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The Legal Impact of COVID-19 on Women's International Human Rights:
Analyzing the #NiUnaMenos Movement in Latin America



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ABSTRACT

This paper details the history and successes of the #NiUnaMenos movement, and subsequently the Marea Verde (Green Wave) movement, throughout Latin America. After the COVID-19 pandemic, there has been a massive increase in domestic violence and gender-based violence rates throughout the region. Similarly, the United States just stripped women of their constitutional right to an abortion in *Dobbs v. Jackson Women's Health Organization*. This evidences how important this movement is throughout Latin America, and for the rest of the world, to understand how social, political, and legal movements can continue to protect women's rights. Comparing successes and setbacks both before and after COVID-19, this paper establishes how governments and movements alike should proceed to ensure women's rights are strengthened and protected.

KEYWORDS: women's rights, gender-based violence, Latin America, law

The Legal Impact of COVID-19 on Women's International Human Rights: Analyzing the #NiUnaMenos Movement in Latin America

I. Introduction

Latin America has recently made massive strides in achieving gender equality, especially regarding gender-based violence and reproductive rights. The impact of the women's rights movement in these advances cannot be ignored. One group that has particularly resonated throughout Latin America is #NiUnaMenos, which started in Argentina in 2015 and has spread throughout the region in the last few years. #NiUnaMenos started as a movement targeting domestic violence and femicide but has recently advanced towards advocating for reproductive rights and legalizing abortion. Known for its marches, composed of thousands of women, and its catchy hashtag, #NiUnaMenos has strongly influenced Latin American legislation.

This paper analyzes how the #NiUnaMenos movement has changed the culture of Latin America surrounding women's rights advocacy. Part I of this paper summarizes women's international human rights in Latin America, its development and the relevant treaties that hold states accountable currently. This section also details how the movement started and how it spread throughout the region. Part II outlines the advances made because of #NiUnaMenos advocacy prior to the COVID-19 pandemic, which started in March of 2020. This section uses Argentina as a case study on progress, since the country showcases the significant changes that have resulted from #NiUnaMenos start. It then goes on to explain other advancements that have resulted throughout Latin America that further promote the movement's goals. Part III explains the current challenges the movement faces, especially with the rise in domestic violence rates and restrictive government regulations during the pandemic. This section also highlights positive government regulations that have been passed during the pandemic to protect women, in part due to the

advocacy of women's rights organizations like #NiUnaMenos. Detailing how women's rights have been impacted during the pandemic, Part IV proposes recommendations for #NiUnaMenos to continue to protect women's rights during and after the pandemic, as well as describing steps states can take to comply with international obligations regarding women's rights.

II. Part I: Historical Background of Gender-Based Violence in Latin America

A. *Laying the Foundation – Development of International Women's Human Rights Law*

The international movement for women's human rights gained global traction when the principle of women's equality and non-discrimination based on sex was implemented in the United Nations Charter, as well as the 1948 Universal Declaration of Human Rights.¹ This inclusion was a culmination of work from non-profit organizations and women's rights advocates, which was established in the Commission on the Status of Women (CSW) in 1947.² The CSW focused on ensuring the protection and fulfillment of equal rights of women in the realm of political, economic, civil and social rights.³ Recognizing that merely including equality and non-discrimination in the Charter was not enough, women's rights organizations coalesced in four world conferences on women (WCWs), the first of which took place in Mexico City, Mexico in 1975.⁴ Government delegations composed of a female majority brought women into the UN space, allowing for representation and advocacy. The Mexico City WCW urged the United Nations to declare the period from 1976 to 1985 as the UN Decade for Women, during which the UN passed one of the most important treaties on women's rights.

¹ CHARLOTTE BUNCH, *Women's Rights and Gender Integration*, THE OXFORD HANDBOOK ON THE UNITED NATIONS (2 ed.), edited by Thomas G. Weiss and Sam Daws (2018).

² *Id.* at 3.

³ *Id.*

⁴ *Id.* at 4.

In 1981, the UN instituted the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Currently, nineteen out of the twenty countries in Latin America have ratified CEDAW.⁵ Although CEDAW remains one of the treaties with the most State reservations, it is still considered a huge success for women's international human rights. Primarily, CEDAW defined what constituted sex discrimination, as well as outlined states' responsibilities to protect and fulfill women's rights. CEDAW addresses social and economic rights, along with political and civil rights, and extends to both the public *and* private spheres, which was a novel idea.⁶ Additionally, CEDAW established a monitoring body, which allowed governments, grassroots and nonprofit organizations, and individuals to report on the State's compliance with the treaty.⁷ Around this same time, in 1981, and specifically in Latin America, women's rights organizations began to meet in *Encuentros*.⁸ The *Encuentros* facilitated a regional meeting point for women's rights advocates to discuss the most relevant issues affecting women, strengthening their network and connection. These meetings helped shift the cultural view of women's rights in Latin America, a *machista* region.⁹

One of the main criticisms of CEDAW was its failure to address violence against women, which was an issue at the forefront of women's rights movements. Even now, violence against women is not mentioned once in the body of the treaty. Rather, the CEDAW Committee subsequently adopted recommendations to ensure women's rights to a life free of violence. In

⁵ *Ratification Status for CEDAW*, UN TREATY BODY DATABASE, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en

⁶ Bunch, *supra* note at 5.

⁷ Bunch, *supra* note 1 at 6. Note that individual claims were implemented through an Optional Protocol adopted in 2000.

⁸ *The Relevance of the Feminist Encuentro for Latin American Feminist Movements*, AWID (Nov. 18, 2011), <https://www.awid.org/news-and-analysis/relevance-feminist-encuentro-latin-american-feminist-movements>.

⁹ Machismo is defined as "the belief that women should be subordinate to the needs and desires of their male partners, taking care of them, providing them pleasure..." See Tamar Diana Wilson, *Violence Against Women in Latin America*, 41 *LATIN AM. PERSPECTIVES* 3, 4 (2014).

1989, the Committee issued General Recommendation 12, which instructed governments to report on statistics of violence against women in their countries.¹⁰ Three years later, in 1992, the Committee recognized violence against women as a form of discrimination in General Comment 19.¹¹ Following in the steps of CEDAW, the United Nations General Assembly passed the Declaration on the Elimination of Violence Against Women (DEVAW), a non-binding declaration, in 1993. This was essential to the international women's rights movement because it detailed how states had to protect women's human rights, even in what was considered the "private sphere," namely the family home.¹² DEVAW was revolutionary. Previously, violence against women—most commonly domestic violence—was seen as a private issue between couples that the state could not, and should not, reach. The DEVAW extended the state's ability to protect women against every actor, including private ones, that violated their rights.

