REVISTA INVECOM
ISSN en línea: 2739-0063

Gender-Based Violence in Latin America: Limitations and Challenges to Comprehensive Protection

Violencia de género en América Latina: limitaciones y desafíos para una protección integral

Received: 03/06/2025 - **Accepted:** 01/09/2025

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Abstract

This article analyzes protection against gender-based violence (GBV) in Latin America, moving beyond the traditional perspective focused exclusively on women. The objective is to understand the advances and challenges in protection against GBV from a qualitative approach, considering the inclusion of all victims and criticism of current institutional regulations and practices. The methodology used consisted of a comparative analysis of the legislation of Peru, Bolivia, and Colombia, complemented by an exhaustive review of the specialized literature on GBV. Data analysis was carried out using qualitative techniques, specifically thematic coding and narrative analysis, which allowed for the identification of recurring patterns and themes. The findings show regulatory progress in all three countries, albeit with significant limitations. While there are comprehensive legal frameworks that include criminal penalties, prevention measures, and victim care, there is a focus on women, excluding men, transgender people, and other vulnerable groups. This exclusion restricts access to justice and perpetuates stigma. Protection against GBV requires an intersectional approach based on equality and equity, which transcends the traditional perspective and guarantees comprehensive protection for all victims. It is concluded that a thorough review of regulations and policies is necessary to ensure effective and inclusive protection, by adapting public policies and care protocols to the specific needs of each vulnerable group.

Keywords: gender-based violence, gender equality, human rights.

Resumen

Este artículo analiza la protección contra la violencia de género (VG) en América Latina, superando la perspectiva tradicional centrada exclusivamente en las mujeres. El objetivo es comprender los avances y desafíos en la protección frente a la VG desde un enfoque cualitativo, considerando la inclusión de todas las víctimas y la crítica a las normativas y prácticas institucionales vigentes. La metodología empleada consistió en un análisis comparativo de las legislaciones de Perú, Bolivia y Colombia, complementado con una revisión exhaustiva de la bibliografía especializada sobre VG. El análisis de los datos se llevó a cabo mediante técnicas cualitativas, específicamente codificación temática y análisis narrativo, lo que permitió identificar patrones y temas recurrentes. Los hallazgos evidencian avances normativos en los tres países, aunque con limitaciones significativas. Si bien existen marcos legales integrales que incluyen sanciones penales, medidas de prevención y atención a las víctimas, se observa una focalización en las mujeres, excluyendo a hombres, personas transgénero y otros grupos vulnerables. Esta exclusión restringe el acceso a la justicia y perpetúa estigmas. La protección contra la VG requiere un enfoque interseccional basado en la igualdad y la equidad, que trascienda la perspectiva tradicional y garantice una protección integral para todas las víctimas. Se concluye que resulta necesaria una revisión profunda de las normas y políticas para asegurar una protección efectiva e inclusiva, mediante la adaptación de políticas públicas y protocolos de atención a las necesidades específicas de cada grupo vulnerable.

Palabras clave: violencia de género, igualdad de género, derechos humanos.

Introduction

Gender violence (GV) represents a complex and persistent social phenomenon in Latin America, where entrenched patriarchal norms contribute to normalizing and perpetuating violence and discrimination based on gender (Bates, 2022; Lagos, 2022). GV manifests in behaviors that cause physical, psychological, or sexual harm,

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reinforcing structural inequality and discrimination (Rojas-Fernández et al., 2022; Salinas et al., 2023). Its difficult evidentiary basis, similar to that of sexual violence, poses a significant challenge due to the frequent lack of visible physical evidence (Mio-López, 2024).

While GV disproportionately affects women globally (Kibret et al., 2023; Zinyemba & Hlongwana, 2022), international legal frameworks have primarily focused on their protection (Marotta, 2023; Manente, 2024). This perspective restricts a comprehensive understanding of the phenomenon by excluding other victims and forms of violence. In this context, the present study analyzes protection against GV from a broader approach, considering the diversity of victims and the challenges involved in their inclusion.

The current emphasis on women's protection creates a gap in both knowledge and legal and social practice regarding other victims. Although comprehensive regulatory frameworks have been enacted in countries such as Peru (Law 30364), Bolivia (Law 348), and Colombia (Law 1257), limitations regarding inclusion and equity for other affected groups still persist (Orellana & Cantuta, 2024; Moanac et al., 2022). This exclusion restricts reporting, hinders access to justice, and limits effective protection, necessitating a critical review and expansion of the gender approach in legislation and public policies.

