

THE MACHO STATE

Coercion, patriarchy and resistance

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When police officers themselves are responsible for so many cases of gender-based violence and when so many cases are never addressed by the judicial system, what does that say about both the institution of the police, the state and their coercive apparatus?

I am writing this essay in the week of the [horrifying femicide of Úrsula Bahillo in Argentina](#). At the very same time, on the other side of the Atlantic, in the Netherlands, I saw my attacker looking into my living room seven years after the night when he tried to rape me.

I will come back to my story in a moment, but first I want to describe what happened to Úrsula. Úrsula Bahillo, who was 18, was regularly attacked by her partner, Matías Ezequiel Martínez, a police officer seven years older. For those who see women as responsible for their own safety, Úrsula did everything in her power to avoid being stabbed to death by her partner: she went to the police, she reported the violence, she asked for help, and she kept on doing this – 18 times, to be exact. The response was utterly inadequate. Even though there was a restraining order against Matías Ezequiel, the justice system never made sure that it was enforced.

Although each and every one of the femicides that take place in Latin America is painful to me and hundreds of thousands of other women, now and again there is one that is even more harrowing. What makes it especially anguishing is when someone whose duty is to respect and protect the rights inherent in your humanity is precisely the person who violates those rights – and who does so with total impunity. This is why phrases like [“they don’t protect me, they rape me”](#), or [“the police don’t look after me, my friends do”](#) have become prominent slogans in the increasingly [multitudinous transfeminist demonstrations in the region](#).

But it is not necessary to mention one of the countless femicides perpetrated by the police to illustrate their role in reproducing the systemic violence suffered by female-identified people (and other non-normative sexual and gender identities) all over the world. Although this essay looks at gender-based violence (GBV) as one of the key functions of the police in Latin America, the focus is on the patriarchal justice system and its mechanisms of omission as acts of coercion. As an example, I describe my experience of trying to gain access to justice in a European country to offer a reading from my perspective, which is that of a cisgender, migrant, racialised woman from Latin America.

When crime’s prosecutor commits crimes

What happened to Úrsula Bahillo is not an isolated case. According to Argentina’s [Coordinator Against Police and Institutional Repression \(CORREPI\)](#), registered cases of women suffering violence at the hands of the repressive state apparatus involve patriarchal male violence and are on the rise. Of the 671 cases of violence perpetrated by the security forces in the Metropolitan Area of Buenos Aires since 1992, 389 resulted in femicides.

Although there are no official figures to demonstrate the occurrence of GBV at the hands of the security forces at the regional level, the available figures in some Latin American countries and/or cities are alarming. In Mexico, [8 out of 10 women who are arrested are tortured by the authorities](#). As the Centro Prodh points out, there are indications that sexual torture is widespread and within the [state there are](#)

institutional structures that tolerate and even encourage it. In Chile, solely in the context of the social uprising that took place between October 2019 and March 2020, the National Human Rights Institute reports that of the 2,832 victims of state violence recorded by the Public Prosecution Service, 390 reported that they had been sexually assaulted.

These figures do not include cases of sexual and gender-based violence committed by the police that occur when the officers concerned are 'off duty' (I use the inverted commas because, as I understand it, violence is not one of the police's duties), as in the case of Úrsula Bahillo. In Colombia, for example, the Office of the Human Rights Defender reported that in 72 of the 3,225 cases of sexual violence they dealt with in 2018, the violence was perpetrated by relatives of the victim who were in the police or the army.

Figures on transfemicides or travesticides perpetrated by the police are likewise hard to find, although these and other cases of intimidation, disrespect for identity, arbitrary arrest, extortion and physical and sexual violence have been amply documented by trans activists. Transfemicide and travesticide, together with other types of violence such as the lack of access to health care, education and employment, explain why the average life expectancy of trans people in Latin America is between 35 and 41, according to REDLACTRANS.

Violence as a universal female experience

With that background it is easy to imagine what a relief it was to move to a European country where, in addition to having opportunities that would have been highly unlikely in my country of origin, there was also the prospect of a life free from violence. Yes, in the Eurocentric worldview I grew up with, it is assumed that Europe has solved problems as archaic as sexual and gender-based violence. So, I would boast about being able to cycle home alone from a bar at night, more concerned about getting to the bathroom in time than about being raped, beaten up, killed and thrown into a canal, as happens to dozens of women in Latin America every day.