In 1994, Latin American countries came together, in great part due to advocacy resulting from the *Encuentros*,¹³ and passed the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Convention Belém do Pará).¹⁴ A regional document, thirty-two of the thirty-five Organization of American States nations have signed or ratified the Convention.¹⁵ Not only did the Convention Belem do Para define violence against women, extending it to physical, sexual, and psychological violence, it also established regional mechanisms to protect women's rights.¹⁶ Although there is still plenty of room for improvement,

¹⁰ CEDAW Committee *General Recommendation No. 12: Violence Against Women* (1989). See also Bunch, *supra* note 1 at 6.

¹¹ CEDAW Committee, *General Recommendation No. 19: Violence Against Women* (1992).

¹² Bunch, pg. 6.

¹³ AWID, *supra* note 8.

¹⁴ *About the Belém do Pará Convention*, OAS, <https://www.oas.org/en/mesecvi/convention.asp>.

¹⁵ *Status of Signatures and Ratifications of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women*, OAS, <http://www.oas.org/en/mesecvi/docs/Signatories-Table-EN.pdf>.

¹⁶ *About the Belém do Pará Convention*, OAS, <https://www.oas.org/en/mesecvi/convention.asp>.

and women's rights continue to be violated, it is essential to recognize and understand the legislation regulating women's international human rights, as CEDAW and the Convention Belém do Pará.

B. Women's Rights Movements in Latin America: #NiUnaMenos

While women's rights movements in Latin America have been around for decades, the most recent movement has shocked the region and resulted in a wave of progress. The #NiUnaMenos movement started in 2014, after a fourteen-year-old girl was murdered by her partner in Argentina.¹⁷ Chiara Paez was pregnant at the time of her murder.¹⁸ According to multiple reports, she wanted to keep the baby while her partner encouraged her to have an abortion. When she refused, he killed her.¹⁹ With high rates of femicide and other high-profile murders, Paez's death was a breaking point for the Argentinian women. From May 10 to June 3 of 2015, women organized a protest, which resulted in a march of over 200,000 women in Buenos Aires.²⁰ The message spread throughout the country, holding protests in over 80 different cities and towns, with people of all ages, genders, professions, and backgrounds.²¹ Taking to streets, they chanted "Ni Una Menos" (Not One More).²²

¹⁷ Jaclyn Diaz, *How #NiUnaMenos Grew From the Streets of Argentina into a Regional Women's Movement*, NPR (Oct. 15, 2021), <https://www.npr.org/2021/10/15/1043908435/how-niunamenos-grew-from-the-streets-of-argentina-into-a-regional-womens-movemen>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Analia Llorente, "Ni Una Menos": Chiara Paez, la adolescente embarazada de 14 años cuyo brutal asesinato dio origen al movimiento contra la violencia machista, BBC (June 3, 2020), <https://www.bbc.com/mundo/noticias-52900596>.

²¹ *Id.*

²² Jaclyn Diaz, *How #NiUnaMenos Grew From the Streets of Argentina into a Regional Women's Movement*, NPR (Oct. 15, 2021), <https://www.npr.org/2021/10/15/1043908435/how-niunamenos-grew-from-the-streets-of-argentina-into-a-regional-womens-movemen>; see also Lucia Leszinsky, *#NiUnaMenos Six Years On: Triumphs and New Demands of Argentina's Feminist Movement*, GLOBAL VOICES (June 22, 2021), <https://globalvoices.org/2021/06/22/niunamenos-six-years-on-triumphs-and-new-demands-of-argentinias-feminist-movement/>.

Due to the impressive turnout and the help of social media, the #NiUnaMenos slogan quickly spread. Women all over Latin America shared stories of femicide to raise attention to authorities and obtain information from missing relatives. The marches and protests expanded throughout the region with demonstrations erupting in Brazil, Bolivia, Chile, Mexico, Peru, Paraguay, Uruguay, and El Salvador, among others. Since 2015, countries in Latin America have held protests every June 3rd to commemorate the life of Chiara Paez and the countless other women that have been murdered because of their gender. Further, the movement has progressed to address and support the longstanding fight for reproductive rights in a highly religious and conservative region.²³ In 2018, the Ni Una Menos movement shifted to what is now known as the “Marea Verde” (Green Wave), calling primarily for the legalization of safe abortions.²⁴

C. Reproductive Rights: The Ni Una Menos Movement Becomes La Marea Verde

In recent years, #NiUnaMenos has taken up calls for legalizing abortion in their famous and widespread protests. The progression towards abortion started in Argentina, where the movement, along with other women’s rights nonprofits, advocated for change in four different marches.²⁵ #NiUnaMenos contends that access to abortion is part of a wider problem regarding women’s right to a life free of violence. Not only does the criminalization of abortion allow states to monitor and regulate women’s bodies, a form of violence itself, but it also speaks to abortions resulting from rape, incest, and other forms of gender-based violence.²⁶ Ignoring the consequences of sexual and domestic violence – including unwanted pregnancies – fails to recognize and fully encompass the impact of gender-based violence on women’s lives. In short, legalizing abortions

²³ Diaz, *supra* note 17.

²⁴ *Id.*

²⁵ Ana Cecilia Dinerstein, *La Creciente Marea Verde: la Lucha por la Justicia Reproductiva en Argentina*, CLACSO (May 2021), <https://www.clacso.org/en/la-creciente-marea-verde-la-lucha-por-la-justicia-reproductiva-en-argentina/>.

²⁶ *Id.*

ensures the totality of women's rights are protected by guaranteeing they have recourse after suffering gender-based violence.

The #NiUnaMenos movement became commonly referenced as the Marea Verde (or Green Wave) from a protest in 2018 where over a million activists gathered in Argentina. The majority of women that participated wore green—mostly green handkerchiefs—to show their support for legalizing abortion.²⁷ The green handkerchiefs have become a symbol of support worldwide. Most recently, they were used in a 2021 protest in Poland that called for reform to ensure women's access to safe abortions.²⁸ The handkerchiefs are an ode to the Madres y Abuelas de la Plaza de Mayo (Mothers and Grandmothers of the May Plaza), which resulted during Argentina's dictatorship in 1976. At a time where protests were strictly banned, the Mothers and Grandmothers walked around the Plaza de Mayo in pairs, holding up pictures of their disappeared family members.²⁹ They also wore white handkerchiefs during their weekly protests to represent their part in a larger, organized movement, as well as in honor of their missing relatives.³⁰ The women, recognized by the notorious white handkerchief, became a symbol of strong opposition to the oppressive dictatorship.³¹ To this day, people gather around the Plaza de Mayo with white handkerchiefs, which honor not only the missing individuals during the dictatorship, but the fight for human rights and justice.³² Seeing the success of the handkerchiefs, the Marea Verde advocates has taken over a similar approach. The green handkerchiefs now associated with the abortion rights movement continue as a token of human rights protections and a greater, united strategy by

²⁷ Ximena Casas, *Lo que la Marea Verde nos ha enseñado a las mujeres latinoamericanas*, NEW YORK TIMES (Nov. 2, 2021), <https://www.nytimes.com/es/2021/11/02/espanol/opinion/aborto-legal-latinoamerica.html>

²⁸ *Id.*

²⁹ *The Story Behind Madres de Plaza de Mayo*, VamosSpanish (June 22, 2016). <https://vamosspanish.com/discover/madres-plaza-mayo-mothers-argentina/>.

