Access to justice also has a component of social inequality that corresponds to factors such as geographic location, belonging to ethnic groups, and factors such as race and social class.

Impunity in relation to femicides has been one of the fundamental axes around feminist and LGTB+ protests have been configured in Argentina, Chile, Colombia, and other Latin American countries. In connection to these events, the state's passive role has been denounced using different social media channels through the spread of hashtags like #elestadoescomplice #niunamenos. And other vehicles as artistic expressions, performances, as the group LISTHESIS makes it visible in the fragment "is femicide is impunity for my killer."

The role of social media as a scenario of gender contestation

Social networks have taken on a fundamental role within feminist protest in Latin America. They are not only information channels but also create virtual spaces for protest and collective action. In the first place, networks are fundamental tools for organization, disseminating strategic messages and the motivation of citizens and target groups. We saw how it is possible through events on Facebook or posts on Instagram and Twitter to achieve a massive gathering of women of all origins and backgrounds.

These channels have almost unlimited capacity to disseminate and integrate the community, especially the marginalized communities that have been neglected by many feminist activists in Latin America. Through hashtags such as “we are a collective face” or a different post that vindicates the various struggles of grassroots women, we find that it is possible to integrate different social groups and minorities such as indigenous women, sex workers, peasants, trans women, among others.



“We are trans-inclusive, intersectional, and diverse feminists.”

FIGURE 26:PRINCIPLES
@ redjuridicafeminista

They serve in the same way to make visible the problems of these marginalized groups and share personal stories. For example, in the case of the police outrage and criminalization against trans women and sex workers, we saw how the complaints made on social networks could have tremendous reach within the community but also at the institutional levels. Likewise, they can be used as a tool for social solidarity, making visible acts of violence, as we saw concerning the vulnerability that indigenous and peasant women experience in remote regions.

Within the framework of public protests, the possibility of recording videos and photos and uploading them to social networks is an effective mechanism for reporting human rights violations such as the repression of peaceful demonstrations. To a certain extent, social networks work in contexts of repressive states that do not effectively guarantee citizens' participation and representation in public debates. Moreover, social networks can serve to create communities of empowerment and solidarity in social situations of social dissatisfaction with the governments.

Social media posts like “the state do not take care of me, my friends take care of me” or “rescuers in-network” serve as channels in which women can find support through care networks. Likewise, they can find information of a different nature. In the case of the protests, it is possible to, through these networks, find posts that offer support about legal counseling, shelter, and recommendations to attend marches.

Furthermore, the use of hashtags such as #niunamenos #yotambien or #abortolegalyseguro function as a cohesive mechanism and enable the creation of virtual communities through the sum of identities in that shared a commonplace. For instance, the violence against women experienced in different ways in Latin America thus contributes to constructing the same discursive and political agenda in the continent. We see this also through the expansion and appropriation of symbols such as the green scarf or the purple color, largely thanks to social networks. These symbols have been taken over by feminist and dissident movements in various countries in the context of the protests that have been taking place in recent years.

Sexual violence as an instrument of protest policing

One of the central points that this work has debated is gender violence and sexual violence framed in the protest context. Specifically, I want to refer to sexual violence as a weapon. However, not referring to actual war contexts, my argument is based on the use of the warmongering ideology that has been reproduced in Latin American societies. I refer to the historical legacy of the military dictatorships of countries like Chile and Argentina that still prevail or, in the case of Colombia, the impact of an armed conflict on today's society.

This ideology translates into the stigmatization and persecution of social groups such as students, leftist groups, trade unionists, social activists, and human rights defenders. To a large extent, these groups are the ones that have generally formed social movements and that have made part of the protests and public demonstrations during the social struggles. Therefore, it is not surprising that the protesters are nowadays the object of profiling surveillance, control, and reprimand by the states' armed and police forces.

