IN SUPPORT OF THE:
NATIONAL AND INTERNATIONAL CAMPAIGN
FOR THE RIGHT TO DEFEND HUMAN RIGHTS

WOMEN HUMAN RIGHTS DEFENDERS
AND THE STRUGGLE FOR JUSTICE IN COLOMBIA

COLOMBIA:
HUMAN RIGHTS DEFENDERS
UNDER THREAT
EXECUTIVE SUMMARY

Colombia continues to suffer one of the worst humanitarian and human rights crises in the world. In this context, those who defend human rights and the rule of law in Colombia have continuously been victims of systematic stigmatization, threats, sexual violence, unfounded criminal proceedings, violent attacks and killings carried out by all armed actors in the conflict. Amongst this group of defenders, women play a crucial role. Women defenders come from all walks of life; they are indigenous and Afro-Colombian women living in remote areas, trade unionists, internally displaced persons (IDPs), human rights lawyers defending victims of the conflict, lesbians and transgender women fighting against discrimination, journalists, mothers, daughters and sisters of the victims of extrajudicial executions and forced disappearances, and survivors of sexual violence. In this context women are carrying out a fundamental role as defenders of human rights and “builders of peace and democracy.”

Since the change of administration in August 2010, the new government of President Juan Manuel Santos has issued public statements in support of human rights defenders, initiated more open engagement and dialogue and shown a commitment to end the public stigmatization of defenders. In August 2010, when President Santos took office, he promised to address the issue of land restoration to the victims of the conflict, something that was not achieved through the Justice and Peace Law. To this end Victims Law 1448 was passed in May 2011. Whilst this represents a positive move towards respecting the right of victims, there are a number of fundamental issues and challenges which the Law does not address.

Victims Law, is a first, if incomplete, step to begin returning land to Colombia’s victims. However, the rising number of community defenders leading processes of land restitution who have been killed gives cause for concern as to how the law will be implemented and how defenders and community leaders working on the issue will be protected. In the latest case in June, displaced community leader Ana Fabricia Córdoba was killed in the city of Medellin. Women defenders not only experience violence themselves, but have also seen threats, aggressions and killings directed at their sons and daughters. Specific threats and attacks on women defenders’ families are designed to intimidate and generate terror, thus silencing defenders, limiting their activities and preventing the dissemination of information related to crimes and human rights abuses.

Within Colombian society there is a high level of generalized discrimination against women, a fact which affects women defenders, who face further risks specific to their gender, namely sexual assault and harassment, and the use of offensive ideas about sexuality aimed at discrediting their individual reputations and their work, and threats and attacks against their children. In the context of the Colombian conflict there is a high prevalence of sexual violence against women and girls, including women defenders. Sexual violence is often used by armed groups as a “weapon of war” to terrorize and destabilize communities. This is an issue that has been largely hidden in Colombia and very few of these cases are reported, let alone brought to justice.

Courageous women are increasingly taking a leading role in denouncing violations against displaced communities and calling for land restitution. According to Colombia’s leading organization on displacement, CODHES, between March 2002 and 31 January 2011, 44 leaders of the displaced population involved in the process of land restitution were killed. Colombia is the scene of the world’s worst internal displacement crisis; and according to CODHES around 5.2 million people have been forcibly displaced in the country. Women and children account for around 80 per cent of this population. Indigenous and Afro-Colombian women play a leading role in defending their collective rights, including the right to collective land, to consultation on the use of that land and its resources, and to practice their cultural and spiritual beliefs. Indigenous and Afro-Colombian women defenders suffer from widespread institutional discrimination. They report disrespect for their roles from Government officials called upon to protect them, and that threats against them are not given the same credence given to threats against male leaders.

Despite the change in tone “the situation on the ground continues[s] to cause concern.” Human rights defenders in Colombia are victims of selective assassinations, threats, forced disappearances, stigmatization, smear campaigns, persecution and forced displacement. In the first three months of 2011, 9 human rights defenders were killed, 68 were threatened and 4 were disappeared. The new
sent to Colombia. Colombia is the most dangerous country in the world to be a trade unionist; during the last decade 63 per cent of murders of trade unionists across the globe were committed in Colombia.

