

## Experiences of gender violence in Bolivian migrant women residing in Tarapacá, Chile

## Experiencias de violencia de género en mujeres migrantes bolivianas residentes en Tarapacá, Chile

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### Abstract

The article addresses the results of a case study on the experiences of violence that affect Bolivian migrants residing in Tarapacá, Chile. The research was carried out in 2019 and the objectives are: to understand how violence affects or alters the migration of those women and to investigate the level of knowledge about the Chilean and Bolivian institutions competent in the matter. The text is structured around three methodological strategies: a review of the state of the art of the debates on the relationship between gender, violence and migration; a documentary analysis of national and international legislation and, application of qualitative interviews to 10 migrants who suffered violence by their partners. Within the findings, we corroborate that gender violence indeed influences the decision to migrate of the interviewees.

Keywords: gender violence, legal frameworks, Bolivian migrants, Tarapacá.

### Resumen

El artículo aborda los resultados de un estudio de caso sobre las experiencias de violencia que impactan a migrantes bolivianas residentes en Tarapacá, Chile. La investigación se efectuó en 2019 y los objetivos son: comprender cómo la violencia repercute o altera la migración de aquellas mujeres e indagar en el nivel de conocimiento acerca de la institucionalidad chilena y boliviana competente en la materia. El texto se estructura a partir de tres estrategias metodológicas: revisión del estado del arte de los debates sobre la relación entre género, violencia y migración; análisis documental de legislación nacional e internacional y aplicación de entrevistas cualitativas a 10 migrantes que sufrieron violencia por sus parejas. Dentro de los hallazgos se corrobora que efectivamente la violencia de género influye en la decisión de migrar de las entrevistadas.

Palabras clave: violencia de género, marco jurídico, migrantes bolivianas, Tarapacá.

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## Introduction

Learning about the different experiences of violence of Bolivian migrant women residing in the Tarapacá region, located in northern Chile,<sup>1</sup> is an issue of great relevance both in the regional capital, Iquique, and the other municipalities of the region, for at least three main reasons.

The first is the increase and feminization of the migratory contingent in the region. In Chile, the percentage of foreigners habitually residing in the country, as of December 31, 2020, was 1 462 103 people. In Tarapacá, in 2020 there were an estimated total of 69 358 foreigners, of whom 33 745 were men and 35 613 were women (Instituto Nacional de Estadística & Departamento de Extranjería y Migración, 2021). Many of these migrants are of Bolivian origin and have connections to Aymara ethnic groups. It is possible to establish that this Bolivian Aymara migratory presence in the region is due to the demand for labor in the local mining industry, the dynamism of the commercial activities of the Iquique Free Trade Zone, and reasons of geographic proximity, but also that it is due to common cultural practices (Tapia Ladino & Ramos Rodríguez, 2013; Ovando & Ramos, 2016).

Second, in the universe of migrant women who suffer violence in the region, there are significant levels of gender-based violence against Bolivian women.<sup>2</sup> In Tarapacá there are two shelters run by the current National Service for Women and Gender Equity of Chile (Spanish: *Servicio Nacional de la Mujer y la Equidad de Género de Chile*, Sernameg). These shelters protect women who were victims of the most serious crimes of violence. In 2019, 56% of the residents were foreigners, and of these, 68% were Bolivian.<sup>3</sup>

Third, this experience of violence appears to be a phenomenon that women face on both sides of the border. According to data from the 2016 Survey on Prevalence and Characterization of Violence against Women (Spanish: *Encuesta de Prevalencia y Caracterización de la Violencia contra las Mujeres*, Epcvcm) carried out by the National Institute of Statistics of the Plurinational State of Bolivia (Instituto Nacional de Estadística del Estado Plurinacional de Bolivia, 2018), within Bolivia, in the private sphere, 393 370 women experienced some episode of violence committed by their partner or ex-partner. This figure represents 51.9% of 757 408 single women aged 15 years or older residing in Bolivia in 2016. The most common type of violence reported by women in the survey was psychological violence. Of the single women, 46.5% reported suffering this type of violence, while 21.2% reported sexual violence, 16.8% physical violence, and 12.2% economic violence. Most of the women who claimed to have suffered this violence were between 29 and 59 years of age. Of the complainants, 67.6% filed a formal complaint. However, 56.4% of the cases

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<sup>1</sup> From a historical perspective, the Tarapacá region has been a place of transit and border mobility, even before the establishment of the nation-state (Tapia Ladino & Ramos Rodríguez, 2013). The entire region originally belonged to Peru and was annexed to Chile after the end of the War of the Pacific (1879-1883). The territory of the region is bordered to the north by the Chilean region of Arica and Parinacota, and to the south by the Antofagasta region, but its eastern lands are adjacent to central-western Bolivia, and share with Bolivia high altitude rural areas inhabited mostly by Aymara populations (Ovando & Ramos, 2016).

<sup>2</sup> This situation follows a national tendency. According to Bulletin N°3 on Violence against Women (Subsecretaría de Prevención del Delito, 2016), domestic violence is on the rise and was among the top 10 most frequent categories of police records in the country between 2005 and 2016.

<sup>3</sup> Data provided by Sernameg specifically for this research on direct request (2019).

did not lead to any sanction, and only 35% of such complaints led to a criminal sentence. Between 2013 and 2018, 555 cases of femicides were registered in Bolivia (Coordinadora de la Mujer, 2019).

International regulations for the protection of women and migrant workers and their families have been signed and ratified by the Chilean State. In addition, domestic regulations have been enacted to punish crimes that put women's lives and physical and psychological integrity at risk. However, these regulations have not succeeded in curbing violence against women (whether they are migrants or not). Therefore, it has been thought appropriate to carry out a case study to understand how violence impacts or alters the migration of Bolivian women, from their decision to leave their country of origin to their settlement in Chilean territory. This study also sought to investigate the level of awareness of Chilean and Bolivian institutions that, from a formal point of view, should guarantee the rights to physical and psychological integrity of these women.