That was until one day in 2014, when I arrived home late at night. When I opened the door to my flat, I noticed a man urinating in the garden. When I reprimanded him, he asked me in a drunken voice who I was. Without waiting for my reply, he jumped on top of me. He would have raped me were it not for his friend with whom he had visited my neighbour, who dragged him off before he could penetrate me. At the time, I had been going through an extremely stressful few weeks. My father was dying more than 9,000 km away, and I had to finish my studies and look for a job in the context of a migration system that had made it clear for some time that it would tolerate the temporary presence of people like me in the country, but it would not be at all easy for me to settle there. Being already emotionally drained and predicting that I would be re-victimised by the police (as I was not the textbook victim of rape and also did not want to come across as the 'immigrant causing problems' and jeopardise my chances of extending my residence permit), I decided not to report my attacker to the police.

It was very hard for me to come to terms with what had happened. I was distressed not only by the incident itself but also by having decided not to report it, as according to the man who rescued me, it was not the first time my attacker had lunged at a woman while he was drunk. Reporting him was not just a question of seeking justice for myself, but also an obligation not to allow that to happen to any other woman.

At the time, I did not wonder whether any of the women my aggressor had previously attacked had gone to the police. It did not even cross my mind that what had happened to me had also been experienced by at least half the female-identified population. It had never occurred to me that female identities are not safe in Fortress Europe either.

After a few months I returned to my 'normal' life. But after that incident, although I continued to boast about how safe my life was, I began to swerve to the side of the road whenever I heard a car approaching at speed behind me while I was cycling. I went back to living with the fear I had grown up with. The fear of being run down on purpose and left at the mercy of a potential rapist. The fear of being killed at any moment for embodying a female identity.

What is not named does exist

When I told close friends in the Netherlands about the sexual assault, I learned that a surprising number of them had survived sexual violence of some kind in their lives. Most of the accounts were from women, although there was also one man (who had been abused by a family member during his childhood). As it did with me, these experiences had left them with major scars, but none had gone to the police to seek justice. Only one of them told me why she had not done so: because she knew nobody would believe her.

These accounts coincided with the information I started to unearth when I sought help after seeing my attacker seven years after the night when he tried to rape me. It turns out that he is a friend of one of the households in the shared housing group I recently joined. The reason I saw him looking through my living room window is that he happened to be visiting his friends. I was left terribly shaken by this chance re-encounter and the prospect of coming across him again at any time in my home was what finally led me to go to the police, specifically to seek a restraining order.

I was looking for contacts who could give me advice about the statute of limitations for the crime (in fact, I wasn't even sure if sexual assault was classified as a crime in the Netherlands), and by chance I came across the figures that corroborated what I had learned from my friends. According to a [survey by the European Union's Fundamental Rights Agency](#), one in three women have at some time experienced physical or sexual violence. In the Netherlands, this figure rises to 45%. The survey also found that only 14% of victims in the 27 countries of the European Union (EU) as a whole and 15% in the Netherlands report the incident to the police. The survey is from 2014, and it is the first – and so far the only – representative EU-wide survey.

Soon after I contacted them, the Victim Support service in the Netherlands (*Slachtofferhulp*) assigned a volunteer to accompany me during the reporting process. In the first minute of the first phone call she advised me not to go to the police. Specifically, she told me that the police were very busy and it was unlikely that any report would lead to a restraining order, or even an investigation. After all, it was 'my word against his'. I reminded the volunteer that there were witnesses, but even if there hadn't been, didn't I have the right to be believed? Instead of going to the police, she advised me to opt for a mediation process, a service free of charge that would allow me to sit across the table from my attacker and explain to him how his wild night out with his mates seven years ago was causing me an unprecedented mental health crisis.

Invisibilising gender-based violence in the patriarchal justice system

Until recently, I had not been able to understand why, despite its prevalence, sexual and gender-based violence in Western Europe¹⁶³ is not part of the public debate as it is in Latin America or in countries across sub-Saharan Africa such as [Liberia and Sierra Leone](#), for example. In my experience, the issue is discussed in Western Europe, but mainly as a characteristic of underdevelopment, inherent in the absence of the rule of law and in male chauvinist cultures attributed to Latin America or even Southern Europe. A [2017 Eurobarometer survey on gender equality](#) illustrates the prevalence of gender stereotypes amongst women, which subsist along the belief that gender equality has been achieved in politics, and to a lesser extent at work and in leadership. Today, apart from civil society organisations engaged in advocacy, or academics researching GBV, or when a particular case of violence against women causes a media furore, it seems that most people don't challenge, either through discussion or protest, this type of violence as they do in Latin America.