Social leaders, activists and organizations have been struggling for decades for the recognition of the human rights of the LGBT community in Colombia, and because of this have been the target of attacks and threats, sexual abuse and exploitation, selective assassinations, torture, and public stigmatization: 39 murders of LGBT people were recorded in the first 9 months of 2010. Whereas women leaders are targeted both for their gender and the work they are pursuing, LGBT defenders face further discrimination and social stigmatization on the basis of their sexual orientation. The situation is made more difficult by the high level of criminal impunity and lack of accountability for the perpetrators of the violence.

In Colombia, it is often women who are the protagonists calling for truth, justice, and reparation for the victims of the conflict. Mothers, sisters and wives have been pivotal in the struggle to uncover the truth about the killings of their children and relatives by illegal armed groups. These women, in their transformation into social leaders, find their lives inexorably affected and have in many cases had to face radical changes to their place in society as women and have been subjected to attacks and threats for their work. Attacks aimed at silencing these community leaders and defenders have a profound impact on the perpetuation of the conflict because achieving truth, justice and reparation is essential to guarantee the non-repetition of abuses and break the cycle of conflict and impunity.

There is a high level of underreporting of attacks and an inability to identify those responsible in part due to the lack of a centralized system for systematically registering attacks against defenders. This is compounded in the case of women who face high levels of discrimination, not only related to their gender, but also to their ethnicity or sexuality, such as LGBT activists, indigenous defenders and Afro-Colombian defenders. However, by simply providing a state protection program without the political will to address the impunity enjoyed by perpetrators of threats and attacks against defenders things are unlikely to change. Impunity is a serious issue in Colombia and unless this is tackled and the perpetrators brought to justice there will be little to dissuade these attacks.

The protection of women defenders falls squarely within international legal obligations of all states to ensure the realization of the fundamental human rights of all. Women defenders require differential support and protection that responds to the specific threats they and their families face that differ from those of their male counterparts. In Colombia, protection of human rights defenders
generally focuses on the physical security of defenders. Whilst this is an essential element, human security is actually a far more complex concept. Despite the key role psychological violence plays in the persecution of women defenders and social leaders, no psychological support is provided to these leaders by the Colombian government.

Gender discrimination and stereotypes amongst the local functionaries responsible for carrying out the risk evaluations can worsen the situation for women defenders when they are discredited and criticized for being on the streets demanding rights rather than being at home with their families. As woman are often the primary care providers of their children and extended family, a number of the protection measures offered to them, when not extended to their immediate family, mean they cannot be taken up by women defenders. Organizations have also raised concerns about the excessive length of time between a request for protection being made, an effective response being received by the defender from the authorities, and implementation of protective measures if they are approved.

The protection program concentrates on the individual; however some of the situations outlined in this report relate to social and community processes. As a result of the risks they face, these communities have developed collective self-protection methods that they have asked the government to support alongside the individual protection program. Indigenous communities, for example, have stressed the importance of their traditional collective self-protection methods which include women and children, such as the indigenous guard or the construction of traditional community gathering places, in addition to offering protection to individual leaders. Repeatedly, defenders from rural communities have insisted upon the importance of upholding international humanitarian law (IHL) for their protection, especially the principle of distinction. Communities emphasize that militarizing community areas puts in danger those defending their right to their land, and places them in the cross-fire of fighting between the armed groups. Communities have therefore created humanitarian zones or peace communities in an effort to clearly demark the civilian population.

The wide range of diverse women defenders in Colombia carry out fundamental work which places them under unacceptable levels of risk. Their, and their communities’, differential protection needs should be fully consulted and urgently implemented, in line with existing national and international protection mechanisms.

