

# Sexual and Gender-Based Violence in the Context of Social Protest in Latin America

► Authored by **Teresa Fernández Paredes**  
Edited by **Alejandra Vicente** and **Claudia Martin**  
With contributions by **Ana Cutts Dougherty**  
With the invaluable support of **Gabriel J. Ortiz Crespo**

Translation by **Aimee Roth Sullivan**



**ReLeG**

Red Latinoamericana  
de Litigio Estratégico  
en Género



**REDRESS**

Ending torture, seeking justice for survivors



Funded by  
the European Union



This publication was co-funded by the European Union through the United against Torture Consortium. Its content is the sole responsibility of the Academy on Human Rights and Humanitarian Law at American University Washington College of Law, REDRESS, and the Latin American Network for Gender-based Strategic Litigation (ReLeG in Spanish), and does not necessarily reflect the views of the European Union.

Sexual and Gender-Based Violence in the Context of Social Protest in Latin America  
July 2025



# 1. Introduction, aim, and methodology

## ▶ 1.1 Brief contextualization of social unrest (2018-2024)

Social protests have been fertile ground for the expression of citizens' demands in the Americas, but they have also revealed profound flaws in state responses that have led to serious human rights violations, including attacks on the right to life and humane treatment and the right not to be subjected to torture or other cruel, inhuman, and degrading treatment (hereinafter CIDT).

In 2023, Amnesty International expressed its concern over the reduction of civic space throughout the region.<sup>2</sup> This reduction was marked by government crackdowns on public protests in countries such as **Argentina, Bolivia, Cuba, El Salvador, Haiti, Nicaragua, Paraguay, Peru, Puerto Rico, and Venezuela.**<sup>3</sup> It was also reflected in the enactment of laws and statutes seeking to obstruct the legitimate exercise of protest<sup>4</sup> or to criminalize protesters or reduce the penalties against security forces that use excessive force during protests.<sup>5</sup>

According to a study published by the United Nations Development Program (hereinafter UNDP), Latin America has seen a resurgence of social unrest since 2019, along with an increase in the number of social protests in several of the region's countries.<sup>6</sup> This study points to the conditions brought about by the COVID-19 pandemic and problems of sustainability and inclusion as key factors in this increase.<sup>7</sup> The same study identified several weaknesses<sup>8</sup> in traditional protest response models and a lack of capacity on the part of the authorities to respond nonviolently, including the failure to incorporate the principle of nondiscrimination in protest management.<sup>9</sup>

On October 14, 2023, a group of 24 civil society organizations<sup>10</sup> presented a regional request for a hearing before the Inter-American Commission on Human Rights (hereinafter the IACHR or the Commission) regarding human rights violations committed through the abuse of force with "less-lethal" weapons.<sup>11</sup> This hearing took place weeks later. According to the signatory organizations, social and security policies in most countries in the region are influenced by

---

<sup>2</sup> Amnesty International, Americas, 2023, available at: <https://www.amnesty.org/en/location/americas/report-americas/>.

<sup>3</sup> Id.

<sup>4</sup> The governments of El Salvador, Nicaragua, and Venezuela put measures in place to silence criticism. In Cuba, a law was passed that allows the government to order telecommunications operators to stop providing their services to anyone who publishes content critical of the government. Id.

<sup>5</sup> This was the case in Chile and in 16 U.S. states. Id.

<sup>6</sup> Emanuele Sapienza, Gloria Manzotti, and Luqman Patel, Protests, human rights and conflict prevention. Proposals to rethink the models of state response to social mobilization, UNDP LAC PDS No. 49, United Nations Development Program, 2024, available at: <https://www.undp.org/latin-america/publications/protests-human-rights-and-conflict-prevention-proposals-rethink-models-state-response-social-mobilization>.

<sup>7</sup> Id.

<sup>8</sup> The document cites in particular "normative, as well as institutional, social and cultural" weaknesses. Id.

<sup>9</sup> Id.

<sup>10</sup> Center for Legal and Social Studies (CELS), Argentina; Justiça Global, Brazil; Terra de Direitos, Brazil; José Alvear Restrepo Lawyers' Collective (CAJAR), Colombia; Center for the Study of Law, Justice, and Society - Dejusticia, Colombia; ILEX Legal Action, Colombia; Temblores, Colombia; Campaña Defender la Libertad: Asunto de todas, Colombia; Committee for Solidarity with Political Prisoners Foundation, Colombia; Citizen Observatory, Chile; Center for the Study and Promotion of Human Rights at the University of La Frontera, Chile; Interdisciplinary Human Rights Center, Chile; Regional Foundation for Human Rights Advisory Services – INREDH, Ecuador; American Civil Liberties Union (ACLU), United States; Committee of Relatives of the Detained and Disappeared in Honduras (COFADEH), Honduras; Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), Mexico; Association for Human Rights (APRODEH), Peru; Kilómetro 0, Puerto Rico; Venezuelan Human Rights Education-Action Program (PROVEA), Venezuela; Omega Research Foundation, United Kingdom; Amnesty International (AI); World Organisation Against Torture (OMCT); Center for Justice and International Law (CEJIL).

<sup>11</sup> Several NGOs, Request for a hearing before the Inter-American Commission, October 14, 2023, available at: <https://www.inredh.org/archivos/pdf/audienciaCIDH-usodelafuerza-protestas%20sociales-%20resumen.pdf>. Ten hearings on this issue have been held at the IACHR since 2018. All of these were country hearings, and only one of the hearings, concerning Mexico in 2021, focused specifically on the situation of women and girls. This hearing discussed human rights violations, including sexual violence, experienced by women and girls during protests in Mexico. Participants emphasized the need to strengthen the presence of public human rights bodies at protests and to address the causes of discrimination and structural violence against women and girls. At the hearing on the situation in Chile, held in 2019, civil society organizations

a common history of racism, classism, and colonialism, as well as by political repression during civil-military dictatorships.<sup>12</sup> This has led to widespread impunity among security forces and the severe repression of protest, which is seen not as a fundamental pillar of a democratic society, but as a threat to the stability of governments.<sup>13</sup>

Some of the main issues raised by civil society NGOs at the 2023 hearing included excessive use of force by state security forces; an increase in the manufacture, sale, and use of less-lethal weapons in Latin America without clear regulation; mass arrests; and the criminalization of protesters.

The unlawful use of less-lethal weapons to disperse protests—even when they are entirely peaceful—has left hundreds of people injured or dead, including many with eye injuries, especially in countries such as **Argentina, the United States, Chile, Bolivia, Colombia, Ecuador, and Peru** in recent years.<sup>14</sup> The excessive use of force also often fails to meet the criteria of legality, proportionality, and necessity, and could therefore be classified as torture or CIDT if it meets the elements of either of these definitions.<sup>15</sup>

This situation has disproportionately or specifically affected rural populations, Indigenous peoples, Afro-descendants, human rights defenders, and social leaders. It has also had specific impacts on traditionally excluded groups such as poor people, young people and students, women, and people with diverse sexual and gender identities.<sup>16</sup>

Indeed, the repression of demonstrations is not gender neutral, and gender bias is prevalent in the use of violence against demonstrators.<sup>17</sup> Civil society organizations and class action lawsuits have played a particularly important role in raising awareness of the problem of sexual and gender-based violence (hereinafter SGBV) in the context of protest. However, these forms of violence continue to be significantly underreported. Many of the victims/survivors are in such a vulnerable situation that they prefer not to report the incidents. Other survivors of sexual and gender-based violence prefer not to do so out of shame or fear of reprisals or social and cultural stigma that could affect their social and family relationships or their personal and professional life plans. This problem is aggravated by the widespread impunity surrounding SGBV, which intensifies victims' silence. Therefore, it remains necessary to review the State response from a human rights, gender, and intersectional perspective.<sup>18</sup>

For example, the Women, Peace, and Security (hereinafter WPS) agenda has supported research on the role and impact of women in armed groups, security forces, and transitional peace processes, with a growing interest in analyzing women's role in social mobilization processes.<sup>19</sup>

---

presented information on human rights violations in the context of social protests, including excessive use of force and gender-based violence against protesters. This was the hearing on "Use of Force during Social Protests" (regional) (188th Session, 2023). The other hearings were: Hearing on "Peru: Follow-up to Recommendations from the 2023 Country Report in the Context of Social Protests" (188th Session, 2023); Hearings on "Social Protests and Indigenous Peoples in Ecuador" (185th Session, 2022); Hearing on the "Human Rights Situation in the Context of Protests in Cuba" (181st Session, 2021); Hearing on the "Situation of the Human Rights of Women and Girls in the Context of Protests in Mexico" (181st Session, 2021); Hearing on "Freedom of Expression and the Practice of Journalism during Protests in the United States" (177th Session, 2020); Hearing on the "Human Rights Situation in the Context of Social Protests in Chile" (174th Session, 2019); Hearing on "Violence and Security in the Context of Social Protests in Haiti" (173rd Session, 2019); Hearing on "Violence and Security in the Context of the Social Protests in Honduras" (173rd Session, 2019); Hearing on "Allegations of Repression and Violence during Protests in Nicaragua" (169th Session, 2018); and Hearing on the "Situation of the Right to Protest in Argentina" (167th Session, 2018).

<sup>12</sup> Id., p. 8 et seq.

<sup>13</sup> World Organisation Against Torture (OMCT), 2020 Venezuela Report: "Internal enemies" – The defense of human rights under attack, available (in Spanish) at:

<https://www.omct.org/en/resources/reports/internal-enemies-the-open-season-on-human-rights-defenders>; Several NGOs (October 14, 2023); Request for a hearing before the Inter-American Commission, p. 8 et seq.

<sup>14</sup> Several NGOs, Request for a hearing before the Inter-American Commission, supra, p. 9.

<sup>15</sup> Id., p. 11 et seq.

<sup>16</sup> Id., p. 14.

<sup>17</sup> Emanuele Sapienza, Gloria Manzotti, and Luqman Patel, Protests, human rights and conflict prevention. Proposals to rethink the models of state response to social mobilization, UNDP LAC PDS No. 49, United Nations Development Program, 2024, supra, p. 32, box 14.

<sup>18</sup> Id.

<sup>19</sup> Erica Chenoweth, Women's Participation and the Fate of Nonviolent Campaigns: A Report on the Women in Resistance (WiRe) Data Set, One Earth Future Foundation, 2019.





The advances promoted by the WPS agenda and feminist literature have brought to light the specific impacts of political violence on women, affecting both their physical and psychological well-being and altering their participation in social and political life<sup>20</sup> — although there remains a need to broaden this analysis to include gender-diverse people. Reports such as those published by civil society organizations in **Nicaragua**, **Chile**, and **Colombia** focusing specifically on sexual and gender-based violence against protesters have also supported these efforts.<sup>21</sup> It has also been recognized that this violence does not occur in isolation, but is part of an unequal system where SGBV is embedded in a continuum of violence that affects women in their daily lives and intensifies during conflicts and crises.

This situation is not unique to Latin America. In many other parts of the world, the authorities have used sexual violence as a tool of intimidation or punishment for those who challenge their power through protest. This practice is not new, but has existed for many years. For example, during the protests in **Egypt** between 2011 and 2014, the International Federation for Human Rights (FIDH) documented acts of sexual violence committed against women in the public sphere, including cases of gang rape and sexual assault perpetrated by civilians during demonstrations in Tahrir Square and the surrounding area.<sup>22</sup> The FIDH also documented sexual harassment, rape and sexual assault, rape with objects, anal and vaginal “virginity tests,” genital electrocution, sex-based defamation, and blackmail perpetrated by police, state security, and military personnel. This violence was used to suppress protest.<sup>23</sup>

In the context of the pro-democracy protests in **Sudan** between 2019 and 2021, the Sudanese military and coup leaders used rape and sexual violence as a weapon to silence female protesters.<sup>24</sup> Following the February 2021 military coup in **Myanmar**, many women participated in peaceful protests against the military. Members of the police and military groped and sexually harassed female protesters,<sup>25</sup> and in the years since the coup, many protesters and political dissidents, especially women and female detainees, have experienced sexual violence at the hands of the army or other security forces.<sup>26</sup> Human Rights Watch has documented that Iran’s security forces used torture, including sexual violence, against women, men, and children during their crackdown on anti-government protests in 2022 and 2023.<sup>27</sup> In **Bangladesh**, cases of violence and sexual harassment against female student demonstrators were reported in the context of the student protests that

<sup>20</sup> Id. The results of the study showed how, in most regions of the world, women have become more involved in demonstrations since the end of World War II, especially peaceful protests. However, the impact of political violence on women can be seen in the perpetration of sexual and gender-based violence, forced displacement, exclusion from decision-making, psychological effects such as post-traumatic stress, erosion of reproductive rights—but also, in some cases, in empowerment and participation in post-conflict processes.

<sup>21</sup> Nicaragua Nunca Más, Report on sexual violence against women: documenting cases of rape and sexual violence in the context of social protests in Nicaragua in April 2018, available (in Spanish) at: <https://colectivodhnicaragua.org/wp-content/uploads/2021/03/INFORME-SOBRE-VIOLENCIA-SEXUAL-VF.pdf>; Nicaragua Nunca Más Human Rights Collective, Eighth Report on Torture, 2023, available (in Spanish) at: <https://colectivodhnicaragua.org/wp-content/uploads/2023/05/Informe-Tortura-final-VIII-29-5f.pdf>. According to this report, at least 158 people detained in Nicaragua since the 2018 social protests have experienced torture, and 113 of them have been victims of sexual violence by prison officials and high-ranking police officers. The report emphasizes the importance of international support for victims of torture in Nicaragua in their quest for justice, truth, and reparation. Amnesty International, Eyes on Chile: Police violence and command responsibility during the period of social unrest, 2020, p. 14, available at: <https://www.amnesty.org/en/documents/amr22/3133/2020/en/>. The report states that as of November 30, 2019, Chile’s National Prosecutor’s Office had registered 246 victims of sexual violence during the mass protests in Chile between October and late November 2019. Amnesty International and 13 other organizations, Sexual and other forms of violence against women in the context of the 2021 national strike in Colombia: Report presented to the Inter-American Commission on Human Rights during its working visit to Colombia from June 8 to 10, 2021, available at: <https://www.amnesty.org/en/documents/amr23/6234/2022/en/>.

<sup>22</sup> FIDH, Exposing State Hypocrisy: Sexual Violence by Security Forces in Egypt, May 2015, p. 4, [https://www.fidh.org/IMG/pdf/egypt\\_report.pdf](https://www.fidh.org/IMG/pdf/egypt_report.pdf).

<sup>23</sup> Id.

<sup>24</sup> International Service for Human Rights, Sudan: End and investigate rape of women protesters, March 15, 2022, available at: <https://ishr.ch/latest-updates/sudan-end-and-investigate-rape-of-women-protesters/>; BBC News, Sudan women protest against ‘rape by security forces,’ December 23, 2021, available at: <https://www.bbc.com/news/world-africa-59755684>.

<sup>25</sup> Umayma Khan, The women of Myanmar: Our place is in the revolution, Al Jazeera, April 25, 2021, available at: <https://www.aljazeera.com/features/2021/4/25/women-of-myanmar-stand-resilient-against-the-military-coup>.

<sup>26</sup> Assistance Association for Political Prisoners, Women subjected to sexual violence during the Spring Revolution under the military coup, March 1, 2024, available at: <https://aappp.org/?p=27614>.

<sup>27</sup> Human Rights Watch, Iran: Security forces rape, torture, detainees, April 22, 2024, available at: <https://www.hrw.org/news/2024/04/22/iran-security-forces-rape-torture-detainees>.



began in mid-June 2024.<sup>28</sup> According to Gina Romero, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the authorities in some countries, including **Afghanistan** and **Iran**, “have [...] used sexual and gender-based violence as a tactic to perpetuate stigmatization against activists, exploiting discriminatory contexts and existent social stigma based on gender identity as a weapon to silence women activists and protest movements.”<sup>29</sup>

## ▶ 1.2 Aim and Methodology

The objective of this report is to analyze and highlight the use of sexual and gender-based violence as a mechanism of state repression in the context of protests, directed against people of any sex and gender. Particular emphasis is placed on their impact on women (in a broad sense), but with an intersectional approach that encompasses other vulnerable groups, such as human rights defenders and Indigenous peoples, among others.

The methodology used for this report consists of a broad, exploratory initial analysis of the situation of SGBV in the context of social protest in Latin America. This approach makes it possible to identify the main trends, dynamics, information gaps, and priority areas of work. The research prioritized certain countries in the region, selected based on the preexisting contacts and networks of the Latin American Network for Gender-based Strategic Litigation (ReLeG), which facilitated access to reliable and relevant information through strategic partners in the region.

The methodological work includes an exhaustive documentary analysis based on the review of reports from international organizations, records of hearings at the IACHR, and studies produced by civil society organizations. Direct testimonies and analyses of emblematic cases provided by ReLeG’s contact networks were also included to illustrate the patterns. This methodology allows for an intersectional and contextualized approach, highlighting the specific vulnerabilities of women, people of diverse sexual orientation or gender identity, Indigenous communities, and other disproportionately affected groups, in order to inform practical and action-oriented recommendations.

---

<sup>28</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Report: Preliminary analysis of recent protests and unrest in Bangladesh, 16 August 2024, available at: [https://www.ohchr.org/sites/default/files/2024-08/OHCHR-Preliminary-Analysis-of-Recent-Protests-and-Unrest-in-Bangladesh-16082024\\_2.pdf](https://www.ohchr.org/sites/default/files/2024-08/OHCHR-Preliminary-Analysis-of-Recent-Protests-and-Unrest-in-Bangladesh-16082024_2.pdf).

<sup>29</sup> Gina Romero, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Protecting the rights to freedom of peaceful assembly and of association from stigmatization (UN Doc. A/79/263), 31 July 2024, para. 47, available at: <https://docs.un.org/en/A/79/263>.





## 2. Legal framework

### ▶ 2.1 Human rights standards

Since 2018, both the IACHR and the Office of the United Nations High Commissioner for Human Rights (hereinafter OHCHR) have been monitoring the rise of social protests in Latin America, emphasizing the excessive use of force and human rights violations committed against protesters and other persons who suffered the consequences of police or military repression collaterally, without participating in the protests. To varying degrees, both human rights mechanisms have focused their attention on acts of gender-based sexual violence, especially against women, girls, adolescents, and people of diverse sexual orientations, gender identities, and gender expressions.

The thematic report “Protest and Human Rights” published in 2019 by the IACHR and the Office of the Special Rapporteur for Freedom of Expression (hereinafter SRFOE) recognizes protest as an essential element of a democratic society protected by several of the rights enshrined in the American Convention on Human Rights and the American Declaration of the Rights and Duties of Man.<sup>30</sup> These rights, such as freedom of expression, peaceful assembly, and association, are also guaranteed in the Universal Declaration of Human Rights and the United Nations Covenant on Civil and Political Rights.

In view of these rights, States have the obligation to allow and ensure the exercise of the right to peaceful protest as a general rule. However, they must also intervene in situations where acts of violence occur within protests or when it is necessary to disperse them for reasons of security, public order, or to protect the health, morals, and rights of individuals. States, as bearers of the responsibility to ensure security and public order, also have a legitimate monopoly on the use of force. However, this power is subject to strict limitations and must be exercised in a way that respects fundamental principles; the use of force by public officials must be lawful, necessary, proportionate, and consistent with the precautionary principle.<sup>31</sup> Two UN instruments outline the scope of these basic regulatory principles: the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials<sup>32</sup> and the Code of Conduct for Law Enforcement Officials.<sup>33</sup> Other soft law instruments have also developed guidelines that include the use of force and the management of state responses to protests.<sup>34</sup>

Moreover, these standards on the use of force in the context of protest have to be read in conjunction with the absolute prohibition of torture and CIDT.<sup>35</sup> In his report on this issue, the UN Special Rapporteur on Torture clearly stated that:

---

<sup>30</sup> Inter-American Commission on Human Rights (IACHR), *Protest and Human Rights: Standards on the rights involved in social protest and the obligations to guide the response of the State*, 2019, pp. 10 et seq., available at: <https://www.oas.org/es/cidh/expresion/publicaciones/ProtestayDerechosHumanos.pdf>.