³⁰ Casas, *supra* note 27.

³¹ VamosSpanish, *supra* note 29.

³² *Id.*

women. So far, it has proven successful as reproductive rights reform moves through Latin America.

III. Successful Reform Prior to the COVID-19 Pandemic

A. *Case Study: Argentina*

The Ni Una Menos movement has made significant progress in Argentina since its start many years ago. A few days after the first wave of #NiUnaMenos protests in June of 2015, the Argentinian Supreme Court established the Registry for Femicides.³³ Although Argentina had created a program with the National Institute of Statistics and Censuses (INDEC) and the National Women’s Council to track violence against women, the Registry for Femicides was specifically established to follow femicide.³⁴ The purpose is to prepare an annual report that includes any cases investigated as femicide, summarize sentences for the crime of femicide and potential causes of femicide, and report on the facts of cases that may be charged as femicide for the following year.³⁵ The timing of the creation of this observatory is not a coincidence, and it was even seen as a method ahead of its time – it wasn’t until 2017 that the CEDAW committee advocated states implement femicide-specific observatories.³⁶ Similarly, the Secretariat for Human Rights established the Center for the Registration, Systematization and Monitoring of Femicide.³⁷ Similar to the Registry of Femicides, the Center’s main objective is to record femicides, to gather information on how

³³ Lucia Leszinsky, *#NiUnaMenos Six Years On: Triumphs and New Demands of Argentina’s Feminist Movement*, GLOBAL VOICES (June 22, 2021), <https://globalvoices.org/2021/06/22/niunamenos-six-years-on-triumphs-and-new-demands-of-argentinias-feminist-movement/>

³⁴ *Registro Nacional de Femicidios de la Justicia Argentina*, OFICINA DE LA MUJER, <https://www.csjn.gov.ar/omrecopilacion/omfemicidio/homefemicidio.html>.

³⁵ *Id.*

³⁶ CEDAW Committee *General Recommendation No. 35 Updating General Recommendation No. 19* ¶ 49 (2017).

³⁷ Leszinsky, *supra* note 29.

many occur per year, and then analyze the facts to provide solutions.³⁸ The main difference between the Registry and the Center are the sources. While the Registry looks at court cases and investigations, the Center looks at media reports and news articles.³⁹ The Center's reports are extremely important, as they allow cases to be counted in statistics even if they are not officially classified as femicide, either because of procedural error or lack of evidence. The Center provides a clearer image of the situation of women's rights in Argentina. Most importantly, both the establishments of the Center and the Registry are significant wins for the Ni Una Menos movement, as they allow tracking and analyzing of femicide in the country.

Another key demand of #NiUnaMenos was accurate legal representation for people who survived domestic and sexual violence.⁴⁰ In November 2015, the Argentinian government passed Law No. 27.210, which created the Lawyers Bureau for Victims of Gender Violence.⁴¹ The Bureau's purpose is to provide legal services and representation to all survivors of gender-based violence throughout the nation, with the intent of holding abusers accountable and eliminating gender-based violence.⁴² In a prior CEDAW Concluding Observations, the Committee had highlighted the use of the Public Defense Service to assist victims of gender-based violence.⁴³ Nonetheless, there were jurisdictional limits to who the Public Defense Service could assist and

³⁸ *Registro, sistematización y seguimiento de femicidios y homicidas agravados por el género*, MINISTERIO DE JUSTICIA Y DERECHOS HUMANOS (Sept. 14, 2016), <http://datos.jus.gob.ar/dataset/registro-sistematizacion-y-seguimiento-de-femicidios-y-homicidios-agravados-por-el-genero>.

³⁹ *Id.*

⁴⁰ Leszinky, *supra* note 29.

⁴¹ *Ley No. 27210, que crea el cuerpo de Abogados y Abogadas para Víctimas de Violencia de Género*, ARGENTINA (Nov. 11, 2015),

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=es&p_isn=102117#:~:text=La%20citada%20ley%20crea%20el,y%20atribuciones%20del%20Director%20Ejecutivo.

⁴² *Resolution No. RESOL-2019-1326-APN-MJ*, GOVERNMENT OF ARGENTINA (Nov. 27, 2019),

https://www.argentina.gob.ar/sites/default/files/resolucion_de_protocolo_de_actuacion.pdf. See also CEDAW Committee, Concluding Observations on the seventh periodic report of Argentina, CEDAW/C/ARG/CO/7 (2016), ¶ 4(a).

⁴³ *Id.* at ¶ 10.

there was an emphasis on providing legal advice, but not legal assistance.⁴⁴ These constraints, along with limited resources, made it difficult for women to greatly benefit from this program. The creation of a gender-focused Bureau ensures the attorneys have greater support to handle the high demand, as well as establish competent, gender-informed attorneys to take on the work, at least in principle. The creation of this program is also greatly attributed to #NiUnaMenos because not even the Concluding Observations of the CEDAW Committee seem to emphasize the importance or efficacy of it as much.

Further, the national attention around #NiUnaMenos encouraged more legislative change with the Micaela Law, a law mandating government employees receive gender-based violence trainings. In the 2010 Concluding Observations, the CEDAW Committee noted the National Women's Council was running a series of workshops to teach governmental employees and other civil society organizations the importance of gender-equity, hoping it would reduce gender-based violence.⁴⁵ Although extremely important work, the workshops were voluntary and informative, rather than obligatory. A few years after the first #NiUnaMenos protest, the Argentinian legislature passed the Micaela Law. This law was inspired after Micaela Garcia, a fierce advocate and participant of the #NiUnaMenos movement, was a victim of femicide after leaving a club in Gualeguay, Argentina⁴⁶ It took the legislature almost a year and a half to pass the Micaela law, but it wouldn't have been possible without the involvement of #NiUnaMenos. Much more forceful

⁴⁴ *Id.*

⁴⁵ CEDAW Committee, Concluding Observations on the sixth period report of Argentina, CEDAW/C/ARG/CO/6 (2010).

