



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

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# 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 fundamental roles as defenders of human rights and “builders of peace and democracy.”<sup>1</sup>

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.<sup>2</sup>

Despite the change in tone *“the situation on the ground continue[s] to cause concern.”*<sup>3</sup> 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.<sup>4</sup> The new 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 Medellín. 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.<sup>5</sup>

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.<sup>6</sup> Sexual violence is often used by armed groups as a “weapon of war” to terrorize and destabilize communities.<sup>7</sup> 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.<sup>8</sup> Colombia is the scene of the world’s worst internal displacement crisis<sup>9</sup>; and according to CODHES around 5.2 million people have been forcibly displaced in the country.<sup>10</sup> Women and children account for around 80 per cent<sup>11</sup> 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.<sup>12</sup> 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.

The UN Special Rapporteur on human rights defenders reported that between 2004 and 2009 the largest proportion (almost a third) of her communications relating to violations against women trade unionists were sent to Colombia.<sup>13</sup> 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.<sup>14</sup>

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<sup>15</sup>. 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.<sup>16</sup>

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.<sup>17</sup> 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.<sup>18</sup> As women 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.



# 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.

- 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.
- 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.

## 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.

- Ensure that there is a special section on women defenders in the Colombia section of the UK Human Rights and Democracy FCO report in order monitor effectively and to inform parliament and the British public about the actions taken on their behalf.
- Provide in-service and pre-deployment training for FCO, DFID and MOD staff on UN commitments and EU Guidelines, ensuring that working with and supporting human rights is mainstreamed through UK government policy and practice, with specific attention being paid to women human rights defenders and sexual violence in the context of countries in conflict. Effective implementation of the EU Guidelines should form part of annual appraisals of all embassy staff.

## 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 Verwee 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.

# 1.0 INTRODUCTION

## The Context

Colombia is suffering one of the worst humanitarian and human rights crises in the world, finding its clearest expression in the continuation of the world's worst internal displacement crisis. Colombians are forced to flee by armed groups seeking to establish territorial and economic control including the imposition of large-scale economic projects in their lands. The main NGO tracking displacement in Colombia (Consultoría para los Derechos Humanos y el Desplazamiento – CODHES) put the total number of internally displaced persons (IDPs) at 5.2 million at the end of 2010<sup>1</sup>, making Colombia the country with the highest number of displaced people in the world (followed by Sudan, Iraq and Afghanistan).<sup>2</sup> Women and children make up around 80 per cent of IDPs. Indigenous and Afro-Colombian communities are also disproportionately affected. Around 6.6 million hectares of land have been illegally expropriated, causing this mass displacement.<sup>3</sup> The processes of return by the government have not respected the international principles of security, dignity and voluntary return. According to a CODHES 2011 report, the zones where the greatest numbers of people are displaced are those in which there is also a significant state presence.<sup>4</sup>

Development levels in Colombia are very uneven, varying widely between urban and rural areas and also between various departments, and greatly affecting the country's human development.<sup>5</sup> As people in the lowest income categories spend between 50 and 80 per cent of their income on food, recent increases in food prices<sup>6</sup> have increased poverty. Social expenditure has been falling in Colombia for over a decade and the combined spending on health and education is significantly less than what is spent on Colombia's military forces. Despite favorable trends in macroeconomic variables, social indicators have "barely improved".<sup>7</sup> The result of this has been to create even greater inequality; in 2008 Colombia moved from the 9th to the 6th most unequal country in the world, despite GDP nearly tripling between 2005 and 2008. The National Colombian Development Plan has only served to increase this trend by placing an emphasis on monocultivation and large-scale mining. The impacts of these activities have a detrimental effect on rural communities' farming of substance crops and production of food for local markets which would lead to greater food sovereignty.

More than 70,000 people have been killed in Colombia in the past 20 years as a result of an extremely violent conflict in which all sides target the civilian population. Guerrilla groups have continued to commit serious violations of International Humanitarian Law (IHL) and have violated the rights of the civilian population through the taking of hostages, the use of antipersonnel mines, the recruitment of children<sup>8</sup> and the murder of people who were receiving protective measures due to their particular vulnerability.



Jorge Mata/Surimages - IPA

## WHO ARE HUMAN RIGHTS DEFENDERS?

A human rights defender is anybody who, individually or with others, professionally or voluntarily, non-violently promotes or protects human rights (civil, political, economic, social and cultural, sexual and reproductive). Trade union leaders, journalists, academics, teachers, artists, church personnel and clergy, lawyers, judges, members of non-governmental organizations and social movements, leaders of indigenous and afro-descendent communities, women's and LGBT\* rights activists, representatives of Colombia's millions of internally displaced people – all can be human rights defenders.

## WHAT DOES IT MEAN TO DEFEND HUMAN RIGHTS?

Defending human rights is a moral responsibility aimed at saving lives, preventing grave human rights violations and ensuring that violence does not remain in impunity. Defenders seek to strengthen the rule of law and call for changes in government and state policies.

*\*Lesbian, Gay, Bisexual, and Transgender  
Taken from the Declaration of the Campaign for  
the Right to Defend Human Rights in Colombia  
([www.colombiadefenders.org](http://www.colombiadefenders.org))*



*“In Colombia many men and women have organized to promote and demand respect for human rights in general, and for the rights of specific populations, such as children, indigenous peoples, the lesbian, gay, bisexual and transgender (LGBT) community, Afro-Colombians or the displaced population. In the defense of human rights, women are carrying out a fundamental role as builders of peace and democracy.”*<sup>13</sup>

With over 8,000 victims between 1990 and August 2009, Colombia registered the highest land mine victim rate worldwide, according to the country's authorities.<sup>9</sup>

Civil society organizations, trade unionists and journalists seeking to expose crimes and human rights violations, or calling for different development policies, do so at the risk of violence, disappearance and death, as Colombia continues to be one of the most dangerous places in the world in which to carry out these activities. Despite an official demobilization process with the paramilitaries, a new generation of paramilitary groups is consolidating power at local and national level. Selective assassination, disappearances, massacres and threats against human rights defenders, trade unionists, social leaders and political activists are commonplace. According to official government figures the Attorney General's office is investigating 27,300 cases of forced disappearance<sup>10</sup>, 1,130 of which have occurred in the last three years.<sup>11</sup> These figures would suggest that more than one person every day is disappeared and yet we know that forced disappearance is a crime that is notoriously underreported because of the fear generated in communities and family members left behind.

In Colombia, being a human rights defender is a dangerous, often deadly job. Defenders are subject to death threats and persecution, as are their families, on a daily basis. These aggressions are intended to silence defenders, limit their activities and prevent the dissemination of information related to crimes and human rights abuses.<sup>14</sup>

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, more open engagement and dialogue and a commitment to end the public stigmatization of defenders. The previous administration of President Uribe was marked by its hostility to human rights work and public statements stigmatizing defenders<sup>15</sup> which contributed to the creation of an environment in which defenders were perceived to be legitimate targets of attacks. However, despite the new administration's change in tone the killings have not stopped; rather in the final months of 2010 they increased. A total of 32 defenders were killed in 2010; of those 22 were killed in the first 75 days of President Santos' administration.<sup>16</sup> According to a recent report by the Colombian NGO Programa Somos Defensores, in

the first three months of 2011, 9 human rights defenders were killed, 68 were threatened and 4 were disappeared.<sup>17</sup>

Margaret Sekaggya, UN Special Rapporteur on the situation of human rights defenders (hereafter called the Special Rapporteur on human rights defenders), visited Colombia in September 2009 and concluded that “patterns of harassment and persecution against human rights defenders, and often their families, continue to exist in Colombia. Journalists, trade unionists, magistrates, lawyers, student and youth activists, women defenders, indigenous and Afro-Colombian leaders, and LGBT activists have been killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, judicially harassed, under surveillance, forcibly displaced, forced into exile, or their offices have been raided and their files stolen, because of their legitimate work in upholding human rights and fundamental freedoms.”<sup>18</sup>

While impunity is common in Colombia, the effects of impunity enjoyed by perpetrators of threats and attacks against defenders is particularly serious due to the high level of underreporting of attacks, in part due to the lack of an official monitoring system that systematically registers attacks against defenders. In addition, individual investigations are carried out that do not make the link with other similar attacks on defenders; which do not place the threat into the context of the work the defender carries out, or recognise the particular risk faced by defenders for that work. Another barrier to effective investigation, which leads to continued impunity, is the denial on the part of the State that these threats and attacks are linked to paramilitary groups, and the tendency to try to classify them as crimes committed by common criminals.