<sup>31</sup> Colombian Coalition Against Torture (CCCT) and World Organisation Against Torture (OMCT), *Social protests and excessive use of force in Colombia: An analysis from the lens of the prohibition of torture*, 2020, available (in Spanish) at: [https://www.omct.org/files/2020/06/25918/protestassociales\\_omct\\_ccct\\_es.pdf](https://www.omct.org/files/2020/06/25918/protestassociales_omct_ccct_es.pdf).

<sup>32</sup> United Nations (UN), *Code of Conduct for Law Enforcement Officials*, 1979, available at:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials>.

<sup>33</sup> United Nations (UN), *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, 1990, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>.

<sup>34</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR) and United Nations Office on Drugs and Crime (UNODC), *Resource book on the use of force and firearms in law enforcement*, United Nations, 2017; Office of the United Nations High Commissioner for Human Rights (OHCHR), *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement*, 2021; United Nations Office on Drugs and Crime (UNODC) and United Nations (UN), *Handbook on police accountability, oversight and integrity*, United Nations, 2011.

<sup>35</sup> Special Rapporteur on Torture, *Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment* (Report A/72/178), UN General Assembly, 2017, p. 16. This report cites: A/50/44, para. 126; CAT/C/VEN/CO/34, para. 12; CAT/C/TUR/CO/4, para. 15; CAT/C/KOR/CO/35, para. 13; CAT, *VL v. Switzerland*, CAT/C/37/D/262/2005, para. 8.10; I/A Court H.R., *Case of Rosendo Cantú et al. v. Mexico*. Preliminary Objection, Merits, Reparations, and Costs. Judgment of August 31, 2010. Series C No. 216, para. 118.



any use of force by State agents exceeding what is necessary and proportionate in the circumstances to achieve a lawful purpose is regarded as an attack on human dignity amounting to cruel, inhuman or degrading treatment or punishment, irrespective of whether that excess occurred intentionally or inadvertently (...) Moreover, failure to take all precautions practically possible in the planning, preparation and conduct of law enforcement operations increases the risk of unnecessary or disproportionate force being used and, in principle, breaches the State's obligation to prevent cruel, inhuman or degrading treatment or punishment.

However, if the official or officials intentionally and deliberately try to cause serious pain or suffering to a defenseless person, then, according to the UN Rapporteur, it would be considered torture.<sup>36</sup> The report also analyzes the types of weapons used in contexts of social protest and refers to those whose use, due to the very nature of the weapon, should be considered to inherently constitute torture or other ill-treatment or to carry a high risk of being used in a manner contrary to the prohibition of torture.<sup>37</sup>

The legal framework and standards relating to the right to assembly and the prohibition of torture should be interpreted under the principle of nondiscrimination. This principle, a fundamental pillar of international human rights law and present in all relevant treaties, guarantees the exercise and enjoyment of human rights for all persons, without distinction of any kind based on sex, gender, age, ethnic origin, socioeconomic status, or other identity characteristics.

The most relevant standards relating to the right to protest in the Inter-American human rights system (hereinafter IAHRs) and the universal system (UN system), are summarized below, including those relating to the excessive use of force and the absolute prohibition of torture.

<sup>36</sup> Special Rapporteur on Torture, Extra-custodial use of force, paras. 47 et seq.

<sup>37</sup> Id., para. 51. See also Colombian Coalition Against Torture (CCCT) and World Organisation Against Torture (OMCT), Social protests and excessive use of force in Colombia: An analysis from the lens of the prohibition of torture, supra.



System	Legal Instrument	Provision
Universal system	Universal Declaration of Human Rights	<ul style="list-style-type: none"> <li>▶ Art. 1: All human beings are born free and equal in dignity and rights.</li> <li>▶ Art. 5: Prohibition of torture and CIDT</li> <li>▶ Art. 19: Right to freedom of opinion and expression</li> <li>▶ Art. 20 (1): Right to freedom of peaceful assembly and association</li> </ul>
	International Covenant on Civil and Political Rights (ICCPR)	<ul style="list-style-type: none"> <li>▶ Art. 2 (1): Principle of nondiscrimination</li> <li>▶ Art. 19(2): Freedom to seek, receive and impart information</li> <li>▶ Art. 21: Right to peaceful assembly (subject to necessary and proportional restrictions)</li> <li>▶ Art. 22(1): Right to freedom of association</li> <li>▶ Art. 7: Prohibition of torture and CIDT</li> </ul>
	International Covenant on Economic, Social and Cultural Rights (ICESCR)	<ul style="list-style-type: none"> <li>▶ Art. 3: Principle of nondiscrimination</li> <li>▶ Art. 8: Guarantee of equality and specific rights of association, with a gender perspective</li> </ul>
	Convention against Torture	Prohibition of torture and CIDT
	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	<ul style="list-style-type: none"> <li>▶ Art. 7: guarantees women's public participation</li> </ul>
	Convention on the Rights of the Child	<ul style="list-style-type: none"> <li>▶ Arts. 13 and 15: Guarantee rights to freedom of expression and association.</li> </ul>



	International Convention on the Rights of Persons with Disabilities (CRPD)	<ul style="list-style-type: none"> <li>▶ Art. 29 (b): Ensures political rights.</li> </ul>
	International Covenant on Economic, Social and Cultural Rights (ICESCR)	<ul style="list-style-type: none"> <li>▶ Arts. 3 and 8: Guarantee of equality and specific rights of association, with a gender perspective</li> </ul>
Inter-American System	American Declaration of the Rights and Duties of Man	<ul style="list-style-type: none"> <li>▶ Art. IV: Right to freedom of expression</li> <li>▶ Art. XXI: Right to peaceful assembly</li> </ul>
	American Convention on Human Rights (Pact of San José)	<ul style="list-style-type: none"> <li>▶ Art. 1: Principle of nondiscrimination</li> <li>▶ Art. 5.2: Prohibition of torture and CIDT</li> <li>▶ Art. 13(1): Right to freedom of thought and expression</li> <li>▶ Art. 15: Right of peaceful assembly, without arms (subject to restrictions necessary in a democratic society)</li> </ul>
	Inter-American Convention to Prevent and Punish Torture	<ul style="list-style-type: none"> <li>▶ Prohibition of torture and CIDT</li> </ul>
	Declaration of Principles on Freedom of Expression	<ul style="list-style-type: none"> <li>▶ Prohibition of discrimination</li> </ul>



	<p>Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belem do Para)</p>	<p>► Art. 5: Women’s rights and their protection against violence that prevents the full exercise of their rights</p>
--	--	---

In recent years, various UN mechanisms and the Inter-American human rights system, particularly through soft law, have developed specific human rights standards on sexual and gender-based violence as a serious human rights violation and a form of repression used in the context of protest.

Although initially the analysis focused on women and girls, in recent years these standards have been expanded to include people of diverse sexual orientations and gender identities. This progress has been made possible, in large part, by the efforts of the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.<sup>38</sup>

The following non-exhaustive list of instruments includes specific references and relevant standards that address SGBV in the context of protest, with a focus on prevention, protection, and redress for victims. This table organizes these instruments in chronological order, from the most recent to the oldest, and includes the key paragraphs on the subject.

<sup>38</sup> For example, in his November 2022 report on protection against violence and discrimination based on sexual orientation or gender identity, he noted that international standards and their interpretation by international and regional human rights bodies, courts, and procedures on gender issues “are applicable, mutatis mutandis, to LGBT and gender-diverse persons.” UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity, Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (UN Doc. A/77/235), UN General Assembly, 28 November 2022, para. 16, available at: <https://www.ohchr.org/en/documents/thematic-reports/a77235-report-independent-expert-protection-against-violence-and>.



Body	Instrument and Year	Key Paragraphs
Security Council Resolutions	Women, Peace and Security Agenda Resolutions <u>1820</u> (2008), <u>1888</u> (2009), <u>1960</u> (2010), <u>2106</u> (2013), and <u>2467</u> (2019)	This group of decisions focuses on the prevention of and response to conflict-related sexual and gender-based violence, for example, through the training of state security agents, but without expressly mentioning the right to protest.
Human Rights Council Resolutions	Resolution <u>56/10</u> (2024)	<p><b>Paragraph 11:</b> Urges States to ensure the safety and protection of women, girls and human rights defenders in peaceful demonstrations by developing systems against intimidation, harassment and violence, including sexual and gender-based violence.</p> <p><b>Paragraph 20:</b> Underscores the need to adopt protocols and ensure initial and ongoing training for law enforcement officers, with a focus on human rights, gender, disability, and age, as well as on the prevention of sexual violence and on the specific needs of individuals and groups in situations of vulnerability.</p>
	Resolution <u>38/5</u> (2018)	<b>Paragraph 3:</b> Expresses concern that all forms of discrimination, intimidation, harassment and violence in digital contexts prevent women and girls from fully enjoying their rights to freedom of peaceful assembly and of association.
	Resolution <u>38/11</u> (2018) and Resolution <u>A/HRC/25/L.20</u> (2014)	<b>Common paragraph 6:</b> Urges States to pay particular attention to the safety and protection of women and women human rights defenders from acts of intimidation and harassment, as well as



		gender-based violence, including sexual assault, in the context of peaceful protests.
General Assembly Resolutions	Resolution <u>68/181</u> (2013)	<p><b>Paragraph 8:</b> Calls upon States to ensure that human rights defenders can perform their role in the context of peaceful protests and to protect them from excessive force, arbitrary detention, and torture.</p> <p><b>Paragraph 9:</b> Calls upon States to prevent gender-based violence against women human rights defenders by State or non-State actors, online or by other means.</p>
Declarations	Joint declaration on protecting the right to freedom of peaceful assembly in times of emergencies of the (2022)	<p>Recognizes the additional risks faced by LGBTIQ+ individuals when exercising their right to freedom of peaceful assembly, including discrimination, intimidation, and violence.</p> <p><b>Paragraph 35:</b> States should provide reparations to victims of human rights violations, including sexual and gender-based violence, in the context of protests.</p>
	<u>OHCHR</u> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1999)	<p><b>Art. 12(1)(2):</b> recognizes the right to participate in peaceful activities against violations human rights violations and obligates States to protect everyone against violence, retaliation, or discrimination.</p>





<p>General Comments of UN Committees</p>	<p>HRC General comment No. <u>37</u> (2020)</p>	<p><b>Paragraphs 6, 24, and 25:</b> The right to freedom of peaceful assembly is guaranteed without discrimination on grounds such as sex or gender identity.</p> <p><b>Paragraphs 78 and 79:</b> The use of force must comply with the principles of legality, necessity, proportionality, precaution, and nondiscrimination.</p> <p><b>Paragraph 80:</b> Training is encouraged for officials to address the needs of vulnerable groups, such as women, children, and persons with disabilities, in peaceful assemblies.</p> <p><b>Paragraph 83:</b> Prohibits discriminatory searches or identification procedures.</p> <p><b>Paragraph 90:</b> Calls for investigations into allegations of unlawful use of force, including sexual and gender-based violence, in the context of peaceful assemblies.</p>
	<p>HRC General comment No. <u>34</u> (2011)</p>	<p><b>Paragraph 26:</b> Prohibits discrimination in the exercise of the right to peaceful assembly. No specific mention is made of sexual and gender-based violence.</p>
	<p>CEDAW Committee, General recommendation No. <u>35</u> (2017)</p>	<p><b>Paragraph 15:</b> Recognizes that women's right to a life free from gender-based violence is indivisible from and interdependent on other human rights, including freedom of assembly and association.</p> <p><b>Paragraph 24:</b> Recognizes gender-based violence as a continuum of violence and mentions violence affecting women human rights defenders, politicians, and journalists.</p>



	CEDAW Committee, General recommendation No. <u>23</u> (1997)	Concerning the promotion of women's participation in all spheres of public life.
	CESCR, General comment No. <u>16</u> (2005)	<b>Paragraph 25:</b> Urges States to ensure gender equality in access to the right to form trade unions and professional associations, with particular attention to women in rural areas or working in the home or in female-dominated industries.  <b>Paragraph 27:</b> Recognizes gender- based violence as a form of discrimination that inhibits the equal enjoyment of ESCR.
	Committee on the Rights of the Child, General comment No. <u>25</u> (2021)	<b>Paragraph 82:</b> States parties should take legislative and administrative measures to protect children from violence, including gender-based violence, in the digital environment.
	Committee on the Rights of the Child, General comment No. <u>20</u> (2016)	<b>Paragraph 45:</b> Urges States to protect adolescent human rights defenders, particularly girls, who often face gender-specific threats and violence.
Reports of UN Experts and Special Rapporteurships	Protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of	<b>Paragraph 43:</b> Notes sexual harassment and the risk of violence, including threats of rape and sexual abuse, against LGBTIQ+ women human rights defenders.  <b>Paragraph 51:</b> Notes reports of state threats to ban peaceful LGBTIQ+ assemblies, as well as ill-treatment, excessive use of force, arbitrary arrests, and humiliating or



	<p>expression, peaceful assembly and association (A/HRC/56/49) (2024) Report of the Independent Expert</p>	<p>degrading treatment in police custody.</p>
	<p>“Protecting the rights to freedom of peaceful assembly and of association from stigmatization” (A/79/263) (2024), Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association</p>	<p><b>Paragraph 47:</b> Highlights the use of sexual and gender-based violence as a tactic to stigmatize and silence activists and protest movements.</p> <p><b>Paragraph 69:</b> Notes increased bullying, physical assaults, online harassment, and sexual and gender-based violence, especially against women.</p>
	<p>Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests (A/HRC/55/60) (2024). Special Rapporteur on freedom of peaceful assembly and of association</p>	<p><b>Paragraph 15:</b> States are urged to ensure the right to assembly for traditionally excluded groups, such as women, children, Indigenous peoples, migrants, LGBTIQ+ persons, Afro-descendants, minorities, and persons with disabilities.</p> <p><b>Paragraph 37:</b> States should adopt gender-sensitive measures to prevent SGBV.</p> <p><b>Paragraph 48(b):</b> Law enforcement officials should establish a training curriculum with sessions on SGBV prevention and attention to vulnerable groups.</p> <p><b>Paragraph 60(d):</b> Law enforcement officials should mitigate risks for minorities, including LGBTIQ+ people, and promote the</p>



		<p>participation of female officers in demonstrations led by women.</p> <p><b>Paragraph 65:</b> Law enforcement officials should develop and implement protocols to prevent and respond effectively to SGBV, with specific complaint mechanisms for children and victims.</p> <p><b>Paragraph 88:</b> Thorough and impartial investigations should be conducted in case of any allegation or reasonable suspicion of SGBV.</p>
	<p>Advancing accountability for serious human rights violations related to the exercise of the rights to freedom of peaceful assembly and of association - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (<a href="#">A/HRC/53/38</a>) (2023).</p> <p>Report of the Special Rapporteur on freedom of peaceful assembly and of association</p>	<p><b>Paragraph 31:</b> Acknowledges the commission of acts of forced nudity and invasive body searches during the arrest of women activists and protesters.</p> <p><b>Paragraph 41:</b> Urges States to enact domestic laws criminalizing different forms of sexual violence in the context of protests.</p> <p><b>Paragraph 63:</b> Cites the Atenco case (Mexico) as an example.</p> <p><b>Paragraph 57:</b> Reparations programs have been limited, insufficient, and bureaucratic, with little support for victims of sexual violence.</p>
	<p><u>“Checklist: 10 principles for the proper management</u></p>	<p>On several occasions and in its guiding principles, this document refers to the protection of persons</p>



	<p><u>of assemblies“ (2020)</u> Special Rapporteur on freedom of peaceful assembly and of association</p>	<p>in vulnerable situations and the prevention of abuse during peaceful assemblies, highlighting principles related to nondiscrimination and the appropriate use of force. This can be interpreted as a general framework that includes different forms of violence, although it does not explicitly mention this term.</p>
	<p>Situation of women human rights defenders Report of the Special Rapporteur on the situation of human rights defenders (<u>A/HR/C/40/60</u>) (2019)</p>	<p><b>Paragraph 42:</b> on physical assaults and sexual violence against women human rights defenders.</p> <p><b>Paragraph 45:</b> concerning sexual and gender-based violence online.</p>
	<p>Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective (<u>A/HRC/38/47</u>) (2018)</p>	<p><b>Paragraphs 28 and 29:</b> on forms of online gender-based violence against women human rights defenders and activists.</p>
	<p>Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of</p>	<p><b>Paragraph 15:</b> Principle of nondiscrimination</p> <p><b>Paragraph 16:</b> States should ensure equal and effective protection for groups and individuals who have traditionally been discriminated</p>





	association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies (2016) ( <a href="#">A/HRC/31/66</a> )	against, such as women and people of diverse sexual orientation or gender identity.  <b>Paragraph 49:</b> Recommends that security forces include women
	Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment ( <a href="#">A/HRC/31/57</a> ) (2016)	<b>Paragraphs 16-20 and 51-53:</b> Women and girls are at particular risk of sexual violence in detention, including insults, humiliation, and unnecessary invasive body searches. This risk is most evident during transfers to police stations, courts, or prisons, especially when male prisoners are not separated from female prisoners, or when male staff transport female prisoners.
Inter-American Commission	IACHR <a href="#">Criminalization of Human Rights Defenders</a> (2015)	<b>Chapter 3:</b> criminalization of speech denouncing human rights violations and the right to peaceful social protest.
	<a href="#">Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas</a> (2008)	Principle I on humane treatment refers to sexual violence.
	Office of the Special	<b>Paras. 25 and 51:</b> On the principle of



<p>Rapporteurships of the Inter-American Human Rights System</p>	<p>Rapporteur for Freedom of Expression of the IACHR. <u>Protest and Human Rights.</u> Annual Report (2019)</p>	<p>equality and nondiscrimination based on gender and sexual orientation</p> <p><b>Para. 272:</b> Investigation standards in case of suspected sexual and gender-based violence</p>
--	---	---

The above instruments and documents show that a common element is the principle of nondiscrimination and the need to incorporate a differential approach when establishing public order measures. However, they provide limited details on how this approach should be integrated, and the depth of discussion on these instruments is also limited. General comment No. 37 of the UN Human Rights Committee (hereinafter HRC), on the right to peaceful assembly, mentions gender only once and tangentially, noting that women face a specific risk of sexual and gender-based violence. However, other gender identities and the multiple ways in which these intersectionalities can influence the risks associated with protest are not addressed comprehensively. The IACHR report “Protest and Human Rights” only mentions SGBV in relation to the obligations of States to address complaints of sexual violence related to demonstrations.<sup>39</sup> Furthermore, this issue has been addressed only once by the Inter-American Court of Human Rights (hereinafter IACtHR), in the landmark case of *Women Victims of Sexual Torture in Atenco v. Mexico*. Although the Court’s judgment established crucial standards for the prevention and investigation of sexual violence in the context of social protests, it is still in the compliance phase.<sup>40</sup>

Civil society organizations in Latin America have also pointed out significant shortcomings in some of the existing instruments, such as the “United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement,” published by the OHCHR on June 1, 2020. In particular, these guidelines have been criticized for their limited development of a holistic approach that integrates gender, ethnic, and racial perspectives. They also seem to omit relevant considerations, such as the psychosocial impacts of violence and the chilling or intimidating effect it can have on the exercise of the right to protest.<sup>41</sup>

Even though international and regional standards recognize the occurrence of sexual and gender-based violence in the context of protests and provide an important starting point for introducing changes in the management of peaceful protests, their concrete implementation at the domestic level in several Latin American countries faces numerous challenges. In many cases, States reiterate the importance of protecting particularly affected groups, but fail to move toward designing concrete, clear, and specific measures to prevent and eradicate SGBV in these contexts. This highlights the urgent need to translate international commitments into practical and effective actions that ensure the protection and full exercise of human rights during protests.

<sup>39</sup> Inter-American Commission on Human Rights (IACHR), *Protest and Human Rights: Standards on the rights involved in social protest and the obligations to guide the response of the State*, 2019, pp. 10 et seq, available at: <https://www.oas.org/es/cidh/expresion/publicaciones/ProtestayDerechosHumanos.pdf>.

<sup>40</sup> I/A Court H.R., *Case of Women Victims of Sexual Torture in Atenco v. Mexico*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 371.

<sup>41</sup> Several NGOs, Request for a hearing before the Inter-American Commission, *supra*, p. 8.