The text is organized into five sections following this introduction. The first section situates gender and migration in the social sciences. The second provides the national and international legal framework in force in Chile regarding the protection of women migrant workers. The third section summarizes the profile of the Bolivian women interviewed (residents of the Tarapacá region) and analyzes their interviews, explaining how they relate the experience of violence to the decision to migrate. The fourth section analyzes the level of knowledge and experience of the migrants regarding the functioning of the institutional framework in the area of protection from violence against women. The final section includes the conclusions.

### *Concerning the methodology*

The study that gave rise to this article was structured based on three methodological strategies. First, a state-of-the-art review of the debates in the social sciences on the relationship between gender, violence, and migration was carried out. The objective was to establish the analytical definitions to guide the research questions and hypotheses. In the second stage, a detailed review of national legislation and international instruments ratified by Chile and in force regarding the protection of migrant women was also done. In the third methodological stage of the research, which was carried out in the second half of 2019, contact was made with the public service of the Tarapacá region that assists women victims of violence. Information and statistics were requested from the programs run by the Regional Directorate of Sernam Tarapacá in a search for records that would make the problem of gender violence against migrant women visible. In addition, a qualitative interview was conducted with an agent who works in the Regional Directorate of this service. Once these data were received and analyzed, and to get a closer look at women's experience of violence, ten semi-structured qualitative interviews were conducted with Bolivian migrant women residing in the region who had suffered violence at the hands of their partners. Communications with these women were conducted through contact networks with local migrant communities. These interviews were anonymized to protect the identity of the informants, transcribed, and analyzed. The accounts of the women constitute the inputs for the empirical sections of this article.

Based on all this material, this text aims to contribute to the study of migration by exploring the problem of gender violence suffered by Bolivian migrant women in Tarapacá, with a focus on the legal framework of the Chilean State.

## Gender, violence, and international migrations

This section discusses the concepts that define the analytical perspective of the case study. These concepts are divided into gender, violence suffered by women, and female migration.

The debate on gender is polysemic in the social sciences and has figured in disciplines such as sociology and anthropology since the late 19<sup>th</sup> century. Currently, the social sciences speak of gender as the social and cultural construction of sexual differences among people. Anglophone feminists introduced this theoretical perspective in the 1970s. Within this usage, the term refers to behavior and personality traits, which leave marks and make up the body. Gender has been increasingly used to refer to any social construct related to the male/female distinction, including those that separate the “male” body from the “female” body (Nicholson, 1994, in Tubert, 2003, p. 48). This debate assumes that sex is biologically determined, while gender is a social construct.

For authors such as Stolke (2004) and Chiarotti (2006), gender studies and their incorporation into the social sciences have their antecedents in Simone de Beauvoir (1945 [1997]), who stated that one is not born a woman but becomes one. From this postulate, the difference between sex and gender began to be questioned since men and women come from cultural, not biological construction.

However, these asymmetries are also based on power inequalities linked to the right that men feel to be violent toward women, which has worsened with the intensification of patriarchy in several Latin American countries, including Bolivia.

Thus, in the same sense that gender is a cultural construct and therefore occurs in specific relational contexts, several authors argue that female identity is constructed not only from the assignment of roles and differentiation from men but also through differentiation from other women: “in a society where race and class relations are asymmetrical, a subject becomes a woman also in opposition to other women” (Stephenson, 1993, in Peredo Beltrán, 2004, p. 44). These authors have observed that the asymmetries that have historically governed the relationship between men and women are exacerbated in multiethnic, multicultural, and multilingual contexts, such as those that characterize most Latin American countries (Sichra, 2004, in Lamas, 2007, p. 134).

Rossana Barragán (1996), based on information on the dissolution of marital ties in the capital of Bolivia, hypothesized that vertical gender relations, together with new conditions related to the urbanization of Andean areas, modified traditional gender relations in cultural groups such as the Aymara, leading to more intense patriarchy.

Her study postulated that the process of colonization in Latin America created a matrix of patriarchal, patrimonial, and colonial domination, which produced asymmetrical social relations. In these relations, the home emerged as the space where men exercised the civilizing mission entrusted to them by society and the law based on the contrast between man-society-culture on the one hand and woman-nature

on the other (Peredo Beltrán, 2004). Recent studies confirm the relevance of these historical maxims. For example, through fieldwork carried out in Bolivia (in the cities of Cochabamba and Santa Cruz), Guaygua and Castillo (2008) note that women are convinced that the functions performed by men will always be more important than those of their sisters or coworkers, thus contributing to the inequality and imbalance of which they are the victims.

Likewise, several studies note that, in addition to the search for better living and economic situations, the desire to flee domestic violence is also a factor that drives female migration. For many migrants, leaving their country is the only option to escape the dynamics of abuse (Espín, 2010; Asakura & Torres Falcón, 2013). However, “gender-based violence is a reality that crosses geographical, cultural and economic borders” (Asakura & Torres Falcón, 2013, p. 76). In other words, it is present in daily life, manifesting itself in different ways and, in many cases, it happens indistinctly in the place of origin, during the migratory journey, and in the place of settlement of the migrants. These aspects increase the urgency of investigating how gender relations have been treated in international migration studies.

This research takes into consideration the definition of gender-based violence given by the United Nations General Assembly, which in December 1993 (Asamblea General de las Naciones Unidas, 1993) approved the Declaration on the Elimination of Violence against Women (Res. A.G. 48/104, ONU, 1994), the first international human rights instrument that defines gender-based violence, in Article 1, as follows:

Any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether in public or private life.

In the Latin American context of the 1990s, migration flows from the countries of the region have demonstrated a strong trend toward feminization (Lube Guizardi et al., 2018). Thus, the author Elaine Acosta González (2013) proposes migration as an opportunity to escape or question the system of norms and socialization patterns in which Latin American women develop their life projects in the societies of origin. Moreover, it is suggested that this Latin American female migration is not only due to economic motivations but also to other reasons, such as the possibility of freeing themselves from androcentric controls and the overload caused by the obligations related to the roles of mother and spouse (Lamas, 2007; Tapia Ladino, 2011).