Defenders advocating for the rights of displaced persons, in particular leaders of women's groups, and for the restitution of lands, especially in Cauca, Sucre and Urabá, have been killed, threatened and harassed.<sup>19</sup> According to CODHES, between March 2002 and 31 January 2011, 44 leaders of the displaced population involved in the process of land restitution have been killed.<sup>20</sup> This is an area in which women are increasingly taking a leading role. Of those defenders threatened and killed in 2010,

*“Human rights defenders are essential to the creation of any strong and inclusive democracy. They are key to monitoring, reporting and promoting human rights. They also have a substantial role in the strengthening of peace through dialogue and justice. They enable civil society to claim their rights and to seek justice through non-violent and legal means,”*

*UN Special Rapporteur on the Situation of Human Rights Defenders.*<sup>12</sup>



33 per cent and 22 per cent, respectively, were women.<sup>21</sup> We can compare these figures to killings of defenders in 2009; we see that 2 of the 32 defenders killed that year were women (representing around 6 per cent).<sup>22</sup> This increase in women defenders threatened and killed shows their heightened vulnerability as they continue to play a more vocal and active role in the defense of human rights.

Women human rights defenders (hereafter, women defenders) are women who individually or with others act to promote and protect human rights. Some women defenders also work specifically to promote women's rights. By putting themselves on the front-line to protect human rights women face risks that are specific to their gender. In Colombia, women defenders are targeted for who they are as well as for what they do.

Women defenders face risks of certain forms of violence and discrimination particular to their gender, committed by both state and non-state actors, especially when they confront and challenge cultural, religious or social norms about the role and status of women in their societies. Whether or not they work on more 'traditional' human rights or to ensure reproductive and sexual rights, the rights of LGBT individuals or people living with HIV and AIDS, their protection falls squarely within international legal obligations of all states to ensure the realization of the fundamental human rights of all, including women human rights defenders.<sup>23</sup>

Women who defend human rights in Colombia come from all walks of life. They are indigenous and Afro-Colombian women living in remote areas defending their communities' rights, trade unionists, 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 disappearances, and survivors of sexual violence, to name just a few examples.

Women, children and young people are over-represented amongst the internally displaced population. In this context women have organized and taken the lead in community activism. Many urban organizations in poor and marginalized neighborhoods in Colombia's cities are led by women, working to improve conditions for their families and communities.

Indigenous and Afro-Colombian women play a leading role in defending their collective rights, expanding the understanding of personal dignity and fundamental freedoms within Colombia. These rights include the right to collective land, the right to consultation on the use of that land and its resources, and the right to practice their cultural and spiritual beliefs.<sup>24</sup> The lands of indigenous and Afro-Colombian peoples are often situated in areas rich in natural resources and regions of mega-biodiversity and are therefore highly valuable and so those who defend their land are often threatened and attacked as they attempt to protect their fundamental rights.

LGBT human rights defenders and leaders are also a highly persecuted and vulnerable group in Colombia. Members of the LGBT community and those who defend their rights

are broadly stigmatized, including by state officials. As a result there have been many cases throughout the country of assassinations, torture, threats, sexual violence, and stigmatization of members of the LGBT community and their defenders. There are also many alarming reports of police abuse – including torture and sexual violence – against this highly vulnerable group. However, these crimes are rarely adequately investigated, let alone effectively prosecuted.

Due to prescribed gender roles and their often marginalized social status, women defenders encounter additional risks and obstacles to those faced by their male counterparts. These include sexual assault and harassment and the use of offensive ideas about sexuality aimed at discrediting their individual reputations, their work, and their political agendas. Acts of aggression against women, because of their work to defend human rights, range from physical and psychological attacks, to social, cultural and political exclusion. This means that killings, sexual violence, stigmatization, smear campaigns, persecution, displacement and the destruction of social processes, are part of the daily lives of women defenders in Colombia. The situation is made more complex and serious by the patriarchal societal context in the country. In patriarchal societies authoritarian attitudes define how women are seen, thereby generating certain beliefs that move the blame from the perpetrator to the women themselves.<sup>25</sup> Many parts of Colombian male-dominated society view the concept of 'women' as synonymous with 'mothers'. This has implications for the work of defenders, whose work we illustrate below, can lead to threats against their children. Thus, women defenders are labeled either implicitly or explicitly as 'bad' mothers; since a mother's job is seen to be the protection of her children and not exposing them to harm. For male defenders, threats against their families do not equate to them being 'bad' fathers, threats are instead seen as a result of their work.

Sexual violence and rape, when employed as a weapon of war, is used to demonstrate power over and humiliation of your enemy and is used in Colombia to humiliate and terrify women defenders in order to try to silence them. The purpose of sexual and gender based violence (SGBV) against women defenders can therefore be seen to be a form of punishment for being women, for the work they are doing and the objectives they are trying to achieve. More importantly, sexual violence aims to silence women's campaigns, which represent a powerful weapon in the fight for good governance and thus are perceived by illegally operating groups to pose a serious threat to their status of power and dominance in the midst of the Colombian conflict.<sup>26</sup>

The difference between the kind of aggression women defenders face in relation to their male counterparts, and the effects and consequences of this violence upon them, mean that women defenders require differential support and protection.

## 2.0 Specific Modalities of Attacks Against Women Defenders and Their Consequences

Women defenders, like the women they defend, face specific forms of violence directly linked to the conflict and societal context in Colombia. For example, in addition to persecution and harassment, women defenders are often subjected to sexual violence or the threat of sexual violence. Often, threats against women defenders are also directed at their families, their relatives and their closest friends. The psychological pressure and stigmatization of women defenders when their children and other members of their family are threatened are far greater because of the attitude that society holds – that she is first a mother and a protector of her children. In the context of an armed conflict, discrimination and violence against women defenders become a systematic practice and even a strategy of war. Many attacks against women defenders perpetuate this historical discrimination against women and they can also have the effect of creating a wave of terror and sending a signal to others not to speak out. Violence against women defenders and their families therefore has an impact on women's participation in activism and on broader struggles to advance human rights and democracy.

During her visit to Colombia, Margaret Sekaggya highlighted the additional risks faced by women human rights defenders:

*“... women human rights defenders are most at risk of harassment and persecution. Throughout her visit, the Special Rapporteur met with particularly brave women defenders active in advocating for women's rights, land rights and many other human rights. The sexual and gender-based dimension of the attacks, threats, insults and humiliating practices suffered by women defenders in Colombia should be emphasized. Because of their family responsibilities, women defenders face greater difficulties in relocating to safer places.”<sup>27</sup>*

### 2.1 Stigmatization and Unfounded Criminal Proceedings

It is important to note that following her visit to Colombia in 2009, the Special Rapporteur on human rights defenders noted that she was extremely worried by the pattern of unfounded criminal proceedings brought against human rights defenders, “which is very harmful to the work of defenders”.<sup>28</sup> She also warned that prosecutions against human rights defenders based on “unreliable witness testimonies from demobilized individuals or informants in exchange for legal and/or pecuniary benefits”<sup>29</sup>, continue despite a Constitutional Court ruling that testimonies from reintegrated witnesses cannot be used as evidence for opening such judicial proceedings.