## ▶ 2.2 National security policies and adequacy of instruments for the use of force in protest control

The absence of specific and effective regulations to address gender-based violence in the context of protests is a significant problem in Latin America.<sup>42</sup> Many countries in the region have limited their gender approach to police intervention management to the inclusion of female officers in public order operations. Many of the action protocols also include the obligation to use force in a differentiated manner, bearing in mind traditionally vulnerable groups such as women, children, older adults, and people of diverse sexual orientation or gender identity. However, this is more of a symbolic gesture than a practical one, and it has not led to any notable changes in the organizational culture of the security forces or in the way they manage the use of force. In the Atenco case, the Inter-American Court underscored the importance of adopting a humane approach to security that prioritizes a broader understanding of safety based on the protection and empowerment of individuals.<sup>43</sup>

A report published by the NGOs Civicus and CELS also notes that protest management policies are usually designed mainly by cisgender people, both in public office and in organizations, without the participation of transgender people in their development.<sup>44</sup> This bias limits the ability of policies to reflect diverse realities, especially in contexts far from large urban centers.

In **Argentina**, for example, federal policies do not always reach the provinces, or they are designed without considering local particularities.<sup>45</sup> However, progress has been made in some areas. According to the president of Siempre Diversidad Catamarca, Argentina, authorities are becoming more open, and although police training generally still lacks comprehensive diversity training, awareness-raising courses have been implemented and concrete actions have been taken to address discrimination.<sup>46</sup> This background suggests limited progress in incorporating diversity approaches into public policies and law enforcement management, which could be useful in reducing frequent incidents of harassment, threats, disparagement, and humiliating practices during the detention of transgender people, due to persistent homophobia and transphobia in the region.

Some progress has also been made in other countries that is worth mentioning in this report. One such case is **Peru**, where the 2016-2021 National Plan against Gender Violence explicitly recognized gender-based violence in social conflicts. The State also reported to the SRFOE that it had implemented a "Joint Action Protocol" in February 2023 to ensure adequate services during police interventions, with a special focus on women and vulnerable groups. According to attorney Mar Pérez of the National Human Rights Coordinating Committee (hereinafter CNDDHH), this protocol was effectively applied during public order operations and proved useful, particularly in expediting the release of pregnant women detained during protests. It also assisted in strengthening oversight of the actions of state security agents.<sup>47</sup> The attorney also explained that, since the social unrest that erupted in Lima in 2020, invasive intimate searches carried out by police officers began to be referred to publicly as forms of sexual violence, which helped raise awareness about this type

<sup>42</sup> Id., p. 19.

<sup>43</sup> I/A Court H.R., Case of Women Victims of Sexual Torture in Atenco v. Mexico, *supra*. At the UN, the UN Secretary-General presented a report on human security to the General Assembly, highlighting the need for a rethinking of the security and defense sector, which has traditionally been designed from a male perspective. This review should ensure not only the effective participation of women, but also the inclusion of an agenda that addresses gender issues. United Nations (UN), Human security: report of the Secretary-General (UN Doc. A/64/701), 8 March 2010.

<sup>44</sup> CIVICUS and Center for Legal and Social Studies (CELS), The Right to Protest: the Need for an Intersectional and Transfeminist Approach, July 2022, available at: <https://www.cels.org.ar/web/en/publicaciones/the-right-to-protest-the-need-for-an-intersectional-and-transfeminist-approach/>.

<sup>45</sup> Id., pp. 22 and 23.

<sup>46</sup> "She highlights two recent cases: [...] the INADI (National Institute against Discrimination) has condemned a priest for [discriminatory statements against] LGBT+ persons, [and] the provincial Ministry of Security [suspended] a group of police officers who [...] treated LGBT+ persons in a derogatory and discriminatory manner [during an intervention in 2020]. In addition to being suspended from duty, they were required to attend [sensitivity training]." CIVICUS and CELS, The Right to Protest, Id., p. 23.

<sup>47</sup> Interview with Mar Pérez, CNDDHH (Peru) December 2024.



of abuse. The Ministry of Women issued a directive establishing that, when women are detained, representatives of this ministry must visit police stations to monitor their status and conditions of detention. This mechanism has played a role in highlighting the situations faced by women detainees, but it is insufficient to prevent and punish the rights violations that occur, especially during the first hours in police custody.

Several states in **Mexico**, including the State of Mexico, Guanajuato, and Oaxaca, also have protocols for police management of protests and demonstrations that include rules on the differentiated use of force and the assessment of additional efforts to encourage the participation of groups with particular characteristics due to their “age, sex, marital status, educational level, ethnic origin, physical and/or mental condition, sexual preference, and gender identity,” but they do not explicitly refer to the prohibition of sexual and gender-based violence.<sup>48</sup> Regulation in other states follows the guidelines established by the 2019 National Law on the Use of Force, which also makes no mention of SGBV.<sup>49</sup>

Civil society organizations, while recognizing that this is a positive step forward, have expressed concern about the impact and changes this will have in practice without a concrete definition of specific measures to be taken or sufficient training for security forces.<sup>50</sup> The fact that Mexico City’s police protocol prohibits the confiscation of work materials and the deletion of records belonging to human rights defenders and journalists, and also provides for prior negotiation through an independent team from the Institutional Liaison Office before force is used, has been particularly welcomed.<sup>51</sup> However, the NGO Marabunta also acknowledged that this protocol does not clearly incorporate a gender perspective that establishes how police should act in protests led by women. This NGO has also not seen any significant impact from the increased recruitment of women into law enforcement, as they do not assume leadership roles and, therefore, the male-dominated culture of policing has not changed.<sup>52</sup>

In **Colombia**, the Committee for the Follow-up and Monitoring of the Implementation of the Recommendations for Truth, Coexistence, and Non-Repetition (CSM) published its second report on the implementation process for the 2022–2024 period in June 2024.<sup>53</sup> A significant number of the measures established by the Truth Commission in its report referred to the security framework.<sup>54</sup> As a result of these recommendations, the national government has been developing measures aimed at mainstreaming differential approaches in security policies.<sup>55</sup> On this point,

<sup>48</sup> Article 19, The right to protest, November 2022, available (in Spanish) at: [https://www.article19.org/wp-content/uploads/2022/12/El-derecho-a-la-protesta\\_25nov22\\_FINAL-min-1.pdf](https://www.article19.org/wp-content/uploads/2022/12/El-derecho-a-la-protesta_25nov22_FINAL-min-1.pdf).

<sup>49</sup> Mexico, National Law on the Use of Force, House of Representatives of the Congress of the Union, 2019, available at: <https://www.diputados.gob.mx/LeyesBiblio/pdf/LNUF.pdf>.

<sup>50</sup> CIVICUS and CELS, The Right to Protest, *supra*, p. 16.

<sup>51</sup> *Id.*, pp. 16–17.

<sup>52</sup> Article 19, The right to protest (in Spanish), *supra*, pp. 42–43.

<sup>53</sup> Committee for the Follow-up and Monitoring of the Implementation of IACHR Recommendations for Truth, Coexistence, and Non-Repetition (CSM), Second report on the implementation of the recommendations made by the Truth Commission (CEV), June 2022 – March 2024, available (in Spanish) at: [https://caribeafirmativo.lgbt/wp-content/uploads/2024/06/01062024-ST\\_CSM\\_Segundo\\_Informe\\_total\\_Ver3.pdf](https://caribeafirmativo.lgbt/wp-content/uploads/2024/06/01062024-ST_CSM_Segundo_Informe_total_Ver3.pdf).

<sup>54</sup> Truth Commission (CEV), There is a future if there is truth: Final Report (in Spanish), Vol. 6, 2022, pp. 205, 354. See p. 205 for Recommendation MCV6.1 on reforming the security and justice sectors to ensure women’s rights; and Recommendation MCM19.1, on p. 354, referring to the acknowledgment and transformation of historical conditions of violence against LGBTIQ+ persons. “1. Recommendation MCV6.1: Reform the security and justice sectors to ensure the life, integrity, and protection of women victims of violence, women social leaders, and all women and girls residing in Colombia.” MCM19.1: “Changing the historical conditions of violence against LGBTIQ+ people requires a commitment to acknowledging what has happened and adopting new forms of action and perspectives so that such violence does not continue to occur.”

<sup>55</sup> Among the most notable are, first, the new Security, Defense, and Citizen Coexistence Policy (PSDCC) of April 2023, provision 2.1 of which establishes an action to “mainstream differential approaches in the policies and management of the Security and Defense Sector (...) by encouraging staff training and its application in the various activities carried out by the Armed Forces and the National Police, fostering an institutional culture free of gender stereotypes and zero tolerance for any expression of sexual violence or gender-based violence, with an emphasis on the implementation of the guidelines of United Nations Resolution 1325 of 2000.” Colombian Ministry of National Defense, Policy on Security, Defense, and Citizen Coexistence (PSDCC), April 2023, p. 81, available (in Spanish) at: <https://www.mindefensa.gov.co/ministerio/centro-de-documentos/politicas-sectoriales/politica-de-defensa-y-seguridad>. With regard to the police, the Ministry of Defense developed the “Strategy for Assistance to Vulnerable Populations (ESPOV).” Colombian National Police, Transitional Operational Directive No. 008 DIPON-JESEP, April 1, 2023. The Follow-up and Monitoring Committee also highlighted the launch of the Antonio Nariño Institute for Social Conflict and Human Rights, whose main purpose is to produce research on the use of force, sexual and gender-based violence, and reports of human



the NGO Colombia Diversa stressed that it is still necessary to continue working toward the effective incorporation of differential approaches and the acknowledgment of populations with diverse sexual orientations, gender expressions, and gender identities within the policies of the National Police and in its use of force."<sup>56</sup>

There is still work to be done, as the absence of clear protocols and the lack of gender-sensitive training within the security forces continue to play a role in the perpetuation of sexual and gender-based violence in the context of protests. Impunity also remains a constant feature in many cases, as reports of gender-based violence in these settings are not always adequately investigated, as will be discussed below.



---

rights violations. CSM, Second report on the implementation of the recommendations made by the CEV (in Spanish), *supra*.

<sup>56</sup> *Id.*, CSM, Second report on the implementation of the recommendations made by the CEV (in Spanish).





### 3. Types of sexual and gender-based violence in the context of peaceful social protest

Sexual and gender-based violence has been a recurring mechanism of control and repression used by state security forces in protest contexts.<sup>57</sup> Existing documentation shows that this type of violence disproportionately affects young women, adolescents, and gender-diverse individuals, although cases committed against heterosexual men have also been reported.<sup>58</sup> At any rate, it is common for cases of SGBV to be underreported due to fear of reprisals, lack of trust in the authorities' response, or the social stigma still attached to these forms of violence, among other reasons.

The police response is also influenced by other identity factors such as age, race/ethnicity, or socioeconomic background. The level of violence is also worse in working-class neighborhoods or outlying and rural areas.<sup>59</sup> An intersectional perspective is essential for analyzing human rights violations committed during protests, as these situations are exacerbated when people face multiple forms of discrimination, as is the case in Afro-descendant, Indigenous, rural, and low-income communities.

#### ▶ 3.1 Types of violence

##### i. Verbal assaults of a sexual nature

In most, if not all, of the countries studied, public discourse and disparaging remarks seek to blame women for taking to the streets to protest, thereby delegitimizing their demands and justifying their criminalization. Women and gender-diverse people are frequently disparaged with speech that perpetuates gender stereotypes and patriarchal roles. Protesters are labeled "unruly," "whores," "faggots," or "bad mothers."<sup>60</sup>

As documented in the report "Right to Protest" published by the NGOs Civicus and CELS, *"lascivious looks, gestures and discriminatory and gender-stereotypical verbal aggressions are commonplace in interactions with security forces in the context of protests."*<sup>61</sup> For example, state security forces throughout the region have commonly been heard to question women with comments such as the following: *"participating in a march is not for women, [that they are] whores,"*<sup>62</sup> *"first you are here doing this and then you come to complain because you have been raped,"*<sup>63</sup> *"Go home and take care of your children" and "do your chores."*<sup>64</sup> In other words, based on traditional gender stereotypes, their role as mothers is questioned because they are not at home with their children or because of their emotional state.<sup>65</sup> There are also many cases of threats of being stripped naked

---

<sup>57</sup> This practice is neither new nor limited to Latin America. Authorities in several countries have used sexual violence to punish protesters and/or to eliminate protest. Supra. situations in Egypt (2011-2014), Sudan (2019-2021), Myanmar (in particular from 2021), Iran (2022-2023), and Bangladesh (2024).

<sup>58</sup> The MESECVI Committee of Experts highlighted the need for specific legislation to address this violence, identifying its rise as directly linked to women's increased participation in spaces traditionally dominated by heterosexual men. Organization of American States (OAS), Inter-American Model Law on the Prevention, Punishment and Eradication of Violence against Women in Political Life, 2017, available at: <https://www.oas.org/en/mesecvi/docs/LeyModeloViolenciaPolitica-EN.pdf>.

<sup>59</sup> CIVICUS and CELS, The Right to Protest, supra, p. 17.

<sup>60</sup> Id., p. 9.

<sup>61</sup> Id., p. 9 et seq.

<sup>62</sup> Example from women in Brazil CIVICUS and CELS, The Right to Protest, supra.

<sup>63</sup> Example from Guanajuato, Mexico, in CIVICUS and CELS, The Right to Protest, supra, p. 11.

<sup>64</sup> Example from Chile in CIVICUS and CELS, The Right to Protest, supra, p. 11

<sup>65</sup> Article 19, The right to protest (in Spanish), supra, p. 58.



or raped, sexual intimidation, sexual harassment when protesters are being arrested, or once they are in the custody of the State.<sup>66</sup>

In **Mexico (2020)**, the OHCHR Representative in Mexico spoke at a public hearing before the IACHR on the situation of women and girls in the context of protests in that country, explaining that “The testimonies of victims [received by the Office] describe sexist and *machista* behavior, insults and humiliating acts based on gender, and disparaging remarks to those who transgress traditional gender roles. The attacks have extended to female journalists covering demonstrations, who have been victims of verbal and physical attacks with a strong gender component.”<sup>67</sup>

In the 2021 Annual Report of the SRFOE-IACHR, the Office of the Special Rapporteur received information from **Honduras (2021)** about misogynistic insults directed at participants in a peaceful women’s protest in Tegucigalpa on the International Day for the Elimination of Violence against Women.<sup>68</sup> Similarly, in **Colombia (2019)**, women human rights defenders in Bucaramanga reported that, while attending a peaceful march in the city as observers, an officer from the Mobile Anti-Riot Squad (ESMAD) repeatedly made intimidating sexual gestures at them.<sup>69</sup>

This situation not only affects the people actively participating in demonstrations, but also passersby who are perceived or mistaken as protesters by security forces, especially if they are young people, students, or women. In **Venezuela (2024)** the most recent report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (hereinafter Independent International Mission on Venezuela) on post-election violence following the elections of June 28, 2024, documented the case of a woman who was subjected to threats and sexist intimidation on the street by female members of the military force charged with maintaining public order, the Bolivarian National Guard (GNB). This occurred despite the fact that she was not actively participating in the protest at the time. The attack was motivated by the fact that she and a friend were wearing white T-shirts, a color associated with the political opposition in Venezuela. Women were insulted and disparaged with sexist terms.<sup>70</sup> This was not the only case, as documented by the Human Rights Observatory of the University of Mérida (hereinafter ODH-ULA). It was particularly common for women to be subjected to sexist insults such as “bitches” and “whores” because of their dual status as women and opponents who had transgressed their role by demonstrating in public against the government.<sup>71</sup>

As mentioned above, the Inter-American Court has highlighted this type of violence extensively in its case law. In the case of *Women Victims of Sexual Torture in Atenco v. Mexico*, the Court emphasized how verbal and physical assaults by police officers reflected deeply sexist stereotypes. These stereotypes sought to reduce women to sexual or domestic roles, punishing them with abuse for deviating from these roles by participating in public activities such as demonstrations, protests, or the documentation of events.<sup>72</sup>

It is vitally important to stress how these insults and attacks are constructed differently when directed at Indigenous, rural, or trans women. Insults against trans women, for example, are aggravated by recriminations about their gender identity. In **Nicaragua (2018)**, the report by the

<sup>66</sup> CIVICUS and CELS, *The Right to Protest*, supra, p. 19.

<sup>67</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Statement at the public hearing of the IACHR: Situation of the human rights of women and girls in the context of protests in Mexico, October 27, 2021, available (in Spanish) at: [https://hchr.org.mx/discursos\\_cartas/intervencion-de-guillermo-fernandez-maldonado-en-la-audiencia-de-la-cidh-situacion-de-los-derechos-humanos-de-mujeres-y-ninas-en-el-contexto-de-las-protestas-en-mexico/](https://hchr.org.mx/discursos_cartas/intervencion-de-guillermo-fernandez-maldonado-en-la-audiencia-de-la-cidh-situacion-de-los-derechos-humanos-de-mujeres-y-ninas-en-el-contexto-de-las-protestas-en-mexico/).

<sup>68</sup> Inter-American Commission on Human Rights (IACHR), 2021 Annual Report: Report of the Office of the Special Rapporteur for Freedom of Expression (OEA/Ser.LV/II. Doc. 64. rev.1), Organization of American States (OAS), May 26, 2022, para. 573.

<sup>69</sup> CIVICUS and CELS, *The Right to Protest*, supra, p. 9.

<sup>70</sup> Human Rights Council, Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela (A/HRC/57/CRP.5), United Nations, 14 October 2024, para. 721, available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session57/advance-versions/a-hrc-57-crp-5-en.pdf>.

<sup>71</sup> Id., paras. 721 et seq. See also Efecto Cocuyo, *Defenselessness, vulnerability, and silence: women detained in post-election protests*, August 17, 2024, available (in Spanish) at: <https://efectococuyo.com/la-humanidad/indefension-vulnerabilidad-y-silencio-las-mujeres-detenido-as-en-las-protestas-positivas/>.

<sup>72</sup> I/A Court H.R., Case of *Women Victims of Sexual Torture in Atenco v. Mexico*, supra, para. 216.



NGOs Civicus and CELS gathered testimonies from many trans women activists who were detained and particularly denigrated and humiliated with expressions such as “you are a man, you’ve got balls,” “women’s clothes are not allowed here.”<sup>73</sup>

According to the same report, and similarly, in **Colombia (2021)**, civil society organizations explained that attitudes of contempt toward the participation and opinions of women and people of diverse sexual orientation or gender identity persist, as well as a lack of attention to the specific violence affecting Afro-descendant and Indigenous women. The organization ILEX highlighted that women of African descent faced patterns of gender-based violence marked by control over their bodies and the imposition of fear, linked to historical connotations associated with their physicality.<sup>74</sup>

However, there was no acknowledgment of racist, homophobic, and transphobic structural practices in the final negotiations between the government and the National Strike Committee.<sup>75</sup> From the organization’s perspective, this scenario reflects a masculinized view of the protests, where men occupy most of the political leadership positions, while women are relegated to traditionally feminized tasks, such as preparing food.<sup>76</sup> In **Mexico (2020)**, Indigenous women, in addition to receiving typical insults against women such as “fucking troublemakers,”<sup>77</sup> were also denigrated with insults such as “riffraff” or “savages,” in a kind of double discrimination based on race and gender.<sup>78</sup>

These insults have also been made by politicians and public officials in the media and on social networks, which is particularly dangerous because it fosters a climate of exclusion or even the legitimization of violence against female protesters.<sup>79</sup> For example, in **Peru (2023)**, there was widespread coverage of the case of several Aymara women from Puno who took part in protests in Lima and were dispersed by police using tear gas while they were carrying their young children on their backs, as is their ancestral tradition.<sup>80</sup> In a clear example of institutional racism, then-Minister Óscar Becerra made stigmatizing statements comparing the women to animals, questioning their role as mothers, and spreading a narrative that reinforces prejudices and further violates the dignity of these women.<sup>81</sup>

Lastly, verbal and psychological violence is not usually reported or investigated independently if it is not coupled with other forms of physical violence, which are considered more serious or relevant.<sup>82</sup> This was true, for example, in the sexual torture of a group of women during a protest in Atenco. In that case, the Mexican authorities focused their investigation on the physical violence and not on the verbal and psychological violence experienced by the women who were detained.<sup>83</sup>

## *ii. Physical and sexual violence*

Physical and sexual violence has been used systematically as a mechanism of repression in protest contexts. Touching and rubbing, invasive searches, forced nudity, and even rape are some of the

<sup>73</sup> CIVICUS and CELS, *The Right to Protest*, supra, p. 1.1

<sup>74</sup> Id., p. 30.

