



IFES supports citizens' right to participate in free and fair elections. Our independent expertise strengthens electoral systems and builds local capacity to promote sustainable democracy.

"When campaigning you [women] can't be as blunt as a man, otherwise you will be labeled something and even physically violated... the moment you resist, you are violated somehow."

-Focus group participant,
Zimbabwe



Ending Impunity for Violence Against Women in Elections

Deeply destructive and globally pervasive, violence against women in elections (VAWE) is largely met with impunity wherever it occurs. According to former United Nations Secretary General Ban Ki-moon, "Impunity for violence against women compounds the effects of such violence as a mechanism of control. When the state fails to hold perpetrators accountable, impunity not only intensifies the subordination and powerlessness of the targets of violence, but also sends a message to society that male violence against women is both acceptable and inevitable."

The International Foundation for Electoral Systems (IFES) has found that while political aspirants and supporters may be involved in violence, bribery, hate speech and intimidation, few offenders are held to account despite laws on the books and multiple punitive mechanisms that might exist across different institutions. There is often a double-standard for electoral violence cases involving women's political participation, relegating them to second-class citizen status. Furthermore, impunity can make such offenses viable tactics both in campaigning and in post-election agitation. Although most acts of VAWE are criminal offenses and all are human rights violations, they are rarely viewed as such by law enforcement agents and prosecutors in many parts of the world. For the sake of public confidence in rule of law and a meaningful path to political gender equality, it is imperative that offenses do not go unpunished. The issue of impunity for VAWE is particularly acute as women already face greater barriers to participation in public life and experience highly distinct forms of violence – especially forms that are often overlooked or hidden, including sexual assault, intimidation and threats. Overcoming violence against women in elections and ensuring perpetrators do not go unpunished is not just an issue of individual rights, but one of broader electoral justice and electoral integrity. **IFES' "VAWE Legal" approach helps ensure justice and facilitate change of institutional and societal attitudes, beliefs and behaviors through targeted legal analysis, aid and advocacy.**

VAWE LEGAL FRAMEWORK

- 1. Analysis** How do existing legal frameworks address VAWE (including online)? Where are the gaps in existing legal frameworks to address VAWE?
- 2. Evidence** Document cases through adapted evidence collection strategies, monitoring and reporting including working with victims to document their cases.
- 3. Action** Does the victim want to file a formal complaint?



Analysis

The failure to bring VAWE perpetrators to justice is often rooted in an absence of capacity and knowledge of law enforcement agents and prosecutors, and in the lack of political will. IFES can build that knowledge and capacity by:

- **Defining and understanding current VAWE legal frameworks;**
- **Analyzing gaps in VAWE legal framework; and**
- **Analyzing mandates, procedures, and capacity deficits of various agencies that may be responsible for VAWE Legal issues.**

Evidence

A persistent problem for women seeking justice for acts of VAWE (especially online) is a lack of understanding of necessary burden of proof or evidentiary standards for these cases. IFES' VAWE Legal approach produces guidance on this subject in the context of national legal frameworks and international best practices. Guidance is targeted at preventing the secondary victimization of the victim and survivor throughout the legal process, while at the same time facilitating understanding of and access to legal redress. The guidance is provided to gender-based violence (GBV) service providers and civil society advocacy groups working in this area and is used to guide women interested in seeking legal recourse for VAWE crimes to adequately and persuasively document their experience in a way that can better facilitate investigation and prosecution.

Action

IFES supports public prosecutors, police, local civil society organizations (CSOs) and legal associations to investigate, prosecute and end impunity for VAWE. Specifically, IFES can tailor responses to:

- Assist to connect potential claimants with legal service providers;
- Build the capacity of prosecutors to bring perpetrators of VAWE to justice through the court systems;
- Work with victims to develop their burden of proof;
- Raise awareness with at-risk women, such as candidates and women in prominent public roles, on how to respond in the event of a VAWE incident in order to both protect themselves and secure evidence for future prosecution;
- Educate law enforcement officials on the local legal framework governing VAWE violations;
- Advise on shadow reporting submissions to international human rights bodies, including the Special Rapporteur on Violence Against Women (SRVAW), on the issues of VAWE;
- Advise on management of VAWE issues through the electoral dispute resolution process; and
- Mobilize evidence on trends and patterns and legal gap analysis to support local advocacy organizations in lobbying for change.

IFES can also support local CSOs to raise awareness and advocate for reform by:

- Highlighting the legal gaps and challenges that are specific to VAWE in elections;
- Explaining why impunity for VAWE has broader societal impacts in terms of governance outcomes;
- Using trends, patterns and research to advocate for broader legal reform;
- Generating informed, demand-side pressure on prosecutorial bodies, the courts, and other institutions with a mandate to investigate and sanction VAWE; and
- Adding VAWE issues into rule of law initiatives.

VAWE Legal

- Determines how national civil and criminal codes address common VAWE violations and identifies legal gaps;
- Provides guidance and counselling to VAWE survivors on how to document and present evidence acceptable in their justice system;
- Supports VAWE survivors through the criminal justice process;
- Addresses violence online as well as in physical spaces; and
- Adapts a menu of response options to national contexts to end impunity for VAWE.