Addressing this issue is crucial due to the profound social, legal, and cultural consequences of GV in the region. Comprehensive protection not only guarantees fundamental human rights but also promotes more just and equitable societies (Frías-Miranda, 2025), strengthens care and prevention systems, and supports the design of effective and equitable public policies.

Most previous studies have focused their attention on women and girls, recognizing their greater vulnerability, even in armed conflict contexts (Murphy et al., 2021; Lukasiak et al., 2024). These studies have identified factors such as low educational levels and substance abuse (Akamike et al., 2019), while also emphasizing the importance of coordinated policies, intersectoral alliances, and preventive measures in educational settings (Mergaert et al., 2023; Villalonga-Aragón et al., 2023). However, recent research shows that men are also victims of GV, including various forms of sexual violence (Davis, 2023; Wirtz et al., 2018; Malik & Nadda, 2019; Depraetere et al., 2020; Garro et al., 2024).

This work contributes to existing literature through a qualitative comparative analysis that emphasizes the need for more inclusive and equitable approaches. Its main objective is to explore the advances and challenges in protection against GV in Latin America from a qualitative perspective, with a focus on the inclusion of all victims and a critical analysis of institutional norms and practices, in order to strengthen an integrated and equitable approach in the fight against GV in the region. The research is situated within the socio-cultural and legal context of Latin America, where GV represents a persistent challenge due to historical, cultural, and structural factors that reinforce inequalities and discrimination (Costa, 2016; Herrera, 2021; Moanac et al., 2022).

Methodology

This study adopts a qualitative approach to examine the complex interaction between legislation on gender violence (GV), institutional practices, and the experiences of victims in Latin America. The objective is to achieve a deep understanding that transcends mere normative description and integrates the legal, social, and cultural dimensions of protection against GV (Hernández et al., 2018). The research, of a basic nature, aims to contribute to the theoretical-conceptual knowledge regarding the challenges of protection against GV in the Latin American context (Aguirre & Pabón, 2020), providing a foundation for future applied research and the formulation of more inclusive public policies.

The methodology focused on content analysis of two main sources. First, national legislations on GV from Peru (Law 30364), Bolivia (Law 348), and Colombia (Law 1257) were examined to identify advances, limitations, and gaps in legal protection and victim support. Second, a detailed review of specialized literature on theoretical perspectives of GV, gender approaches, conceptual frameworks, victim experiences, and institutional responses was conducted.

For content analysis, a qualitative interpretative method was applied, which included thematic coding and narrative analysis to identify patterns, recurring themes, and relevant perspectives. To ensure the rigor of the study, data from diverse sources were contrasted and information was triangulated through various methods.

Finally, the research was framed within the socio-cultural and legal context of Latin America, characterized by the persistence of gender inequalities and the need to strengthen comprehensive protection against GV. This framework guided the interpretation of results and ensured both academic relevance and social and political significance of the study, contributing to academic discourse and the formulation of more inclusive and effective public policies in the region.

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Results and discussion

A Normative advances and public policies in protection against GV

In recent decades, Latin America has witnessed notable normative and political developments in the fight against gender violence (GV), recognizing it as a severe violation of human rights that demands comprehensive and multidimensional responses (Acale et al., 2024; Fernández-Matos et al., 2022). These advancements have facilitated the institutionalization of mechanisms primarily aimed at protecting women, in response to the structural and systematic violence they have historically faced.

Regionally, the Belém do Pará Convention (1994), formally known as the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, serves as a fundamental instrument by establishing international obligations for states to prevent, punish, and eradicate violence in domestic, community, and public spheres. However, despite the ratification of this convention by most Latin American countries, its full incorporation into national legislations continues to face challenges, particularly regarding the scope and effectiveness of its implementation (Freidenberg & Gilas, 2022; Roggeband, 2016).

The following is a comparative analysis of the normative frameworks of Peru, Bolivia, and Colombia, illustrating the progress made and areas requiring priority attention.