As indicates in the following graph, although there is substantial freedom to protest in the three countries, Governments tend to implement indirect measures to suppress protests such as material sanctions (fines, dismissals, denial of social services) to dissuade opponents of civil society from acting or expressing themselves. Furthermore, we see a significant drop in the level of tolerance to protests in countries such as Chile and Colombia since 2018, where police repression is being used with increasing frequency. This drop directly relates to the coming to power of right-wing governments (Sebastian Piñera in Chile and Ivan Duque in Colombia), which have a stigmatized discourse about civil society groups, generally human rights activists,

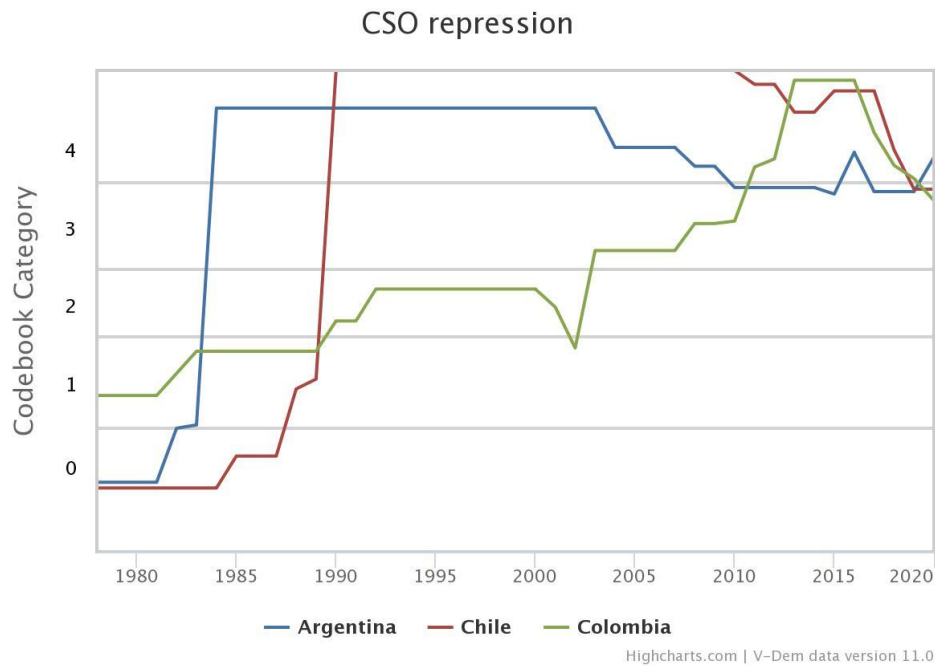


FIGURE 27:CSO REPRESSION
Source: Latin America Barometer

However, the type of persecution and repression experienced by the participants in a protest is different. It corresponds to previous judgments regarding sexual orientation, socio-economic level, ethnic group, among others. In the protest, policing standards exist, therefore a differentiated treatment and greater vulnerability for specific groups. That is the case of women who, in the framework of protests and demonstrations in public spaces, are at greater risk of being subjected to sexual violence.

During the protests in Colombia and Chile, as we have already seen, organizations like local NGOs, Human Rights Watch, and the UN High Commissioner for Human Rights documented several cases of women's irregular arrests by the police forces. As we could observe in the reports, the women were sexually assaulted and subjected to torture and degrading treatment ranging from sexist language, nudity to rape. Likewise, LGTB+ people, in particular, were targets of physical violence, discrimination, and degrading treatment by the police during arrests in public demonstrations.

This type of differentiated violence of a systematic nature is generated from the heteronormative patriarchal logic maintained and reproduced in institutions such as the police and the army. Mainly these state agencies follow a logic that could be called “Genre policing.”

In other words, they maintain institutional regulations of binary gender that reproduce the logic of the traditional roles of a patriarchal structure.

“Genre policing” is then logic that rejects what is outside this binary norm or challenges conventional gender roles. When a woman plays another role outside the private sphere, for example, taking the streets in a public demonstration, she is immediately punished, relegated, and her body is used as the object of a political message. As maintained by Rita Segato, “rape is not an anomaly of a lonely subject. It is a message of power and appropriation pronounced in society.”¹⁵³

Those acts are not only an attack against the person alone; they seek to generate fear and discourage the participation of other women and dissidents in the public space. Doing this makes it possible to exclude women from the spaces of debate and marginalize them from political decisions. What at the end limits the full exercise of their political and civil rights while also violating society's rights in general, depriving the community of the impact that that person may have. “Sexual violence, therefore, has individual consequences but also a collective consequence.”¹⁵⁴

Performance as a violence rejection

The constant repression using mechanisms of gender violence to silence and stigmatize the women and dissidents that participate in protests results in the violation of the fundamental rights of expression and assembly. Given the impunity of these acts, the omission of governments, the police role of the State. Within the framework of the protests in Latin America, divergent channels of discourse have emerged that seek not only the resignification and appropriation of deprived rights but also political visibility and public denunciation.