<sup>75</sup> See CNN en Español, *What are the demands of the National Strike Committee in Colombia?*, May 17, 2021, available (in Spanish) at: <https://cnnespanol.cnn.com/2021/05/17/peticiones-paro-nacional-colombia-orix>.

<sup>76</sup> CIVICUS and CELS, *The Right to Protest*, supra.

<sup>77</sup> Id., p. 9.

<sup>78</sup> Article 19, *The right to protest* (in Spanish), supra, p. 55 et seq.

<sup>79</sup> CIVICUS and CELS, *The Right to Protest*, supra, p. 10.

<sup>80</sup> Inter-American Commission on Human Rights (IACHR), 2023 Annual Report: Report of the Office of the Special Rapporteur for Freedom of Expression (OEA/Ser.L/V/II. Doc. 386), Organization of American States (OAS), December 6, 2023.

<sup>81</sup> Interview with Mar Pérez, CNDDHH, December 2024. See also Infobae, *Calls for resignation of education minister over statements against Aymara women*, March 6, 2023, available (in Spanish) at: <https://www.infobae.com/peru/2023/03/06/oscar-becerra-piden-renuncia-del-ministro-de-educacion-por-declaraciones-contra-mujeres-aimaras/>.

<sup>82</sup> I/A Court H.R., *Case of Women Victims of Sexual Torture in Atenco v. Mexico*, supra. See also CIVICUS and CELS, *The Right to Protest*, supra.

<sup>83</sup> Id.



acts documented by civil society organizations during the repression of protests. This violence, in addition to being a direct form of control, seeks to humiliate, punish, and discourage women and those who transgress gender norms or challenge traditional roles from participating in public spaces. In the case of heterosexual men, information has been received regarding the use of rape as a mechanism to humiliate them and attack their masculinity, in an exercise of “feminization.”<sup>84</sup>

In **Colombia (2019-2021)**, during what is known as the National Strike, multiple cases of sexual violence by security forces were reported. Temblores tracked three cases involving four women (three protesters and one journalist) who were sexually assaulted during searches at a police station (a CAI, or immediate action command).<sup>85</sup> Other organizations documented rapes, inappropriate touching and sexual threats as mechanisms of intimidation in other cities in the country.<sup>86</sup> Another case documented by Temblores together with the NGOs PAIS and Indepaz involved three young men aged 18, 20, and 22, one of whom was gay, who were arrested on May 21, 2021, during protests in Barranquilla. While transporting the men, the police threatened to rape and disappear them, and then locked them in a cell where they encouraged the other prisoners to rape them. According to the testimony of the three young men, with the acquiescence of the police officers, the other detainees stripped them naked, touched them, and extorted money from them in exchange for not raping them. One of them, the gay man, was forced to perform oral sex on them. The men reported the incident to the police, but the officers took no action and even mocked them—especially the gay man, because of his sexual orientation.<sup>87</sup>

There have also been documented cases in Colombia in which transgender people and those with diverse sexual orientations and gender identities have been forced to change their clothing and perform degrading acts while in detention—such as squats, jumps, or other physical movements—often without clothing.<sup>88</sup> During the 2019 protests in **Chile (2019)**, multiple cases of rape of transgender women were reported in a specific area of the city of Santiago. According to the report by the NGOs Civicus and CELS, these abuses were committed at police stations, where the women had been detained in the context of the demonstrations.<sup>89</sup>

In **Venezuela (2023-2024)**, the most common forms of violence used by state agents during the July 2024 protests were rape threats, the groping of breasts, buttocks, and genitals, forced nudity in front of guards and other detainees of the opposite sex—sometimes while being forced to perform physical exercises—invasive searches, and the denial of sexual and reproductive rights to female detainees.<sup>90</sup> These acts were committed disproportionately against women, many of whom were under 18 years of age.<sup>91</sup> In previous reports, the Independent International Mission on Venezuela

<sup>84</sup> Human Rights Council, The government apparatus, its repressive mechanisms and restrictions on civic and democratic space Independent international fact-finding mission on the Bolivarian Republic of Venezuela (A/HRC/54/CRP.8), United Nations, 18 September 2023, para. 264.

<sup>85</sup> Temblores, Press release on incidents of sexual violence inside the CAI San Diego, La Candelaria (Bogotá), September 11, 2020, available (in Spanish) at: <https://twitter.com/TembloresOng/status/1304558933214982145?s=20>; See also Fundación Paz y Reconciliación [Peace and Reconciliation Foundation] (Pares), Gender-based violence and protest: a reality in the streets, November 24, 2020, available (in Spanish) at: <https://www.pares.com.co/post/violencia-basada-en-g%C3%A9nero-y-protesta-una-realidad-en-las-calles>; Temblores, Foundation for Press Freedom (FLIP), and Sisma Mujer, Condemnation of sexual violence perpetrated by law enforcement to restrict press freedom, September 16, 2020, available (in Spanish) at: <https://flip.org.co/pronunciamientos/repudio-a-la-violencia-sexual-de-la-fuerza-publica-para-limitar-la-libertad-de-prensa>.

<sup>86</sup> CIVICUS and CELS, The Right to Protest, supra, p. 9.

<sup>87</sup> Temblores, Indepaz, and PAIS, Report to the IACHR on the systematic violation of the American Convention and the scope of the case law of the Inter-American Court on the use of public force against civil society in Colombia, 2021, p. 43, available (in Spanish) at: <https://4ed5c6d6-a3c0-4a68-8191-92ab5d1ca365.filesusr.com/ugd/7bbd97fcd5e676fd3458fb10a78e49a63c985.pdf>.

<sup>88</sup> Defender la Libertad, Civil society organizations submit report to IACHR on sexual and gender-based violence in the context of national strike, June 2021, p. 5, available (in Spanish) at: <https://drive.google.com/file/d/1q4tPrmLywPzB2vtLwDUBGjpFCJ4fG6/view>.

<sup>89</sup> CIVICUS and CELS, The Right to Protest, supra, p. 23.

<sup>90</sup> Human Rights Council, Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela (A/HRC/57/CRP.5), United Nations, 14 October 2024, para. 716, available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session57/a-hrc-57-crp-5-en.docx>.

<sup>91</sup> Id.



identified a pattern of sexual violence against men belonging to or associated with the armed forces during interrogations, which may amount to torture under international standards.<sup>92</sup>

These same forms of violence also occurred in **Peru (2020)**, where the CNDDHH received multiple reports of “intimate searches and inappropriate touching of female protesters and students detained during the invasion of the National University of San Carlos.”<sup>93</sup> In these cases, the search was used to humiliate the detainees, touch their genitals, insert fingers into their vaginas, strip them naked, and make them walk naked in front of other people, including members of the opposite sex. The CNDDHH documented one case of a march in which a group of protesters stripped naked in a public space and law enforcement officers took advantage of the situation to touch their sexualized body parts as they attempted to end the demonstration and move them to another location.

As for the profile of the perpetrators, the study by Civicus and CELS in **Chile, Colombia, and Honduras**, as well as the organization consulted in **Venezuela**,<sup>94</sup> noted that the few women who hold positions in the police forces (and they are generally low-ranking positions) tend to replicate preexisting sexist behavior, in some cases reaching levels of violence equal to or even higher than those of their male colleagues. According to these organizations, this situation shows that measures to integrate women into the police force “are insufficient if they are not accompanied by broader policies aimed at eliminating the repressive culture of the police forces.”<sup>95</sup>

The above examples show systematic patterns of sexual violence that also have an impact on women’s freedom to exercise their rights to protest and freedom of expression, raising questions about whether it is worth the risk to participate in a march. This situation is even worse for people who are gender diverse. According to Colombian NGOs such as Colombia Diversa, Caribe Afirmativo, and the GAAT Foundation, this violence, combined with the high levels of violence experienced by people of diverse sexual orientations or gender identities in their daily lives, discourages them from exercising their right to protest.<sup>96</sup>

### *iii. Reproductive violence*

The conditions of detention in protest contexts involve gender-specific issues that, in many cases, seriously violate the reproductive rights of detainees. These practices reflect not only negligence, but also specific forms of violence that disproportionately affect women and pregnant people, particularly in relation to their health and dignity.

In various contexts and countries, women in detention have reported a lack of access to basic menstrual hygiene products, leaving them exposed to humiliation and ridicule when their clothes became stained. This type of mistreatment constitutes a violation of fundamental human rights and is evidence of a systematic disregard for gender-specific needs.<sup>97</sup>

The United Nations Independent International Mission on Venezuela documented cases of reproductive violence in detention centers in **Venezuela (2024)**. For example, a pregnant girl was subjected to ill-treatment, including being forced to do physical exercises such as jumping and jogging, while being threatened with abortion for being a “whore,” and referred to in derogatory terms and humiliated for becoming pregnant at such a young age. Similarly, two female detainees

<sup>91</sup> Id.

<sup>92</sup> Human Rights Council, Repressive mechanisms in Venezuela, (2023) *supra*, para. 270.

<sup>93</sup> National Human Rights Coordinating Committee (CNDDHH), Eighty days of repression in Peru: Human rights violations during protests, February 2023, p. 6, available (in Spanish) at: <https://drive.google.com/file/d/1CtXvm3938eSr83SCU5Uz7sD2L98PmPL2/view>.

<sup>94</sup> CIVICUS and CELS, The Right to Protest, *supra*, p. 15; (A/HRC/57/CRP.5). United Nations. Interview with ODH-ULA, January 2025. Interview with Mar Pérez, CNDDHH (Peru), December 2024. See also Human Rights Council, Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela (2024), *supra*.

<sup>95</sup> Id., p. 15.

<sup>96</sup> Id., p. 22.

<sup>97</sup> Interview with Mar Pérez, CNDDHH (Peru), December 2024. Interview with Sonia Ivanoff (Argentina), December 2024.





reported that they were prevented from breastfeeding, which constitutes interference with their reproductive autonomy and a form of ill-treatment.<sup>98</sup>

In **Peru (2023)**, during a police intervention at the National University of San Marcos, many pregnant women and/or women accompanied by their children were arrested.<sup>99</sup> According to the Office of the Ombudsperson, some of the women detained during the university takeover were not given feminine hygiene products despite the fact that they were menstruating, leaving them with bloodstained clothing. A pregnant woman with an infant daughter was also initially denied priority health care until the Office of the Ombudsperson intervened.<sup>100</sup>

In **Argentina**, during a land recovery action, a Mapuche woman and other members of her community were arrested and taken to a police station where they were held for several hours. The woman's head was covered with a hood that prevented her from seeing, while she was subjected to misogynistic and racist insults such as "fucking Indian, can't you see you're going to fall," along with physical assaults, such as tripping her.<sup>101</sup> The severe anxiety experienced by the Mapuche activist caused her to start menstruating, prompting her to ask the police officers for period products. Not only did they deny her, but they also humiliated her with degrading comments such as "fucking Indian, suck your own blood." This situation not only caused her physical discomfort and distress, but also inflicted profound humiliation by exposing her in front of other detainees and security forces, placing her in a position of vulnerability and inferiority.<sup>102</sup>

These practices reflect a systematic disregard for the reproductive and health needs of detained women and pregnant persons, which, in addition to violating their dignity, constitutes a form of reproductive violence.

#### *iv. Sexual and gender-based torture*

Most of the acts of physical and psychological violence mentioned in the previous sections, when committed by state security forces to cause fear, distress, humiliation, coercion, or to break physical and mental resistance or discriminate against protesters, may constitute torture or other ill-treatment. The current United Nations Special Rapporteur on Torture defined sexual torture as "any verbal, emotional, psychological and/or physical aggression that intrudes into and violates the intimate or private areas of a person."<sup>103</sup> It includes "such acts as forced nudity, verbal abuse and threats of a sexual nature, forced masturbation or urination, physical trauma, electrocuting, mutilating or targeting of genitalia, reproductive organs or breasts, rape (involving digital, object or penile penetration), enslavement, mock or real castrations and forced abortions, pregnancies or sterilizations."<sup>104</sup>

International standards are unanimous on this point. International treaties and committees recognize that sexual and gender-based violence, including rape, can constitute torture or cruel, inhuman, and degrading treatment.<sup>105</sup> For example, the Office of the Prosecutor of the

<sup>98</sup> Human Rights Council, Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela (2024), *supra*, paras. 729-731.

<sup>99</sup> National Human Rights Coordinating Committee (CNDDHH), Eighty days of repression in Peru: Human rights violations during protests (in Spanish), *supra*, pp. 6-16.

<sup>100</sup> National Human Rights Coordinating Committee (CNDDHH), Gagging justice: Repression and criminalization of protest in Peru, November 2024, p. 31, available (in Spanish) at: <https://drive.google.com/file/d/1IncliaJuGrpOLPPWkmwAd6OcxLcsjCWs/view>.

<sup>101</sup> Interview with Sonia Ivanoff (Argentina), December 2024.

<sup>102</sup> *Id.* See also Center for Legal and Social Studies (CELS), Villa Mascardi: a week of arbitrary actions against Mapuche women, October 6, 2022, available (in Spanish) at: <https://www.cels.org.ar/web/2022/10/villa-mascardi-una-semana-de-arbitrariedades-contra-las-mujeres-mapuche/>.

<sup>103</sup> UN General Assembly, Torture and other cruel, inhuman or degrading treatment or punishment. Note by the Secretary-General (A/79/181), 18 July 2024, para. 21, available at: <https://docs.un.org/en/A/79/181>.

<sup>104</sup> *Id.*, para 22.

<sup>105</sup> The report of the Special Rapporteur on Torture summarizes the most relevant case law. The United Nations Human Rights



International Criminal Court explained in its gender policy that torture may be perpetrated through acts of sexual, reproductive, or other gender-based violence, provided that such acts cause intense suffering or severe pain to the victims, who are under the custody or control of the perpetrator.<sup>106</sup>

In **Mexico**, in a 2022 report, the NGO Article 19 documented the case of the detention of and violence against 74 teacher training students in Chiapas in 2021, which it described as sexual torture.<sup>107</sup> The 74 teacher training students were arrested during a protest on May 21, 2021, in Chiapas as they attempted to leave the area on a bus. They were intercepted by police forces. According to witnesses, police removed the young women from the vehicle by shoving them and pulling their hair. During their detention and transfer to the El Amate penitentiary, they were subjected to multiple physical and psychological assaults. The students reported receiving threats related to the events in Ayotzinapa, a message intended to instill fear and intimidation in the young women. Some of them were forced to undress and were touched by police officers.<sup>108</sup> According to their relatives and classmates, the students had bruises and burns when they were released. However, the most profound impact was the fear and silence they experienced after their release, revealing the psychological aftermath of the assaults they had endured. Two of their classmates reported that the students did not want to talk about what had happened, reflecting the use of sexual violence and abuse as tools to silence social protest and perpetuate impunity.<sup>109</sup>

Impunity also persists in **Mexico** in many cases of excessive use of force against women in protest contexts. This is the case of Wendy Galarza, who was brutally beaten and shot twice by the police when she attended a march organized by feminist groups in November 2020 in Cancún.<sup>110</sup> In June 2024, during the interactive debate before the new Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero, during the 56th Session of the Human Rights Council, she condemned the torture and police repression of protesters in Mexico.<sup>111</sup>

Other countries in the region have also documented acts of sexual torture. In **Nicaragua (2018)**, a Tribunal of Conscience was established in 2020 to investigate crimes against humanity involving sexual and gender-based violence committed between April 15 and August 25, 2018, the months when the protests were most violently repressed.<sup>112</sup> In the symbolic judgment, after hearing the testimony of 11 women and seven men about the human rights violations they suffered, the jury characterized the acts of violence against them as forms of sexual torture and explained that it “occurs through: anal rape, vaginal rape, anal and vaginal rape with objects (rifle barrels, shotguns, pistols, riot batons or “amansa bolos”), multiple rapes by three or more perpetrators (one case involving 15 individuals raping a female prisoner), burning of genitals with acid (possibly battery acid), in some cases where women were forced to abort as a result of rape or using abortion serum, stripping detainees naked either in front of their captors or in front of other detainees, and threats of rape against both men and women, among others.”<sup>113</sup>

---

Committee has maintained that gang rape constitutes a violation of Article 7 of the International Covenant on Civil and Political Rights (ICCPR). For its part, the United Nations Committee Against Torture has prevented expulsions based on the principle of non-refoulement when the person was at risk of sexual torture. The Committee on the Elimination of Discrimination against Women (CEDAW Committee) has recognized that gender-based violence can constitute a form of torture. The United Nations Committee on the Rights of the Child has similarly highlighted the particular vulnerability of children to sexual abuse during armed conflicts. See UN General Assembly, Torture and other cruel, inhuman or degrading treatment or punishment. Note by the Secretary-General, *supra*, para. 35.

<sup>106</sup> International Criminal Court (ICC), Policy on the Crime of Gender Persecution, December 2022, retrieved on January 27, 2025, para. 58, available at: <https://www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf>.

<sup>107</sup> Article 19, The right to protest (in Spanish), *supra*, p. 87.

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> For more information on the case, see Amnesty International, Mexico: Demand Justice for Wendy Galarza, available at: <https://www.amnesty.org/en/petition/mexico-justice-for-wendy-galarza/>.

<sup>111</sup> See World Organisation Against Torture (OMCT), Mexico, available at: <https://www.omct.org/en/resources/statements/méxico>.

<sup>112</sup> See Revista Envío, The sexual violence committed by the State of Nicaragua is a crime against humanity, available at: <https://www.revistaenvio.org/articulo/5835>; Confidencial, Tribunal of Conscience to judge 18 crimes of sexual violence committed during Ortega's repression, available (in Spanish) at: <https://confidencial.digital/nacion/tribunal-de-conciencia-juzgara-18-crímenes-de-violencia-sexual-de-la-represion-orteguista/>; Nicaragua: Sexual violence as a method of torture, available (in Spanish) at: <https://www.dw.com/es/nicaragua-la-violencia-sexual-como-m%C3%A9todo-de-tortura/a-54902904>.

<sup>113</sup> Tribunal of Conscience, Sexual violence: Crime against humanity in Nicaragua. Judgment, San José, Costa Rica, September 11, 2020, available (in Spanish) at: [https://docs.wixstatic.com/ugd/536db9\\_91ea3ee2644a4f3d81263f017ee691f5.pdf](https://docs.wixstatic.com/ugd/536db9_91ea3ee2644a4f3d81263f017ee691f5.pdf).



In its latest report, Independent International Mission on **Venezuela (2024)** concluded in one of the cases it investigated that the acts of sexual violence (electric shocks to his genitals) committed against a heterosexual man detained for being considered an opponent of the government constituted sexual torture.<sup>114</sup> In **Peru (2020)**, during protests against former president Manuel Merino in November 2020, two women were arbitrarily detained and subjected to sexual torture in police custody: “Both were stripped naked, forced into humiliating poses, and subjected to a genital examination—an invasive procedure that was performed even though they were not being investigated for drug trafficking, but rather for their participation in the protests.”<sup>115</sup>

The IACHR also recognized the use of sexual violence as torture during the National Strike in **Colombia** and, in one of its recommendations, called on the State to establish comprehensive reparation programs for victims of such violence.<sup>116</sup> The OHCHR took a similar stance after analyzing documented cases of sexual violence committed by the police against protesters and determined that, in at least five cases, the sexual violence constituted torture and, in eight cases, cruel, inhuman, and degrading treatment.<sup>117</sup> Specifically, the OHCHR stated that they found *“well-founded reasons to believe that in these cases members of the police used sexual violence to punish people for their participation in demonstrations and to humiliate them because of their gender (for not conforming to the gender roles traditionally assigned to women or for getting involved in public affairs), because they were LGBTI, or because of their ethnicity. Many of the documented violations were committed in connection with arbitrary arrests.”*<sup>118</sup>

Sexual torture in these contexts is an extreme manifestation of abuse of power, with devastating impacts on victims, both physically and psychologically.