⁴⁶ *Micaela Garcia hoy cumpliría 25 años: el dolor eterno que se convirtió en bandera de lucha*, LA OPINION AUSTRAL (Aug. 9, 2020), <https://laopinionaustral.com.ar/argentina/micaela-garcia-hoy-cumpliria-25-anos-el-dolor-eterno-que-se-convirtio-en-bandera-de-lucha-223586.html>.

than the National Women's Council workshops, the 2018 law required any employee in civil service must take trainings on gender-based violence and its consequences.⁴⁷

The most recent advancement regarding women's rights generally was the creation of the Ministry of Women in December of 2019.⁴⁸ The intent of this government branch was to make sure women, especially minority women, were represented in public politics.⁴⁹ Argentina joined as the seventh country in Latin America to have a designated ministry to represent women.⁵⁰ The creation of the Ministry of Women was greatly welcomed by women in Argentina, as reports of gender-based violence, income inequality, and lack of political representation continue.⁵¹

In the last two years, there has also been significant advancement in the right to free and safe abortions. In 2012, the Supreme Court of Justice recognized the right to an abortion in cases where the mother's life was in danger, or because of rape.⁵² No modifications were made to the law until #NiUnaMenos began to advocate for reproductive rights through the Marea Verde marches. In December 2020, through legislative action, the Argentinian government legalized abortions within the first fourteen weeks of pregnancy.⁵³ The move was historic, as not only did it recognize a woman's right to an abortion, but it also allowed a time frame that was longer than other countries. Some countries use twelve weeks, with some states in the United States even

⁴⁷ Zelinsky, *supra* note 29.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Maria Victoria Picciotto, *El primer Ministerio de la Mujer en la historia de Argentina*, OBSERVATORIO VIOLENCIA (Dec. 16, 2019), <https://observatorioviolencia.org/el-primer-ministerio-de-la-mujer-en-la-historia-de-argentina/> (the other six being Chile, Peru, Venezuela, Paraguay, Costa Rica and Dominican Republic).

⁵¹ *Id.*

⁵² *La Corte Suprema preciso el alcance del aborto no punible y dijo que estos casos no deben ser judicializados*, CENTRO DE INFORMACION JUDICIAL (March 13, 2012), <https://www.cij.gov.ar/nota-8754-La-Corte-Suprema-preciso-el-alcance-del-aborto-no-punible-y-dijo-que-estos-casos-no-deben-ser-judicializados.html>.

⁵³ *Argentina Abortion: Senate Approves Legalization in Historic Decision*, BBC (Dec. 30, 2020), <https://www.bbc.com/news/world-latin-america-55475036>.

implementing total bans on abortion after *Dobbs v. Jackson Women's Health Organization*.⁵⁴ The role of the Ni Una Menos and Marea Verde movement in securing abortion access is recognized throughout the country. Initially, the newly elected President Alberto Fernandez had promised to push for legislation at the beginning of his term in December 2019. With the appearance of COVID-19, much of the legislative session stalled. The women composing the Marea Verde movement continued to protest and push legislative representatives, with President Fernandez sending the Bill to Congress in November of 2020 and ultimately having it pass on December 30, 2020.⁵⁵

The importance of women's rights movements to obtain change is indisputable. Although governments may be encouraged to make change by international bodies, the grassroots women's rights organizations that pressure their local officials, that can vote them out if needed, and that disrupt daily life to call attention to the most pressing human rights violations to women are indispensable. Similar examples are seen in other countries that follow Argentina's path, where the Ni Una Menos and Marea Verde movements have extended.

B. The Dominos Start to Fall: Other Latin American Countries Change

The Ni Una Menos movement is not restricted to Argentina. After the first wave of protests in June of 2015, many other Latin American countries followed with marching in their own streets. Some progress has been made in the realm of domestic violence. For example, the CEDAW Committee's Concluding Observations for Costa Rica commend Costa Rica's passing of Act No. 9406 in October of 2016, which strengthened legal protections for girls and women against gender-

⁵⁴ Center for Reproductive Rights, *After Roe Fell: Abortion Laws by State*, <https://reproductiverights.org/maps/abortion-laws-by-state/>.

⁵⁵ Romina Navarro, *Argentina Cierra el 2020 Haciendo Historia: Se Aprueba el Aborto Legal, Seguro y Gratuito*, GLOBAL VOICES (Dec. 30, 2020), <https://es.globalvoices.org/2020/12/30/argentina-cierra-el-2020-haciendo-historia-se-aprueba-el-aborto-legal-seguro-y-gratuito/>

based violence.⁵⁶ Additionally, Costa Rica implemented a national policy to combat violence against women and domestic violence, starting in 2017 until 2032.⁵⁷ Another country that had Ni Una Menos protests was Honduras.⁵⁸ In its 2016 Concluding Observations, the CEDAW Committee highlighted that “femicide” was officially added as a crime in the national Criminal Code.⁵⁹ Therefore, it is not difficult to recognize the influence that this movement has had in bringing attention to the continuous human rights violations women face in Latin America, as well as pushing for change.

There has also been significant progress in the area of reproductive rights, specifically abortions, since the Marea Verde started in Argentina. Following Argentina’s first Marea Verde protest, Mexican women’s rights advocates also took the streets to demand legalized abortions. Shortly thereafter, Mexico’s Supreme Court ruled it was unconstitutional to punish abortion as a crime and a lower state court approved the decriminalization of abortion up to twelve weeks.⁶⁰ Another country that recently modified their laws regarding abortion was Colombia. Similar to Mexico, Colombia’s Supreme Court ruled that criminalizing abortion was unconstitutional, extending the period of legal abortions to twenty-four weeks, which is currently the most lenient in Latin America.⁶¹ The lawyers that presented the case before the Colombian Supreme Court recognized it was a joint effort, highlighting the efforts of the women that marched in the streets

⁵⁶ CEDAW Committee, Concluding Observations on the seventh periodic report of Costa Rica, CEDAW/C/CRI/CO/7, ¶ 4(a) (2017).

⁵⁷ *Id.* at ¶ 5(a).

⁵⁸ Stella Calloni, *Miles de Mujeres marchan contra feminicidios y violencia machista*, LA JORNADA (Oct. 20, 2016), <https://www.jornada.com.mx/2016/10/20/politica/007n1pol>.

⁵⁹ CEDAW Committee, Concluding Observations on the combined seventh and eighth periodic reports of Honduras, CEDAW/C/HND/CO/7-8, ¶ 4(e) (2016).