Table 1. *Advances and limitations in GV legislation*

Country	Normative Advances	Limitations and Gaps
Peru	Law 30364 (2015): Comprehensive framework (penal sanction, prevention, reparation, multidisciplinary care), Emergency Women's Centers, Line 100.	Predominantly focused on women, limiting attention to men, transgender individuals, and other vulnerable groups.
Bolivia	Law 348: Broad typification of GV, intersectoral approach (health, justice, security), prevention through educational campaigns.	Similar to Peru: Focus on women, excluding other victims of GV.
Colombia	Law 1257: Guarantee of rights, community participation (especially for indigenous, Afro-descendant, and displaced women), specialized units.	Similar to Peru and Bolivia: Lack of inclusion for men, transgender individuals, and other groups in normative and public policies.

In Peru, Law 30364 (2015) establishes a comprehensive framework that includes penal sanctions, prevention, reparation, and multidisciplinary care for victims of violence against women and family members. This legislation has led to the creation of Emergency Women's Centers and Line 100, which enhance immediate and specialized care (Ministerio de la Mujer y Poblaciones Vulnerables [MIMP], 2016). Additionally, it incorporates a human rights approach that extends care beyond physical violence to consider other manifestations and contexts.

Bolivia's Law 348 broadly typifies various forms of GV and establishes an intersectoral approach for comprehensive care. It recognizes violence against women as a direct violation of human rights and involves sectors such as health, justice, and security. Furthermore, it promotes educational campaigns and equality programs aimed at transforming the structural roots of violence (Orellana & Cantuta, 2024).

In Colombia, Law 1257 has strengthened legal protection with an emphasis on guaranteeing rights and community participation, particularly for vulnerable populations like indigenous, Afro-descendant, and displaced women. The establishment of specialized units within the Office of the Attorney General and collaboration with civil society has facilitated a more contextually and culturally sensitive response (Moanac et al., 2022).

Simultaneously, the three countries have promoted public policies aimed at translating normative frameworks into concrete actions. In Peru, national and local plans have been designed with an intersectoral approach involving multiple social actors (MIMP, 2016). Bolivia has integrated a gender perspective into citizen security programs and training for officials (Orellana & Cantuta, 2024). Colombia, for its part, has fostered collaboration with social and community organizations to ensure inclusive and culturally relevant responses (Moanac et al., 2022).

Despite these advances, the analysis reveals that protection remains fundamentally centered on women, leading to the exclusion of other victims of GV. While this focus responds to the historical need to protect a group subjected to structural discrimination, it limits a comprehensive approach by omitting the experiences of men, transgender individuals, and other collectives.

Limitations and gaps in comprehensive protection: the invisibility of other victims

Despite progress, significant limitations persist that affect the integrality and effectiveness of protection systems. One of the main issues is the invisibility of victims who do not fit the traditional category of women, creating a legal and social void for other affected groups.

This exclusion is reflected in the normative and operational focus on women as the only legitimate victims, leaving aside men, individuals with diverse sexual and gender identities, and other vulnerable collectives. For instance, men who suffer violence in interpersonal relationships often remain excluded from protection systems due to stereotypes that view them as aggressors rather than victims, limiting their visibility and exacerbating their vulnerability (Depraetere et al., 2020; Garro et al., 2024). Similarly, transgender individuals face high levels of violence linked to their identity and gender expression, yet they are rarely acknowledged in current norms and policies (Wirtz et al., 2018).

Internationally, such as in India, a significant percentage of married men report experiencing GV, particularly emotional violence, highlighting the diverse manifestations of this issue (Malik & Nadda, 2019). However, in Latin America, this reality receives scant attention, perpetuating prejudices and limiting the design of inclusive strategies.

Non-heteronormative individuals also experience significant GV, although their experiences are often invisible in broader discussions, leading to negative reactions and insufficient support (Davis, 2023). Furthermore, in conflict situations, men may be indirect victims of GV, experiencing psychological and social impacts linked to protective and provisioning roles within the family (Thulin, 2020).

In Peru, mechanisms such as Line 100 and Emergency Women's Centers, while strengthening support for women victims, do not systematically account for other vulnerable groups (MIMP, 2021). This limitation institutionalizes a reductionist conception of GV that may reinforce inequalities and create new forms of exclusion, contravening principles of equality and human rights.

In this sense, the invisibility of other victims represents a critical limitation that necessitates expanding both the conceptual and operational gender approach, reforming regulations, and explicitly including all vulnerable groups, as well as adapting care protocols and institutional sensitization processes.