#### *v. Particular violence against women human rights defenders and journalists*

Women human rights defenders, including journalists covering protests, are at higher risk of experiencing forms of sexual and gender-based violence such as those described in the sections above. In its 2019 study, the UNDP had already highlighted the worrying situation of women human rights defenders, “who face an even higher level of hostility” during protests.<sup>119</sup>

In recent years, the rise of conservative groups opposed to the ill-named concept of “gender ideology” has led to increased repression of feminist and women’s rights marches, especially those related to the defense of abortion rights and other sexual and reproductive rights.

In a joint statement issued by the IAHRS and the UN in July 2021, the IACHR, SRFOE, and OHCHR called on the States of the region to protect women in the context of protests and their participation in feminist movements.<sup>120</sup> In this statement, both human rights systems concluded with concern that “within the framework of protests led by women or involving feminist movements in the region, numerous incidents have been registered. They range from excessive use of force, criminalization, stigmatization, intimidation, threats, arrests, arbitrary, abusive use of criminal law, to gender violence and sexual violence, as well as attacks against the life and integrity of women human rights defenders.”<sup>121</sup>

<sup>114</sup> Human Rights Council, Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, (2024), supra, para. 154.

<sup>115</sup> Center for Public Policy and Human Rights – Peru EQUIDAD and National Human Rights Coordinating Committee (CNDDHH), Voices of Peruvian women: Disability – Agricultural exports – Women human rights defenders. Alternative reports from Peru to CEDAW, February 2022, Lima, Peru, p. 34, available (in Spanish) at: <https://drive.google.com/file/d/1aXKa8l32iG70gz1CPgAM5yr-t2e681TK/view>.

<sup>116</sup> Inter-American Commission on Human Rights (IACHR), Observations and recommendations: Working visit to Colombia, June 2021, para. 17, available at: [https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita\\_CIDH\\_Colombia\\_ENG.pdf](https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf).

<sup>117</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), The 2021 National Strike: Lessons learned for the exercise of the right to peaceful assembly in Colombia (in Spanish), 2021, para. 129.

<sup>118</sup> Id.

<sup>119</sup> Sapienza, Manzotti, and Patel, Protests, human rights and conflict prevention, supra.

<sup>120</sup> Inter-American Commission on Human Rights (IACHR), Press release 187/21, 2021, available at: [https://www.oas.org/en/iachr/jForm/?File=/en/iachr/media\\_center/preleases/2021/187.asp](https://www.oas.org/en/iachr/jForm/?File=/en/iachr/media_center/preleases/2021/187.asp).

<sup>121</sup> Id.



In many of these cases, the status of human rights defender and gender intersect with other aspects of their identity, such as ethnicity, race, and being from a rural area. In **Honduras (2019)**, following the coup, feminist activists were violently repressed at multiple demonstrations, particularly during commemorations of International Women's Day. In one case, tear gas canisters were fired directly at an Indigenous woman leader during a protest. In Peru (2020), the NGOs CNDDHH and Equidad presented an alternative report to the Committee on the Elimination of Discrimination against Women (hereinafter CEDAW Committee) in 2022, explaining the high risk of sexual and gender-based violence faced by women human rights defenders in Peru. Their report cited examples of women human rights defenders who, in June 2020, were victims of inappropriate touching by police officers while protesting against the mining company Glencore.<sup>122</sup>

There have been occasional restrictions on protests related to women's historical demands, particularly during demonstrations on International Women's Day on March 8, as well as recurring reports of misogynistic attacks on social media.<sup>123</sup> For example, in **Cuba (2023)**, in February 2023, three activists from the Cuban Women's Network were arrested after requesting authorization to hold a demonstration in three of the country's provinces on International Women's Day. According to statements from the organization, the march aimed to raise awareness about the importance of the full exercise of women's rights, including freedom of expression, equality, and the recognition of Cuban women. In response to the ban on the demonstration, the Women's Network announced that it would carry out a social media campaign under the slogan "a call for a state of emergency for gender violence."<sup>124</sup> This initiative sought to promote the implementation of protocols and preventive measures to address gender-based violence in the country.<sup>125</sup>

Civil society organizations in the region have also identified journalists covering the protests as one of the groups most affected by police actions that violate human rights.<sup>126</sup> In countries such as **Argentina, Peru, and Brazil**, there were reports of journalists being shot with kinetic projectiles, such as rubber bullets, being physically assaulted, and having their equipment stolen.<sup>127</sup> Women journalists face specific persecution due to gender-related factors, which has particular demobilizing effects.

In recent years, the SRFOE has documented several different types of attacks against women journalists, including gender-based stigmatization, harassment, physical and verbal assaults, and sexual violence. Persecution and threats against journalists covering sensitive issues such as voluntary termination of pregnancy and sexual violence have also been identified, sometimes with legal proceedings being brought against them.<sup>128</sup>

On this point, in **Mexico (2023)**, the SRFOE<sup>129</sup> documented the case of a journalist and a photojournalist from Enlace Noticias who were detained in Puebla in March 2023 while covering a march by a feminist group called "Marea Púrpura" (Purple Tide) organized as part of Women's Day. At the police substation where they were held, they were isolated, forced to undress, and beaten and humiliated by the officers. The secretary of security of Mexico has reportedly committed to training public officials on human rights and women's rights. As noted in the same report, the Office of the Special Rapporteur also received information about several campaigns to discredit, disparage, and intimidate women journalists, both online and offline.<sup>130</sup>

<sup>122</sup> EQUIDAD and CNDDHH, *Voices of Peruvian women* (in Spanish), *supra*, p. 34.

<sup>123</sup> Inter-American Commission on Human Rights (IACHR), 2022 Annual Report. Volume II: Annual Report of the Special Rapporteur for Freedom of Expression, Organization of American States (OAS), 2022, available at: <https://www.oas.org/en/iachr/expression/reports/IA2022ENG.pdf>.

<sup>124</sup> Inter-American Commission on Human Rights (IACHR), 2023 Annual Report: Report of the Office of the Special Rapporteur for Freedom of Expression (OEA/Ser.L/V/II. Doc. 386), Organization of American States (OAS), December 6, 2023, para. 545.

<sup>125</sup> *Id.*

<sup>126</sup> Several NGOs, Request for a hearing before the Inter-American Commission, *supra*, p. 24.

<sup>127</sup> *Id.*, p. 25.

<sup>128</sup> Inter-American Commission on Human Rights (IACHR), 2022 Annual Report. Volume II: Annual Report of the Special Rapporteur for Freedom of Expression, Organization of American States (OAS), 2022.

<sup>129</sup> IACHR, 2023 Annual Report: *Office of the Special Rapporteur for Freedom of Expression*, *supra*, paras. 1129-1131.

<sup>130</sup> *Id.*, paras. 1123-1131.



All these cases documented in various countries of the region show how sexual and gender-based violence, used in protest contexts, not only constitutes a serious violation of human rights, but also serves as a tool of repression that seeks to silence dissenting voices, perpetuate fear, and maintain impunity.

### *Case study: Nicaragua (2018)*

The Nicaraguan Initiative of Women Human Rights Defenders (IND) and the Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras) documented a large number of reports of attacks against activists and women human rights defenders during the crackdown in Nicaragua in 2018. In 2019, they provided the OHCHR with their gender analysis of these attacks, which revealed systematic patterns of gender-based violence, including rape, torture, smear campaigns, and harassment, aimed at intimidating and silencing activism.<sup>131</sup>

The organizations highlighted several recurring patterns in this context of repression—patterns that, unfortunately, coincide with those observed in other countries analyzed in this report. This shows that such repressive tactics are not only systematic, but also tend to be repeated in every social uprising, revealing a worrying continuity in the forms of state violence against protest:

- ▶ **Sexual violence and degradation of women's bodies:** Women human rights defenders were targeted with sexist taunts and ridicule about their bodies, especially women of diverse sexual orientations, to defame and intimidate them. They were also subjected to verbal, physical, and sexual violence during their arbitrary detention, with insults and derogatory remarks such as “lazy women,” “whores,” “sluts,” “vandals,” touching, and forced nudity being very common. For example, in April 2018, three female students detained at a roadblock were beaten, insulted, and forced to strip naked and do squats in front of police officers under threat of death.
- ▶ **Rape as an instrument of torture:** Rape has been used to instill fear in women participating in protests. One case documented by IND and IMD involves three young people from UNAN—two women and one man—who were kidnapped, tortured, and raped by paramilitaries in Tipitapa. The women were left at “La Cuesta El Plomo,” a site historically associated with extrajudicial executions. At detention centers such as El Chipote, there were also reports of rape being used during interrogations to force confessions or intimidate detainees.
- ▶ **Harassment and threats against women human rights defenders and their families:** The human rights defenders who were not detained were subjected to direct threats to their lives and their families’ lives with the aim of putting a stop to their social and/or political activism. These threats include physical violence, arson, and psychological terror campaigns. For example, one defender was threatened and warned to stop working, and told that her son “could disappear if she continued with her work.” Another case documents explicit threats to burn down the home of an activist’s mother for supporting young people during the protests.
- ▶ **Smear campaigns and digital violence:** Social media and other media outlets were used to defame the defenders, ridiculing their appearance, alluding to their sexual orientation—demonizing lesbianism—and spreading stereotypes about their work, especially when related to sexual and reproductive rights, labeling them as abortionists or associating them with organized crime. Examples include creating memes that manipulate images of them with organized crime. Examples include creating memes that

<sup>131</sup> Nicaraguan Women Human Rights Defenders Initiative (IND) and Mesoamerican Women Human Rights Defenders Initiative (IM-Defensoras), *Gender component in attacks against women human rights defenders in the context of protests and political crisis in Nicaragua*, n.d., available (in Spanish) at: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6476&file=Annexe3>.





manipulate images of women human rights defenders, associating them with illegal activities or using highly sexualized language. Platforms such as “Nicleaks” have disseminated personal data and false content to discredit them. There were also documented cases of digital identity theft to spread derogatory or stigmatizing information.

- ▶ **Stigmatization based on sexual orientation and gender roles:** Sexual diversity advocates were victims of specific violence. Documented cases include threats to “correct” their sexuality through sexual violence, public mockery, and vandalism of their property with sexually explicit and offensive graffiti.

## ▶ 3.2 Contexts in which violence linked to social protest occurs

### *i. Marches and demonstrations*

The NGOs consulted identified three specific times when the highest number of cases of sexual and gender-based violence are reported: (a) before and during the protest, at the start of police or military operations; (b) during arrest and transfer to police or military facilities; and (c) in the initial hours of detention, especially before being brought before a judge.

Before the police intervene, acts of intimidation and threats of a sexual nature often occur, mainly directed at women, with the aim of humiliating them and instilling fear. Numerous acts of sexual violence have reportedly occurred during arrests and transfers, including touching; misogynistic, homophobic, and transphobic insults; and other physical assaults that reflect a pattern of systematic abuse.

Some civil society organizations, such as Temblores in **Colombia**, have said that these arrests specifically targeting women were also carried out without justification or the identification of individuals, and they described the situation as a “witch hunt.”<sup>132</sup> The women are arrested and prosecuted on baseless charges, and their cases are later dismissed. Similar occurrences were documented in **Mexico, Argentina, and Honduras**.<sup>133</sup> In **Honduras**, the situation was worse for young women, Indigenous women, women of African descent, and migrant women.<sup>134</sup> In **Mexico (2019)**, Amnesty International documented cases where women were taken on long detour routes to prolong their journey to the detention center or were taken to police stations much farther away than the ones serving the area where they were arrested.<sup>135</sup>

Many NGOs throughout the region have reported large numbers of cases of sexual violence, including rape, occurring after individuals have been detained and are being held in police or military facilities. As reported by Temblores in one of its reports on Colombia, “the police seek out or take advantage of enclosed spaces or areas that can easily be made private in order to sexually assault citizens, the majority of whom are women.”<sup>136</sup> It is also at this point that searches are performed on individuals who arrive at the police station or police or military facility. These forms of sexual violence do not end with the initial search, but often persist during detention, particularly before or after visits by justice authorities.

In **Peru**, the NGO CNDDHH has identified multiple cases of violence during the first hours of detention, including inappropriate touching and degrading comments based on gender, class, and ethnic stereotypes. These attacks reflect a systematic pattern of discrimination and abuse that disproportionately affects historically vulnerable groups. Phrases such as “*terruga*” (terrorist), “why

<sup>132</sup> Interview with Temblores (Colombia), December 2024. See also, CIVICUS and CELS, *The Right to Protest*, supra, p. 18.

<sup>133</sup> Id.

<sup>134</sup> Id.

<sup>135</sup> Id.

<sup>136</sup> Temblores, Bolillo, Dios y Patria, n.d., p. 49, available at: [https://4ed5c6d6-a3c0-4a68-8191-92ab5d1ca365.filesusr.com/ugd/7bbd97\\_f40a2b21f9074a208575720960581284.pdf](https://4ed5c6d6-a3c0-4a68-8191-92ab5d1ca365.filesusr.com/ugd/7bbd97_f40a2b21f9074a208575720960581284.pdf).



aren't you at home looking after your children?" and "why aren't you looking after your husband?" reinforce discriminatory attitudes and perpetuate psychological violence against women.

In **Nicaragua**, in its latest report to the State dated 2022, the HRC expressed concern about the conditions of detention of persons arrested in connection with the protests, including "the suspension of family visits, in particular, visits by minor children, food rationing, routine strip searches and unwarranted and degrading visual inspections in places of detention," as well as "the use of solitary confinement as a disciplinary measure."<sup>137</sup> Many of the cases documented by NGOs where these acts were committed involve activists and people detained in connection with protests. The symbolic judgment of the Tribunal of Conscience for Nicaragua in Costa Rica found a pattern of behavior in the actions taken against detained protesters, which consisted of arbitrarily arresting them and transferring them to police stations or private properties, subjecting them to torture and abuse—including SGBV by police or parapolice forces—and subsequently threatening them.<sup>138</sup>

In **Venezuela (2024)**, men, women, children, and adolescents were held in the same cells and spaces. They had no access to water or basic sanitation and were repeatedly reprimanded by security officers.<sup>139</sup>

Differentiated violence against trans women stands out as a critical issue, as their gender identity is often ignored, resulting in additional mistreatment, undue isolation, and lack of access to essential medical services. For example, their identity is not acknowledged when they are placed in detention centers, their access to specific medical services is restricted, and solitary confinement is used excessively to separate them from other prisoners, as occurred in **Nicaragua (2018)** with a group of trans activists detained during protests.<sup>140</sup>

The report prepared jointly by Civicus and CELS includes several testimonies from countries such as **Colombia** and **Mexico** showing that violence against women is structural and goes beyond abuses committed by police forces. After their release, many women were left in isolated and remote areas, where they were at risk of being subjected to violence again, probably as a final form of punishment.<sup>141</sup>

Finally, the militarization of social conflict management has had serious implications in various countries, exacerbating violence and, in particular, sexual and gender-based violence. The same report presents accounts from civil society organizations in countries such as **Mexico**, **Venezuela**, and **Colombia**, which have identified the militarization of civic space as one of the causes of the increase or worsening of violence against women.<sup>142</sup> Several local NGOs in **Chile** emphasized that, during the outbreak of social unrest, it was the military personnel involved in managing the conflict who committed many of the acts of sexual violence, including threats of rape and indecent touching of intimate areas. These complaints reveal a pattern of behavior marked by a lack of gender perspective in the security forces.<sup>143</sup>

This violence must therefore be viewed within the context of a rape culture, which encourages police and military officials, knowing they will go unpunished, to encourage one another to commit these acts.

<sup>137</sup> Human Rights Committee, *Concluding observations on the fourth periodic report of Nicaragua* (CCPR/C/NIC/CO/4), United Nations, para. 23, 30 November 2022.

<sup>138</sup> Tribunal of Conscience, *Sexual violence: Crime against humanity in Nicaragua*. Judgment, *supra*.

<sup>139</sup> Interview with ODH-ULA (Venezuela), January 2025. See also Human Rights Council, *Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela* (2024), *supra*.

<sup>140</sup> CIVICUS and CELS, *The Right to Protest*, *supra*, p. 23.

<sup>141</sup> *Id.*, p. 19.

<sup>142</sup> *Id.*, p. 26 et seq.

<sup>143</sup> *Id.*





## ii. Online

The digital sphere is increasingly becoming a place where sexual and gender-based violence is perpetrated against women, especially those who hold public office, are activists, or are human rights defenders.<sup>144</sup> While this form of violence affects women from diverse backgrounds, it is disproportionately directed against those who exercise their right to free expression and public participation. These acts, in many cases perpetrated by State officials or with their acquiescence, are intended to intimidate, attack, or demobilize women activists, politicians, and human rights defenders, particularly when they express their opinions and positions in digital spaces.<sup>145</sup>

This was highlighted by the current UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in her latest report, which underscores how digital technologies have facilitated various forms of online harassment and defamation, including doxing, cyberbullying, hate speech, and the nonconsensual sharing of private images. These practices are used to stigmatize activists, particularly women, girls, people of diverse sexual orientation or gender identity, and other vulnerable groups.<sup>146</sup> The Rapporteur therefore concludes that it is essential to understand the relationship between this stigmatization and the excessive use of force by security forces against peaceful demonstrations, which is encouraged by this public discourse.<sup>147</sup>

In **Argentina (2019-2022)**, the case of Ofelia Fernández, documented by CELS, is a notable example. Fernández is a student leader and feminist who faced an escalation of online gender-based violence when she shifted from student activism to national politics, particularly because of her work on sexual and reproductive rights. Her involvement in the movement to legalize abortion and her run for legislative office in Buenos Aires made her a target of misogynistic attacks. During her legislative campaign and subsequent election to office in 2019, she was the target of organized campaigns that included false accusations, the public disclosure of personal information, and misinformation about her education and abilities. The attacks emphasized her physical appearance, age, and clothing, and included violent threats and references to the military dictatorship. After the pandemic lockdown, online harassment escalated to direct insults outside the legislature, even from people in political office.<sup>148</sup>

Similar incidents have been reported in many other countries in the region. In **Nicaragua**, for example, in **2020**, many trans activists were subjected to government surveillance and hate speech on social media.<sup>149</sup> In this case, state-funded internet trolls intensified their harassment of leaders critical of the regime. During protests in **Colombia (2019)**, authorities published images of protesters on social media, encouraging citizens to identify them, which resulted in persecution and threats.<sup>150</sup>

The Independent International Mission on **Venezuela (2022-2023)** also documented a worrying pattern of online violence directed especially against women, human rights activists, journalists, and people with diverse sexual orientations and gender identities. This violence occurred predominantly on social media platforms such as X, which were used as forums to spread hateful and sexist and

<sup>144</sup> The CEDAW Committee has noted that online violence is a contemporary form of violence against women, Committee on the Elimination of Discrimination against Women (CEDAW), *General recommendation No. 35 on gender-based violence against women*, CEDAW/C/GC/35, 2017, paras. 20, 30 d). According to the Follow-up Mechanism of the Belém do Pará Convention (MESECVI) of the Organization of American States (OAS), it is essential to understand that the consequences of these forms of violence “are no different from the effects of offline violence.” However, there is still a misconception about the seriousness of its impact, which underestimates the harm that this violence causes to women and often considers it unreal.

<sup>145</sup> UN General Assembly. (2024, 31 July); Follow-up Mechanism of the Belém do Pará Convention (MESECVI), *Online gender-based violence against women and girls*, Organization of American States (OAS), n.d., Protecting the rights to freedom of peaceful assembly and of association from stigmatization: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero, *Protecting the rights to freedom of peaceful assembly and of association*, supra, paras. 15, 46–47, 69, 94–95).

<sup>146</sup> Id., para. 94.

<sup>147</sup> Id.

<sup>148</sup> CIVICUS and CELS, *The Right to Protest*, supra p. 3 et seq.

<sup>149</sup> Id., p. 11

<sup>150</sup> Id.



homophobic narratives, particularly from accounts linked to the ruling party, bot networks, and anonymous users.<sup>151</sup>

Finally, in **El Salvador (2021)**, lawyer and human rights defender Bertha Deleón has faced a systematic campaign of harassment on social media since 2020. The attacks included professional delegitimization, sexualization, threats of sexual violence, and stigmatization related to her mental health.<sup>152</sup> In 2021, the IACHR granted her precautionary measures, recognizing the imminent risk to her life and integrity due to these attacks.