⁶⁰ Vanessa Romo, *Mexico’s Supreme Court has Voted to Decriminalize Abortion*, NPR (Sept. 7, 2021), <https://www.npr.org/2021/09/07/1034925270/mexico-abortion-decriminalized-supreme-court>.

⁶¹ Julie Turkewitz, *¿Cómo fue que las activistas colombianas lograron despenalizar el aborto? Organización colectiva e internacional*, NEW YORK TIMES (Feb. 25, 2022), <https://www.nytimes.com/es/2022/02/25/espanol/aborto-colombia.html>.

of Bogota, wearing green handkerchiefs.⁶² Additionally, Chile just finished rewriting the final draft of their Constitution, where legal abortions were included.⁶³ Although not as liberating as other countries, Ecuador also extended abortions in situations of rape, which is a step in the right direction.⁶⁴ As women continue to join and advocate for their rights, it is likely greater advances will result in both realms of gender-based violence and reproductive rights.

IV. Government Responses to the COVID-19 Pandemic

Governments throughout the world responded differently to the COVID-19 pandemic. The one regulation most nations implemented immediately was a stay-at-home mandate, limiting when people could leave their home and for what reasons.⁶⁵ This mandate's enforcement differed by country, sometimes even by city, state, or province. However, few of these mandates included gender-sensitive measures. UN Women defines gender-sensitive measures as those "that seek to directly address the specific risks and challenges that women and girls face as a result of the pandemic."⁶⁶ After the immediate stay-at-home mandates, some governments attempted to pass regulations that were gender-sensitive, such as domestic violence helplines, but few have implemented this analysis in the last two years. Further, about a year after the pandemic started, it was established that 41% of the programs and regulations had been discontinued, and 4% of them had never started.⁶⁷ It is important to understand which measures were appropriate and which ones severely limited the rights of women to establish how to move forward as society reopens.

⁶² *Id.*

⁶³ Mariana Mayer, *La marea verde sigue en la región, con mas avances en Chile, Colombia y Ecuador*, TELAM DIGITAL (March 20, 2022), <https://www.telam.com.ar/notas/202203/586971-marea-verda-latinoamerica-colombia-ecuador-chile-ive-feminista.html>.

⁶⁴ *Id.*

⁶⁵ Gonzalez et al., *The Coronavirus in Latin America*, AS/COA (Feb. 10, 2021), <https://www.as-coa.org/articles/coronavirus-latin-america>.

⁶⁶ *Covid-19 Global Gender Response Tracker: Global Factsheet*, UN Women & UNDP, 3 (March 22, 2021).

⁶⁷ *Id.* at 4.

Additionally, any progress that has been made in women's rights during the pandemic should be recognized and kept in mind to avoid regressing to the state they were in before COVID-19.

A. Argentina: Positive and Negative COVID-19 Regulations

Argentina has been recognized for passing gender-sensitive measures at the start of the pandemic, including domestic violence hotlines, confidential WhatsApp and email accounts, social media campaigns, and lockdown exceptions for survivors of gender-based violence. On March 20, 2020, the Argentinian government issued a nationwide, mandatory lockdown in response to the global pandemic.⁶⁸ Seeing an increase in domestic violence calls, Argentina knew it had to do something to address the unequal impact of the pandemic.⁶⁹ Having already made significant progress in women's rights, as previously indicated and in part due to the Ni Una Menos movement, Argentina had the tools to adequately protect women during the pandemic.

At the start of the pandemic, the Ministry of Women virtually met with women's rights organizations and gender-focused agencies throughout the country to address gender-based violence during lockdown.⁷⁰ The Ministry also established the national 144 helpline, a helpline consisting of lawyers, psychologists, and social workers to assist in all issues relating to gender-based violence, as an essential service.⁷¹ The Ministry ensured the helpline was properly staffed, hiring more individuals as needed to be available 24/7. In addition, the Ministry developed other communication channels, like a Help 144 App, WhatsApp and email account, to make sure women

⁶⁸ Rodolfo Canese Mendez & Rodrigo Barbieri, *Argentina – Mandatory Quarantine Imposed Due to COVID-19*, KPMG (March 24, 2020), <https://home.kpmg/xx/en/home/insights/2020/03/flash-alert-2020-105.html>.

⁶⁹ UN Women, *Prevencion de la Violencia Contra las Mujeres Frente a COVID-19 en America Latina y el Caribe* (April 2020), https://lac.unwomen.org/sites/default/files/Field%20Office%20Americas/Documentos/Publicaciones/2020/05/ES_Pr evencion%20de%20violencia%20contra%20las%20mujeresBRIEF%20espanol.pdf

⁷⁰ Luciana Polishuk & Daniel Fay, *Administrative Response to Consequences of COVID-19 Emergency Responses: Observations and Implications from Gender-Based Violence in Argentina*, 50 AM. REV. PUB. ADMIN. 675, 676 (2020).

⁷¹ *Id.* at 677.

everywhere could get help without leaving their homes.⁷² The Ministry further spread these resources with creative social media and marketing campaigns.⁷³ The Ministry additionally developed the Red Mask campaign with national pharmacies. The Red Mask campaign connected any woman that requested a red mask at a pharmacy with the 144 helpline, serving as a silent cry to help victims of gender-based violence.⁷⁴ Working with women's rights organizations, the Ministry continued to promote measures that protected women at all costs.

The National Government also passed legislation to make sure women were not disproportionately impacted by stay-at-home regulations. For example, the Government passed Resolution 15/2020 which provided women would not be punished for leaving their homes to report gender-based violence or receive any assistance related to domestic violence.⁷⁵ The Argentinian government, in collaboration with the Ministry of Women, also launched a campaign to redefine traditional gender norms at home, encouraging the redistribution of domestic tasks during lockdown.⁷⁶ This was specifically important, as some men could increasingly abuse women when their positions in the home and family were threatened, as they were no longer the sole financial providers. While there have been a high number of gender-sensitive measures, domestic violence and other women's rights have been increasingly violated during the pandemic, showing Argentina's response has not been perfect.

There are also some ways the Argentinian government has lacked or delayed an appropriate response to the increased and disproportionate impact of the pandemic on women. One organization attempted to declare gender-based violence as a national emergency for a period of

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.* at 678.

⁷⁵ *Id.* at 677.

⁷⁶ *Id.*

three years.⁷⁷ This would include increased financial resources, a comprehensive program for survivors of domestic violence fleeing their abusive homes, and a collaborative response with the judiciary branch to address gender-based violence during the pandemic.⁷⁸ Although it is an excellent idea that could benefit a lot of women, the government has yet to pass or accept the proposal.⁷⁹ Additionally, provincial governments were critiqued for delayed or inexistent distribution of information relating to gender-based violence on their social channels.⁸⁰ This shows an inconsistent and uncoordinated response to gender-based violence during the pandemic.