Theoretical discussion: Rethinking the gender approach and the principles of equality and equity

The analysis of Latin American norms and public policies reveals the need to rethink the gender approach and the principles of equality and equity in the protection against GV. While this approach has been fundamental in highlighting the structural inequalities affecting women (Bates, 2022), its exclusive application may generate limitations and perpetuate the invisibility of other victims.

Table 2: *Comparison of approaches in protection against GV*

Concept	Description	Application to Protection against GV
Equality	Equal treatment in similar situations.	Application of the same legislation and policies to all individuals, regardless of gender or sexual identity.
Equity	Social justice in contexts of inequality. Providing each person what they need to achieve the same success.	Differential protection to correct historical inequalities towards women, but with explicit inclusion of other vulnerable groups. Adaptation of policies to the specific needs of each victim.

Equality, understood as equal treatment in similar conditions, and equity, conceived as social justice in contexts of inequality (Poiraud, 2019), are fundamental pillars in the fight against GV. However, the focus on women as the primary victims creates a paradox: while it responds to a historical need, it invisibilizes other groups, reproducing new inequalities (Moanac et al., 2022; Orellana & Cantuta, 2024).

Therefore, the gender approach must transcend exclusive victimization and encompass the complexity of social and power relations underlying GV. Contemporary feminist theory advocates for the de-naturalization of roles and stereotypes, promoting equity and respect for diversity (Bates, 2022; Rojas-Fernández et al., 2022). Differential protection for women should be maintained but complemented with an intersectional approach that considers gender, sexual identity, ethnicity, and socioeconomic status (Costa, 2016; Herrera, 2021; Orellana & Cantuta, 2024).

Interpretations and generalizations: Towards more inclusive and equitable protection

The findings indicate that while Peru, Bolivia, and Colombia have strengthened the protection of women against GV, it is urgent to broaden this scope to ensure inclusive and equitable protection for all victims.

Differential protection, necessary to correct historical inequalities towards women (Bates, 2022; Rojas-Fernández et al., 2022), should be complemented with an approach that recognizes the plurality of victims and contexts. Justice and care systems must adapt to respond to multiple forms of violence affecting men, individuals with diverse identities, and other collectives (Depraetere et al., 2020; Garro et al., 2024).

Comprehensive protection requires reviewing normative frameworks and public policies, expanding care protocols, and consolidating sensitization and training programs. Additionally, fostering an institutional and social culture that values diversity and promotes fair treatment for all victims is essential.

In conclusion, protection against GV should be conceived as a dynamic, contextualized, and multidimensional process based on an intersectional and plural approach that allows for the design of more effective, inclusive, and equitable strategies in Latin America (Costa, 2016; Herrera, 2021; Orellana & Cantuta, 2024).

Conclusions

This study has demonstrated that although Latin America has made significant normative and public policy advancements to protect women against gender violence (GV), limitations persist that affect the integrality and effectiveness of such protection. The predominant focus on women as victims has contributed to the invisibility of other vulnerable groups, such as men, transgender individuals, and those with diverse sexual identities, who also suffer various manifestations of GV. This normative and practical exclusion creates gaps in care, hinders access to justice, and perpetuates stigmas and social prejudices that obstruct both reporting and institutional support.

The comparative analysis of legislation and policies in Peru, Bolivia, and Colombia underscores the urgent need to expand and adapt legal frameworks and institutional responses to explicitly include all victims of GV, ensuring equitable, inclusive protection sensitive to the diversity of experiences. It is essential to rethink the traditional gender approach, integrating principles of equality and equity that acknowledge the plurality of victims and the multiple dimensions of gender-based violence. Moreover, incorporating an intersectional approach will allow for addressing the complex interrelations among gender, sexual identity, ethnicity, socioeconomic status, and other factors that influence vulnerability and discrimination.

Ultimately, protection against GV must be viewed as a dynamic, contextualized, and multidimensional process that promotes justice not only for historically marginalized women but also for all affected groups. The consolidation of inclusive policies and regulations, accompanied by sensitization, training, and cultural transformation strategies, is crucial for building more just, equitable, and respectful societies in Latin America. This comprehensive approach will contribute to strengthening protection and prevention systems, ensuring the full realization of human rights for all individuals facing GV.

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