One possible explanation is the extremely high number of these incidents in Latin America that end in brutal deaths. When people read or hear every day about hate crimes and about women and girls, trans and transvestite people who are found dead, wrapped in blankets or plastic bags, their bodies dismembered and dumped on a patch of wasteland or in streams, in suitcases or rubbish tips, with or without clothes, with signs of torture or traces of semen, at the very least it gives people a lot to talk about.

But it is also possible that the cause and effect of the lack of visibility given to such a prevalent problem is that gender-based violence – and violence against women in particular – is usually seen as a strictly personal matter. The : The Atria Institute for emancipation and women's history in the Netherlands [reported on an online national survey conducted in 2010](#) which documented the reasons why the victims of physical and sexual violence in the country do not go to the police. The most common reasons were that women considered these episodes of violence a private matter and wanted to resolve the situation themselves; that they did not feel that the incident was serious enough; that they wanted to keep it secret; that they did not believe anyone could help them; or that they felt ashamed and were afraid of the perpetrator. A [2016 Eurobarometer survey on domestic violence](#) had similar findings. Additionally, the survey found that European women don't speak about their experiences of GBV because they lack proof, or the situation is unclear, or because they don't want to cause trouble.

Although these taboos are slowly fading away, and in the Netherlands an increasing number of women now report such crimes, [convictions for sexual violence are still very rare](#). This has to do with how complicated and ineffective the reporting process is. In the Netherlands, reporting a crime is a two-step process. First you have to notify the police that the incident happened (this is not an official statement). After providing such information, the victim may decide to report the case officially. [Of the 37% such cases that are officially reported, 58% are abandoned, usually due](#) to lack of evidence. While the presumption of innocence is a fundamental principle of justice, in a context of pervasive GBV where rape often happens behind closed doors, mechanisms ought to be put in place that can lead to conviction in rape cases, even when there is little evidence. However, there is little indication of steps being taken in this direction, despite the Netherlands' recent recognition of [all forms of involuntary sex as rape](#). This situation both discourages victims from reporting and encourages rapists or stalkers to continue committing crimes with impunity.

Thus, preventing and resolving gender-based violence is seen as the responsibility of the individual, and this is compounded by the fact that the state itself often keeps this type of violence invisible. In the Netherlands, for example, not only do the police take years to deal with reports of rape, they also coerce the women reporting it not to discuss the incident, since they argue that this [could hinder the prosecution of the case](#). This not only makes it difficult for victims to receive appropriate support or even get help from their close friends, it also prevents the problem from becoming the subject of public debate. Similarly, many EU countries (including the Netherlands) [are still not providing gender-disaggregated data when they report annual homicide rates](#). Because of this, the number of femicides in the EU is probably much higher than reports suggest, given that in 2016, official figures classified only [788 women in the region as victims of femicide](#). In other words, when women do not talk about it and are unaware of the magnitude of the violence we suffer, we gradually fail to recognise our oppression. This lack of awareness deprives us of our agency and keeps us from organising ourselves to demand action by the state.

Omission as coercion, femicide as state policy

Returning to the issue of gender-based violence in Latin America, another factor leading to the growing unity among women and non-cisnormative identities is an ongoing discussion of the problems that plague us that must be addressed due to our subaltern status. Drawing parallels with other oppressed communities, the most intense debates about dismantling the police and military complex, particularly in the US, take place within African-descent communities. It is noticeable that such discussions are less likely to take place in a site of privilege: the number of men rethinking masculinity is still miniscule, as is the number of white people discussing racial violence as a [#whitepeoplesproblem](#). Indeed, it may be that women in Western Europe, in terms of the general population and not its more organised constituencies, are not engaged in debates about our subaltern status because we see ourselves as having more privileged lives compared with the standard of living in other countries. Yet women in Europe [earn less and work more than men](#),¹⁶⁴ and are victims of GBV [almost as often as our counterparts in the rest of the world](#).

In Latin America and in Western Europe (as demonstrated recently by the case of Sarah Everard killed in London – yes, from the victims of femicide that I keep adding to the essay, the reader will realise that it has taken me weeks to write it), there is always the fear that the disappearance of a woman or female-identified person will end in the worst possible way: rape and murder. We are used to seeing how the media report femicides: they talk of prior warnings, when there were any, and of reported incidents that were not properly dealt with, but there's rarely any discussion about the structural nature of the problem or about the justice system's failure to address it. Not to mention the fact that transfemicides do not receive as much media attention as the murders of cis women.