B. Other governmental responses to the COVID-19 Pandemic

Governments imposed a variety of other responses to stop the spread of COVID-19, such as mandatory curfews, movement restrictions by license plate, and even tracking devices.⁸¹ For example, Brazil implemented monitoring of movement through email and cellphone data, which was collected as healthcare workers picked up COVID-19 tests.⁸² The information was then used to see if the individual left their home, violating quarantine restrictions, or approached a crowded area.⁸³ This could impact human rights defenders, as they could be increasingly targeted for their work. Similarly, many governments severely restricted freedom of speech, limiting who and what could say certain things. The Honduran president, for example, issued a decree that restrained the freedom of speech on pretenses that it was important to avoid misinformation related to COVID-

⁷⁷ *Id.* at 678.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ Natacha Larnaud, *Countries around the world have some unusual rules to combat coronavirus*, CBS NEWS (March 19, 2021), <https://www.cbsnews.com/news/covid-pandemic-mitigation-restrictions-world/>.

⁸² Edgar E. Ramirez Cruz et al., *The Transaction Costs of Government Responses to the COVID-19 Emergency in Latin America*, 80 Public Admin. R. 683, 686 (2020).

⁸³ *Id.*

19.⁸⁴ Without clear indications of what was considered “misinformation”, many human rights defenders were silenced, implementing a chilling effect on all speech in fear of being arrested for speaking up against the government.

Similarly, many countries placed caps on how many people could get together at a time, indirectly restricting protests.⁸⁵ In the United States, 36 states introduced more than 80 legislative bills to limit the freedom of peaceful assembly.⁸⁶ When the people congregated despite government instructions not to do so, violent force and increased militarization was used.⁸⁷ In Colombia, mass protests in 2021 were met with lethal weapons, as well as excessive and unlawful force.⁸⁸ Although this was not a women’s rights protest, it was inspired by deep social inequality, including based on gender. This mass oppression under the guise of protecting the public against the virus constitutes multiple human rights violations, but specifically targets human rights defenders that make progress through their protests, such as #NiUnaMenos.

Finally, many countries in Latin America have resorted to mass arrests for violating quarantine measures. In El Salvador, about 1,200 people were arrested and placed in detention centers for allegedly violating curfew restrictions.⁸⁹ With judicial processes delayed or completely shut down because of the pandemic, many people were indefinitely detained without cause.⁹⁰ Even when the judicial system is working, the Salvadorian administration continues to detain people,

⁸⁴ *Monitoring Anti-Democratic Trends and Human Rights Abuses in the Age of COVID-19*, WOLA (April 13, 2020) <https://www.wola.org/analysis/anti-democratic-trends-human-rights-abuses-covid-19-latin-america/>.

⁸⁵ *America’s: Defence of Human Rights Under Fire in Pandemic-Hit Region*, AMNESTY INT’L (March 29, 2022), <https://reliefweb.int/report/world/defence-human-rights-under-fire-americas>.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Colombia: Violent Repression, Paramilitarism, Illegal Detention and Torture of Peaceful Protesters in Cali*, AMNESTY INT’L (July 30, 2021), <https://www.amnesty.org/en/latest/news/2021/07/colombia-repression-violenta-contra-manifestantes-pacificos-cali-2/>

⁸⁹ WOLA, *supra* note 80.

⁹⁰ Jairo Acuña-Alfaro & Audrey Olivier Muralt, *Criminal Justice in Times of a Pandemic*, UNDP (Dec. 14, 2020), <https://www.latinamerica.undp.org/content/rblac/en/home/blog/2020/criminal-justice-in-times-of-a-pandemic.html>.

showing a complete disregard for the rule of law.⁹¹ Without legal protections, many human rights defenders will hesitate to take to the streets, or will be arrested and indefinitely detained and unavailable to advocate for human rights.

V. Impact of COVID-19 on Women's Rights

A. *Increased rates of domestic violence*

With the COVID-19 pandemic came a massive spike in domestic violence rates. For example, Argentina had a 39% increase in reports of domestic violence, just in the first month of quarantine (March 2020).⁹² In Brazil, there was a 50% increase in reports of domestic violence in a study focusing on two-week periods of quarantine.⁹³ In Mexico, reports related to femicide increased by 30% to 35% for the first two weeks of lockdown, with a 60% increase in calls to shelter helplines.⁹⁴ The state of Nuevo Leon, Mexico reported a 30% increase in reports of domestic violence, and about five reports of rape per week, when prior to the pandemic, they received two to three reports.⁹⁵ In Bolivia, there were four reports of femicides in just three weeks of going into a state-mandated lockdown.⁹⁶

There are many reasons why rates in domestic violence have increased during the pandemic. First, people were forced to stay in their homes. This removed support systems for victims of domestic violence, constrained them to be locked down with their abusers, and closed

⁹¹ Miranda Cady Hallett, *Mass arrests and overcrowded prisons in El Salvador spark fear of coronavirus crisis*, THE CONVERSATION (May 6, 2020), <https://theconversation.com/mass-arrests-and-overcrowded-prisons-in-el-salvador-spark-fear-of-coronavirus-crisis-137673>.

⁹² *Prevencion de la Violencia Contra las Mujeres Frente a COVID-19 en America Latina y el Caribe*, UN Women (April 2020), https://lac.unwomen.org/sites/default/files/Field%20Office%20Americas/Documentos/Publicaciones/2020/05/ES_Pr evencion%20de%20violencia%20contra%20las%20mujeresBRIEF%20espanol.pdf.

⁹³ *Id.*

⁹⁴ *Latin American and the Caribbean Rapid Gender Analysis for COVID*, UN Women 1, 27 (May 2020).

⁹⁵ UN Women, *supra* note 88.

⁹⁶ *Id.*

centers of support.⁹⁷ Without anywhere to go, women were obligated to endure the abuse. Further, loss of income and job security exacerbated instability in the home and financial stress, which has been linked to increases in domestic violence.⁹⁸ Women who have lost their jobs during the pandemic may have become dependent on their abusive partners, increasing the financial burden to escape the abusive home.⁹⁹ Additionally, state resources are being diverted to fighting and stopping the spread of COVID-19, making it difficult to keep domestic violence shelters open and staffed.¹⁰⁰ The last point that is worth addressing is releasing prisoners or criminals early to avoid overpopulation and managing the spread in prisons. While overcrowding in prisons is a genuine concern, releasing offenders with charges related to gender-based violence is dangerous and could be deadly.¹⁰¹ Subjecting offenders to home arrests, instead of remaining in prison, usually returns them to the home of the victims, failing to protect the rights and interests of the survivor.