In order to contextualize the research, socio-demographic indicators of the interviewees were extracted from the interviews applied. At this point, it is worth considering the postulates of Herrera (2013), who states that “[...] gender is incorporated as a core dimension, along with class, ethnicity, race, and other social markers of inequality, and as a constitutive element of the transnational field” (p. 476). In current female migration studies, the intersectionality approach has become a central perspective, which makes it possible to theorize about the link between gender and migrations (Nash, 2008; Anthias, 2012; Bastia, 2014, in Parella & Reyes 2019) and to glimpse the different forms of discrimination that shape the experiences and

practices of international migrant women. Although it was not used as an analytical category in this research, it is worth keeping it in mind to understand the impact of violence in the interviewees' lives.

These transformations have been of great significance in the Bolivian context. At the end of the 20<sup>th</sup> century, Bolivia experienced an accelerated increase in international migration. Furthermore, these migratory flows ceased to be mainly male, with the consolidation of an accelerated increase in female migration for labor reasons (due to the economic crisis experienced in Bolivia). Thus, in the first decade of the 21<sup>st</sup> century, Bolivia was among the Latin American countries that received the most international remittances sent by migrants (Guaygua et al., 2010). This new Bolivian female mobility fomented in many women the desire to break away from the norms established by patriarchal ties and the ingrained behaviors of machismo through international migration (Hinojosa et al., 2000; Guaygua & Castillo, 2008; Tapia Ladino, 2011; Leiva Gómez, 2015). Nevertheless, at the same time, this female immigration entails an accumulation of risk factors, such as employment in more precarious jobs and the high impact on physical and psychological health, discrimination in different situations in the country of destination, the relationship with their migratory status, and the search for social support networks after uprooting the family (Vives-Cases et al., 2009; Acosta González, 2013).

The following section reviews the legal framework that provides guidelines on gender-based violence.

## Legal and institutional framework: protection of women and migrants

### *International legal framework*

With the Universal Declaration of Human Rights (UDHR), signed in 1948, a minimum consensus has been reached on the international regulation of acts against life and physical and mental integrity of persons to establish the principle of equality between men and women. These principles were enshrined in various conventions signed and ratified by several States, including Chile and Bolivia, which establish the obligation to respect, protect and enforce the rights of all human beings, without distinction. Thus, from a legal perspective, both violence against women and the various forms of discrimination and exploitation of migrant populations have been understood, since the second half of the 20<sup>th</sup> century, as violations of human rights (HR) (Rico, 1996). Since the Declaration of HR, various international conventions



have been concluded, which provide regulations<sup>4</sup> in these matters. Regarding the rights of migrants and women, two main treaties stand out. On the one hand, the International Convention on the Protection of the Human Rights of Migrant Workers and their Families (CMW, ratified by Chile in 2005) and, on the other hand, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, ratified by Chile in 1989), whose protocol, after 18 years in Congress, was ratified by the Senate in December 2019.

There is currently a certain consensus among international organizations regarding HR in the sense of using the definitions of violence against women that were agreed upon in the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, “Convention of Belem Do Pará” (signed and ratified by both Chile and Bolivia in 1994). In Article 1, the Convention defines such violence as “any action or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere”.

### *Domestic legal framework in Chile*

In Chile, the current legislation on migration is Decree Law No. 1094 (1975) and its respective regulations, established by Supreme Decree No. 597 (1984).<sup>5</sup>

The first law on domestic violence was No. 19325 of 1994. This law was repealed in 2005, giving way to Law No. 20066, which establishes the objective of preventing, punishing, and eradicating domestic violence and granting protection to the victims. The most significant aspect of this law is that this type of violence ceased to be treated legally as a problem of the private sphere and was elevated to the sphere of public law. However, it did not manage to stop the escalation of violence against women in the

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<sup>4</sup> These include: International Covenant on Civil and Political Rights; International Covenant on Economic, Social, and Cultural Rights (Spanish: *Pacto internacional de derechos civiles y políticos*; *Pacto internacional de derechos económicos, sociales y culturales*, PIDCP and PIDESC, respectively, both ratified by Chile in 1972); American Declaration of the Rights and Duties of Man (1948); American Convention on Human Rights (Spanish: *Convención americana sobre derechos humanos*, CADH, also known as the Pact of San Jose de Costa Rica, ratified by Chile in 1990); Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (*Protocolo de San Salvador*, signed by Chile in 2001); International Convention on the Elimination of All Forms of Racial Discrimination (ratified by Chile in 1971); Inter-American Convention against Racism, Racial Discrimination and Other Related Forms of Intolerance (signed by Chile in 2015); Inter-American Convention Against All Forms of Discrimination and Intolerance (signed by Chile in 2015); Rome Statute of the International Criminal Court (ratified by Chile in 2009); Convention No. 169 concerning Indigenous and Tribal Peoples in independent countries (ILO N° 169, ratified by Chile in 2008); Convention against Torture (CAT, ratified by Chile in 1988); United Nations Convention against Transnational Organized Crime (signed in Palermo); Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, (all ratified by Chile in 2004); Domestic Workers Convention (Convention No. 189 of the ILO, ratified by Chile in 2015); and, the Convention on the Elimination of Violence and Harassment in the World of Workplace (Convention No. 190 of the ILO, pending ratification in Chile).

<sup>5</sup> On April 11, 2021, the new Immigration Law No. 21325 was enacted. However, it will not enter into force until the publication of its regulations. It is important to mention that one of the novelties of the regulation is that it makes it more difficult to change the migratory category, which will undoubtedly make the living conditions of migrants more precarious (Ministerio del Interior y Seguridad Pública, 2021).

country (Centro de Derechos Humanos, 2017). It is also noteworthy that Article 5 of this law limits its scope of protection to violence suffered by women who are or have been spouses or cohabitants of their aggressor, or who have children in common with the aggressor, leaving unprotected the victims of violence suffered in the context of affective relationships without marital or cohabitation ties.<sup>6</sup>The most serious act of violence, the crime of femicide, introduced into the Chilean legal framework in 2010, was initially legally defined as homicide committed against a woman who is or has been the spouse or partner of the perpetrator of the crime. However, after ten years, the criminal type was extended to any gender-based homicide, so it applies to any type of relationship that a woman has with her aggressor. This legal modification is in line with the concept introduced by Lagarde (2006).