Indeed we must change the way in which the term (trans)femicide is used – not just to quantify victimised bodies (which is necessary, but by no means the ultimate aim of justice for GBV) but also to identify the state as the main guarantor – the duty bearer – responsible to end the violence that leads to women being killed.

NOA POTHOVEN, ANOTHER VICTIM OF STATE FEMICIDE

One case of gender-based sexual violence that caused an uproar in the Netherlands in recent years is that of Noa Pothoven, a teenager who died in 2019 from self-imposed starvation. Noa had been sexually assaulted at the age of 11 during a children's party and again a year later at another party. When she was 14 she was raped by two men. The post-traumatic stress disorder (PTSD) she suffered as a result of these attacks was never properly treated and Noa sank into a depression that ended her life at the age of 17. Her death led to outrage in the international press because it was [mistakenly reported that she had died by euthanasia](#). In the Netherlands, the focus of the reporting on her case was, in order of media importance, her wish to die, her mental health problems and anorexia, and the ineptitude of the youth support services that dealt with her case. While the underlying causes of her disorder were always mentioned (i.e., that she had survived multiple episodes of sexual violence in her childhood), little attention was paid to the fact that fear and shame prevented her for a long time from taking about it with anyone or that a court had ordered her to be committed to various psychiatric institutions (while none of the perpetrators seems to have been brought before any court).

In this context it is worth mentioning the case brought before the Inter-American Commission on Human Rights (IACHR) in the 2000s. This concerned the murders of young women in Ciudad Juárez in northern Mexico on the US border, where young women have been disappearing regularly for more than 30 years and where the response of the justice system has invariably been to [blame the women for their own disappearance](#), resulting in inaction. Concluding its investigation, the IACHR spoke for the first time of femicide not just as the murder of women, but as the state's failure to act and a permanent message that says that where impunity reigns, the lack of consequences for the attackers becomes 'permission' to continue committing violence against women.

From this perspective, the justice system also has a role to play in preventing violence, because the prison system, by definition, deals with crimes that have already been committed – in the case of (trans) femicides, when the female-identified person has been deprived of their right to life. However, bringing a lawsuit can also be a prevention mechanism to the extent that it leads to accountability, whereby the justice system is sending a message of zero tolerance. But when the justice system offers nothing but impunity, inaction, cases closed without being investigated, or social workers who tell you straight away not to bother the police because they are very busy, it not only shuts victims or survivors out of the justice system, but also sends the message that the system endorses these types of violence.

The road already travelled...

With regard to this we do need to acknowledge what has been achieved at the global level in less than a decade: from #niunamás or #niunamenos and their transformation into the contemporary transfeminist movement as one of the most important political actors in Latin America, to #metoo worldwide and the changes brought about by the bravery of so many women and non-normative identities who came forward to speak about the violence they experienced in areas as diverse as medicine, the entertainment industry, the media, academia and politics. This has undeniably contributed to a change in the social ethos, which has had repercussions in the justice system: formerly untouchable men, like

Harvey Weinstein, ended up paying for their abuses, while countries such as France have introduced harsher penalties for adults who engage in sexual relations with minors.



Bolivia, La Paz, 14 January 2020. Families of victims of femicide demonstrate in front of the office of government buildings in La Paz. Credit: Andrea Bruce / NOOR

Although court rulings in favour of oppressive power (such as police officers all over the world who shoot people dead at point-blank range, or the politicians exonerated of money laundering or influence peddling, to mention just two of a long list of examples) could indicate the contrary – the rise of a global debate on the lack of legitimacy of the justice system is an advance. And how could there not be a crisis of legitimacy, when the judiciary is the only one of the three powers of state in a democracy that largely does not have to be subject to election by the people. The lack of gender awareness in much of the justice system all over the world forms part of this crisis of legitimacy.