The performance “a rapist on your way” is perhaps one of the most iconic cases in which a feminist manifesto was created through an artistic display that denounces gender violence. Taking elements of the patriarchal culture through the lyrics and the choreography, an irony of

¹⁵³ Segato, “La Guerra Contra Las Mujeres.”

¹⁵⁴ El Espectador, *Perita Aconseja a Colombia Identificar y Atacar Las Causas de Violencia Sexual Sistemática*, 2021, <https://www.youtube.com/watch?v=KcxIJREGa0Y>.

the warmongering ideology that state institutions such as the police and the army are carried out as part of a patriarchal structure in which violence is structural.

The importance of acting in public places lies in the exclusion of women throughout history. As we have seen, women and dissidents are in these spaces under constant stigmatization and gender policing. That is why public space appropriation through artistic forms enables creating public identities that allow them to gain recognition and visibility within their peers. An appropriation of public space through Performance is also a form of empowerment that uses different tools through which women have been questioned and socially pointed out, such as the dress code, which undergoes a resignification. Likewise, certain gestures such as pointing at the aggressor or squatting serve as an element of denunciation by sending a direct message to society to reject phenomena such as femicide, sexual torture, or impunity.

On the other hand, these artistic forms allow the free exercise of rights that are often limited in societies with few guarantees to free expression and association. To a certain extent, these creative tools are seen as channels that allow the materialization of the appropriation of rights beyond traditional spaces. Moreover, these Plurivers¹⁵⁵ of feminist discourses performances allow adopting civil rights from new places of thought beyond the westernized. In this sense, the protest becomes a shared space in which different types of seeing, inhabiting, and understanding the social reality coexist. Through Songs, street artworks, choreographies, and images, decolonial discourses are created and reproduced.

¹⁵⁵ Escobar, “Política Pluriversal: Lo Real y Lo Posible En El Pensamiento Crítico y Las Luchas Latinoamericanas Contemporáneas.”

Conclusions

Summing up, this research attempts to initiate a first debate on some of the multiple perspectives from which the social protest in Latin America in 2019 can be understood under a gender lens. For this purpose, we have delimited our study to feminist and LGTB+ social movements and defined them as protest groups. Likewise, we explore how this group's relationship with the public space is a gendered dialogue and contestation. This approach allows exploring different phenomena as especially sexual violence, that may occur inside and outside the protest scenario.

The way this type of phenomenon develops depends on cultural particularities and the socio-political contexts of each country. As we have seen, in Colombia, the intern armed conflict has shaped the way in which the social protest is policed. Furthermore, we can affirm that societies permeated by warmongering ideologies tend to a certain extent to use war mechanisms against the civilian population and, in particular, on the body of women, such as rape and sexual torture.

Policing over bodies thus responds in the same way to the traditional and patriarchal order of Latin American societies where apart from existing oppression for reasons of the socio-economic situation, race, or ethnicity, women's bodies are under constant threat. Especially, marginalized populations are constantly signaled and stigmatized by institutional discrimination. For example, in the case of trans women, they are seen as a threat to the status quo and often suffer from being criminalized by the state's agents who represent themselves as the guardians of that patriarchal social order.

On the other hand, within the Latin American context of feminist protest, social media have had a fundamental role as they become gendered spaces of protest where it is possible to engage in feminist activism. In the same way, those spaces allow the organization, exchange, and dissemination of information and political dialogue. We mainly saw how, for marginalized communities, social media, like Twitter or Instagram, are fundamental tools for reporting and making visible human rights violations in social upheaval situations.

On the other hand, social media allows women's and LGTB+ movements to create solidarity, care, and support networks. At the same time, when women interact with different hashtags and posts or share personal stories, women can feel empowered through the experience of the other. This shared experience enables the construction of a collective identity and a sense of belonging resulting from that common experience.