The misuse of the criminal justice system to incriminate human rights defenders has an inevitably destructive impact on both their professional and personal lives. In many cases, important work has to be postponed with the defender forced to spend time and resources on their legal defense, leading to profound obstacles for their organizations and the individuals and groups who depend on them. The instigation of criminal proceedings has the effect of smearing the defender's reputation, and decreased perceived legitimacy inevitably jeopardizes their security situation. Finally, on a personal level, women defenders at risk of criminalization and detention face a high level of stress, anxiety, causing extreme difficulties in their family life.

Carolina Rubio is a member of the National Movement of Victims of State Crimes (MOVICE) and of the Committee of Solidarity for Political Prisoners (FCSPP). She was arrested following a visit to Brussels in October 2010, where she met with the representatives of the European Commission and members of the diplomatic community, to whom she presented a report on the human rights situation in the first 75 days of the government of President Santos. On 16 November 2010, heavily pregnant, she was arrested, on charges of having links with the Revolutionary Armed Forces of Colombia (FARC). The evidence against Carolina Rubio appears to be based on information from anonymous informants. At the time, national and international human rights organizations called upon the Colombian authorities to define Carolina Rubio's legal situation and to guarantee due process, given that her health and that of her unborn child were seriously at risk. The case against Carolina was then temporarily suspended until June 2011 (6 months after the birth of her baby).

It is important to note that many defenders like Carolina Rubio find themselves threatened, attacked or criminalized on their return from international tours where they have had a prominent role in discussing situations of human rights in Colombia and denouncing these crimes.

## 2.2 Threats and Attacks Against Family Members of Women Human Rights Defenders

***“...[tell your Mother that] if she sees that another of her children has been beaten up she’ll know why; she should stop being a snitch, human rights defenders are guerrillas” – threat received by the daughter of a women defender as she was beaten up by two men in Bogota in November 2010.<sup>30</sup>***

Women defenders not only experience threats, aggressions and killings directly themselves but have also seen these threats directed against their sons and daughters. These actions are designed to intimidate, generate terror and force women defenders to stop their work. The reality that defenders might be putting their family members’ lives at risk, not just their own, creates immense stress and fear, leading to depression, anxiety, and insomnia. In her 2011 report to the UN Human Rights Council, Margaret Sekaggya, UN Special Rapporteur on human rights defenders, noted her concern regarding the “physical and psychological integrity of family members of women defenders”. There are many cases that demonstrate that this is the case for women defenders and their families in Colombia.

Aida Quilcué, an indigenous leader from Cauca suffered the killing of her husband, José Edwin Legarda, by the Colombian Army on 16 December 2008, in an attack targeted at Aida Quilcué herself. This attack happened as she returned from the United Nations Universal Periodic Review of Colombia where she had been speaking about the violation of indigenous peoples’ rights in Colombia. Five months later, on 11 May 2009, her 12 year old daughter was followed and an attempt was made on her life.<sup>31</sup> Aida continued to suffer attacks to her good name and personal integrity throughout 2009 and 2010 during the investigation and trial concerning her husband’s killing. On 11 June 2010, six soldiers from the Colombian Army were convicted of José Edwin Legarda’s murder, however the threats against Aida Quilcué persisted; on 30 December 2010, she received a text message, signed by the Black Eagles paramilitary group, in which they threatened to kill her and other prominent women human rights activists in the Cauca region.<sup>32</sup>

The threat read: *“Guerrilla rats, this is how we wanted to have you cornered and crying for help all over the place. MOVICE, ECATE, CUT, NOMADESC, death to you communist dogs. Tonight at midnight we start with Martha Giraldo, Berenice, Luz Maria, Cristina, the Indian Quilcue, Yon, Posso, Wilson and with every one of your children. Black Eagles cleansing the country of these communist*

*sons of bitches, you won’t see the New Year”.*<sup>33</sup> It is noticeable that most of the defenders threatened in this text are women and a direct threat is made to all their children.

Ingrid Vergara is spokesperson for the Sucre chapter of Colombian NGO MOVICE, a broad coalition of civil society organizations that documents and publicizes cases of homicides, extrajudicial executions and forced disappearances that they attribute to the Armed Forces and paramilitary groups in the region. On 30 March 2011, Ingrid’s teenage daughter received a call to her mobile phone telling her that she would end up dead on the road.<sup>34</sup> She has received several death threats over the past years, supposedly in reprisal for her mother’s work as a human rights defender. On 1 December 2010, armed men entered Ingrid Vergara’s home, physically and verbally attacked her daughter, and threatened to kill her.<sup>35</sup> Ingrid Vergara has herself received several death threats in the past two years; she is a beneficiary of protection measures granted by the Inter-American Commission on Human Rights, which have yet to be fully implemented by the Colombian Government.<sup>36</sup>

This strategy of targeting women defenders’ family members, especially their young children, is not new and has been shown to have been one of the tactics employed by the national intelligence agency, (Departamento Administrativo de Seguridad - DAS), as part of their program to “neutralize and restrict” defenders work.<sup>37</sup> In May 2005, the life of the young daughter of human rights lawyer Soraya Gutierrez was threatened when Soraya received a box by post with a bloody, decapitated doll and a note saying “you have a pretty daughter. Don’t sacrifice her.”<sup>38</sup> Evidence found during the investigation into the DAS in 2010 suggests that this action was carried out directly by the intelligence agency.

Tragically, for some defenders and their families these death threats have become a reality.

### ***The Daughter of a Woman Human Rights Defender Raped and Killed***

*In 2000, the 13-year old daughter of Martha Olaya, a trade union leader with the ANMUCIC union, was raped and killed in Monteloro, allegedly by members of the security forces. The security forces then presented her body dressed-up in combat clothes to give the impression she was a guerrilla killed in combat. A few months later, her mother’s house was burnt down, presumably by paramilitaries.*

*Testimony from Oxfam International report: Sexual Violence in Colombia, 9 September 2009* <sup>39</sup>





Jineth Bedoya

## The Case of Journalist Jineth Bedoya

The violent sexual attack against Jineth Bedoya, a journalist who writes on the armed conflict, corruption and state-sponsored violence, is one example of the way in which sexual violence is employed as a means to intimidate and punish women defenders for their work.

In May 2000, Jineth was kidnapped directly in front of a police patrol, outside the main gates of Bogota's La Modelo prison where she was due to carry out an interview [with one of the

inmates, a paramilitary leader known as 'The Baker']. She was held by her captors, thought to be paramilitaries, for more than 16 hours. Despite the fear that this generated and other threats, she continued working as a journalist in the country. In August 2003, she was kidnapped again, this time by Front 44 of the guerrilla group FARC [Revolutionary Armed Forces of Colombia] in Caño Jabón (Guaviare), and held for 8 days.

*"Almost 10 years ago on 25th May I was kidnapped when carrying out my work as a journalist, I was tortured, raped by three men...however I decided to stay in Colombia and didn't want to go and choose the exile path, but to continue with my work in Colombia because I believed that this was my responsibility but I have to say that there are no guarantees, there are some security guarantees, but there is no justice guarantee for me to carry out this work and it is very difficult to carry out this work when you know that the perpetrators of these crimes are free."<sup>44</sup>*

To date, the case of Jineth's kidnapping and sexual abuse continues to languish in the Attorney-General's office and has not advanced at all in over 10 years. Meanwhile, she continues to be threatened due to her work.

Eleven years after her ordeal and facing continuing threats and impunity for her kidnapping, Jineth submitted her case to the Inter-American Commission on Human Rights, on 24 May 2011, in order to seek justice through international mechanisms. Jineth also hopes that bringing her case to this arena will encourage her colleagues who have experienced sexual violence to report it and ask for justice.