Concerning state institutions, the National Office for Women was created in Chile in 1969 to promote equality between men and women. In 1991, the National Service for Women was founded, and, finally, in 2016, the Ministry of Women and Gender Equity was established, to which the Service was subordinated and primarily performs technical functions<sup>7</sup> since competence in public policy advocacy remains in the sphere of the Ministry. An important part of the functioning of these institutions at the local and regional levels is through shelters. These are temporary residences for women over 18 years of age (and children up to 14 years of age) who are in a situation of

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<sup>6</sup> Beginning in January 2017 and until the time of publication of this article, a bill has been debated in the Chilean Senate named "On the right of women to a life free of violence" (Bulletin N° 11077-07) (Cifuentes & Weidenslaufer, 2019). It redefines the concept of violence against women, in its second article, as

any action or omission, whether it takes place in the public sphere or the private, based on gender and carried out in the framework of historically unequal power relations which emanate from the differentiated roles assigned to men and women, which result from a social, cultural, historical, and economic construct, which cause or may cause death, or physical, sexual, psychological, economic or any other type of damage to women, including the threat of carrying them out and in general any behavior which damages or threatens their rights.

In addition, in articles 3 and 4 it recognizes different types of violence, among which are: physical, psychological, sexual, economic, symbolic, institutional, political, work-related, and indirect, which may take place within the private and/or public spheres.

<sup>7</sup> Article 2 of Law No. 19023 establishes the powers of this service, among which the most important are:

The National Service for Women and Gender Equity is the agency in charge of executing the policies, plans, and programs entrusted to it by the Ministry of Women and Gender Equity.

It will have the following functions and responsibilities:

a) Implement culturally significant policies, plans, and programs aimed at gender equity, equal rights, and elimination of all forms of arbitrary discrimination against women, including the National Plan for Equality between Men and Women; b) Execute programs that promote the comprehensive development of women and gender equity in the different areas of national life; c) Execute programs to ensure the full participation of women in the labor, social, economic and cultural life of the country, and in elected office and public functions, as well as those that promote the development and autonomy of women; d) Execute programs aimed at preventing, eradicating, and punishing violence against women and domestic violence [...]



violence classified as serious or life-threatening. There is also a shelter for women victims of human trafficking and migrant women in situations of exploitation.<sup>8</sup>

Since 2009, the Chilean government has sought to incorporate a “gender perspective” in the analysis and treatment of the migration phenomenon, based on the assumption that the migration process is experienced differently by men and women. It is also observed that migrant women are exposed to more rights violations, both in the public and intimate spheres, by the mere fact of being women. This perspective proposes understanding gender “as the institutionalization of sexual difference, that is, the socio-cultural fabric woven around sexual difference” (Chiarotti, 2006, p. 7).

Within the framework of these legal changes, Exempt Resolution No. 80388 (December 16, 2009) of the then National Service for Women (Sernam, now Sernameg) approved the collaboration and joint action agreement between the Ministry of the Interior and Public Security and that service. This agreement establishes that Sernam will take institutional measures to facilitate the care and protection of migrant women, asylum seekers, and refugees who are victims of domestic violence in existing shelters nationwide. It was also established that Sernam would provide, in its centers for women, attention to foreign women who are victims of domestic violence, regardless of their administrative situation of residence (Ministerio del Interior de Chile & Servicio Nacional de la Mujer, 2009).

### *Domestic legal framework of Bolivia*

In Bolivia, the Law against Family or Domestic Violence (Law No. 1674) was published in 1995. Article 4 of this law defined family or domestic violence as physical, psychological, or sexual aggression committed by the spouse or cohabitant; ascendants, descendants, siblings, civil or related relatives in a direct and collateral line; guardians, legal guardians, or custodians. Here, the definitions are more open and do not only consider formal relationships between a man and a woman. In Article 5, the law made it more explicit by elaborating on these definitions, which widened the spectrum of violence considered by the law; article 6 detailed physical violence, psychological violence, and sexual violence. Likewise, when parents, guardians, or custodians endanger minors’ physical or psychological integrity, these are considered acts of violence in the family. Similarly, those carried out against incapacitated adults are also considered acts of violence in the family.

Acts of family or domestic violence are covered by the law but do not constitute crimes under the Penal Code are punishable by fine or arrest. In 2013, the current comprehensive law No. 348 was enacted (Asamblea Legislativa Plurinacional, 2013) to guarantee women a life free from violence. Its purpose, stated in Article 2, is to

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<sup>8</sup> When consulted regarding whether there were cases of femicides of foreign women during 2017, 2018, and 2019 at the national and regional level and if within that universe there are Bolivian women, Sernameg indicated that, in the case of attempted femicides in the three years indicated, there were a total of 324 cases, 297 involving Chilean women and 27 involving foreigners, of whom 5 are Bolivian and residents of Iquique. Of the total number of cases of femicides during the same period at the national level, the deaths of 123 women were recorded, 106 of whom were Chilean and 17 foreigners, of whom 3 are Bolivian. Regarding the record of women victims of human trafficking dealt with during the same period in the region, Sernameg said that one was dealt with in 2017 and one in 2019.

establish mechanisms, measures, and comprehensive policies for the prevention, care, protection, and compensation of women in violent situations. It also stipulates the prosecution and punishment of aggressors to guarantee women a life of dignity and the full exercise of their rights, declaring that the Plurinational State of Bolivia makes the eradication of gender violence a priority. In Article 7, the law moves toward classifying a wide range of forms of violence, including physical, sexual, psychological, economic, and patrimonial violence in the family, labor, institutional, educational, health, media, political, social, and cultural spheres.

It is important to highlight that this law introduces new criminal offenses by making visible the different types of violence suffered by women, among which are: *a*) breach of duty to protect women in situations of violence, aimed at public servants who promote impunity in any form and who will receive either sanction or disqualification from public office (Article 154 bis), *b*) femicide, whoever kills a woman in the circumstances described in the law shall be sentenced to 30 years without the right to pardon (Article 252 bis), *c*) forced sterilization (Article 271 bis), *d*) economic violence (Article 250 bis), *e*) homicide-suicide (Article 256), and sexual harassment (Article 312 quater).