These patterns of online violence are meant to silence critical voices and act as an extension of state repression in the digital sphere. Understanding the implications of the widespread use of this forum of violence is important as it has significant impacts on women and people with diverse sexual orientations and gender identities, limiting their participation in public spaces for fear of reprisals, physical attacks, or criminalization, and affecting their mental health.<sup>153</sup> Despite the fact that online violence causes severe psychological effects, including stress, anxiety, and social isolation, it remains unrecognized as a serious form of violence, which perpetuates impunity and the lack of adequate support systems.<sup>154</sup>

---

<sup>151</sup> Human Rights Council, *Repressive mechanisms in Venezuela*, supra (2023), United Nations, paras. 1415 et seq.

<sup>152</sup> Inter-American Commission on Human Rights (IACHR), *2021 Annual Report: Report of the Special Rapporteur for Freedom of Expression*, supra, para. 407.

<sup>153</sup> Organization of American States (OAS), Follow-up Mechanism of the Belém do Pará Convention (MESECVI), *Online gender-based violence against women and girls*, n.d., available at: <https://www.oas.org/en/sms/cicte/docs/Guide-basic-concepts-Online-gender-based-violence-against-women-and-girls.pdf>.

<sup>154</sup> Id.





## 4. Access to justice

The difficulties that people who have suffered sexual and gender-based violence during protests face in accessing justice are similar to those faced by other victims of gender-based violence. As the law continues to be markedly male-centric, the particular experiences of those who do not fall within the dominant male group remain unprotected and are often persecuted and repressed. This means that the specific experiences of violence against women and other gender-diverse people in the context of protest often do not even reach the courts or, if they do, gender stereotypes act as a barrier to justice.<sup>155</sup>

Several civil society NGOs highlighted the following issues before the IACHR: persistent impunity; lack of transparency and police oversight by civilian authorities; intimidation of victims and family members seeking justice; and the delegation of responsibilities to the victims to pursue investigations. In many cases, moreover, judicial authorities legitimize violent police actions.<sup>156</sup>

### *i. Criminalization and misuse of criminal law*

The criminalization of protesters, women leaders, and activists also has gender-specific characteristics, as many are persecuted precisely because of the nature of the rights they defend, such as access to abortion, sexual and reproductive rights, or marriage equality, or because they are considered “obscene” or “indecent.”<sup>157</sup>

According to information gathered in the Civicus and CELS report, criminal laws have been misused to intimidate, arrest, and silence women protesters and human rights defenders.<sup>158</sup> Moreover, “[w]hen the criminalized persons are women, often, the misuse of criminal law is preceded by stigmatizing statements made by public officials.”<sup>159</sup> In the case of people of diverse sexual orientation or gender identity, and especially trans women, impunity and daily violence against them have further hindered their access to public spaces and the exercise of their right to protest.<sup>160</sup> It also hinders their access to justice, as this same impunity has discouraged them from reporting incidents of violence committed by state security forces.<sup>161</sup>

In **Argentina**, the case of Milagro Sala has become a prime example of political and judicial persecution. Milagro Sala, political, social, and Indigenous leader of the Túpac Amaru neighborhood organization, has faced intense political persecution for years from Jujuy Governor Gerardo Morales. This persecution included a smear campaign with more than 11 cases brought against her, riddled with gender and racist stereotypes and violations of her right to defense. Her case was presented to the IACHR in August 2021.<sup>162</sup> This request was made in connection with provisional measures granted by the Inter-American Court in 2017 that were not taken into account by the State.<sup>163</sup> In June 2023, additional information was provided to the Commission after she was sentenced to 13 years in prison. At the same time, during demonstrations in Jujuy in 2023 against

---

<sup>155</sup> Sánchez Parra, T. y Fernández-Paredes, T., *From reproductive labor to reproductive violence: Colombia's Special Jurisdiction for Peace and its window of opportunity*, *Polar Journal*, November 24, 2020, available at: <https://polarjournal.org/2020/11/24/from-reproductive-labor-to-reproductive-violence-colombias-special-jurisdiction-for-peace-and-its-window-of-opportunity/>.

<sup>156</sup> Several NGOs. (October 14, 2023). *Request for a hearing before the Inter-American Commission*, supra, pp. 31-34.

<sup>157</sup> CIVICUS and CELS, *The Right to Protest*, supra, p. 26.

<sup>158</sup> Id.

<sup>159</sup> Id., p. 24.

<sup>160</sup> Id., p. 22.

<sup>161</sup> Id.

<sup>162</sup> Interview with the members of the section on Security Policies and Institutional Violence and the section on International Work of CELS (Argentina), December 2024. Copy of the complaint provided by CELS as part of the investigation.

<sup>163</sup> Inter-American Commission on Human Rights (IACHR), *IACHR Grants Precautionary Measure Related to Milagro Sala, in Argentina*, Press release No. 107/17, July 14, 2017, available at: [https://www.oas.org/en/iachr/media\\_center/PReleases/2017/107.asp](https://www.oas.org/en/iachr/media_center/PReleases/2017/107.asp).



a constitutional amendment affecting Indigenous communities, numerous arrests of women were reported.<sup>164</sup> The IACHR issued a statement in June 2023 calling for the State to respect international standards on the use of force.<sup>165</sup> The case is currently in the admissibility phase, and information has been requested from the State.<sup>166</sup>

In **Peru (2023)**, the CNDDHH registered the case of Lola Estrada, a feminist artist and activist who participated in a protest on January 22, 2023, performing a piece in which she dressed as the then-president and used the Peruvian flag as part of her critical representation of the government and its administration.<sup>167</sup> During the event, in a symbolic act, she trampled on the flag to protest government actions. This symbolic act sparked a debate about the limits of artistic expression, but also led to her being charged with insulting national symbols, a crime that, according to the Prosecutor's Office, is most often brought against women.<sup>168</sup> Estrada's case also highlights how the justice system can be used to criminalize artistic and dissident expression, especially when it is done by women. Estrada is currently facing a warrant for her arrest.<sup>169</sup>

In **Mexico (2021)**, human rights organizations also reported to the IACHR in 2021 on the growing use of criminal laws to criminalize feminist protests. Tactics including vague criminal charges, arbitrary arrests, and transfers to detention centers far from their communities have been used to intimidate and punish female protesters. Cases such as those of the students from Mactumatzá, who were detained for 12 days, or Silvia Juárez, an Indigenous leader imprisoned for 35 days without sufficient evidence, reflect this pattern of repression.<sup>170</sup>

In all these contexts, the misuse of criminal law seeks not only to punish involvement in protests, also to send a message of demobilization and control, disproportionately affecting women and people of diverse sexual orientation or gender identity. This phenomenon reinforces the structural barriers that limit their access to justice and their full participation in public life, highlighting the need for comprehensive reform to ensure respect for human rights and the protection of those who defend social causes.

## ii. Obstacles to filing a complaint

### *Intimidation of victims/survivors or family members when they come forward*

Five of the people we spoke with for this report <sup>171</sup> highlighted the difficulties faced by victims/survivors of sexual and gender-based violence in reporting the crimes committed against them, which sometimes lead them to withdraw from the legal process out of fear of reprisals or a complete lack of trust in the justice system.

In both **Colombia** and **Chile**, NGOs reported having documented very serious cases of sexual violence, even against groups of young women collectively while they were detained after participating in peaceful protests. <sup>172</sup> In every case, the women decided not to report the crime,

<sup>164</sup> Center for Legal and Social Studies (CELS), *Sexist and racist political violence in Jujuy*, June 22, 2023, available (in Spanish) at: <https://www.cels.org.ar/web/2023/06/violencia-politica-machista-y-racista-en-jujuy/>.

<sup>165</sup> Inter-American Commission on Human Rights (IACHR), *IACHR: Argentina Must Respect Standards for Use of Force During Protests in Jujuy Province* (Press Release No. 127/23), Organization of American States (OAS), June 20, 2023, available at: [https://www.oas.org/en/iachr/jsForm?File=/en/iachr/media\\_center/preleases/2023/127.asp](https://www.oas.org/en/iachr/jsForm?File=/en/iachr/media_center/preleases/2023/127.asp).

<sup>166</sup> Interview with the members of the section on Security Policies and Institutional Violence and the section on International Work of CELS (Argentina), February 2025.

<sup>167</sup> National Human Rights Coordinating Committee (CNDDHH), *Gagging justice: Repression and criminalization of protest in Peru* (in Spanish), supra, p. 26 et seq.

<sup>168</sup> Interview with Mar Pérez, CNDDHH (Peru), December 2024.

<sup>169</sup> World Organisation Against Torture (OMCT), *Peru: Criminalization and arrest warrant against human rights defender Lola Estrada*, available (in Spanish) at: <https://www.omct.org/es/recursos/llamamientos-urgentes/per%C3%BA-criminalizaci%C3%B3n-y-orden-de-captura-contra-la-defensora-lola-estrada>.

<sup>170</sup> Article 19, *The right to protest* (in Spanish), supra, pp. 82-83.

<sup>171</sup> Interviews with CELS and Sonia Ivanoff (Argentina), Karinna Fernández (Chile), Temblores (Colombia), the Center PRODH (Mexico), and CNDDHH (Peru), December 2024.



and some even changed their address to make it harder to find them. Temblores documented a case that occurred during the National Strike in Colombia in 2021, in which an 18-year-old woman was hit by several rubber bullets during a march, causing her to lose sight in her left eye, in addition to being a victim of sexual and gender-based violence. The serious difficulties she faced in accessing justice, coupled with constant threats from the security forces responsible for the incidents, forced her to leave the country with her mother, fearing for her safety.<sup>173</sup>

In **Venezuela (2024)**, the ODH-ULA explained that many relatives of victims of the post-election repression of July 28, 2024, prefer not to report what their family members experienced for fear that officials might attack them or other members of their family.<sup>174</sup> This reluctance is also due to the disinformation given to them by the authorities and the fear that filing a complaint could jeopardize the release of their relatives, many of whom remain in detention and are facing terrorism charges.<sup>175</sup>

### **Complaint mechanisms**

An analysis of the complaint mechanisms used in several countries in the region, carried out by the NGOs Civicus and CELS in 2022,<sup>176</sup> revealed serious inefficiency and a lack of gender perspective in the design and implementation of most of them, which perpetuates the exposure of women and vulnerable groups to violence.

In **Colombia**, the Unified Command Centers created during the National Strike illustrated this shortcoming: initially, they excluded sexual and gender-based violence as categories for analysis, and these were only included thanks to pressure from social organizations. This structural bias reflected a tendency to minimize gender-based violence based on its supposedly low incidence, when in reality, as noted by the NGO Temblores, such violence is pervasive in encounters between women and the police.<sup>177</sup> On the positive side, the legal and psychosocial work carried out by the gender teams of the Office of the Ombudsperson and the Office of the Secretary for Women's Affairs in Bogotá has been welcomed, with the latter mainly providing psychosocial support. A document prepared by civil society following the IACHR's visit to the country also highlighted the lack of accountability on the part of the institutions responsible for investigating acts of sexual and gender-based violence.<sup>178</sup> At the time, the Office of the Prosecutor General of Colombia announced the creation of a Gender Group to address violence against women in the context of the National Strike. However, the actions taken have been limited and confusing, prioritizing attention to property damage over gender-based violence.<sup>179</sup>

In countries such as **Peru** and **Mexico**, mechanisms theoretically designed to address gender-based violence have failed to materialize effectively. The online reporting channel of Peru's Ministry of Women proved ineffective in addressing the specificities of sexual violence. In Mexico, the mechanism for the evaluation of cases of sexual torture has processed only a very small number of cases since 2015, demonstrating its limited operational capacity.<sup>180</sup>

<sup>172</sup> Interview with Temblores (Colombia), December 2024 and interview with Karinna Fernandez (Chile), November 2024.

<sup>173</sup> Temblores, Action Program for Equality and Social Inclusion (PAIS), Amnesty International, and University of the Andes, *Shoots on sight: Eye Trauma in the Context of the National Strike, 2021*, available at: <https://www.amnesty.org/en/documents/amr23/5005/2021/en/>.

<sup>174</sup> Interview with ODH-ULA (Venezuela), January 2025.

<sup>175</sup> *Id.*

<sup>176</sup> CIVICUS and CELS, *The Right to Protest*, *supra*.

<sup>177</sup> In its observations to the State following its visit in June 2021, the IACHR included two specific measures on SGBV focused primarily on response mechanisms, especially for female victims/survivors, girls, and LGBTIQ+ persons in the context of protests. The Commission specified the need to establish "mechanisms for reporting, addressing, investigating, and providing reparations from an approach that is differentiated, proximate, and provided by specialized personnel" and to adopt "alternative channels of communication and [strengthen] community networks." Inter-American Commission on Human Rights (IACHR), *Observations and recommendations: Working visit to Colombia*, *supra*, paras.18-19.

<sup>178</sup> *Id.*

<sup>179</sup> Casa de la Mujer et al., *Sexual violence and other violence against women in the context of the 2021 National Strike in Colombia: Report presented to the Inter-American Commission on Human Rights during its working visit to Colombia from June 8 to 10, 2021*, available (in Spanish) at: <https://mesadeapoyo.com/wp-content/uploads/2021/07/1.-Informe-CIDH-Version-publica-no-contiene-anexos1.pdf>.



The UN Special Rapporteur on freedom of peaceful assembly, during his visit to **Peru (2023)**, “received several allegations of sexual violence against women detained in the context of protests, such as intimate searches and inappropriate touching, especially within the context of identification protocols.”<sup>181</sup> The Rapporteur explained in his post-visit report that the Peruvian government did not investigate these incidents because the authorities had not received any complaints of SGBV through official channels.<sup>182</sup>

The joint investigation by Civicus and CELS indicates that initiatives such as Ciudad Mujer in **Honduras**, although conceptually promising, operated with insufficient resources and relied heavily on the actions of civil society organizations, which reduced its real impact.<sup>183</sup> Progress was identified in other countries, such as **Brazil** and the **Dominican Republic**. In some **Brazilian** states, there are defense groups and security systems at demonstrations that provide support and are held in high regard by society.<sup>184</sup> In the **Dominican Republic**, complaints are channeled through the Human Rights Department, whose staff intervene when a complaint is not received by prosecutors, especially those relating to people of diverse sexual orientation or gender identity.<sup>185</sup>

### iii. Lack of gender perspective in judicial proceedings

Acts of sexual and gender-based violence committed in the context of protests have not been adequately addressed by the region’s justice systems due to the persistent lack of a gender perspective in the conduct of judicial proceedings.

The absence of this perspective is evident at multiple stages of the judicial process. In preliminary investigations, the institutions responsible for collecting evidence often lack qualified personnel to deal with sexual and gender-based violence, resulting in revictimization and the loss of crucial evidence. From a procedural standpoint, the absence of specialized protocols often leads to cases being handled superficially, without any acknowledgment of their seriousness, the specific dynamics of sexual and gender-based violence, or the differentiated impact that these forms of violence have on victims based on their gender, age, ethnicity/race.

For example, in **Colombia**, and according to information gathered by a group of women’s rights organizations and presented to the IACHR during its visit to Colombia in June 2021, the State’s response to cases of sexual violence during protests has been insufficient and marked by a lack of diligence.<sup>186</sup> Most cases of sexual and gender-based violence committed during protests are classified by the Prosecutor’s Office as “acts of abuse” rather than torture or sexual violence, especially when they occur in police custody. Furthermore, these cases are referred to the military courts, where impunity is almost guaranteed due to the lack of a human rights and gender perspective in that system.<sup>187</sup> In the military justice system, the applicable norms are in themselves violations; for example, practices such as the penetration of intimate body cavities—defined as rape in the Colombian Criminal Code—are considered valid under the pretext of being part of a search, as is the forced removal of clothing.<sup>188</sup>

In **Chile**, the courts apply bureaucratic and overly formalistic standards, which hinders the prosecution of the criminal offense of sexual torture, even in cases with compelling evidence.<sup>189</sup>

<sup>180</sup> CIVICUS and CELS, *The Right to Protest*, supra.

<sup>181</sup> Human Rights Council, *Visit to Peru: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*, Clément Nyaletsossi Voule (A/HRC/56/50/Add.1), United Nations, 20 May 2024.

<sup>182</sup> Id.

<sup>183</sup> CIVICUS and CELS, *The Right to Protest*, supra, p. 26.

<sup>184</sup> Id., p. 27.

<sup>185</sup> Id., pp. 26-28.

<sup>186</sup> Casa de la Mujer et al., *Report on sexual violence in the National Strike* (in Spanish), supra.

<sup>187</sup> Interview with Temblores (Colombia), December 2024.

<sup>188</sup> CIVICUS and CELS, *The Right to Protest*, supra, p. 27.

<sup>189</sup> Interview with Karinna Fernandez (Chile), November 2024.





We see a similar situation in **Peru**, where the NGO CNDDHH explained that although the Human Rights Prosecutor's Office is responsible for handling cases of sexual and gender-based violence in the context of protests and is interested and willing to do its job, there is resistance to defining these acts against women as torture, and they often end up being charged as "abuse of authority."

Furthermore, during legal proceedings, the use of gender stereotypes by judges undermines the credibility of the testimony and experiences of many women. This approach perpetuates discrimination by focusing on preconceived notions about the roles women should play, denying them full access to their rights and victimizing them in the process.

A prime example occurred in **Peru** with Yaneth Navarro, a leader from Andahuaylas, who was arrested along with another leader by the National Police on February 1, 2023, while attempting to reach Jorge Chávez Airport during a protest. Navarro was investigated for financing the protests and was held in pretrial detention for 30 months, during which she requested to be transferred closer to her place of residence.<sup>190</sup> However, the judge presiding over her case ruled that Navarro had "lost her ties to the community" by leaving her home and family to take part in the protests.<sup>191</sup> The CNDDHH condemned this ruling as a clear example of gender discrimination: the judge held it against Navarro that she—as a woman—had left her children in the care of relatives in another region of the country while participating in the protests in Lima, but did not apply the same standard to the male leader arrested alongside her, who also had children at his place of residence.<sup>192</sup>

Also in **Peru**, the CNDDHH has documented barriers to access, such as the denial of the right to an interpreter.<sup>193</sup> Another problem these women face is that children and adolescents are not allowed in courtrooms, which for many low-income women or primary caregivers of minors is a major obstacle that prevents them from reconciling their caregiving responsibilities with access to justice.<sup>194</sup> The judicial system often takes advantage of this vulnerable situation to get people to enter into plea agreements, where the prosecutor offers a deal in exchange for a guilty plea.<sup>195</sup> This has a differential impact on mothers living in poverty who are detained in connection with protests. Despite being innocent in the vast majority of cases, they prefer to plead guilty and reach an agreement so they can remain free to care for their children. The CNDDHH considers this to be an improper use of this legal mechanism, which takes advantage of motherhood and the needs of these women, ultimately violating their right to a defense.

Situations similar to those described in Peru also occur in **Mexico**. A report by the NGO Article 19 documented a case illustrating racism, intersectional discrimination, and institutional inaction in response to the demands of a group of Indigenous Mazatec women fighting for the release of their relatives who were political prisoners in a town in the state of Oaxaca.<sup>196</sup> Throughout more than eight years of mobilization, these women have faced persistent indifference from the judicial authorities, evidenced by procedural delays, long wait times, constant changes in court personnel, and a general failure to consider the substance of their claims. They have also been subject to discrimination at multiple levels. As in Peru, language barriers and the lack of adequate interpreters in court proceedings limit the effective participation and access to justice of Indigenous people. Furthermore, in the specific case of women, gender and ethnic prejudices trivialize their knowledge and abilities, reinforcing the structural exclusion they face and perpetuating stigmas about their ability to interact with the legal system.

<sup>190</sup> National Human Rights Coordinating Committee (CNDDHH), *Eighty days of repression in Peru: Human rights violations during protests* (in Spanish), supra, p. 12.

<sup>191</sup> National Human Rights Coordinating Committee (CNDDHH), *Gagging justice: Repression and criminalization of protest in Peru* (in Spanish), supra, p. 31.

<sup>192</sup> National Human Rights Coordinating Committee, *Eighty days of repression in Peru: Human rights violations during protests* (in Spanish), supra, p. 12 et seq.

<sup>193</sup> Id., p. 16.