## 2.3 Sexual Violence Against Women Defenders

Sexual violence against women and girls, including women defenders is systematic and widespread in Colombia and is used by armed groups as a “weapon of war” to terrorize and destabilize communities.<sup>40</sup> Sexual violence, actual or threatened, is also a contributing factor behind the forced displacement of women. A new Colombian survey has revealed that 489,687 women were victims of sexual violence between 2001 and 2009, which translates into 140 cases each day, six each hour. The First Survey of Sexual Violence against Women within the Context of the Armed Conflict showed that nearly 18 per cent of the women in 407 municipalities in the country where armed actors are present had been victims of sexual violence. The alleged perpetrators of the vast majority of cases continue to enjoy complete impunity, as their crimes go unpunished.<sup>41</sup> To date, not one member of the paramilitaries or guerrilla forces has been convicted of crimes of sexual violence during the Justice and Peace process. The study considers eight types of crimes as sexual violence, namely: rape, forced prostitution, forced pregnancy, forced abortions, forced sterilization, sexual harassment, forced labor and regulation of the public lives of women. The study reported that 82 per cent of women did not denounce the violations committed against them.

It is extremely difficult for women to report these crimes due to fear of reprisal, social pressure, shame and fear of rejection by their communities or by society, degrading physical examinations, and lack of understanding and training on the part of the state officials, all this intensified by the climate of fear of denouncing crime in a conflict situation. This lack of reporting makes the task of identifying and documenting data on the prevalence of sexual and gender-based violence against women even more difficult in Colombia. Women rely on the support and accompaniment of women lawyers and women's organizations during the process of denouncing the violence; without this it is unlikely that these crimes would be reported. Unfortunately, women defenders who provide this support have often found themselves on the receiving end of threats; and therefore the impact of sexual violence stretches beyond the victims and their families to the women's organizations that support them. When sexual and gender-based violence is committed against women defenders it sends a chilling message to other women defenders and women's organizations that they too could suffer the same fate.

Whereas sexual and gender-based violence (SGBV) against women is perpetrated for reasons as diverse as humiliating the enemy, acquiring territory, enforcing slavery<sup>42</sup> and destabilizing whole communities, SGBV directed against women defenders and LGBT defenders encompasses a more homogenous, but at the same time more complex, dimension. Such women and LGBT leaders are actively fighting against conflict-related concerns such as the violation of human rights, the restitution of land and the access to truth and justice, and so their work and awareness-raising puts the criminal operations of illegal armed actors at high risk and thus provokes a powerful counter-reaction on their behalf. Women defenders are more visible than non-defenders and

thus easier to target in an organized way, for example by kidnapping, arbitrary detentions and sending out threats to them, their families and the institutions they work for.



Claudia Mejia, of Corporación Sisma Mujer, delivers a workshop to displaced women.

***In 2007, Elizabeth, a leader of a human rights organization in the department of Antioquia left home to visit a victim in the rural area and get her testimony.***

The victim's husband had been killed by paramilitaries, and as a result of a sexual assault she had become pregnant. In the afternoon three hooded men -known as part of the 'new' paramilitary groups- entered the home: the victim was raped so she wouldn't talk and the leader was raped so she would stop seeking the truth. When Elizabeth reported this crime to the Attorney General's Office she was attacked by several men.

***“One has two options in life: be a bad person and take revenge or see the opportunities. I choose to support the victims,”*** states this mother of two daughters. Elizabeth was the 14th victim to report the assaults in the area, and since then she has been forced to flee. She doesn't speak over the phone as she says her line has been wiretapped, and she has suffered two kidnap attempts. ***“The only thing that they want is to disappear me,”*** she says and she adds that every step she takes towards justice brings a new threat.<sup>43</sup>

## 3.0 Vulnerable Groups Of Women Defenders

According to the December 2010 report of the Special Rapporteur on human rights defenders<sup>46</sup>, Colombia is one of the most dangerous countries in the world for women trade unionists, women lawyers struggling against impunity and women who defend the rights of indigenous peoples and the rights to land. The Special Rapporteur also draws particular attention to the situation of risk for women and men defending LGBT rights. According to her report, these groups of particularly vulnerable defenders, and often members of their families, have been the victims of killings, threats, and attacks against their personal integrity, as described above in this report. In the next section, we offer more details on the situation for several of the most vulnerable groups of women defenders in Colombia.

### 3.1 Women Human Rights Defenders, Land and Displacement

Forced displacement, in large part from rural to urban areas, has perhaps been the most dramatic element of the decades-old conflict. Official statistics vary widely, due to discrepancies between different investigative bodies as to the different methods of collecting data, of registering individuals as 'displaced', of recognizing this status, and the differing typologies of 'displacement' employed. The causes of displacement are manifold: the intimidating presence of State or illegal armed groups in an area; fear of forced recruitment; crossfire between different armed groups; extra-judicial executions; massacres; forced disappearances; torture; the illicit cultivation of coca and subsequent fumigation carried out by the State, which damages traditional crops and affects food security; and large-scale development projects.

According to a study by the Monitoring Commission on Public Policy for Forced Displacement, published in April 2009, women make up 52.4 per cent of the displaced population in the country. This means that they are proportionately over-represented, since the total population of women in the country is 51.2 per cent.<sup>46</sup> Collating this information with official figures, we find that women, children and young people make up between 63 and 67 per cent of the displaced population. Displaced women have left their homes, lands, work, activities and properties to save their own lives and that of their families, in many cases taking on a role as head of household and taking care of other families who have become orphaned or have no means of protection.

The Inter-American Commission on Human Rights (IACHR) has highlighted not just the large number of displaced women, but also the "special impact" of displacement on women, who face a "radical, traumatic and sudden change in their family structure and roles, geography, culture, community and socio-economic standing".<sup>47</sup> This special

impact takes various forms: many women become heads of households after the loss of, or abandonment by, their husbands; when men find it more difficult to find work in a new environment; women may more easily find informal employment, making them the principle earners in their families. Additionally, there is a lot of stigmatization of the displaced population, and women face discrimination for their status as displaced people, often finding bureaucratic barriers to humanitarian aid, or mistreatment by public officials. These problems are often compounded by hostility from some of the local residents and officials who label displaced communities as "guerrilla sympathizers", simply because they have fled from areas with a guerrilla presence.

In this scenario, displaced communities campaign for their rights through civil society organizations and processes of resistance in which women have become the principal sources of emotional and practical support for other displaced people. As such, they have become the protagonists of the projects of reconstructing the social fabric and seeking truth, justice and reconciliation. This can take the form of revealing the plight of the displaced population, campaigning for restitution of their land, campaigning for the fulfillment of Constitutional Court ruling 092, and exercising their fundamental right to return to their land. In this process of organization and claiming their rights, human rights defenders, both male and female, are at risk of reprisals for denouncing the violations committed against them by different armed actors. The worsening of the threats against displaced women has been recognized by the Inter-American Commission on Human Rights (IACHR), who requested that the State grant precautionary measures to more than 18 displaced women in Colombia in 2010 and by the Colombian Constitutional Court in its ruling 092.<sup>48</sup>

***On 8 June 2011, the Afro-Colombian displaced leader Ana Fabricia Cordoba was shot dead in Medellin.***

Ana Fabricia founded Latepaz, a pressure group campaigning for the restitution of land forcibly taken from its rightful owners by various armed groups since 1985. She was also a member of Women's Peaceful Path (Ruta Pacifica de las Mujeres), a women's organization that promotes victims' and land rights and calls for a negotiated settlement to the conflict.

Ana Fabricia arrived in Medellin in 2001 when she was forced to flee after paramilitary groups killed a close family member in Urabá (Antioquia Department). Her son was also killed by paramilitaries in 2010. Ms. Cordoba was targeted because she reported death threats that she received to the police, national government and other entities of the State. Her death highlights the risks faced by women, and particularly those campaigning for land restitution and truth and justice in the armed conflict.<sup>49</sup>

It is important to note that human rights organizations accompanying the displaced population have also been threatened.