From the above, it is possible to conclude that in the 1990s both States took an important step by trying to bring their domestic legislation into line with international parameters. However, at the time of writing this article, the Chilean regulatory framework still lags in enshrining a life free of violence for women, which seeks effective equality between men and women.

The above is reflected in the fact that experiences of violence continue to be a constant in the experiences of women in both countries, as will be seen below in the accounts of Bolivian migrant women in Tarapacá.

## Experiences of violence

This section reviews the empirical data collected in this case study through semi-structured qualitative interviews with ten Bolivian women living in the Tarapacá region. The sample focused on migrants who have suffered intimate partner violence in Bolivia or Chile. To analyze the findings, this section is divided into two parts. First, the profile of the interviewees is presented, followed by their accounts of their experiences of violence and how these have influenced their decision to migrate.

### *Profile*

The women interviewed (see Table 1) come from various parts of Bolivia: Santa Cruz de la Sierra (3), Cochabamba (2), Sucre (2), La Paz (1), El Alto (1), and El Beni/Riveralta (1). All were of economically active age, but their ages varied. Among them, one was between 51 and 55 years old, two were between 47 and 50 years old, two were between 31 and 35 years old, two were between 26 and 30 years old, and three were between 20 and 25 years old. Of these, nine were in a regular migratory situation and had resided in Chile for more than two years. Their places of residence were limited to three communes in the Tarapacá Region, which were Iquique (6), Alto Hospicio (2), and Pozo Almonte (2). Regarding their access to formal education, one reported

having completed basic education, one had incomplete secondary education, five had completed secondary education, and three had not completed higher education.

**Table 1. Socio-demographic data of the interviewees**

Interview no.	Age years	Marital status	Education level	Paid work outside the home	Migratory situation in Chile	No. of children	City of origin	City of residence in Tarapacá	Type of violence	Claims to belong to a native people
1	51	Married	Incomplete higher education	Yes	Regular	3	La Paz	Iquique	Physical Psychological Sexual Economic Institutional	No
2	32	Married	Basic education	No	Regular	2	Cochabamba	Iquique	Physical Psychological Economic	No
3	34	Married	Incomplete secondary education	Yes	Regular	3	Santa Cruz	Iquique	Physical Psychological	No
4	23	Single	Secondary education	Yes	Regular	2	Santa Cruz	Iquique	Physical Psychological Economic Sexual Institutional	No
5	29	Married	Secondary education	Yes	Regular	2	Sucre	Pozo Almonte	Physical Psychological Economic Institutional	Yes
6	22	Single	Secondary education	Yes	Regular	0	Sucre	Pozo Almonte	Physical Psychological Economic Sexual Labor	Yes
7	49	Widowed	Secondary education	Yes	Regular	4	Cochabamba	Alto Hospicio	Physical Psychological Economic Sexual	Yes
8	24	Single	Incomplete higher education	No	Irregular	1	El Alto	Iquique	Physical Psychological	Yes
9	27	Single	Secondary education	Yes	Regular	1	Santa Cruz	Iquique	Physical Psychological Economic Sexual	No
10	48	Divorced	Incomplete higher education	Yes	Regular	5	El Beni-Rivera Alta	Alto Hospicio	Physical Psychological Labor Economic Institutional	No

Source: created by the author

When asked about their experiences, all the women interviewed reported having experienced physical and psychological violence. Eight of them reported having suffered economic violence, even though they were engaged in remunerated activities independent of their partner or husband. Five reported having suffered sexual violence, while four reported having felt victimized by an institution. Two of them, when asked about other difficulties experienced in Chile, mentioned having experienced labor violations. Their accounts are analyzed below.

## Violence and the life experiences of women

This section indicates how, in the narratives of the migrant women interviewed, violence appears regularly at different moments in their lives. Their narratives make it possible to establish at least five empirical observations about their experiences of violence.

First, all the interviewees reported that they had suffered violence directly or indirectly during their childhood, within their families of origin. This violence was perpetrated by male figures, mostly fathers, oppressing female figures, especially mothers, but also the interviewees themselves and their sisters (Segato, 2003), which marks power differences between male and female roles (Sichra, 2004 in Lamas, 2007, p. 134). The following stories exemplify these facts:

I can also tell you that I had a violent father. My father was very mean. My mother told us that she did not want to be with my father, but in those times, parents forced women to marry whoever they chose as a husband. So, she had to marry my dad, but my dad was very bad. Besides being a drunkard, he always beat my mom, so that's why from the day my dad died, my mom never wanted a husband again.

Researcher: And did this mistreatment also happen in front of you?

Interviewee: Yes, physical and psychological abuse. I can tell you morally, too, because my mother was my father's slave. We lived in the countryside. I can assure you if you don't believe me, you could ask anyone if you go there one day, that my older sisters never studied, that my brother and I were lucky. (Interviewee 10)

Moreover, my dad was not in his right mind. He often threw a bottle at me or even insulted me. There were even psychological problems more than anything else. Environmentally, psychologically, I grew up in an environment of violence with my parents. (Interviewee 6)

Psychological, verbal, and everything else. Physical, all the violence from my dad to my mom. And I don't want to end up like that. I can't follow in the same footsteps as my father and mother. (Interviewee 8)

Second, migration appeared early in the women's lives to find a way out of this situation of family violence. Six of the women interviewed left home when they were

very young, still in their teens. One interviewee left “looking for a life”,<sup>9</sup> in her words, to stop experiencing violence within her family:

My parents never lived happily. They always fought. There was no peace in my house. Uh, that’s why when I was eleven years old, I left home, because I couldn’t stand living in the house anymore, because every day I saw my mom crying and with black eyes, that is, my dad was insulting her, trying to—no. And that’s the same thing that I went through with my partner. That’s why I never told my mom or my siblings. (Interviewee 2)

I never had friends. My mother wouldn’t tell me how to take care of myself. My mother never gave me any advice at all. And my dad, what advice could he give me if they were always fighting each other, insulting each other, things like that? (Interviewee 8)