<sup>194</sup> Interview with Mar Pérez, CNDDHH (Peru), December 2024.

<sup>195</sup> Id.

<sup>196</sup> Article 19, *The right to protest* (in Spanish), supra, pp. 68-69.





In **Argentina**, in October 2022, seven women from the Lafken Winkul Mapu community were arbitrarily detained in an operation involving hundreds of members of four federal forces.<sup>197</sup> Without adequate communication with their families or defense attorneys, four of them were forcibly transferred to Buenos Aires, while three others remained in custody in Bariloche in appalling conditions. The detainees included breastfeeding women with their babies and a woman who was 40 weeks pregnant. They sat on the floor surrounded by police officers for hours without being able to eat or drink. They also received no assistance, except when they were allowed to build a fire when it got too cold. The prosecutor requested that the investigation into the complaint filed by the women victims of these acts be closed, since they were not formally detained—according to their testimony, they were resisting expulsion from their territory—and nothing prevented them from “seeking safety,” nor were they obligated to “remain in that place.”<sup>198</sup>

The above cases show how gender stereotypes disproportionately affect women protesters, reinforcing prejudices and hindering their access to justice on equal terms. They also show how the intersectional dynamics of discrimination not only hinder access to justice for Indigenous women, but also perpetuate their marginalization and the denial of their fundamental rights. The lack of adequate training on gender and human rights for justice authorities and the failure to apply international standards compound this situation.

#### iv. Impunity

Widespread impunity in cases of sexual and gender-based violence during social protests has discouraged many victims from reporting these crimes, perpetuating a cycle of exclusion and vulnerability. In cases involving victims of sexual and gender-based violence, the situation is exacerbated by intimidation and threats from state agents, as well as lengthy and exhausting court proceedings, which in many cases lead women to drop their complaints. This problem also disproportionately affects victims from lower socioeconomic backgrounds, who face class prejudice from justice authorities. These prejudices, based on stereotypes related to their manner of expression or their origin, unfairly question their credibility and perpetuate barriers to access to justice.<sup>199</sup>

According to data published by the National Institute of Human Rights (INDH) in **Chile** in 2022, most court cases related to the violent repression of protests have either resulted in no jail time for the defendants or have resulted in the imposition of minimal sentences that are not proportional to the seriousness of the crimes.<sup>200</sup> Attorney Karinna Fernández has highlighted the existence of structural impunity, which is evident when comparing the number of convictions with the number of complaints of human rights violations reported during protests. This pattern of impunity has also been documented in Colombia, especially within the military justice system, which tends to dismiss complaints of sexual and gender-based violence, rendering them invisible or treating them as acceptable practices in protest contexts.<sup>201</sup>

Furthermore, a sense of impunity prevails among many officials and encourages the commission of these crimes. For example, in Colombia, it was documented that a police officer told another officer when handing over a female detainee who had been transported by truck to the police station, “Do

<sup>197</sup> See Center for Legal and Social Studies (CELS), *Villa Mascardi: a week of arbitrary actions against Mapuche women* (in Spanish), supra.

<sup>198</sup> Public Prosecutor's Office, Province of Chubut, *Case File No. 36.765/16*, May 30, 2019.

<sup>199</sup> Interview with Karinna Fernández (Chile), November 2024.

<sup>200</sup> The INDH filed 3,151 complaints against state agents in the context of the social unrest, of which 551 alleged acts of torture, 2,363 alleged unnecessary violence, and 8 were legal actions related to deaths resulting from the actions of state agents. However, in most of the cases, no statements have been taken from the victims, and although 2,987 police officers and 130 members of the armed forces have been the subject of complaints, the investigations continue to be marred by numerous shortcomings. National Institute of Human Rights (INDH), *Annual report on the human rights situation in Chile, 2022*, available (in Spanish) at: <https://bibliotecadigital.indh.cl/handle/123456789/20>.

<sup>201</sup> CIVICUS and CELS, *The Right to Protest*, supra. 27; interview with Temblores (Colombia), December 2024.



whatever you want to her.”<sup>202</sup> The national government’s refusal to acknowledge the human rights violations committed by the security forces heightens concerns that these crimes will continue to be ignored, leaving victims without justice or redress.<sup>203</sup>

In countries such as **Venezuela** and **Nicaragua**, the situation is particularly complex. In **Venezuela**, the ODH-ULA noted that many police and military personnel are unaware that their actions may give rise to criminal liability and that their training in human rights, gender, and standards on the use of force is becoming increasingly limited each year, exacerbating this lack of awareness.<sup>204</sup> In **Nicaragua**, civil society has expressed significant difficulties in carrying out legal work, given that formal channels of justice in Nicaragua are closed. They describe the system as “politically conditioned, not only ineffective but actively involved in repressive practices and the cover-up of responsibilities.”<sup>205</sup>

This structural impunity reinforces the message that human rights violations can go unpunished, which not only affects the victims directly involved, but also discourages potential complainants from seeking justice. In this context, it is urgent to prioritize reforms that ensure the protection of victims, effective measures of reparation, and judicial proceedings that do not prolong their suffering or limit their access to justice.

---

<sup>202</sup> Id., p. 21

<sup>203</sup> Casa de la Mujer et al., *Report on sexual violence in the National Strike* (in Spanish), supra.

<sup>204</sup> Interview with ODH-ULA (Venezuela), January 2025.

<sup>205</sup> Nicaragua Nunca Más Human Rights Collective, *Eighth Report on Torture* (in Spanish), 2023, pp. 246, 262-263. The report suggests that universal jurisdiction could provide an opportunity to access justice, and Argentina has in fact launched an investigation into crimes against humanity committed by Nicaraguan officials.





## 5. Examples of litigation

Access to justice for victims/survivors of sexual and gender-based violence in contexts of social protest remains an unresolved issue in the region. Impunity for these violations is persistent and reflects the structural barriers that victims face in obtaining truth, justice, and reparation.

The cases presented below illustrate some of the strategies and challenges faced by the organizations that contributed to this report. While not an exhaustive sample of litigation in the region, these cases provide representative examples of efforts to ensure justice in cases of police violence and sexual torture against women and other gender-diverse people in the context of exercising the right to social protest.

### ▶ 5.1 Colombia

The NGO Temblores, through its platform GRITA, has played a fundamental role in documenting and reporting cases of police violence during the demonstrations in **Colombia**.<sup>206</sup> It also made use of the Urgent Search Mechanism (MBU)<sup>207</sup> to locate protesters detained or missing during the protests. Human rights organizations can request its activation when a person is considered to be at risk.<sup>208</sup>

They have also litigated several cases involving sexual violence in the context of social protests in Colombia. They are currently representing a woman journalist who was subjected to forced nudity after being arbitrarily detained in front of a police station during the protests. Two appeals for the protection of constitutional rights (*tutela*) have been denied in this case, and a petition for its review is pending with the Colombian Constitutional Court. The Prosecutor's Office initially classified it as an act of abuse rather than torture or sexual violence, demonstrating a lack of focus on human rights and gender.

They are also working on the case of a woman who, during the protests that followed the massacre on September 9, 2020, was documenting police abuses when she was detained and subjected to sexual and psychological violence while in police custody. Although the NGO Temblores described these acts as torture, its arguments were rejected by the Prosecutor's Office, which is investigating the incidents as acts of abuse. The case is also being handled by the military courts.

### ▶ 5.2 Argentina

CELS has taken on the legal defense of several cases involving police violence against women in protest contexts, who were also criminalized and investigated for acts that did not occur. These include the case known as "8M" (2017)<sup>209</sup> and the case of Canadian journalist Myriam Selhi, a CELS

---

<sup>206</sup> For more information, see <https://www.temblores.org/comunicados>.

<sup>207</sup> The MBU is a legal tool in Colombia designed for the immediate location of persons reported missing, especially in situations of enforced disappearance.

<sup>208</sup> Interview with Temblores (Colombia), December 2024.

<sup>209</sup> See Center for Legal and Social Studies (CELS), *Against feminist dissent: forms of state violence against women*, available (in Spanish) at: <https://www.cels.org.ar/masquenunca/03-contra-el-pogo-feminista.html>; CELS, *Call for investigation of 15 police officers for March 8 repression*, June 27, 2023, available (in Spanish) at: <https://www.cels.org.ar/web/2023/06/piden-la-indagatoria-de-15-policias-por-la-represion-del-8m/>. In this case, CELS submitted an amicus curiae brief to the court arguing that the authorities had made a biased assessment of the situation based on gender stereotypes: "The complaint and subsequent investigation are based on clear gender bias, as from the outset, the aim was to identify 'feminist leaders' participating in the march commemorating Women's Day, '8M,' as possible perpetrators of what they consider a property crime."



activist who was arbitrarily deprived of her liberty in 2019 while taking photographs of a protest and, at the police station, subjected to an invasive search that included forced nudity, squatting, and doing squats while naked.<sup>201</sup> CELS finds it worrying that some of these cases are beginning to encounter unexpected setbacks, such as the 2017 case, where after years of proceedings, the court recently ruled that it lacked jurisdiction to continue hearing the case.<sup>211</sup>

They have also filed amicus briefs in cases such as the arrest of lesbian activist Pierina Nochetti, organizer of a march in February 2022 for LGBTIQ+ Pride in Necochea, and two other individuals who were accused of painting graffiti during the march after a photograph showing three people from behind was published in a local media outlet. This evidence, insufficient and taken from afar, led to their prosecution for “aggravated property damage.” This case, which reached trial, was dismissed pursuant to an out-of-court settlement at the prosecutor’s request, as was the administrative investigation that was also opened in the municipality where Nochetti lived.<sup>212</sup> In this amicus brief, CELS and its partner organizations<sup>213</sup> argued that the case was a misuse of criminal law to criminalize protest, freedom of expression, and the work of women human rights defenders. CELS and INECIP also submitted a report to the UN Special Rapporteurs on sexual orientation and gender identity, freedom of expression, and human rights defenders, requesting that they ask the Argentine State for information on the case and recommend that the criminal prosecution be halted.<sup>214</sup>

CELS also participated as amicus curiae alongside the Latin American Justice and Gender Team (ELA) and the Civil Association for the Promotion and Protection of Human Rights (Xumek) in a similar case in San Juan, Argentina. On March 8, 2022, as part of the march for International Women’s Day in the province of San Juan, Yanina Opazo and others exercised their right to peaceful protest to raise awareness about the violence experienced by women and people of diverse sexual orientations or gender identities in the country. During the day, there were artistic presentations and expressions of protest, including graffiti in public spaces. Following these events, Yanina Opazo was identified and charged with the crime of “aggravated property damage.” This charge was based on a search for individuals identified as “feminist leaders” on social media, revealing gender bias and an investigation based on her activism and membership in the women’s movement rather than on concrete evidence of her participation in the events.<sup>215</sup>

In this new amicus brief filed with the Criminal and Correctional Court of San Juan, the three organizations argued that the case should be examined from a gender perspective and in compliance with international standards for the protection of the right to protest. They indicated that the criminal law should be used as a last resort and that criminal prosecution for acts causing negligible harm, in this context, violates constitutional principles and fundamental human rights.<sup>216</sup>

This case is also relevant because the victims’ legal representatives filed an administrative complaint against the officials involved, arguing that the criminal justice system had been misused as a tool of gender-based political violence. In their complaint, they called for an immediate end to these actions, highlighting the seriousness of using state resources to repress political activism. In a landmark administrative ruling in December 2023, Judge Adriana Tettamanti of the Administrative Court of San Juan recognized that in this case, the criminal prosecution of the activists constituted a form of gender-based political violence.<sup>217</sup> This judgment was appealed by the State and the case

<sup>210</sup> See Center for Legal and Social Studies (CELS), *Protesting is not a crime, nor is recording arrests*, October 29, 2019, available (in Spanish) at: <https://www.cels.org.ar/web/2019/10/protestar-no-es-delito-registrar-detenciones-tampoco/>; *Clarín, Journalist and CELS lawyer detained after incidents at Chilean consulate released*, October 22, 2019, available (in Spanish) at: [https://www.clarin.com/politica/liberaron-periodista-abogada-cels-detenido-incidentes-consulado-chile\\_0\\_11q11BjE.html#google\\_vignette](https://www.clarin.com/politica/liberaron-periodista-abogada-cels-detenido-incidentes-consulado-chile_0_11q11BjE.html#google_vignette).

<sup>211</sup> Interview with the members of the section on Security Policies and Institutional Violence and the section on International Work of CELS (Argentina), December 2024.

<sup>212</sup> Information provided by CELS in February 2025.

<sup>213</sup> ILEX - Legal Action (Colombia), Temblores (Colombia), the Citizen Observatory (Chile), Terra de Direitos (Brazil), Committee of Relatives of the Detained and Disappeared in Honduras - COFADEH (Honduras), and the Network of LGBTI+ Litigants of the Americas.

<sup>214</sup> Documents provided by CELS in January 2025.

<sup>215</sup> *Id.*

<sup>216</sup> *Id.*

<sup>217</sup> Judiciary of San Juan, File No. 129462/CA: *Godoy Alejandra Iris et al. v. Province of San Juan on various matters (in administrative*



is pending adjudication before the Court of Appeals. With regard to the criminal proceedings, at the time of this writing, no new developments had been reported in the criminal case against Opazo following the motion for dismissal filed by her legal counsel.<sup>218</sup>

### ► 5.3 Chile

With regard to cases of sexual and gender-based violence that occurred during the 2019 social unrest in Chile, efforts to classify the actions of security forces and the excessive use of force as sexual torture have been met with difficulties, despite the specific regulation of this crime in the country's Criminal Code.<sup>219</sup> This is despite the fact that the Office of the Legal Ombuds of the University of Chile received countless reports of sexual violence, which it characterized as a form of torture and other CIDT, intended to humiliate and silence the protesters.<sup>220</sup>

The only judgment in Chile in which the defendant was charged with the crime of sexual torture was a conviction handed down by the Second Criminal Trial Court of Santiago on May 24, 2021,<sup>221</sup> in a case involving the oral rape of a woman detained in a medical center by an employee of the same center.<sup>222</sup> Specifically, the court found that serious pain and suffering of a sexual nature had been inflicted by a public servant in the performance of his duties, affecting the physical and moral integrity of the victim. It also stated that the perpetrator acted with discriminatory intent based on the gender and health status of the survivor of violence, showing “contempt for a particularly vulnerable woman.”<sup>223</sup>

### ► 5.4 Mexico: The Atenco Case<sup>224</sup>

In May 2006, a police operation in Texcoco and San Salvador Atenco resulted in the excessive use of force, leaving two young men dead and 217 people detained, including 47 women, many of whom were subjected to sexual torture during their transfer. Despite complaints from 26 women and documentation from the National Human Rights Commission (hereinafter CNDH), national authorities failed to punish those responsible, perpetuating impunity. The case was brought before

---

*proceedings*) – *Complaint of violence against women*, Judgment of the Administrative Court, Civil Court No. 1, December 21, 2023.

<sup>218</sup> Interview with the members of the section on Security Policies and Institutional Violence and the section on International Work of CELS (Argentina), February 2025.

<sup>219</sup> Law 20.968, enacted in Chile in 2016, criminalizes torture and other cruel, inhuman, and degrading treatment, explicitly including sexual torture. This legislation marks a significant step forward in the protection of human rights in Chile. The full text of the law is available (in Spanish) at: <https://www.bcn.cl/leychile/navegar?idNorma=1096847&idParte=9747818&idVersion=2016-11-22>. With regard to the policies of the Chilean judiciary, various initiatives have been implemented to promote gender equality and nondiscrimination. These include the Gender Equality and Nondiscrimination Policy, which establishes strategic priorities such as gender nondiscrimination, inclusion of a gender perspective in access to justice, gender-based violence, and training for public servants. In addition, an Action Protocol for Justice with a *Gender and Sexual Diversity Approach* has been developed, with recommendations for integrating the gender perspective into judicial proceedings. *Judicial Branch of Chile, Gender Equality and Nondiscrimination Policy and Action Protocol for Judicial Services with a Gender and Sexual Diversity Perspective*, available (in Spanish) at: <https://secretariadegenero.pjud.cl/>; [https://secretariadegenero.pjud.cl/images/stignd/CBP/CBP\\_30052019\\_HR1.1.pdf](https://secretariadegenero.pjud.cl/images/stignd/CBP/CBP_30052019_HR1.1.pdf).

<sup>220</sup> Legal Defense Office of the University of Chile, *Report by the Legal Ombuds of the University of Chile: On the human rights situation in Chile in the context of the social protests of 2019 (October 18 to November 30, 2019)* Santiago de Chile, 2020, available (in Spanish) at: <https://derecho.uchile.cl/contenidos-destacados/informe-de-la-defensoria-juridica-de-la-universidad-de-chile>.

<sup>221</sup> Second Criminal Trial Court of Santiago, *Judgment RIT 178-2020*, May 24, 2021.

<sup>222</sup> Garcés Ramírez, S. C., *Sexual violence in Chilean law and its relationship to the protection of humane treatment from the perspective of the Inter-American Court of Human Rights* (Undergraduate thesis, in Spanish), University of Chile, School of Law, Santiago de Chile, 2021, p. 68, available at: <https://repositorio.uchile.cl/bitstream/handle/2250/183389/La-violencia-sexual-en-el-ordenamiento-juridico-chileno-su-relacion-con-la-proteccion-de-la-integridad-personal.pdf?sequence=1>.

<sup>223</sup> *Id.*, p. 71.

<sup>224</sup> Interview with the Center PRODH (Mexico), 2024. See also Miguel Agustín Pro Juárez Human Rights Center (Center PRODH), *Women of Atenco*, available (in Spanish) at: <https://centroprodh.org.mx/casos-3/mujeres-de-atenco/>; Center PRODH, *At the end of the federal administration, 18 years without justice for the women of Atenco*, May 3, 2024, available (in Spanish) at: <https://centroprodh.org.mx/2024/05/03/al-termino-de-la-administracion-federal-se-suman-18-anos-sin-justicia-para-las-mujeresdeatenco/>.



the IAHRs by the Center PRODH and CEJIL, which achieved a landmark victory in 2018. The IACtHR held the Mexican State responsible for arbitrary detentions, torture, and lack of justice, ordering the State to investigate the facts, punish those responsible, strengthen mechanisms against sexual torture, and provide comprehensive care to the victims. However, progress has been limited.

The Mexican State has made limited progress in implementing the ruling. Although the case was referred to the Special Prosecutor's Office for Crimes of Violence against Women and Trafficking in Persons (FEVIMTRA), no substantive progress has been made in the investigation. Furthermore, the Prosecutor's Office has limited the participation of women and their legal representatives and has failed to identify responsibilities within the chain of command. Although structural measures have been implemented, such as the establishment and use of an observatory on the use of force and the strengthening of the mechanism for the evaluation of cases of sexual torture, progress is slow. Individual care and rehabilitation measures for victims have also not been fully implemented. It should also be noted that since the publication of the 2018 judgment, the Inter-American Court has not issued an order on the monitoring of compliance, despite this being an emblematic case.

More than 19 years after the events, structural problems such as sexual torture, impunity for serious human rights violations, and abuse of force persist, highlighting the Mexican State's outstanding obligations in one of the most emblematic cases of violence against women.







## 6. Conclusions

Sexual and gender-based violence in protest contexts is not incidental or the result of isolated individual actions, but rather a deliberate tool of political and social repression. This phenomenon reflects deeply rooted structural discrimination that seeks to dehumanize, silence, and discourage women of all ages, girls, adolescents, and people of diverse sexual orientations or gender identities from participating in public and political life.

Among the most common practices by security forces are sexist and homophobic insults, sexual harassment during arrests, invasive searches, forced nudity, threats of rape, physical violence with sexual connotations, and, in some cases, rape. Violence is disproportionately directed against women, transgender people, nonbinary people, girls and adolescents, as well as women human rights defenders and journalists. These actions, far from being neutral, demonstrate a deliberate attempt to delegitimize the social and political demands of these groups, perpetuating narratives that portray them as destabilizing elements or even threats to public order.