It is clear that women are particularly vulnerable in the framework of forced displacement, both before, during, and after the displacement itself, and yet they consistently show remarkable bravery in continuing to advocate for their rights.

Women defenders working on the issue of land and displacement face continued harassment. With tactics used to engender fear and to dissuade them from continuing in this

work. They have reported being kept under surveillance; the presence of strangers near their homes; being followed in the street; being approached by strangers who ask questions related to their activities or personal life, subjected to insults from strangers, being photographed in the street; or the intimidation of having their children photographed. They frequently receive phone calls in which the caller does not speak or hangs up when they answer. The sustained 'low level' of threats that these tactics represent have an intense and continuing psychological impact on defenders. They are also frequently not investigated, and when they are, they are then not brought to trial because this type of harassment is not taken seriously and is not classified in the penal code. The levels of impunity in these kinds of harassment cases allow the threats to escalate into more serious incidents.

Another worrying trend is that of attacks against, and stigmatization and criminalization of defenders who have reported, in international fora, on violations of human rights, particularly land rights, by corporations; who are members of and who support local communities in their struggle to decide their own form of development in the face of growing pressure from the extractives and agro-business sectors for the use of land.

## Corporación Sisma Mujer and the Observatory of Human Rights of Women in Colombia

On 27 January 2010, representatives of the women's networks the Observatory of Human Rights of Women in Colombia (Observatorio de los derechos humanos de las mujeres en Colombia) and the National Committee for the Strengthening of Organizations for the Forcibly Displaced (Mesa Nacional de Fortalecimiento a Organizaciones de Población Desplazada) received a communication by email containing serious death threats from the paramilitary group Black Eagles (Séptimo Boletín Águilas Negras). Throughout 2010 a total of five such threatening communications were sent to these women's networks.

The communication warned that various human rights and social organizations, including Corporación Sisma Mujer were the subject of an "annihilation" plan. This incident reflects a growing trend in Colombia of killings, stigmatization, intimidation and attacks against female representatives of IDP organizations, which has developed in parallel to their increased participation in and negotiation with the government demanding the recognition of their rights. In addition to these threats, several women leaders belonging to the National Committee for the Strengthening of Organizations for the Forcibly Displaced have received direct threats, and two of them have also been victim to sexual violence.

The Observatory of Human Rights of Women in Colombia, "Women also have Rights in Conflict Situations", reported that between June 2009 and October 2010 many organisations that currently participate in activities organized by the Observatory also received threats and abuse.

A total of 33 per cent of all the organizations that make up the Observatory have been affected; 17 per cent of the 75 organizations which have taken part in activities organised by the Observatory and 27.7 per cent of the 60 displaced women leaders who participate have also been threatened.

## The Case of Berenice Celeyta

Berenice Celeyta, Director of the human rights organization Social Research and Action Association (Asociación de Investigación y la Acción Social, NOMADESC) was in London at the end of November 2010. During this visit she met with the British government and spoke at public events reporting on human rights violations of indigenous and Afro-Colombian communities.<sup>50</sup> She described a pattern of inequitable and unsustainable exploitation of Colombia's rich natural resources by national and international companies, which has been accompanied by crimes against humanity.

Shortly after her return to Colombia Berenice Celeyta received several death threats linked to her work supporting communities suffering the effects of this struggle over land rights. On 6 January 2011, NOMADESC received a phone call on the office line from a man who said "... sons of bitches, we know where you are, we're coming for you". The threatening phone call to NOMADESC followed two similar death threats received by text message in December 2010. The one on 11 December 2010, was signed by the paramilitary group the Black Eagles and read *"You are the ones that will not allow development in this country, supporting the families of guerrillas and depressing them with these stupid ideas of freedom; therefore you are on our death list."*<sup>51</sup>



## 3.2 Women Trade Unionists and Labor Activists

According to the Inter-American Commission on Human Rights, *“Trade union organizations have played a fundamental role in the defense of the human rights of thousands of workers throughout the hemisphere who have faced precarious labor conditions in their workplaces. In addition, these institutions have been key in the political and social organizing of thousands of persons, as they constitute key examples of organized political expression for presenting the labor and social demands of many sectors of society. In retaliation for this social and political initiative, many trade union leaders have been victims of all types of acts aimed at thwarting their work, including serious human rights violations”*.<sup>52</sup>

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.<sup>53</sup> Impunity in these cases stands at almost 95 per cent.<sup>54</sup> Moreover, in recent years there has been an increase in other kinds of human rights violations against labor organizations such as arbitrary detentions, disappearances, torture, attacks, forced displacement and threats.<sup>55</sup> The connection between economic interests in the country and paramilitary groups has often resulted in trade unionists and their families becoming targets of these groups, as a result of defending workers' rights or exposing corruption.<sup>56</sup> In her February 2011 report on the situation of human rights in Colombia, the UN High Commissioner for Human Rights noted that the killing of trade unionists continues to be of concern, with 26 persons killed in 2010, compared to 25 in 2009.<sup>57</sup>

Women trade unionists and labor rights activists are similarly vulnerable.<sup>58</sup> Attacks against them have included violations against their personal dignity as women, including threats against pregnant women. UN Special Rapporteur on human rights defenders reported that between 2004 and 2009 the largest proportion (almost a third) of her communications relating to violations against women trade unionists were sent to Colombia.<sup>59</sup> The Colombian National Trade Union School and the Colombian Commission of Jurists have reported that in 2009, 5 women trade unionists were killed, 51 forcibly displaced, 7 violently attacked, 4 arbitrarily detained, 1 forcibly disappeared and 1 tortured.<sup>60</sup>

Margarita López and Nelly Arias, both leaders of the municipal water company trade union Sintraacualle, were threatened following complaints about alleged corruption leading to the arrest of several former company managers. An email aimed to provoke terror in its recipients announced that “death would follow” and accused them of being informers or “grasses”.

In its May 2010 report on Colombia, the Committee on Economic, Social and Cultural Rights reported that:

*The Committee is alarmed at the murders of trade-unionists... and that they continue to be victims of various forms of threats and violence. ... despite the implementation of a National Program of Protection that covers trade-unionists and the creation of a sub-unit within the Human*

*Rights Unit in the Attorney General's Office to deal with murders against trade-unionists, only a small number of acts of violence against trade-unionists were investigated.*<sup>61</sup>

## 3.3 Defending the Rights of the Lesbian, Gay, Bisexual and Transgender (LGBT) Community

Colombia Diversa<sup>62</sup> reported in May 2010 that, even with various international standards, the Colombian Constitution and national laws against discrimination based on sexual orientation and gender identity, the rights of LGBT people continue to be violated - *“not only [are they] disrespected, but they are not even guaranteed... [they]... have experienced violations of their right to life, personal integrity, freedom and personal security, freedom of expression, amongst others”*.<sup>63</sup> Colombia Diversa recorded 39 murders of LGBT people in the first 9 months of 2010 as well as documenting cases of arbitrary arrests; physical violence; cruel, inhuman and degrading treatment; sexual abuse; and forced labor as punishment.

Social leaders, activists and organizations have been struggling for decades for the recognition of the human rights of the LGBT community in Colombia. In this struggle they have been made the target of attacks and threats of sexual abuse and exploitation, selective assassinations, torture, public stigmatization and the unexplained burglary of their premises. Whereas women leaders are targeted both for their gender and the work they are pursuing, LGBT defenders face added discrimination on the basis of their sexual orientation. This is accompanied by high levels of social stigmatization which makes them particularly vulnerable to attacks. The situation is made more difficult by the high level of criminal impunity and lack of accountability for the perpetrators of the violence.