Third, many women, leaving their nuclear families and with no knowledge of pregnancy prevention (or sexuality), end up getting pregnant in their first experiences with a man, even as teenagers:

Uh, I ran away from home with my children’s father when I was fourteen, but I began to live with my partner at fifteen. That’s when I got pregnant with my oldest daughter at fifteen. (Interviewee 7)

Motherhood then leads them to form a new family. However, in their relationship with the father of their children, they end up replicating the violence they observed between their parents. All the women interviewed reported having suffered violence from their partners (current or former). Some of these accounts demonstrate the seriousness and depth of these experiences of domestic violence:

I was leaving, and I had Santiago [her son]. Santiago was about five months old. I was leaving, he grabbed my arm, pulled it back, and I fell to the ground with Santiago, so I pushed him, we struggled for a while, and he grabbed me on this side and told me, “You are not going to leave! You are not going to leave with my son!”. Then he was choking me really hard, I was about to faint, and I had Santiago on the other side, then I was about to fall, and just then, the owner of the house arrived and shouted, “Let her go! Let her go! You’re going to choke her. You’re going to suffocate her!”. Then she grabbed me, made him let go, and I, I just sat there, I didn’t even know what had happened. It was like... he was choking me, he was choking me really fast. I stayed there, then I—he was there, when I was getting up, he pushed me, and I fell with Santiago. Then, the lady called his mother, his sister, and her boyfriend. He tried to hit me again, and his mother got involved. He hit his mother. The brother-in-law stepped in to defend his mother-in-law because he was interested in his younger sister. So I said, “Melisa, take Santiago away”. (Interviewee 4)

<sup>9</sup> The expression used by the interviewee (which for her means that she left her home in search of an opportunity for survival) is the title of a book on Bolivian migration by renowned researcher Alfonso Hinojosa Gordonava (2009).

I met him at school. We were classmates. About a year after leaving school, I got pregnant. My daughter was born. I was not living with him yet. My daughter was born, and about three months later I went to live with him. It was hell. It was hell because he would lock me in the house, he wouldn't let me see my mother... He would beat me anyway because he was like a man sick with jealousy. He would lock me in, but he would come home looking at the bed to see if anyone was there. (Interviewee 9)

In addition, eight of the ten women interviewed were working outside the home with remuneration at the time of the violence committed by their spouses or partners. In other words, they represented a source of family income independent of that of their partner and could therefore be considered financially independent.<sup>10</sup> Even so, they experienced severe, repeated, and systematic episodes of physical, psychological, economic, and sexual violence (Stolke, 2004).

Fourth, their accounts corroborate that intimate partner violence is a cause of migration. Of the ten women interviewed, five expressly stated that this, together with the hope of better work opportunities (and, therefore, more financial self-sufficiency so that they could take care of their families), was the incentive for migrating (Asakura & Torres Falcón, 2013):

Look, I decided to leave Bolivia because those years were not good economically. Even now it is not good, because there is work, there is employment, it's not that there is not... but what you earn is not enough. I also left because I suffered a lot. I suffered violence from the father of my children. He was a drunkard, a womanizer, he was jealous, he beat me. The law is very bad in my country. Uh... I am ashamed to say it, but I have to because it is not good like here in Chile. (Interviewee 2)

Researcher: Why did you decide to come to Chile?

Interviewee: For money and, mostly, to escape the fists of my son's father.

Researcher: What do you mean by "to escape the fists of your child's father"?

Interviewee: I mean, we didn't have a very good relationship. It was based on yelling, fighting, cheating. So more than anything, it was very constant, ahhh. We have many friends in common, so wherever I went, he had to be there, and when he was there, it was always to humiliate me or put me down, or to make me see that he was with someone else, so more than anything else that's why I decided to come here. To be able to give my son a better life and to try to forget about everything. (Interviewee 4)

Yes, I lived that life of not having a father, so I didn't want that for my son. Because I suffered a lot and because I had a stepfather. There were days that I ate and days that I didn't eat. I didn't want my son to go through that, so I just had to put up with everything. I couldn't do anything. So I was thinking,

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<sup>10</sup> Financial independence is the capacity of women to generate their own income and resources through access to paid work on equal terms with men. It includes number of hours worked and the contribution of women to the economy (Observatorio de Igualdad de Género de América Latina y el Caribe, n. d.).



“I’m going to leave first, I’m going to go to Chile”, because I couldn’t stand it anymore. He went out more, he had his car, he went to see girls and his family didn’t say anything to him, his sisters said: “Oh, she doesn’t know”. They covered it up. “Oh, just leave her”. That’s what his sisters told him. They are misogynistic just like him, they let themselves be beaten too, and I put up with it. (Interviewee 5)

At this point, it is important to mention that globalization is generally presented as a backdrop that promotes a clash between the gender conceptions of the society of origin and the receiving society, in the understanding that each society may indicate certain forms or expressions of what is considered femininity and masculinity (Cea-Merino et al., 2015, p. 34). In this regard, according to the accounts of the ten women interviewed, eight reported having experienced economic violence in Bolivia and Chile.

Fifth, these experiences of violence with their partners have tended to be reproduced among those women for whom migration was a family decision, undertaken together with their partners. In these cases, the violence suffered crosses the border into Chile (Asakura & Torres Falcón, 2013), as can be seen in the hard-hitting story below:

I knew he had control of the money, and I was afraid of him, so I kept quiet, and the beatings came once we were in Calama [a city in the Antofagasta region of Chile] ... I am going to tell you this story. Because of all the beatings, he always checked to see if I was at home. So, when my children went to first grade on the first day of school, and I came home in the afternoon, after dropping them off at school, I said, “Wow, I’m free, so I’ll watch a movie”. Because my kids always watched things with their dad, and they didn’t watch what I wanted to watch, I said, “Now I’m going to take advantage of my first day off”. So I went and rented a movie. I got home, and I put on a robe because nobody was there. I poured myself a lemonade, and I was alone. I felt like, “Well, I’m going to rest for a while, and I’m going to watch a movie”. I lay down, I was watching the movie, and suddenly I felt someone coming, and he opened the door. It was him. I got scared because he didn’t find me working, you know? Because I was always lazy if I was resting or not doing something. That’s why I was afraid he would find me like that. So, when he found me there with my robe and everything, he started to go through the closet and turned the bed upside down. I looked at him and said, “What’s wrong with you?” “Who’s here?”. And it hurt me that he thought that. He went through everything, and that’s when he said: “Who were you with?”. And he found that I had just bought a new bra. He checked my underwear and found that there were new things that I had bought. Because, well, my underwear was old, and I had just bought some new ones. He came back, and then he hit me. He threw me on the floor and said, “Who were you with?”. The fact is that he squeezed my neck so hard because he always climbed on top of me, he climbed on top of me, and I knew I couldn’t do anything. He squeezed my neck and said: “Who have you been with, have you been with anybody? Tell me who have you been with?” and I told him to let go because I couldn’t breathe, so I told him: “Yes, I was with someone” (crying). I wanted to live. And he let go of me

and said: “Maybe you have AIDS or something, and you’re infecting me”. I couldn’t say no anymore, and I shut up. And that’s when the beatings started. (Interviewee 1)

This interviewee reported having experienced physical, sexual, economic, psychological, and institutional violence (by the church’s pastor), both in Bolivia (through her family of origin) and in Chile with her former spouse.

These five characteristics of violence reported by the women make it possible to observe that these experiences are central elements in their lives and are common during their migratory movements (Tapia Ladino, 2011; Asakura & Torres Falcón, 2013).

## Awareness of state protection

This section presents the levels of awareness women have of the legal frameworks and state protection institutions available to them in both Chile and Bolivia.

Before going into this topic, it is important to address the views of the Chilean institutions themselves that serve these migrant women in Tarapacá. As stated in the introduction, between 2018 and 2019, there was an increase in the number of Bolivian women received in centers and shelters for women in the region. To understand the institutional perspective on this phenomenon, an interview was conducted with an agent of said Service. In the opinion of the agent, the increase in the coverage of these women is due to a change in the actions of the state, that is

To the approach of the service to women, from the different operations we have carried out, local government or the same work done by the Center for Women, in the Immigration Office as well. This work informs women that we do not exclude them from our services. We assist immigrants, regardless of their status, to see if they have their papers up to date or not. So, this has also made it possible for women to come to us more often and trust us to assist them promptly. I believe that this has also impacted the growing arrival of migrants to Tarapacá. We have always had migration in Tarapacá, historically [Iquique] is a city that has received many migrants. But recently, we have had increasing numbers of migrants, and that also has an impact, I believe, on the fact that we have more women of different nationalities in the women’s shelters and centers. (Reporting Agent Regional Management)

Similarly, when asked how they are facing this increase in participants and residents, the agent responded that at the regional level:

We have to do an important job in 2020, to get closer to the territory, go more to the neighborhood councils and inform more about what we do so that we can reach all those women who are victims of violence but are not aware of it. (Reporting Agent Regional Management)

However, beyond this enthusiasm of the agent, the service of protection against gender violence is still not known by a significant number of the migrant women in Tarapacá. This is what the interviews revealed. When asked about their knowledge of Chilean institutions in this area, starting with whether they are aware of which agency to turn to in the event of intimate partner violence, the answers of the ten interviewees

were conclusive. Only three of them said they knew where to go. Seven were unaware of the information.

On the other hand, the State institution most frequently mentioned by the interviewees when inquiring about who they turn to in violence cases was the Carabineros de Chile, since they know that they can file the corresponding complaints with them. The second most mentioned institution is the Judiciary. The women said that the judges' reaction to the aggressors is an important barrier to the reproduction of violence. Thus, the Chilean Judiciary appears as a space where women feel that their complaints are heard and recognized:

Yes, because when I was told that I could go to the police and they took him in I couldn't believe it and when a judge told him it was wrong, I really liked that someone said what he was doing was wrong. Finally, someone stopped hitting me. You feel good. It's like someone prevented him from doing it again, although he did it again, but I knew I had that option that I could call someone, the police, so they could help me. (Interviewee 1)

Yes... here I can report it. Here there is the rule of law. For example, if I had suffered mistreatment or was hit. Just as I have suffered in Bolivia with my partner, I would have pressed charges against him. Maybe he would have been locked up. (Interviewee 2)

I'll tell you the only time I felt good was in court when Andrés [her ex-partner] said, "I'm the victim here. Why am I on trial here?". And the judge stood up and said, "You know why you're here. You hit your wife!". It was the first time that someone told him that it was wrong, and then my mind changed, and I said, "Carmen, what are you doing? I mean, someone hit you, and you always say you are fine", I even said, "You deserve to be beaten". Even I believed it, I was so silly thinking, "Wow, you deserve it too, you should stop, because all men look at women, all men like women". But being humiliated, not so much, I mean, I think that even humiliating me would be good, I don't know. (Interviewee 1)

In the case of Interviewee 1, the actions of the Chilean judge toward her ex-spouse made it possible for her to recognize her status as a victim of violence in the judicial process. This was triggered by the judge who heard the case, which is directly linked to restoring a person's dignity through the law. But this is not the case for most of our interviewees, who reported that they were unaware of the protection mechanisms and services that exist in Tarapacá and Chile:

Researcher: And here in Chile, do you know what to do if something similar happens to you?

Interviewee: Not here. Because let's say, I don't know where to go.

Researcher: And, have you ever heard of the Investigative Police, the *Carabineros*?

Interviewee: Yes, I have heard of them. But I don't know enough, no.

Researcher: And have you heard of Sernameg?

Interviewee: No.

Researcher: Of the women's center?

Interviewee: I haven't heard about it.

Researcher: Shelters?

Interviewee: I have only heard about the law (Interviewee 3)

We explained to the agent that, in the interviews conducted with ten Bolivian women living in the region for more than two years, it was found that all of them had been victims of intimate partner violence, but only one had had any information about the shelter service. In this regard, the agent commented:

One pending issue that we still must work on is to raise awareness of violence prevention and to reach more women through these nearby territories and neighborhood units. That is what we have in mind. (Reporting Agent Regional Management)

However, the interviews reveal interesting data regarding awareness, experiences, or perceptions of the Bolivian institutions responsible for protection against gender-based violence. If in Chile they do not know the mechanisms and institutions, in Bolivia, they are fully aware of them. Eight of the ten women interviewed knew where they could file a complaint:

Interviewee: In Bolivia, yes. I might report it. But I know that they are not going to do anything in Bolivia. Knowing what the law is like there, I don't have much faith in it.