Equally important has been the artistic displays as a form of response to gender violence and its structural causes. Performances have been an unusual way to make visible the sexist violence that our societies experience, but also to give a new meaning to the appropriation of public space and the right of free expression. Therefore, they enable new ways of inhabiting feminism from a decolonial position that transforms abstract rights into materialized categories. Moreover, performance together with social media are also mechanisms of political practice and vehicles of social change. Today this is reflected in what has been called the fourth wave of feminism, translated into the global scope that movements such as the green scarf or the performance UN VIOLADOR EN TU CAMINO have had.

To close, I would like to refer to the volume of literature and studies that I found on the protests from a male perspective, thus referring to spaces occupied mainly by men, also in reference to the violence that men experience in confrontation with the armed forces and the police. In comparison, gender views about the trans population and feminist movements from intersectional perspectives are overlooked. For this reason, I would like to point out that despite this was an exploratory work, I consider that expanding the knowledge about the intersection of protest and gender can open the door to understanding phenomena such as repression through methods such as sexual violence. So, I consider that there is still a lot of work to be done in this field and many perspectives from which the protest can be analyzed.

Appendix A: Protest Legal framework

International and regional regulation of the Protest

As we mentioned before, although the protest is not explicitly defined in international law. It involves and is supported by several internationally protected rights, including rights to freedom of expression, opinion, and belief, freedom of association and peaceful assembly, and the right to participate in public affairs, among others. Those rights are also related to protocols and regulations of exercising the protest itself and cover in the same way the individuals involved in the demonstrations.

Rights to freedom of expression, opinion, and belief

The right of freedom of expression has an enormous scope since it implies the very basics principles as the right of a person to be open about their options and believes, to be heard in the public space, the right to inform and being informed, and the free speech. In the following paragraphs, I will mention some of the most notorious and binding international regulations, universal a regional, that cover the freedom of expression, opinion, and belief.

Freedom of expression is protected by the universal declaration of human rights in the Article 19, providing the following. *“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”*¹⁵⁶

In the same way, in the International Covenant on Civil and Political Rights (1976), the freedom of expression and opinion are considered first-generation rights, and are stipulated as fundamental principles;¹⁵⁷

Article 19

- 1. Everyone shall have the right to hold opinions without interference.*
- 2. Everyone shall have the right to freedom of expression; this right shall **include freedom to seek, receive and impart information and ideas of all kinds, regardless of***

¹⁵⁶ UN General Assembly, *Universal Declaration of Human Rights*. UN General Assembly (Paris: Taylor & Francis, 1948).

¹⁵⁷ UN General Assembly, “International Covenant on Civil and Political Rights,” *United Nations, Treaty Series* 999 (1966): 171.

frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided in paragraph 2 of this article carries with its special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others. (b) For the protection of national security or public order (ordre public), or of public health or morals.

According to paragraph 2, the protest could be understood as a vehicle to spread and express ideas. In this sense, freedom of expression could also materialize using different discourse channels, including artistic performances, visual material, or other writing sources. In particular, freedom of expression is one of the rights that has more protection for the international mechanisms. The limitation to it is only provided for in specific cases as determined by paragraph 3.

Regionally speaking, the American Declaration of the Rights and Duties of Man (Bogota Declaration) issued by the OAS exists as a legal framework for protecting the scope of rights, including the freedom of expression. The Bogota Declaration provides more guarantees to the right of freedom of thought and expression.¹⁵⁸ The Inter-American Court of Human Rights went further, indicating that freedom of expression has an individual and a social dimension, also protecting the right to seek, receive and disseminate ideas and information of all kinds, as well as to receive and know the information and opinions shared by the others.¹⁵⁹

In the same way, Article 13 of the American convention of human rights¹⁶⁰ provides a precise regulation regarding the freedom of expression as in the international regulations mentioned above but also extends its application and protection to different cases as following:

(3) The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.

¹⁵⁸ Declaración Americana de los Derechos, “Declaración Americana de Los Derechos y Deberes Del Hombre,” in *Aprobada En La Novena Conferencia Internacional Americana*, 1948.

¹⁵⁹ Corte IDH, “Caso Kimel vs. Argentina,” *Fondo, Reparaciones y Costas. Sentencia De 2* (2008): 05–08.