END NOTES


2 For analysis of the challenges to be overcome see; ABColombia, Returning Land to Colombia’s Victims, May 2011; and Lutheran World Relief, Instituto De Estudios Para El Desarrollo Y La Paz (INDEPAZ) and US Office on Colombia (USOC). Closer to Home: A Critical Analysis of Colombia’s Proposed Land Law, DATE?


5 ABColombia, Oidhaco, US Office on Colombia, Climate of Fear; Colombian Human Rights Defenders Under Threat, October 2009.


7 Oxfam International, Sexual violence in Colombia; Instrument of war, 9 September 2009


11 Human Rights Ombudsman’s Office, 2008

12 Rights protected by the Colombian Constitution, in Law 70, in the recent UN Declaration on the Rights of Indigenous Peoples, and in International Labour Office (ILO) Convention 169.

13 Op Cit.

14 “Que os duelen las sangres ignoradas – Informe sobre violaciones a los derechos humanos de los y las sindicalistas y la situación de impunidad, 2009-2010 y 2002-2010”, Escuela Nacional Sindical y Comisión Colombiana de Juristas, Colombia, Octubre 2010.

15 Colombia Diversa submitted a report to the United Nations Human Rights Committee on the lesbian, gay, bisexual and transgender (LGBT) community in Colombia in May 2010

16 ABColombia, Oidhaco, US Office on Colombia, Climate of Fear; Colombian Human Rights Defenders Under Threat, October 2009, p3.

17 Defendingwomen-defendingrights.org, ‘Recommendations for Gender-Specific Implementation of the EU Guidelines on Human Rights Defenders’

18 See ‘Reflexiones sobre la protección de las mujeres defensoras
Recommendations

It is Urgent that the Colombian State:

- Revise the national human rights defenders protection program, in consultation with a broad group of women defenders to establish provisions and actions to respond to the specific threats and violence suffered by women defenders and with a differential gender focus to ensure non-discrimination.

- Implement Constitutional Court Ruling 092 (2009) in full consultation with women human rights defenders, including women leaders from Afro-Colombian and indigenous communities.

- Design, in full consultation with women victims and women human rights defenders from different sectors of society, an action plan for the effective implementation of UN Resolution 1325 (2000) and Colombian Law 1257 (2008), on violence against women. Assign funds for the implementation of this action plan.

- Invite the UN Special Rapporteur on Violence Against Women and the UN Special Representative on Sexual Violence in Conflict to Colombia to effect a visit and to oversee this process.

- Implement the recommendations already made in relation to the situation of women human rights defenders by UN Special Rapporteurs and the Office of the High Commissioner for Human Rights in Colombia in their respective reports.

- Design and implement an integral public policy in regards to women’s access to justice. This would include: removing the obstacles that women face when denouncing crimes of sexual or gender-based violence; standardizing the information system on this crime; facilitating the effective, uniform and transparent investigation of the cases; guaranteeing technical, infrastructural and financial resources; strengthening disciplinary controls over all public officials from the judicial sector with a zero tolerance policy to any type of action that re-victimizes women; guaranteeing psychological support for the victims during the judicial processes and implementing reparation measures, and the right of non repetition.

- Increase the remit and capacity of the human rights unit within the Attorney General's Office, so that it can collate and register all data for assassinations, threats and attacks against human rights defenders, and that from this qualitative and quantitative data, patterns of violations against defenders can be identified so that the perpetrators of these crimes can be more easily recognized and brought to justice. This information should also be disaggregated by gender and ethnicity.

The US Government, the European Union and its Member State Governments Should:

- Incorporate respect for human rights, including a specific gender focus promoting the protection of women’s rights, into all diplomatic relations and cooperation with Colombia. Efforts to support women’s rights should include adequate funding directly for women human rights organizations.

- Publically denounce violence against women through statements from senior government officials and Embassy representatives, highlight the important role that women human rights defenders play in promoting human rights and peace, urge the Colombian government to adopt effective measures for the prevention and elimination of this form of violence, the investigation and prosecution of those responsible and attention and reparation for the victims.