Some countries have reported a decrease in domestic violence rates, although advocates and experts are skeptical to believe this accurately reflects the number of women enduring domestic violence. Prior to the pandemic, about 45% of women and girls that were victims of domestic, sexual and/or physical abuse never reported the crimes.¹⁰² Furthermore, being restricted to their homes with their abusers, many women may not be able to safely access help, either calling

⁹⁷ Caroline Bettinger-Lopez, *A Double Pandemic: Domestic Violence in the Age of COVID-19*, COUNCIL OF FOREIGN RELATIONS 1, 3 (2020).

⁹⁸ Karen Nikos-Rose, *COVID-19 Isolation Linked to Increase Domestic Violence, Researchers Suggest*, UC DAVIS (Feb. 24, 2021), <https://www.ucdavis.edu/curiosity/news/covid-19-isolation-linked-increased-domestic-violence-researchers-suggest>.

⁹⁹ UN Women, *supra* note 90.

¹⁰⁰ *Id.*

¹⁰¹ Polishuk, *supra* note 66 at 678.

¹⁰² UN Women, *supra* note 90 at 26-27.

emergency services or leaving the home without raising suspicion.¹⁰³ Women may also fear contracting the virus, limiting whether they go to the hospital to get treatment for their injuries, approach a police station to report the abuse, or move to a crowded shelter.¹⁰⁴ Finally, women may not be able to obtain information that explains how to report the abuse or who to report it to, as their abusers are at home with access to their phones and computers, and women may not be speaking to friends and family that can provide said information.

B. Restrictions on Reproductive Rights

The fact that women lack full autonomy over their sexual and reproductive health has been established for decades, prior to the COVID-19 pandemic. Government restrictions in response to the pandemic have further limited the full protection of reproductive rights. First off, due to the pressing and highly contagious aspect of the disease, all financial, medical and personnel resources were focused on combating and assisting those infected with COVID-19.¹⁰⁵ Although the World Health Organization (WHO) instructed countries to include sexual and reproductive health, encompassing legal abortions, as essential services, the shift in resources left fewer for an already-limited issue – abortions, contraceptives, and other reproductive health necessities.¹⁰⁶ One report even determined that 18 million women would lose access to contraceptives during the pandemic, in Latin America alone.¹⁰⁷

Some unintended consequences have also resulted that have limited women's rights to contraceptives. Due to the pandemic and mobility restrictions, there were shipping delays and

¹⁰³ *Id.* At 27.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* at 23.

¹⁰⁶ Flavia Bulegon Pilecco et al., *Abortion and the COVID-19 pandemic: Insights for Latin America*, 37 Reports in Public Health, 1, 2-4 (2021).

¹⁰⁷ *Id.* at 2.

product shortages for contraceptives, as well as for the abortion-inducing pill, misoprostol.¹⁰⁸ Medical personnel shortages also impacted women's reproductive rights. For example, in Brazil, of the 76 hospitals that provided abortions prior to the pandemic, only 50%, meaning about 38 clinics, remained opened during the pandemic.¹⁰⁹ Similarly, with women facing financial instability, it is possible they are unable to afford abortions where they are not available for free, or to travel to states and countries that permit abortions if they are not legal where the person resides.¹¹⁰ Movement restrictions, such as stay at home orders, and personnel shortages could delay when women are able to get abortions. As a time-sensitive procedure,¹¹¹ it is possible many women cannot wait, either because of the increased health-risk the later into the pregnancy they are,¹¹² moral culpability of terminating a pregnancy later, or state limits on when an abortion is lawfully allowed.¹¹³ There is also the possibility women feared going to hospitals or clinics due to the possibility of contracting the virus.¹¹⁴

Some of the preliminary empirical data appearing as pandemic-related restrictions are lowered indicate that there was a decrease in abortions after stay-at-home policies were implemented.¹¹⁵ Some of this may be attributed to decreased sexual activity in teenagers and single women because of social distancing. However, it is also presumed that cohabitating couples increased sexual activity and, with increases in domestic violence, there is an increase in sexual assaults.¹¹⁶ Therefore, it cannot be that abortions *only* decreased because people were having less

¹⁰⁸ *Id.* at 7.

¹⁰⁹ *Id.*

¹¹⁰ UN Women, *supra* note 90 at 22.

¹¹¹ Fernanda Marquez Padilla & Biani Saavedra, *The Unintended effects of COVI-19 pandemic and stay-at-home orders on abortions*, 35 J. Population Econ. 269, 271.

¹¹² *Id.*

¹¹³ For example, some states allow six weeks, while others allow up to 24 weeks.

¹¹⁴ Padilla & Saavedra, *supra* note 107 at 274.

¹¹⁵ *See generally* Padilla & Saavedra, *supra* note 107.

¹¹⁶ *Id.* at 274.

sex. Rather, it is likely that the prior reasons – shift in resources, lack of medical personnel, movement restrictions, financial constraints, and fear of the virus – all contributed to the decrease in abortion rates throughout the pandemic.

C. Other resulting concerns related to gender-based violence

Restrictions and regulations in response to the pandemic have further heightened concerns for women’s rights other than those related to domestic violence, such as economic rights.. One area specifically is domestic work. In Latin America, 93% of domestic workers are women.¹¹⁷ Many countries fail to ensure domestic workers have basic labor rights guarantees and many women, dependent on their informal work arrangements, have remained throughout the pandemic. To avoid long commutes in public transportation, risk of unnecessary exposure or breaking COVID-19 regulations, women may be forced to remain in the home of their employers to secure a job and income. With pre-pandemic statistics of eight out of ten women reporting some form of violence in their workplace, it would not be surprising that these rates increase if they sleep and live at the home of their employers, and abusers.¹¹⁸ Most of these reports come in the form of sexual harassment, but physical abuse and isolation from family and communal support systems are also involved.¹¹⁹

Another concern women and women’s rights advocates have shared is walking on streets where people are no longer present. Prior to the stay-at-home orders, people were out and about on the streets, commuting to and from work, running errands, or simply socializing, so women felt more protected to be outdoors as there were more bystanders.¹²⁰ If people were locked at home,

¹¹⁷ UN Women, *supra* note 90 at 17.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.* at 29.

and with increases in unemployment and homelessness, women expressed concern of going outside unaccompanied, in fears of being assaulted or harassed on the streets.¹²¹ Women's mobility was therefore more limited out of fear, either to go and report domestic violence or to get medical care. This could further explain low rates of reports of domestic violence and decreased rates in abortion, as well as an additional rights violation unique to women.