¹⁶⁰ Convención Americana Sobre Derechos Humanos, *Convención Americana Sobre Derechos Humanos (Pacto de San José)* (Recuperado de: [https://www.oas.org/dil/esp ...](https://www.oas.org/dil/esp...), 2018).

(5) Any propaganda for war and any advocacy of national, racial, or religious hatred that constitutes incitements to lawless violence or any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.

Right to freedom of peaceful assembly and association

The right of protest is also interconnected with the right of assembly and association; it can be exercised for individual or collectivities, “Freedom of assembly protects the peaceful, intentional, and temporary congregation of people in a given space for the achievement of a common goal, including protest.”¹⁶¹ Peaceful assembly is also a characteristic of a strong democracy¹⁶² given its capability to include a variety of social-political, cultural, and civil rights.

Under the UDHR's Article 20 (1), the universal system establishes the guarantee of this right to all: “*Everyone has the right to freedom of peaceful assembly and association.*”

According to the ICCPR in its Articles 21 and 22, its full compliance must be guaranteed where only particular limitations are previously determined by law.

21. The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law, and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

22. (1) Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

These rights are also guaranteed at the regional level. The freedom of association is ensured to pursue any legitimate purpose both in the public and formal sphere and informal ways. According to the Organization of American States (OAS) in the Declaration of the Rights and Duties of Man article 21 and 22¹⁶³;

¹⁶¹ Maina Kiai, *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, to the Human Rights Council* (April, A/HRC/26/29, 2014).

¹⁶² Kiai.

¹⁶³ de los Derechos, “Declaración Americana de Los Derechos y Deberes Del Hombre.”

” Every person has the right to assemble peaceably with others in a formal public meeting or an informal gathering, in connection with matters of common interest of any nature.”. And “Every person has the right to associate with others to promote, exercise, and protect his legitimate interests of a political, economic, religious, social, cultural, professional, labor union, or other nature.”

Similarly, the American Convention on Human rights "Pact of San Jose"¹⁶⁴ stipulates both the freedom of assembly and freedom of association. This legal framework establishes itself and recognizes the free possibility of assembly as long as it does not involve weapons.

Article 15 Right of Assembly

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety, or public order, or to protect public health or morals or the rights or freedoms of others.

Article 16. Freedom of association

1. Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes.

The legal framework covering the right to protest is broad. It goes from the universal and general to the regional and also national-level regulations. Among them, it is essential to mention the International Convention on the Elimination of All Forms of Racial Discrimination articles 4 and 5. This mechanism ensures to any human being the exercise of the freedom of expression and association regardless of the origin, race, religion, or ethnicity. Likewise, international and regional reports on human rights from the UN ensure better practices and standards for exercising and protecting such rights.

Use of force, Torture, and guarantees of detention.

One of the phenomena that limit the entire exercise of the right to protest is the use of force and the protocols of repression, control, and detentions exercised by the states to maintain the public order in some cases. This phenomenon is also regulated by international conventions following the protection of fundamental human rights. In this way, we cannot go further without highlight that any action taking by the states has to be guided by the protection of the right to life and

¹⁶⁴ Humanos, *Convención Americana Sobre Derechos Humanos (Pacto de San José)*.

dignity of the citizens. Being the state the principal actor in which responsibility is to protect and guarantee the free exercise of each right.

Use of the force.

Among the international system regulations, the use of the force is limited in all the cases by the principles of international human rights, prioritizing the individual's right to life and personal integrity. However, it gives the official the possibility to use the force in a particular situation when required. International standards also regulate these actions as the code of conduct and conventions adopted by the United Nations general assembly.

In this matter, the Code of Conduct for Law Enforcement Officials (Adopted by General Assembly resolution 34/169 of 17 December 1979) dictate some parameters for the use of the force;¹⁶⁵ in the first place, this action has to be an exceptional measure and has to be implemented rationally. Secondly, it has to be proportional depending on each case, as well the use of firearms should be considered an extreme measure.