Researcher: And over there, where would you report it?

Interviewee: Eh... I might go to the brigade, as we call it, where there is protection for women. But they do nothing. No. You just waste your time when you report something. (Interviewee 2)

Interviewee: I went. I reported him to the Brigade for Women because we have them there too, and what they told me there was: "Oh, it's your husband, it's what drunk people do. Just go home. Go back". So, it was not the support I wanted. Someone told me: "If you like, you can spend the night here. Here you will keep us all company". They were all men.

Researcher: Were you assisted by men only?

Interviewee: Yes, only by men. They were the ones who told me that it was what drunk people did.

Researcher: Did they file your report?

Interviewee: They didn't do anything. He told me, "Go back home. Go back home and talk to him because he is your husband".

Researcher: And according to the experience you had there with the Brigade for Women and with the Youth Ombudsman in your son's case, how do you feel that process went?

Interviewee: That they didn't help me at all. I felt like... I felt alone, lonely. As if I told someone, and that someone would not help me as I expected them to help me. So I felt alone. While I waited, they would tell me: "Come on Wednesday". Then when I would go on Wednesday, "Oh, there's nothing yet". Then, "Come on Friday to see what the judge says". And so on and so forth, and they rarely did anything. And that's why a woman hardly ever seeks help. And we have reports like that, blank. They didn't look at anything. They passed it on, looked at it, passed it on. (Interviewee 4)

Researcher: Do you know that the acts he carried out constitute a crime in Bolivia? For example, mistreatment, insults, hitting you.

Interviewee: Yes, but they don't do anything when you report it.

Researcher: But did you report it?

Interviewee: No, because I have seen it before. I saw it because I also had that fear. Maybe because the woman allowed it, I don't know, but I saw it. For example, with my mother, she was also beaten by him, she reported him, my stepfather beat her, he beat her, and they took him to jail, then the next day he was already out. He would come back, and he would hit her even harder because she had reported him, and I was afraid of that. But now I see that things have changed and, now that I am here in Chile, I see things very differently. It is not the same thing that I had experienced [...] Before, it was the Defense. Before, you would only call the Defense. And at the Brigade for Women, they tell you, just like, for example, when you go to report a crime, they tell you: "What are you going to do? You must think about it. Will you get back together?". They don't give you that psychological help like here. For example, when you are beaten, they ask: "What are you going to do?" I see here that it's different. You should know that they helped me a lot. Over there, there is no such thing. They tell you: "I'll give you a week, go and see if things get better or not, come back later, and we'll write the papers if you decide to separate". And over there, in situations like these, the man is the one who has money. The man will be favored.

Researcher: But who do you pay?

Interviewee: To the same, what is it called, that same institution. There are police officers, so he would pay them, and nothing would come of it. They wipe the record clean. So to me, like, how can I say? That confidentiality... I was already afraid. Why would I go? They would arrest him, and he would get out and hit me harder. That's my issue.

Researcher: Did that hold you back from reporting him?

Interviewee: Yes. (Interviewee 5)

Another relevant fact emerged: despite knowing about the services and their channels, their experience or perceptions of the process and functioning of Bolivian agencies is that they do not work well or that they recreate the problem of violence, which discourages them from reporting and having their cases heard in a court of law. These results are consistent with the findings of the XVI Report to the Plurinational Legislative Assembly of Bolivia, prepared by the Ombudsman's Office (Defensoría del Pueblo, 2014).

## Final considerations

This case study raises several final considerations, six in particular.

First, the results of the interviews demonstrated that the violence suffered by the interviewees, particularly domestic violence, does indeed motivate women to migrate to the Chilean region of Tarapacá. It can also be considered that the exposure of

women to more serious acts of violence is heightened when they are in an irregular migratory situation, according to the information provided by Sernameg. This exposes them to greater risks.

Second, all the interviewees were direct or indirect victims of physical and psychological violence during their childhood within their family of origin. Later, this was repeated with the father of their children, which sometimes became normalized by the interviewees. Although many of the interviewees came to have support networks and financial independence (they began working at an early age and assumed, as inherent to their role as women, the responsibility for productive and reproductive obligations), this economic empowerment did not translate into a safeguard against male violence.

Third, it can be concluded that Chilean legislation on violence against women should be expanded concerning the types of violence that should be legally recognized and sanctioned. This is to extend the sphere of protection to adjust it to the international standards required through the different treaties that have been signed. In addition to its regulatory purpose, the application of the law establishes and even produces in the affected women the possibility of understanding themselves as such and seeking ways to end the inequality in which they live.

Fourth, it is important to emphasize awareness of this reality in the national and regional migrant community. Above all, it is important to publicize the competent Chilean institutions, focusing on orientation and compensation for women who have been victims of intimate partner violence, especially given the recent increase in the number of Bolivian participants and residents of the Sernameg facilities in Tarapacá. A proposal of the same informant agent interviewed was to work directly with local migrant leaders in order to extend the delivery of institutional information to the greatest number of women, emphasizing that migratory status does not matter when they are victims of violence and that in cases of serious violence there is a visa that makes it possible for them to regularize their migratory situation.

Fifth, regarding Bolivian legislation, it is noteworthy that, in this matter, it is much more up to date and is in accordance with what is stated in this article. However, from the reports obtained and from the Ombudsman's Office (Defensoría del Pueblo, 2014) study, there is a great difference between what is enshrined in the law and the functioning of the competent political institutions, which encourage and reproduce institutional violence.

Finally, considering that the women interviewed decided to flee their country of origin to Chile in the face of episodes of serious violence, that most of them work outside the home and that, with the requirements of the new law on foreigners, it is generally difficult to obtain residency, a more serious type of gender violence may occur, which is human trafficking. Therefore, it is important to monitor this situation.

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