Human rights organizations and LGBT groups allege that on many occasions, local police and members of the armed forces are responsible for threats, attacks and stigmatization of members of the LGBT community and their defenders. This increases this group's vulnerability as they report feeling that they cannot turn to the police for protection.<sup>64</sup>

In this context, a number of organizations are working at regional and national level to transform the social and cultural image of the LGBT community in the country. However, these organizations and individual defenders representing the LGBT community have themselves become victims of assassinations, violence, threats and stigmatization.

In May 2009, as a result of strong lobbying by the Santamaría Foundation and the Colombian organization Colombia Diversa, which works at national level to promote the organization and the political empowerment of the LGBT community, the National Police issued Directive 058. The Directive calls for preventative action and immediate investigations into alleged cases of violence against the



LGBT community. Following the introduction of the directive, LGBT organizations and activists held meetings with the police in eight Colombian cities (Cali, Bogotá, Pereira, Pasto, Medellín, Barranquilla, Barrancabermeja and Bucaramanga) to address the situation of LGBT people and LGBT defenders in these locations. Despite this positive initiative, the Santamaría Foundation continues to report cases of police in Cali openly ignoring the directive.<sup>68</sup> One year on, the organizations noted that there had been no substantial changes in police behavior, no serious attempts to proceed with investigations of violence against the LGBT community by the Cali police, and no progress in the cases reported to the Public Prosecutor's Office.<sup>69</sup> The problem of collating and collaborating information is made worse by the lack of information systems within both the police force and Public Prosecutor's Office to record complaints of police abuse against members of the LGBT community.<sup>70</sup>

## Case of Santamaría Fundación de Cali<sup>65</sup>

Due to their work to defend local members of the LGBT community in Cali, the members of the Santamaría Foundation have themselves become victims of abuse, including from the local police. Members of the organization report having received death threats from the police when they tried to denounce police violence against members of the LGBT community they represent. On one occasion a member of the organization was lodging a formal complaint with the police about this violence when several police officers approached the defender and said, *"Get out of here faggot sons of ....., let's see who is left standing, the police or the faggots who defend the faggot assassins"*<sup>66</sup> ... we're going to exterminate you no matter what."<sup>67</sup>

As a result of the extreme violence against members of the Santamaría Foundation, the Colombian Senate's Human Rights Commission denounced these attacks and called on the state to design and implement protection mechanisms for this organization and its members. However, to this day the members of Santamaría Foundation have not received any special state protection. Cali is the most dangerous place in Colombia for the LGBT community. The Santamaría Foundation registered 46 violent deaths (May 2005-November 2010) and 19 attempted murders of members of the LGBT community in Cali. LGBT rights activists are routinely victims of threats and intimidations.

Following a series of interviews with 94 members of the LGBT community in Cali between July 2006 and July 2009, the Santamaría Foundation reported that the police were the main perpetrators of abuse against them. Members of the LGBT community reported being held in police cells for days at a time and suffering from abuse while held, including being hung from cell bars, beaten with wooden plates, and forced to perform sexual acts on police officers.

## Assassinations of LGBT Leaders and Defenders

Sadly, most of the perpetrators of grave abuses against LGBT defenders continue to enjoy complete impunity, and due to the stigmatization of the LGBT community in Colombia, many of these crimes are classified as 'crimes of passion' rather than considering the victims' work and sexual orientation as a potential motivation for their killers. This is worsened due to stigmatization, and in some case outright abuse, by some state authorities. Examples of recent assassinations of LGBT leaders include:

- LGBT defender Fredys Pineda was killed in Apartadó in February 2008. Fredys had worked with great dedication in association with the Colombian NGO Colombia Diversa to document the violence against the LGBT community. Despite his work as a human rights defender and his sexual orientation, from the start of the investigation into his killing the police dismissed the claims that his death was linked to his work as a member and defender of the LGBT community.<sup>71</sup>
- Álvaro Miguel Rivera, a LGBT human rights defender, was assassinated in Cali in March 2009.<sup>72</sup> Previously, in 2001 he had been threatened due to his work and forcefully displaced. Álvaro was an active member of several different LGBT human rights organizations in Cali and he also worked closely with people suffering from HIV-AIDS.
- On October 25 2009, transgender human rights defender Wanda Fox was assassinated. Wanda worked on the project Transgender Zone (Zona Trans), working with this community to protect and promote their rights. She was assassinated in Santa Fe de Bogotá while speaking with five of the women she worked with. Days before her death Wanda had participated in a meeting with local authorities in which senior representatives of the government and the police participated. During this meeting she openly denounced police violence against the community she represented.<sup>73</sup>

## 3.4 Indigenous Women

Colombia's Constitution of 1991 establishes indigenous peoples' individual human rights as well as a number of fundamental collective rights, such as the right to the protection of their collective land, political and administrative autonomy within this land, and the protection of their cultures and livelihoods. They also include the right of indigenous communities to prior consultation in legislative acts concerning them and in plans to implement large scale development projects on their land. These collective rights are also established in the International Labor Organization (ILO) Convention 169 of which Colombia is a signatory, and the United Nations Declaration on the Rights of Indigenous Peoples.<sup>74</sup> Nevertheless, in practice in Colombia, indigenous peoples' human and collective rights are being violated on a daily basis.<sup>75</sup>

The UN Committee on the Elimination of Racial Discrimination, in its 2009 report on Colombia, highlights its concerns regarding the "continuation of acts of serious violations of human rights against Afro-Colombians and indigenous peoples, including

killings, extrajudicial executions, forced recruitment and enforced disappearances in the context of the armed conflict. The Committee notes that while illegal armed groups bear significant responsibility for violations, reports continue to indicate the direct involvement or collusion of State agents in such acts and that members of the armed forces have publicly stigmatized Afro-Colombian and indigenous communities.”<sup>76</sup>



Indigenous leader Aida Quilcué whose husband, José Edwin Legarda, was killed by the Colombian Army on 16 December 2008

Indigenous women suffer from triple-fold, generalized discrimination in Colombian society. Firstly, because they are indigenous: secondly, because they are women: and thirdly, because they are economically among the poorest in the country. Yet, indigenous women play a fundamental role in their communities' daily struggles to continue living on their lands, resisting forced displacement in the midst of armed conflict, insisting that their children are not forcibly recruited into the ranks of armed groups and demanding that their autonomy is respected as indigenous civilians. Through their daily struggle, indigenous women are an example of peaceful resistance in the midst of Colombia's difficult reality.

This resistance is intrinsically linked to the land and to their communities' right to live there and practice their culture and spiritual beliefs. Indigenous women are often found on the front line opposing the implementation of large-scale development projects on their land; the lack of free, prior and informed consent; and as members of the indigenous guard, proposing dialogue as an alternative to armed conflict. The daily courage and tenacity of indigenous women in the defense of fundamental human rights is a struggle which rarely reaches the mainstream media.

As with women supporting displaced communities' right to their land, and women LGBT activists, indigenous women are often targeted by armed groups. It is extremely difficult for indigenous women to report human rights violations carried out against them, because of the distances that would be required to travel to the nearest town, cultural barriers to medical examinations, language barriers (some indigenous women do not speak Spanish), and because of fear of retribution. Indigenous organizations report that when women do report violations against them, they are frequently turned away or not taken seriously, and so these crimes are not investigated. In his 2010 report on his visit to Colombia, James Anaya, UN Special Rapporteur on the rights of

indigenous peoples, expressed particular concern regarding the increase in sexual violence against indigenous women reported by the Constitutional Court in its Ruling 092.<sup>77</sup>

Indigenous women working to defend economic, social and cultural rights risk making powerful enemies when they call for greater accountability of those whose actions fuel poverty and inequality.