Regarding fire weapons, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the Eighth United Nations Congress in 1990 also provide a rigorous framework in which those arms can be used at the time of the dispersal of illegal protests and always advising the non-violent means and preservation of human life.¹⁶⁶

Detention

Universal standards also regulate the guarantees of detention. The Universal Declaration of Human Rights¹⁶⁷ and the International Convention on Civil and Political Rights in its article 9 declare the right to liberty of all people and not to be deprived of it by any kind of arbitrary

¹⁶⁵ UN General Assembly, "Resolution 34/169, Code of Conduct for Law Enforcement Officials. UN Doc" (A/RES/34/169, 1979).

¹⁶⁶ United Nations, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (United Nations New York, 1990).

¹⁶⁷ Assembly, *Universal Declaration of Human Rights*. UN General Assembly.

arrest. Thus, this article also establishes the obligation to inform the arrested person of the causes of the arrest and guarantee due process before the competent judges.

“Article 9

*1. Everyone has the right to liberty and security of a person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law”.*¹⁶⁸

These regulations guarantee in the same way the equal treatment of all people before the law **without prejudice to their race, gender, ethnicity, religion, or political affiliation**. Likewise, its objective is to prevent any form of unfair or unequal treatment by state organisms when exercising authority in the framework of arrests that may occur or in the case of arbitrary detention within the framework of a protest.

Furthermore, the inter-American system provides a series of guarantees regarding the process. These ensure a fair and equitable outcome as it allows the detainee to be heard and defend himself in front of a judge.¹⁶⁹ *“Article 26, Every accused person is presumed to be innocent until proved guilty. Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous, or unusual punishment.”*

Torture and degrading treatment

Along with the detention, his matter has a special meaning in this paper due to its connection with the discrimination and the different treatment of some groups among the protesters. According to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1990), torture can be defined as:

*(...) “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”*¹⁷⁰

¹⁶⁸ Assembly, “International Covenant on Civil and Political Rights.”

¹⁶⁹ de los Derechos, “Declaración Americana de Los Derechos y Deberes Del Hombre.”

¹⁷⁰ United Nations, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 1985.

The Universal Declaration of Human Rights Article 5. And International Covenant on Civil and Political Rights Article 7 Also establish that “*no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*”¹⁷¹. as well as the ICCPR imposes a duty on the state to respect the dignity of people who have been placed under arrest. *Article 10* “*All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.*”¹⁷²

Complementing this regulation, the UN Human Rights Committee presented some general comments to article 7 of the ICCPR, emphasizing that the scope of such a circle also goes as far as the prohibition of acts that threaten physical, moral, and psychological integrity.¹⁷³

Likewise, it urges the states not to limit themselves to the simple prohibition but to implement measures to prevent torture and cruel treatment. In this regard, the protection of marginal or vulnerable groups of the population is critical. Due to race, gender, social status, ethnicity, or religion, they may be victims of discrimination and, consequently, inhuman and degrading treatment.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (1990) also provides the prohibition to justify torture or cruel treatment in case of war or public emergency, public order, etc., or by order of a superior. Similarly, it advises the governments of the need for public officials to be educated and informed of the regulations regarding human rights and dignified treatment of the civilian population.¹⁷⁴ So does Article 7 of the Inter-American Convention to Prevent and Punish Torture (1985), which also demands the states to take all the necessary measures so that the police, military, and others are instructed in practices to prevent any type of unjust treatment that degrades human dignity.¹⁷⁵

¹⁷¹ Assembly, *Universal Declaration of Human Rights*. UN General Assembly.

¹⁷² Assembly, “International Covenant on Civil and Political Rights.”

¹⁷³ CCPR General Comment No, “20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), 10 March 1992,” *UN Human Rights Committee*, 1992.

¹⁷⁴ Nations, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

¹⁷⁵ Organization of American States, “Inter-American Convention to Prevent and Punish Torture,” *OAS Treaty Series*, 1985.

Vulnerable groups

International and regional regulations provide that for the full exercise of fundamental civil and political rights, the exercise of the right to protest must be guaranteed. Certain groups are marginalized, given the unequal and discriminatory character of some societies. Thus full Exercise of free expression's rights, the free association among others is limited and often neutralized thanks to the systematic nature of institutions and officials' actions.