In all of the countries studied, security forces used sexual and gender-based violence to intimidate, demobilize, and punish or discipline protesters. This sexual and gender-based violence often meets the elements of torture or ill-treatment, which highlights the seriousness of these violations and the need to address them from a human rights perspective that recognizes their intentionality and profound impact on victims and society. Even so, States continue to fail to investigate and punish these acts as torture, which reinforces structural impunity and denies victims their right to truth and justice. The deliberate omission of this legal classification replicates a punitive or administrative approach that trivializes the seriousness of the violence committed and hinders comprehensive reparation and guarantees of non-repetition. Furthermore, this impunity in cases of sexual violence during protests not only perpetuates the victims' suffering, but also consolidates a system that tolerates and replicates these violations.

The silence and invisibility of sexual and gender-based violence in protests have helped normalize these practices as an inevitable part of social conflicts. Acknowledging the seriousness of this violence, documenting it adequately, and exposing it as a form of torture and political repression are essential steps toward ensuring justice, reparations, and measures of non-repetition. This acknowledgement not only has important symbolic and legal implications, but also creates an obligation for States to take much more rigorous measures in terms of prevention, investigation, punishment, and reparation, including profound institutional reforms and effective accountability mechanisms.

The absence of a differentiated approach that considers gender, class, ethnicity, and sexual orientation also limits the effectiveness of existing measures, perpetuating regulatory gaps that allow these practices to continue. This deficit undermines the protection of human rights and sends a message of tolerance toward such conduct on the part of States.

Civil society, in collaboration with international organizations, has a central role to play in this process, promoting initiatives aimed at overcoming the legal and social barriers that perpetuate this violence. The collection of gender data in protest contexts has often replicated a dichotomous treatment of gender identities, focusing exclusively on men and women, and this approach omits the experiences of people with diverse sexual and gender identities. This framework also tends to overlook other identities, such as class, age, ethnicity, race, immigration status, and sexuality, thereby limiting the understanding of structural differences in the risks, costs, and effects of taking part in protests. It is crucial that simple systems be developed to include an intersectional perspective that ensures a more sophisticated and representative analysis of violence in protest contexts.<sup>225</sup>

---

<sup>225</sup> Work along these lines has been carried out, for example, by Women in Resistance (WiRe) Data Set.





Furthermore, documented court proceedings show that access to justice remains limited and that victims face multiple barriers, such as revictimization, lack of gender-sensitive investigations, and persistent impunity. Legal proceedings, in many cases driven and supported by human rights organizations, must be coupled with the strengthening of mechanisms for the protection and comprehensive care of victims, as well as the effective application of international human rights standards with an intersectional and gender-based approach.

Sexual and gender-based violence in protest contexts not only affects direct victims, but also has a chilling effect on the exercise of fundamental rights, such as freedom of expression, association, and peaceful assembly, and violates the absolute prohibition of torture and other ill-treatment. This impact goes beyond the social realm, weakening democratic processes and reinforcing structures of exclusion and inequality. Combating this form of violence is essential not only to protect victims, but also to build more equitable and just societies.





## 7. Final reflections and recommendations for REDRESS, ReLeG and other civil society organizations

During the preparation of this report, interviews were conducted with various organizations and lawyers who identified key needs for improving the institutional and judicial response to sexual and gender-based violence in the context of social protests. These reflections and proposals highlight challenges and possible solutions at the local, regional, and international levels.

In Argentina, CELS is doing work, which they expect to complete in the coming months, to analyze how international standards can address gender and social protest on an integrated basis, acknowledging the specific situations of different groups, such as women, lesbian activists, and feminine-presenting people, in contexts of criminalization. However, they believe that it is very important that regional and international partnerships be strengthened for their implementation. In their experience, the participation of regional and international organizations is key to raising awareness and supporting cases on a global level, especially in contexts where the judicial response is slow or regressive, or to exert pressure on regressive policies.

A few years ago, they formed a network of organizations in the region that was dismantled due to a lack of funding. However, it would be interesting to promote new networks—which they consider very successful in designing actions that combine national and regional efforts—with a view to including a gender perspective in public policies and regulatory frameworks for public security and the use of force.

They also explained that in contexts such as the current one in Argentina, where the executive branch exhibits a pattern of stigmatization that leads to a lack of response and judicial lethargy, it is crucial to promote training for the judiciary based on concrete experiences, such as Pierina's case, to ensure more respectful and appropriate treatment.

With regard to litigation concerning the criminalization of protest and, in particular, the criminalization of women, they consider that the criminalization of acts such as graffiti or demonstrations should be analyzed from a gender-based political violence perspective, as already recognized by an administrative court in Argentina, but that these experiences need to be systematized so they can be replicated in other cases. They have also seen how, in some cases, obtaining administrative decisions has been faster and more effective than traditional court proceedings. They consider it necessary to evaluate these alternatives and their impact on ensuring justice for victims.

Another area where regional or international coordination can have a strong impact is through legal action in local courts, where greater influence can be exerted in raising awareness of human rights standards.

Also in **Argentina**, lawyer Sonia Ivanoff reflected on the absence of data, records, or measurements that would provide insight into the full extent of violence against Indigenous women, and how this absence limits the possibility of designing effective interventions. Argentina also has no public policies to address gender-based violence against Indigenous women, which perpetuates their invisibility. Furthermore, Indigenous women lack appropriate spaces in which to share their experiences of violence, which perpetuates silence and a failure of collective action.

She maintains that it is important to facilitate these safe spaces where Indigenous women can share their experiences and collectively build strategies to address violence, as well as to analyze the differentiated impact on older women. She has personally sought to promote workshops on Indigenous rights and gender, based on frameworks such as General recommendation No. 39 of the CEDAW Committee. From a legal standpoint, she stated that it would be beneficial to have support in bringing complaints before international bodies such as the IACHR and UN rapporteurs, raising awareness of human rights violations and pressuring the Argentine State to fulfill its obligations.



In **Chile**, attorney Karinna Fernández reflected on what support measures would be useful to improve access to justice for women victims of sexual and gender-based violence in the context of protests. She stressed the importance of developing strategies that prioritize the protection of victims during legal proceedings. Among others, she highlighted the need to reduce victims' exposure during trial proceedings through mechanisms that protect their safety and emotional well-being. She also advocated for measures to facilitate the filing of class action or civil lawsuits, allowing cases of sexual violence during protests to be brought to light effectively, without compromising the privacy and integrity of individual victims.

Fernández emphasized the urgency of documenting and analyzing cases of sexual violence and torture during protests in order to address impunity in the Chilean judicial system. She suggested putting together a critical report that identifies patterns of denial of justice and bias in the courts, along with a database that gathers detailed information on the cases that have been reported. This tool would make it possible to design more effective legal strategies and strengthen advocacy in public policy.

Another key point was the need to expand access to technology for women activists, promoting digital literacy as a key tool for documenting human rights violations and presenting evidence in protest contexts. The combination of these measures would strengthen the capacity of victims and organizations to seek justice and help bring about structural change in the institutional response.

To these ends, Fernández proposed organizing activities such as international conferences to highlight technology as a key resource in the pursuit of justice. She also underscored the importance of involving well-known figures in Chile as *amicus curiae* in national cases or in training and education efforts, and she noted the importance of building international networks—such as the one with REDRESS—to support impact litigation and raise awareness of cases globally.

In **Peru**, attorney Mar Pérez of the National Human Rights Coordinating Committee (CNDDHH) identified as a priority the creation of clear guidelines for public policies that comprehensively address sexual and gender-based violence. However, she acknowledged that the current context imposes significant constraints on the implementation of these measures, which means that a progressive and strategic approach is needed to advance this agenda.

With regard to the justice system, Pérez stressed the need to strengthen the Human Rights Prosecutor's Office, which currently handles cases of sexual violence in the context of protests. However, she pointed out that one of the main barriers is the tendency to classify these crimes as "abuse of authority" rather than "torture," which results in significantly lower penalties and minimizes the seriousness of the acts. To overcome this obstacle, she recommended developing legal tools, such as *amicus curiae* briefs, that argue in detail how sexual and gender-based violence—including invasive searches and conditions of detention—constitute specific forms of torture. These tools could be structured as general models, adaptable to the contexts and particularities of each case and country, providing clear guidelines for justice authorities to adequately assess complaints, especially in cases involving women and human rights defenders.

The CNDDHH underscored the importance of country hearings before the IACHR as effective forums for promoting specific guidelines and policies. In a recent experience, a hearing on the situation of human rights defenders in Peru led the Prosecutor's Office to request support in developing a directive on this issue. This illustrates the positive impact of dialogue between civil society and authorities within the framework of the IACHR to promote regulatory changes. According to Pérez, national hearings tend to generate more immediate and concrete results than regional hearings, as they facilitate direct dialogue between civil society and the State. However, she acknowledged that regional hearings remain essential for exerting international pressure and strengthening human rights frameworks.

Another key aspect highlighted was the need to foster opportunities for dialogue and exchange with other organizations, as well as to build networks with countries that have worked on issues related to the use of force. These partnerships would strengthen regional advocacy and support the development of common strategies to address shared challenges in Latin America. Pérez suggested organizing a meeting to present the main findings of this report, which would facilitate an initial



forum for exchange and collaboration among key actors.

Collaboration strategies were discussed with the Center PRODH to promote the implementation of the *Atenco* ruling at the state level, a regional milestone that establishes key standards for classifying sexual and gender-based violence in the context of protests as sexual torture. The organization stressed that any initiative aimed at bringing the case to the public's attention would be essential to strengthen the process of monitoring compliance with the judgment of the IACtHR.

The analysis recognized the positive impact of measures such as the amicus curiae brief filed by American University at an earlier stage of the case, which played a significant role in highlighting the importance of the case. It also identified the potential for drawing on regional experiences in civil and administrative litigation to advance comprehensive reparation and rehabilitation for victims, as well as criminal proceedings aimed at holding the direct perpetrators of acts of violence accountable.

These actions, combined with a strategic approach to raising awareness of the ruling and promoting its effective implementation, could improve compliance with international standards throughout the region and ensure that victims of sexual and gender-based violence in the context of social protests receive justice.

The complex political circumstances in countries such as Venezuela and Nicaragua present major obstacles to pursuing legal action at the domestic level, and the lack of judicial independence significantly limits the ability to make headway in legal proceedings on behalf of victims of sexual and gender-based violence in the context of protests.

The ODH-ULA and various Nicaraguan organizations highlighted the importance of creating spaces in which to develop legal actions at the inter-American or universal level. These initiatives could serve a dual purpose: raising awareness of the problem of sexual violence during protests and ensuring access to justice for victims and survivors. However, both organizations warned of the risks associated with this type of action, especially for victims and their families who remain in their countries of origin. They emphasized that any measures must be agreed upon with the women affected and backed by a careful risk analysis.

In the case of Nicaragua, a complaint is pending before the HRC concerning sexual violence during protests, and other petitions related to statelessness and the defense of human rights are being prepared for submission to the IACHR and United Nations committees. According to attorney Alexandra Salazar, a vital opportunity exists to use the documentation gathered at the 2020 Tribunal of Conscience in Costa Rica, which focused on sexual and gender-based violence committed during the 2018 protests. This material could be a valuable resource to support international legal action and intensify demands for justice and reparation for victims.

In light of the above comments, some ideas for concrete actions or next steps that ReLeG, REDRESS and other civil society organizations could develop to visibilize and prevent the use of SGV as an instrument of state repression in the context of social protests are presented below.

Guidelines/guidance on the concrete and practical application of international standards on gender and/or the concept of sexual torture:

- Develop a practical guide for translating international recommendations, such as those of the UN and the IACHR, into national standards adapted to the contexts of the region.
- Create a technical guide on the concept of sexual violence and torture based on UN and IAHR standards, adapted to protest contexts, for justice authorities.
- Put together a technical and operational guide for including differentiated approaches, of gender and intersectionality, in the management of social protests.
- **Network coordination:**
  - Arrange an initial meeting with the organizations participating in this report to present findings and promote concrete political and legal advocacy actions (e.g., lobbying,



coordination of legal strategies, raising awareness of the issue, support, etc.) and a regional collaboration network.

- Promote regular exchanges and digital tools to strengthen common litigation strategies.
- **Litigation support:**
  - Support emblematic cases of sexual torture with amicus curiae briefs and advice on the design of litigation strategies.
  - Carry out political advocacy actions and/or collaborate with human rights mechanisms such as the IACHR and the UN to raise awareness of sexual and gender-based violence in the context of protests.





## 8. General recommendations

### ▶ A. To national authorities:

#### *On the management of protests and the role of security forces:*

- ▶ Design and implement clear and specific protocols for managing social protests that absolutely prohibit sexual violence and other forms of gender-based violence, taking into account a human rights approach, intersectionality, and a gender perspective as cross-cutting themes. These protocols should be public and known to the general public.
  - ▶ Take concrete measures to transform the institutional culture of the security forces, eradicating patriarchal and sexist patterns, and promoting principles of gender equality, respect for human rights, and zero tolerance for sexual violence.
  - ▶ Establish mechanisms for external oversight and control of police actions during demonstrations, to include the participation of human rights bodies and civil society organizations, with the capacity to monitor in real time and recommend corrective measures.
  - ▶ Provide for the mandatory inclusion of women and individuals trained in gender issues in law enforcement units responding to protests. This should be combined with measures to ensure their access to leadership and decision-making positions, so that their role is not limited to support or care tasks.
  - ▶ Implement initial and ongoing training programs for all security forces on issues of human rights, gender equality, sexual diversity, and the prevention of sexual violence, including the voices and experiences of victims and civil society organizations in these processes.
  - ▶ Ensure that senior officials take responsibility for the conduct of their subordinates and that orders to intervene in protests expressly prohibit all acts of sexual and gender-based violence.
  - ▶ Implement measures that help change language, symbols, and everyday practices within security forces, getting rid of sexist, misogynistic, and discriminatory words and behaviors, and setting up effective reporting and internal disciplinary mechanisms for cases of gender-based violence within institutions.
  - ▶ Adopt feminist audit mechanisms in security institutions that allow for periodic assessments of their structures, practices, budgets, and hierarchies from a gender, intersectional, and human rights perspective. These audits should be performed by independent outside bodies and include indicators on institutional violence, internal discrimination, access to leadership for women and people of diverse sexual orientation or gender identity, and the existence of internal complaint mechanisms.
  - ▶ Design and reporting of gender-responsive budgets that provide transparency on resources allocated to preventing and punishing gender-based violence, and that prioritize the transformation of patriarchal institutional culture.
  - ▶ Create permanent memory spaces within police academies and security agencies dedicated to acknowledging gender-based violence historically committed in contexts of protest and repression, developed collaboratively with victims, feminist organizations, and human rights organizations, to serve as places for reflection and institutional commitment to non-repetition.
- 



- ▶ Include a mandatory feminist curriculum in police training that addresses the structural origins of patriarchal violence, institutional racism, historical resistance by women and diverse groups, and international and regional standards on sexual violence, torture, and human rights.

### *On the investigation and punishment of sexual and gender-based violence in protest contexts:*

- ▶ Adopt policies to combat impunity for cases of sexual and gender-based violence committed in the context of protests, including the obligation to initiate investigations *sua sponte* and ensure the protection and active involvement of victims at all stages of the process.
- ▶ Support prosecutors' offices and specialized investigation units on gender-based violence, ensuring that they have sufficient human, technical, and financial resources, and that their members receive training on human rights, intersectional approaches, and gender perspectives.
- ▶ Implement specific protocols for investigating and prosecuting cases of sexual violence in protest contexts, establishing the obligation to consider such acts as possible acts of torture or other CIDT, in line with international standards.
- ▶ Ensure that prosecutors, judges, and court staff receive ongoing training on gender, human rights, and intersectionality to eradicate prejudices and stereotypes that revictimize complainants and hinder their access to justice.
- ▶ Establish accountability mechanisms for justice authorities who act with gender bias or obstruct investigations into sexual and gender-based violence, with the possibility of disciplinary sanctions.
- ▶ Incorporate the analysis of international standards on sexual torture into judicial proceedings, including the case law developments of the IACtHR, in particular the standards established in its judgment in the case of *Women Victims of Sexual Torture in Atenco v. Mexico*. This judgment should be regarded as a reference for the legal characterization of the facts and for the determination of full reparations.
- ▶ Promote the creation of guidelines on good practices and national case law that reflect international standards on sexual violence and torture, adapting them to local contexts and ensuring their uniform application throughout the country.

### *On prevention and protection measures for victims and human rights defenders:*

- ▶ Create safe and confidential mechanisms for victims of sexual and gender-based violence in protest contexts to file complaints, ensuring that they do not face reprisals or revictimization.
- ▶ Implement comprehensive care programs for victims of sexual and gender-based violence, including psychological assistance, legal counseling, medical care, psychosocial support, and protective measures for them and their families.
- ▶ Establish specific protection measures for women human rights defenders, journalists, and social leaders who participate in protests or provide support in cases of gender-



gender-based violence, ensuring that these measures recognize the particular risks they face due to their gender and their work reporting on the subject.

- ▶ Incorporate comprehensive reparations measures for victims of sexual and gender-based violence, including guarantees of non-repetition, public acknowledgment of State responsibility, and symbolic measures that highlight the seriousness of these acts and their nature as gross human rights violations.
- ▶ Ensure that public policies on gender equality specifically address violence against women and persons of diverse sexual orientation or gender identity in contexts of social protest, integrating this issue into national human rights and gender-based violence prevention plans.

## ▶ B. To regional and international human rights bodies:

- ▶ Strengthen mechanisms for the monitoring, early warning, and systematic documentation of acts of sexual and gender-based violence in the context of social protests, through the collection and analysis of data disaggregated by sex, gender, age, ethnic or racial affiliation, sexual orientation, gender identity, socioeconomic status, and disability, among other factors. This analysis should make it possible to identify structural patterns of discrimination and differentiated violence.
- ▶ Monitor and address online sexual and gender-based violence linked to social protest, including smear campaigns, online harassment, threats of sexual violence, and the nonconsensual publication of private images targeting protesters, defenders, journalists, and gender-diverse individuals, developing specific guidelines for States on how to prevent, investigate, and punish such violence, ensuring the protection of privacy, freedom of expression, and access to digital complaint mechanisms with a gender and intersectional approach.
- ▶ Produce regular thematic and regional reports analyzing the link between state repression, sexual violence, and gender in protest contexts, incorporating an intersectional approach that highlights how different forms of oppression (racism, classism, ableism, transphobia, etc.) combine in victims' experiences. The reports should offer differentiated recommendations according to the groups affected and lead to more robust international standards and lines of jurisprudence.
- ▶ Support the development of specific standards and guidelines or practical guidance on the prevention, investigation, and punishment of sexual and gender-based violence in protest contexts, with an intersectional and human rights approach, ensuring that they consider not only the gender variable but also the impact of other identities and structural conditions, such as territory, migrant status, or political activism.
- ▶ Demand accountability from States with regard to measures taken to prevent and punish sexual and gender-based violence, including effective compliance with judgments and recommendations issued by the universal and Inter-American human rights systems.
- ▶ Facilitate regional forums for dialogue and training for justice authorities, security forces, and civil society on international standards relating to social protest, the use of force, and the prevention of gender-based violence, including exercises in intersectional risk analysis and institutional violence, with the active involvement of affected communities, especially those historically excluded from decision-making spaces.
- ▶ Ensure that mechanisms for the protection of women human rights defenders address the specific violence faced by women and persons of diverse sexual orientation or gender identity in protest contexts, with measures appropriate to their differentiated risks.



- ▶ Foster the creation and funding of independent citizen observatories, with equal and diverse participation (women, transgender people, Indigenous people, Afro-descendants, etc.), to document, analyze, and raise awareness of forms of sexual and gender-based violence in protest contexts. These observatories could function as autonomous mechanisms for early warning, real-time monitoring, and public reporting, and would have the power to refer cases to national and international human rights protection mechanisms.
- ▶ Promote feminist audits of security and criminal justice institutions, to assess not only formal compliance with rights, but also structural biases that replicate inequalities and affect certain groups differently. These audits should produce public recommendations based on empirical and participatory evidence.
- ▶ Support the establishment of institutional and educational memory spaces that acknowledge the specific impact of gender-based violence in protest contexts on Indigenous women, Afro-descendant women, rural women, older women, sexually and gender diverse people, and people with other identities whose political participation has been historically repressed or rendered invisible.





# REDRESS

Ending torture, seeking justice for survivors



**ReLeG**

Red Latinoamericana  
de Litigio Estratégico  
en Género



**Funded by  
the European Union**