## ***Case of Fuerza de Mujeres Wayuu (Force of Wayuu Women)***

The Fuerza de Mujeres Wayuu (Force of Wayuu Women) who work in the Guajira region in the North of Colombia, have for several years denounced murders, threats and attacks from illegal armed actors as well as the effects of large-scale development projects such as the Cerrejón project, the largest open faced coal mine in the world.

Their efforts to defend their territory, coupled with their international condemnation of the operations of transnational companies on their land, have resulted in them being threatened by paramilitaries and the criminalization of their activities. On one occasion, in July 2009, during a demonstration to protest against the Cerrejón company, troops belonging to the 10<sup>th</sup> Brigade of the Colombian Army, including more than 60 armed men and 6 tanks, occupied the building which houses the Fuerza de Mujeres Wayuu organization in contravention of International Humanitarian Law (IHL).<sup>78</sup>

The Human Rights Ombudsman's Office System of Early Warning Alerts issued two Risk Reports in 2009<sup>79</sup>, about the high level of threats and attacks on the local population, including on indigenous women defenders from the Force of Wayuu Women organization. Despite these reports, serious threats were leveled against the organization in 2010, leading to the forced exile of 2 of its leaders, Deris Paz Daza and Liney Cecilia Ospina, in January and May 2010; Deris and Liney continue to be displaced outside of the region.

Furthermore, in 2009, Wayuu human rights defender Karmen Ramirez Boscán had to temporarily leave the country following death threats she received from paramilitaries, which had been reported to the Human Rights Ombudsman's Office.<sup>80</sup> The forced displacement of these indigenous women defenders has in turn caused terror in local Wayuu communities and within the organization. In the case of Karmen Ramírez Boscán, the threats were made against her despite precautionary measures granted in her favor by the Inter-American Commission on Human Rights in 2005. After repeated denouncements of the threats and displacements, the Ministry of Justice and the Interior has now approached the women in order to evaluate their risk. Nevertheless, the attacks continue. On 26 February 2011, a Wayúu child of 1 year and



eight months old was killed when the Anti-Narcotics Police bombarded traditional Wayúu horse racing tracks (suwattapile amaa). The police have denied that the child died as a result of the bombardment.<sup>81</sup>



Wayuu human rights defender Karmen Ramirez Boscán

According to the National Indigenous Organization of Colombia, violence against indigenous women has increased in Colombia.<sup>82</sup> On August 13 2010, Carmen Elisa Mora Uncacia, a woman leader from the U'wa People, was killed by unknown assailants. She was working as coordinator of the Office of Indigenous Affairs in the Mayor's Office in Saravena, department of Arauca. Carmen Elisa was the mother of two children and was pregnant at the time of her death.

Of murders against indigenous leaders, the Inter-American Commission on Human Rights say that *"[they] affect not only the direct victims of violence and their families, but also indigenous societies as a whole, given the critical duties of leaders and authorities and their central role in defending, preserving, and passing down their ancestral cultures. Since attacks on indigenous leaders and authorities constitute assaults on the entire sociocultural structure, they are grave crimes that violate the integrity and collective rights of indigenous peoples as groups that have special protections under international human rights law and, in the context of internal armed conflicts such as the one in Colombia, under international humanitarian law as well."*<sup>83</sup>

### 3.5 Afro-Colombian Women Defenders

Afro-Colombian women human rights defenders, like Indigenous women defenders, suffer triple discrimination: due to their race, their gender and their work. Women play a key role in the Afro-Colombian rights movement around the country, fighting not only for the fundamental right to life but for a broad array of rights, such as ethnic-territorial rights, socio-economic and cultural rights in a country with high-levels of racism against the black population. Afro-Colombians suffer disproportionately from displacement and according to NGOs, around 12 per cent of Afro-Colombians are living in a situation of displacement - representing almost a third of Colombia's total displaced population.<sup>84</sup>

Colombia's Constitutional Court identified 13 risk factors making women affected by violence and displacement more vulnerable than men, including the risk of sexual violence, exploitation for their labor, and persecution for their membership in women's organizations. As the UN Independent Expert on Minority Issues said, *"Afro-Colombian, female, displaced and poor is a potentially fatal combination for discrimination, trauma and vulnerability"*.<sup>85</sup> An NGO survey of displaced women found that the majority of displaced Afro-Colombians are women, many of whom are heads of households with children. During their displacement, the women surveyed frequently reported physical aggression and sexual violence. Few victims register complaints due to fear or ignorance of channels of complaint. Afro-Colombian women who serve in leadership roles in their communities reported lack of recognition and disrespect for their roles from Government officials called upon to protect them and asserted that threats against them are not given the same credence as those made against male leaders.

While there is a lot of work being done to look at the specific vulnerabilities and abuses against women in the context of the Colombian conflict, little has been done to see the specific and differential impact for Afro-Colombian and indigenous women and even less for those who are working as the leaders and defenders of their communities and organizations. During 2010, the Association of Displaced Afro-Colombians (AFRODES) documented 10 cases of assassinations of Afro-Colombian leaders, and many more threats and intimidations against them. Organizations working on this issue report that either there has been no investigation into these cases or where an investigation has been opened it has produced no results.



Community leader Mélida Esther Guevara, from the Afro-Colombian community of Cocomopoca in the Department of Chocó (shown with Mgr Héctor Fabio Henao Gaviria, Director of the Social Department of the Colombian Bishops' Conference / Caritas Colombia), speaking to a group of British members of parliament in 2011.

## **Martha Cecilia Obando (Doña Chila)**

On 29 June 2008, community leader Martha Obado (known locally as Doña Chila) was shot dead in the San Francisco neighborhood in Buenaventura (Department of Valle de Cauca), where she lived after being displaced by violence in her native Charco in the neighboring Department of Nariño. Doña Chila was the President of the Association of Displaced Women of the San Francisco Neighborhood (Asociación de Mujeres Desplazadas del Barrio de San Francisco - ASODESFRAN) a small organization she had created to support women who had fled the conflict. She was shot one hour after she had finished presiding over an awards ceremony for a children's tournament of traditional games. Organized by 18 women leaders from San Francisco, the two month-long tournament was intended to persuade local children to take up traditional games, rather than engaging in violence via computer games or by joining gangs or illegal armed groups. Her involvement in organizing a tournament aimed at deterring young people from engaging in violence, suggests that Doña Chila's killing may have been linked to her various human rights projects.<sup>86</sup>



Jorge Maza/Surimages - IPA

Ramirez Mosquera, Vice-President of AFRODES (Asociación de Afrocolombianos Desplazados - Association of Displaced Afro-Colombians)

Luz Nery Ramirez Mosquera, Vice-President of AFRODES Cartagena has been displaced three times, her husband was assassinated, there have been several attempts on her life and she has received numerous death threats. After being displaced to the city of Cartagena, Luz Nery was appalled by the situation in which the internally displaced population in the city was living and the grave and ongoing violations of their rights, especially the Afro-Colombian population and women and children. As a result she began to organize the displaced population to collectively demand the respect of their rights. She later joined AFRODES and was subsequently named Vice President and in charge of programs for women and children. Due to the strong interests in Cartagena – namely the expansion of tourism, megaprojects and land grabbing and the presence of paramilitary groups – Luz Nery has been constantly attacked because of her work. After her husband was killed in front of her and her child and several attempts were made on her life she had to flee to Bogotá. However, the persecution did not stop there; these groups came looking for her in her home and she was forced to flee once again.

### **3.6 Women Defending Victims' Right to Truth, Justice and Reparation**

In Colombia, it is often women who lead the demands for truth, justice, and reparation for the victims of the conflict. In large part this is explained by the fact that the majority of homicides and forced disappearances are carried out against men. The women left behind - mothers, daughters, wives, friends - find their lives suspended, left with the following questions to torment them: where have they taken him? Is he still alive? Why was he targeted, and by whom? If he is dead, where is his body? In order for these thousands of relatives of the dead and disappeared to be able to overcome their loss and carry on with their lives, they have to be able to know and make sense of what has happened, and see the perpetrators brought to justice.