Faced with this crisis of legitimacy and given their role as public servants, the justice system and the institutions that comprise it (the police, the courts, the public prosecution service, defence lawyers) have the obligation to respond to society's demands. Instead, their attitude is generally reactive and repressive, as we see over and over again in Latin America when transfeminist movements [come out on the streets to condemn femicides](#) (or recently in the UK as well, in the case of the [protests against the femicide of Sarah Everard](#)), or the [#blacklivesmatter protests](#), or the [protests against the military coup](#) in Myanmar. Of course, I cannot deny that in writing this, I am fearful of the consequences it could have for my immigration status, or at the very least the violence to which I could be exposed for expressing these opinions. I know that as a migrant I am expected not to voice opinions that could be considered transgressive. What migrants are expected to do is integrate into society in the most normative possible way, and this expectation is often imposed with violence, as shown in countries like France by the [criminalisation of Muslim women migrants](#) who wear the hijab.

Some people might say my fears are far-fetched, but the recent [child benefit scandal](#) in the Netherlands in which thousands of dual-nationality families were wrongly accused of fraud by Dutch tax authorities and plunged into penury demonstrates that the worst fears of marginalised groups ([especially those with an immigration background](#)) are well founded.

GBV serves this system of precarity and control. The criminalisation of poverty – evidenced in the child benefit scandal – not only compounds impoverishment, but also the precarity of women’s lives who bear the brunt of unpaid care work. Meanwhile GBV is not only tolerated and made invisible by the coercive state, it also serves a disciplinary measure to keep women in check and far away from equality. And gender inequality in turn serves the coercive state by making [women the corner stone of precarious labour](#), necessary for capital accumulation and control. In other words, GBV is functional to the coercive state where its pervasiveness is crucial for the dehumanisation of feminine identities as producers and reproducers of a subordinated working class.

...and the road ahead

Against this background and as a prerequisite for the eventual abolition of the police and the military, I argue for the renewal of the justice system rooted in feminism. There need to be structures in the public prosecution service whose exclusive role is to investigate the gender-based crimes that they call domestic or sexual violence, the most extreme form of which is femicide. Evidence shows that worldwide, [discriminatory laws disproportionately affect non-normative gender identities](#). Likewise, prosecutors in the Netherlands still lack knowledge of the diverse forms of GBV, as demonstrated by a [Shadow Report on the implementation of the Council of Europe Convention on preventing and combatting violence against women and domestic violence](#) in 2018. With this in mind, the prosecution service should also have the mandate to address other widespread problems (such as crimes perpetrated by or against society’s most excluded groups), taking a gender and intersectional approach.

An intersectional approach means addressing inequality as the root of violence. When we discuss violence in general, and the abolition of the prison-military complex in particular, we can for example neglect the labour dimension of the police and military. In Latin America and elsewhere, the police are a source of employment for impoverished sectors, just as the military has historically served as a means of [economic mobility for racialised men](#). In contrast, the [police is the Netherland’s largest employer](#) and the sector is characterised by a low turnover. Striving for accountability and reparations for the widespread abuse of power will also therefore have to pragmatically address how to construct an economy of peace that includes decent work for all.

Likewise, when we discuss GBV, it seems like the alarms only blare when violence reaches an extreme (such as femicides, transfemicides or hate crimes), but we fail to focus on the structures lead to this violence. Parity of gender and ethnic origin in state institutions could be part of the structural change that is necessary, although it does not guarantee a gender or class or ethnic perspective, as the gender and sexual violence we survive every day is not only systemic but also availed by the state.

To paraphrase Paulo Freire, it seems to varying degrees that we are coming to the realisation of our condition of oppression. The moment is ripe to also realise that “nobody liberates themselves all alone. People liberate themselves in fellowship with each other.” Invoking the appeals of abolitionists who see not only the need but also the potential for the world to transform itself, it is time to forge ties of

solidarity, communities of care, but above all communities of understanding, to come closer to the one another and find our own humanity in this otherness. This we owe to ourselves, to those who came before, but above all to those who will come after.

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Notes

- 163 I am using the United Nations definition of Western Europe, which includes Austria, Germany, Netherlands, Belgium, Luxembourg, France, and Switzerland.
- 164 Scoring in the gender equality index does not include violence in the calculations, which strongly suggests that gender inequality is worse than usually estimated.
- 165 Eduardo Gudynas defines ‘extractivism’ as ‘a particular type of high-volume or high-intensity extraction of natural resources of which 50% or more is destined for export as raw materials in processed or minimally processed forms. This includes both the exploitation phases, such as the upstream phases of prospecting, discovery, etc. and the downstream phases, such as closure and abandonment of appropriated sites’. <http://ambiental.net/wp-content/uploads/2015/12/GudynasApropiacionExtractivismoExtraheccionesOdeD2013.pdf>