In this regard, the UN rapporteur warns of the fragility of the right to freedom of association and the few guarantees that exist for marginal groups such as women, indigenous groups, groups discriminated against because of their gender or sexual orientation, human rights defenders, and journalists. In the same way, it is considered essential that such demonstrations and protests can be held to make their situation visible and demand their rights.¹⁷⁶

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression remarks that vulnerable groups and minorities should have the possibility to exercise their rights, especially in societies that have a pivotal role in combating discrimination.¹⁷⁷ This right implies, among others the equal access to means of communication and the access to express their opinions in private and public spheres. The report addresses the fact that this right is especially limited in the case of a woman and other minorities like LGTB+ communities; the guarantee of equal treatment in some societies is often blurred due to historical, social, and cultural particularities¹⁷⁸ in particular post-colonial societies characteristic by strong patriarchal models.

Women and human rights

Similarly, as we mention some of the international standards and regulations about some of the most fundamental rights that intersect with the protest. This chapter will explore from a gender

¹⁷⁶ Kiai, *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, to the Human Rights Council.*

¹⁷⁷ Frank La Rue, "Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression," 2011.

¹⁷⁸ La Rue. 2011

perspective under which international standards in terms of rights and guarantees specific groups like women and LGTB+ are protected.

Goal 5 of the sustainable development goals seek to Achieve gender equality and empower all women and girls.¹⁷⁹ This precept considers gender equality between women and men as a fundamental human right, without which any democratic society could not advance towards a harmonious and sustainable development.

In the same manner, the Convention on the Elimination of All Forms of Discrimination against Women (1979) guarantees equal treatment and the same opportunities for women to participate in the country's public sphere and political life at the same time that guarantees the freedom of association.¹⁸⁰

Article 7 of the convention in that regard states the following:

*“States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies. (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government. (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.”*¹⁸¹

The Declaration on the Elimination of Violence against Women, proclaimed by the General Assembly in December 1993, also provides a more specific framework that addresses the issue of gender-based violence, not only physically but other kinds of coercion that harm a person’s moral integrity. The violent act includes any act in the private or in the public sphere.¹⁸²

Article 2 (...)

(b) Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment, and intimidation at

¹⁷⁹ “Goal 5 | Department of Economic and Social Affairs,” accessed March 9, 2021, <https://sdgs.un.org/goals/goal5>.

¹⁸⁰ UN General Assembly, “Convention on the Elimination of All Forms of Discrimination against Women,” 1979.

¹⁸¹ Assembly.

¹⁸² United Nations General Assembly, *Declaration on the Elimination of Violence against Women* (United Nations Department of Public Information, 2000).

work, in educational institutions, and elsewhere, trafficking in women, and forced prostitution.

(c) Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3; Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. These rights include, inter alia:

(a) The right to life.

(b) The right to equality.

(...)

(e) The right to be free from all forms of discrimination.

(h) The right not to be subjected to torture, or other cruel, inhuman, or degrading treatment or punishment.

The declaration also underlines the importance of states taking measures to promote gender equity and prevent any type of discrimination or possible aggression by their officials based on the condition of a woman.¹⁸³ In this regard, the state will have an obligation to educate the officers who have a monopoly on force in gender sensitivity and human rights.

Article 4. States should condemn violence against women and should not invoke any custom, tradition, or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

(...)

(i) Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women.

(j) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices, and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women.

Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) 9 June 1994

Through the convention, the member states adopted a series of measures to prevent and punish violence against women. The Convention understands that these types of violence arise from the discrimination and inequalities that for years have been part of Latin American history for

¹⁸³ Assembly.Assembly.

cultural, social, and political reasons¹⁸⁴ that make these patriarchal imaginings embroiled in the social Psyche of the peoples.

Article.3 Every woman has the right to be free from violence in both the public and private spheres.

Article 6. The right of every woman to be free from violence includes, among others: a. The right of women to be free from all forms of discrimination; and b. The right of women to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination.

The convention also establishes a series of mechanisms that give the state the obligation to take all necessary measures to prevent acts of violence against women as well as to ensure that all public officials and state agents fulfill this function.