- Establish and/or strengthen bilateral and multilateral cooperation supporting institutional capacity-building programs for the Attorney General's office in order to:
  a) Improve its capacity to investigate and sanction crimes of sexual and gender-based violence against women in a timely and effective manner;
  b) Compile qualitative and quantitative data and identify patterns of violations against women defenders.

The European Union Should:

- Establish a working group with a specific gender focus in consultation with Colombian defenders, to oversee the implementation of the EU Guidelines on human rights defenders and develop a comprehensive and cross-cutting strategy, with easily-accessible focal points in each European Embassy. Incorporate into the gender-specific section of this implementation strategy, relevant sections of the EU Guidelines on Violence against Women and Girls and combating all forms of discrimination against them.

- Manifest its support for women defenders at risk through visits to individuals and organizations at risk in rural areas by representatives of the EU, frequent meetings with these groups in Bogota, and public declarations of support for women defenders.
• Include specific information on women human rights defenders and women victims of sexual and gender-based violence in the Human Rights Country Strategy for Colombia, as well as the upcoming Country Strategy Paper 2014-2019, and prioritise cooperation which protects and supports their work.

• Recommend that the Committee on Women’s Rights and Gender Equality (FEMM) and the Subcommittee on Human Rights (DROI) of the European Parliament formally monitor the situation of women human rights defenders in Colombia in order to raise relevant concerns within the EU and via EU mechanisms with the Colombian government.

• Urge members of the FEMM Committee and the DROI Subcommittee to visit Colombia in order to gain first-hand information on the situation, and invite Colombian women defenders to a Committee session to discuss ways in which the EU can support and protect their work.

• In fulfillment of its commitments under the Lisbon Treaty, ensure that cooperation and trade policies with Colombia have as their basis full respect for human rights based on the fulfillment of the human rights recommendations made by the UN Office of the High Commissioner, the Universal Periodic Review and Special Rapporteur reports.

• Ensure that women defenders from a range of organizational experiences and regions are fully involved in a genuine consultation and feedback process both before and after the human rights dialogues in Colombia organised by the EU in-country Delegation, and that the issues raised by these defenders are discussed fully within the framework of the dialogues, and followed-up by representatives of the EU.

The United States Government Should:

• Include this issue of sexual and gender-based violence in the High Level Partnership Dialogue between the US and Colombian governments.

• Consider a visit to Colombia by the Ambassador-at-Large for Global Women’s Issues, Melanne Verveer to visit Colombia, to meet with women’s organizations, women defenders and women victims and to see first-hand the reality facing women in Colombia, especially the widespread use of sexual and gender-based violence in the context of the armed conflict and the high levels of impunity for these crimes.

• Encourage an in-depth investigation and ensure that where there is credible information of members of the armed forces committing acts of sexual violence against women that any military assistance to that unit is cut. It should also seek feedback from Colombian women’s organizations on how to improve the effectiveness of its Department of Justice-led programs with the Attorney General’s Office (AGO).

• Continue the important efforts made in recent years in favor of victims of gender-based violence through its third USAID program phase (2011 to 2016) by prioritizing and strengthening its aid to victims of sexual and gender-based violence, through victims associations and women’s organizations at regional and national level that offer psychological, political and legal support to victims in their quest for truth, justice and reparation.

The UK Government should:

• Urge the Minister responsible for women’s issues to visit Colombia to meet with women’s organizations, women defenders and women victims and to see first-hand the reality facing women in Colombia, especially the widespread use of sexual and gender-based violence in the context of the armed conflict and the high levels of impunity for these crimes.

• Ensure that there is close liaison between the FCO teams working on the UN Human Rights Committee (HRC) and the EU team to ensure that cooperation and trade policies with Colombia have as their basis full respect for the human rights based on fulfillment of the human rights recommendations made by the UN Office of the High Commissioner, the Universal Periodic Review and Special Rapporteur reports.