VI. Recommendations

There is no question that the COVID-19 pandemic has presented Latin America, along with the rest of the world, unprecedented challenges. Nonetheless, looking at prior pandemics like the Zika outbreak in 2015 clearly shows that health crises impact minorities, like women, and result in economic, social, and political challenges. Both national governments and women's rights movements should be prepared to protect women's human rights during a pandemic, and as the world slowly reopens and returns to "normal".

A. Suggestions for National Governments

As the United Nations and World Health Organization suggested, national governments should have gender at the forefront of their policies. Making sure regulations are gender-sensitive is imperative to successfully protect women's rights, especially as they are disproportionately impacted based on sex. Like Argentina demonstrated, some of the ways they can do this is by, first and foremost, creating strong connections with women's rights organizations. It is unrealistic to expect a government to be perfect, but women's rights organizations focus solely on how to protect women's rights all the time. Collaborating and listening to them will ensure their policies accurately represent what women need in times of change. By programming monthly meetings

¹²¹ *Id.*

with women’s rights organizations, the government will be able to ensure women are heard, their needs met, and their rights protected. Additionally, as evidenced by research throughout the pandemic, these monthly meetings will allow policies to be updated as needed, rather than forgotten as other issues come up.

Another approach governments should consider is having a quota of women leaders in their emergency response units. Although various Latin American countries do have quotas to allow equal representation of women in politics, statistics show they remain underrepresented.¹²² For example, at the time of the pandemic, no Latin American country had a female president.¹²³ When coordinating responses to the pandemic, many women were not in leadership positions or positions of power that allowed them to be involved with response measures. If women would have been rightfully placed in these positions, women’s voices would have been amplified and their perspectives considered to promote gender-sensitive policies. As the United Nations Secretary General said, “[e]vidence across sectors, including economic planning and emergency response, demonstrates unquestioningly that policies that do not consult women or include them in decision-making are simply less effective, and can even do harm.”¹²⁴

Finally, governments should create a national commission, led by women, that reflects on the role of women during the pandemic, as well as any progress made in protecting their rights. For instance, many women engaged in “caremongering”, a term attributed to many caregivers who engaged in spontaneous gatherings to assist others in need.¹²⁵ Women have also taken on a heavier burden at home, dealing with increased responsibilities like caring for the children and sick

¹²² *Id.* at 20.

¹²³ Vanessa Rubio, *Today’s Latin America has no Female Presidents. It’s Not Going Well*, AMERICAS QUARTERLY (April 7, 2021), <https://www.americasquarterly.org/article/todays-latin-america-has-no-female-presidents-its-not-going-well/>.

¹²⁴ UN Women, *supra* note 90 at 21.

¹²⁵ *Id.*

elders.¹²⁶ Giving these women appropriate recognition is essential to understand their needs as the world comes out of the pandemic. These women will need mental, financial, physical, and emotional assistance as they navigate these changes, and an appropriate committee to evaluate these is extremely important for progress, representation, and the protection of human rights. Additionally, these national commissions should look at what other countries did successfully during the pandemic, such as Argentina. Implementing similar programs like the Red Mask, accessibility with the 144 helpline, and social marketing strategies is crucial to protect women in times other than a national emergency. Governments should not forget domestic violence was an issue *before* the COVID-19 pandemic and addressing the root causes of gender-based violence and inequality are vital to the successful recovery of the country.

B. Suggestions for the Ni Una Menos Movement

Unquestionably, #NiUnaMenos has been an incredible movement for change and progress in Latin America. Moving forward, #NiUnaMenos/Marea Verde¹²⁷ should continue the iconic use of the color green, specifically the green handkerchiefs, in their protests and marches. The coalition should attempt to expand to the United States, which appears to be isolated, either intentionally or unintentionally, in social movements. As the United States overturned the constitutional right to an abortion, leaving abortion rights in peril, #NiUnaMenos should collaborate with organizations there to aid in planning protests and advocating for change.¹²⁸ Additionally, many people in the United States don't even know what the color green means for abortion rights in Latin America, so extending to the United States would be a massive indication of the influence of the movement.

¹²⁶ *Id.*

¹²⁷ I will continue to reference the #NiUnaMenos movement, while referring to the Marea Verde movement, as they are one and the same.

¹²⁸ Adam Liptack, *In 6-to-3 Ruling, Supreme Court Ends Nearly 50 Years of Abortion Rights*, New York Times (June 24, 2022), <https://www.nytimes.com/2022/06/24/us/roe-wade-overturned-supreme-court.html>.

While #NiUnaMenos' message and historic green color has spread to other continents,¹²⁹ reaching the United States would be consequential and could be vital for women in the United States.

Furthermore, #NiUnaMenos should reorganize. While abortion has been at the forefront of the movement for the last few years, domestic violence has taken a backseat. The movement should take advantage of the international attention domestic violence is receiving as levels skyrocket during the pandemic to advocate for change. It might be necessary to split into fractions – one focusing on abortion, the other on gender-based violence – to ensure the awareness on both issues is optimized. Regardless of the approach the movement takes, it should absolutely focus their attention on domestic violence now, as the pandemic seems to be coming to an end and governments try to return to “normal”. Any progress that has been made, such as the programs in Argentina, should be highlighted and promoted by advocates to ensure governments keep them in place. Basically, #NiUnaMenos should remember where it started, and not lose sight of its overall purpose – advocating for gender equality, including abortion and domestic violence, in Latin America.

VII. Conclusion

The worldwide impact of #NiUnaMenos, like the pandemic, has been unprecedented. While it has faced restrictions, delays, and setbacks because of government regulations responding to the COVID-19 pandemic, it continues to strive for gender equality throughout the world. Argentina serves as a perfect example of this. With the movement starting there, it implemented national change in legislation and policies to ensure women's rights were protected, specifically as they relate to domestic violence and abortion. Because of the advocacy there, Argentina has

¹²⁹ Rachel Harris, *Green Scarves and Data Harvesting: How the Abortion Battle has Gone Digital*, HARVARD INTL REV. (May 3, 2021), <https://hir.harvard.edu/abortion-digital/>.

been widely recognized for their gender-sensitive response and creative methods to protect women during the pandemic. Having these policies and protections in place, as well as collaborating with women's rights organizations, is essential for Latin American governments to adequately protect women's international human rights, both in times of and after the pandemic.

#NUnaMenos will go down as one of the most effective advocacy movements, using social media, the color green, and mass marches to conduct change. It should continue to do so, especially as abortion rights are challenged in Latin America, specifically the United States. #NiUnaMenos should also refocus on gender-based violence to take advantage of the worldwide attention this issue is receiving during and after the pandemic. It is difficult to say where women's rights would be without the #NiUnaMenos movement, but women's rights advocates in other regions should look at them as an example on how to successfully defend women's rights everywhere.

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