CHAPTER III DUTIES OF THE STATES

Article 7 The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:

- a. *refrain from engaging in any act or practice of violence against women and to **ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation.** (....)*
- b. *to promote the education and training of all those involved in the administration of justice, police, and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment, and eradication of violence against women. (.....)*

LGTB+ and human rights

It has been documented that one of the most vulnerable populations in a public protest or demonstration framework is the people belonging to the LGTB+ community. There is a reference to violations of their rights of freedom of expression and association and the limitation to their own gender identity in public spaces, likewise of excesses on the part of the police and military authorities that undermine the dignity and physical integrity of the protesters.

¹⁸⁴ Asamblea General, "CONVENCIÓN INTERAMERICANA PARA PREVENIR, SANCIONAR Y ERRADICAR LA VIOLENCIA CONTRA LA MUJER" CONVENCIÓN DE BELÉM DO PARÁ," 1994.

Unfortunately, the legal framework that protects LBTB+ rights is not as broad as other rights, and it is still very embryonic. In 2011, the United Nations Human Rights Council approved the first resolution recognizing the rights of LGBT people and subsequently documenting human rights violations based on sexual orientation and gender identity.¹⁸⁵ As we point out in the first chapters of this paper, the Universal Declaration of Human Rights guarantees everyone the right to freedom of opinion and expression, peaceful assembly, and association. These same rights are guaranteed by articles 19, 21, and 22 of the international covenant on Civil and Political Rights.¹⁸⁶ More specifically in the report issued by the high commissioner of human rights about Discrimination and Violence Against Individuals Based on Their Sexual Orientation and Gender Identity states the following:

“States must protect the right to take part in the conduct of public affairs, without discrimination, and ensure that LGBT and intersex persons and organizations defending their rights are consulted with regard to legislation and policies that affect their rights.¹⁸⁷ States should take measures to empower LGBT and intersex persons, and to facilitate their participation in economic, social and political life.”¹⁸⁸

Regarding the right to protest and specifically the right of association and free expression, the Report of the Special Representative of the Secretary-General on human rights defenders (2007) suggests to the states to guarantee the free exercise of the LGTB+ community to hold demonstrations, meetings, or parades and requires taking all necessary measures to prevent any type of demonstration of gender violence or intolerance on the part of the officials and the community;¹⁸⁹

“IV. Conclusions and recommendations

In particular, States should take adequate measures to address the protection gaps identified in this report with respect to the different types of protests analyzed and the role of defenders therein. To achieve this the following measures are recommended:

¹⁸⁵ UN OHCHR, “Discrimination and Violence Against Individuals Based on Their Sexual Orientation and Gender Identity,” *Report of the United Nations High Commissioner for Human Rights. (Geneva.)*, 2015.

¹⁸⁶ “OHCHR | International Covenant on Civil and Political Rights,” accessed March 9, 2021, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

¹⁸⁷OHCHR, “Discrimination and Violence Against Individuals Based on Their Sexual Orientation and Gender Identity.”

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¹⁸⁹ Hina Jilani, “Report of the Special Representative of the Secretary-General on Human Rights Defenders,” *Hina Jilani, United Nations General Assembly (1 October 2004, A/59/401)*, 2004.

Demonstrations on LGBT rights:

- (i) Take adequate measures to hold accountable officials and authorities taking unlawful decisions banning demonstrations.*
- (ii) Ensure the protection of participants in gay pride parades before, during and after marches from acts of violence and intolerance by counter-protestors.*
- (iii) Train law enforcement officials on appropriate conduct, particularly as it relates to the implementation of the non-discrimination principle and respect for diversity.”*

The international and regional standards are instruments and guidelines that the states and the individuals should have as a range for their actions within the protest and public demonstrations. The states should guarantee the dignity and freedom of expression of individuals. In the same way, it should ensure the security and the freedom of the community to gather together in peaceful manifestations and protests. What happened within the protesters and the public authorities should also be under the international human right's legal framework. All the protest participants, including the public force, should have a special code of conduct to proceed in the case of public demonstrations. This code includes special attention to minorities and marginalized groups like a woman or the LGTB+ community.

In the same way, the use of force is regulated by international conventions taking into account permanently preserving human life and dignity. Phenomena as torture, illegal detention, disproportionality use of the force are thus actions that go against the international regulations. Unfortunately, that situation often occurs within the manifestations, especially when marginalized groups as women or LGTB+ people are involved in the demonstrations.

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