## Mothers of Soacha<sup>87</sup>

In 2008, Colombian security forces extra-judicially executed 19 young men from Soacha, a poor neighborhood near the capital, Bogotá. The killings, which were falsely presented by the military as “*guerrillas killed in combat*”, were carried out in collusion with paramilitary groups. The young men were lured to rural areas with promises of paid employment and subsequently killed.<sup>88</sup>

Following their deaths, many of the young men's mothers who have been campaigning for justice are being threatened and harassed. The release of the soldiers implicated in the Soacha killings on technical grounds, has increased the fears the Mothers of Soacha have for their safety. This apparent lack of action to sanction the soldiers and the increased threats around the time of their release could support moves to silence the Mothers' campaign.

Porras Bernal, a 26-year-old builder was forcibly disappeared on 8 January 2008. Eight months later his mother received a phone call which informed her that the body of her son had been found in a mass grave. Army sources reported he had been killed in combat, and was a member of an illegal armed group. He was presented to the media with a pistol in his right hand; he was left-handed. Subsequent investigations by the Attorney General's office determined that Fair Leonardo had been extra-judicially executed by the army. Following charges brought against several soldiers, the mothers from Soacha and their relatives received several death threats. On 10 October 2009, John Smith, the other son of Luz Marina received a text message telling him to keep quiet about the extra-judicial executions. Later he received a written death threat: “*We are not playing; this is a warning, don't forget.*” Later that day two men were heard saying, “*It's going to be necessary to shoot all those sons-of-bitches.*”

Mothers have played a key role in the struggle to uncover the truth about the killings of their children and relatives by illegal armed groups too.

## Blanca Nieves Meneses - Her Personal Search for Justice<sup>89</sup>

On January 1, 2001, armed paramilitaries captured four of Blanca Nieves Meneses' daughters, Yenny Patricia Galárraga, Mónica Lilian Galárraga, Nelsy Milena Galárraga and María Nelly Ramírez Meneses. They were never seen alive again. After their disappearance, Blanca Nieves and her remaining daughter Nancy engaged in a 10 year struggle to achieve justice.

The two women sought help from local government authorities, yet the mayor told them he was afraid to help. “*No one helped us, people were afraid, at that time they killed you for nothing,*” said Nancy. Finally, the two women went directly to the paramilitary leaders, who told Blanca Nieves Meneses to “*disappear yourself if you don't want us to kill you too.*” In October 2001, she left the Department of Putumayo with her grandchildren for the neighbouring Department of Nariño, where she lived for five years. Back in La Dorada, Nancy continued searching for her sisters. In 2006, paramilitaries took over her mother's house, where Nancy lived.

Finally, Ms. Meneses returned to La Dorada, where she herself located the graves of her daughters, and reported them to the Attorney General's office. Their struggle became a catalyst for many other mothers in the region and many other families came to Blanca Nieves and Nancy to ask her to help them find their

relatives' graves. The threats and attacks against the community continued relentlessly, although paramilitary groups in the area were supposedly demobilized. Finally, Ms. Meneses and her daughter Nancy were both forced to leave the area again. In November 2007, their relative, Ligia Meneses, was killed.

Ten years later, in 2010, the remains of her daughters were finally returned to Blanca Nieves and her daughter Nancy. The four women, the youngest of whom was only 13 years old when she disappeared, had been raped and murdered, and their bodies dumped in shallow graves. This brutal killing and many others occurred during a Colombian army offensive into Putumayo in the early years of Plan Colombia, an offensive which developed side by side with an increased paramilitary presence in the region.

“*I am just a campesina from Putumayo who sows rice and corn,*” Ms. Meneses explained, “*but I tell all other mothers of the disappeared to keep searching. Justice should not be delayed. Justice should arrive on time.*”

Blanca Nieves continues to be displaced from her home, and has not received reparation from the government for the disappearance and murder of her daughters. Neither the former paramilitary officer who confessed to taking part in the disappearance and subsequent abuse and killing of Blanca Nieves' daughters, nor those who worked with him have been charged for this crimes.



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Judith Maldonado of the Luis Carlos Perez Lawyers' Collective (CCALCP)

There are many victims' organizations in Colombia led by women, campaigning for their right to truth, and contributing to the fight for peace and social justice. These women have found their lives inexorably affected by their victimization, and have in many cases had to face radical changes to their place in society as women, in order to form part of this social movement.

Many women who have been widowed by the death or disappearance of their partners due to political violence find themselves as the sole providers for their families. Many of these women in turn begin to work as social leaders and human rights defenders. They are, however, particularly vulnerable to threats and intimidation because of their fear of leaving their children with no one to provide for them. Under this kind of pressure, many women defenders are forced to leave their work, however these figures are not recorded. Attacking and silencing these community

leaders and defenders has a profound impact on the continuation of the conflict because achieving truth, justice and reparation is essential to guarantee the non-repetition of abuses and interrupt the cycle of conflict and impunity.<sup>95</sup>

The Special Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights, Susana Villarán, observed that the armed actors in Colombia perceive the female-led NGOs as obstacles to their campaigns for social and territorial control, and therefore subject the organizations to harassment and threats which seriously affect their work.<sup>96</sup> Paramilitary and other armed actors in Colombia continue to kill, threaten and stigmatize defenders, as shown by the example of threats to Corporación Sisma Mujer and the Observatory of Human Rights of Women in Colombia by the paramilitary group Black Eagles.

# Judith Maldonado

## *Lawyer at the Luis Carlos Perez Lawyers' Collective (CCALCP)*

Judith Maldonado is a senior member of the Luis Carlos Perez Lawyers' Collective (CCALCP), a collective of predominantly women lawyers in North Eastern Colombia that provides legal support to marginalized campesino and indigenous communities who seek to defend their human rights, including economic, cultural and social rights. In Catatumbo, one of CCALCP's principal areas of work, it is estimated that in the last ten years, at least 5,000 people have died, and 40,000 forcibly disappeared, due to the armed conflict.<sup>90</sup> As a result of the organization's work, Judith and her colleagues have been subject to constant threats, harassment, and surveillance from state and non-state actors.

On 31 March 2009, all Judith's belongings were stolen from her hotel room in Arauca, including her computer. According to CCALCP, this represented "the loss of all the information of nearly eight years of the organization's work related to the struggle against impunity, the defense of land, and the strengthening of social organizations; information that implicates paramilitaries, the armed forces, and the corporations that wish to speed up carbon extraction in the Catatumbo by way of open-face-mining".<sup>91</sup> CCALCP has also been subject to illegal communication interceptions by the Administrative Department of Security (DAS).<sup>92</sup>

Judith has also received multiple threats. For example, on 12 March 2010, she received a voicemail message from the 'Black Eagles' paramilitary group saying they were going to plant a bomb in the Motilón Bari indigenous community, and that CCALCP would "pay severely" for ruining the plans of the 'Black Eagles'.<sup>93</sup> On 4th August 2010, Judith was attacked outside the CCALCP office in Bucaramanga by two men on a motorcycle.<sup>95</sup> They stole some of her personal possessions and work materials, while insulting her and threatening to kill her.

Judith bravely continues to work in the face of this terrifying situation, and was named 'Defender of the Month' in September 2010 by the British Embassy in Bogotá, in recognition of the work she does at CCALCP. She also received the 2011 German 'Shalom' prize which commemorates defenders working in the name of peace and justice.

Anyone involved in organizing victims and denouncing crimes can be subjected to threats and harassment, because their activities disrupt the climate of fear, silence and repression instilled by illegal actors in certain territories. However, within the context of conflict, women are often more vulnerable to violence, marginalization and discrimination, especially in a society such as Colombia in which women's rights are not always respected.

Women are not only victims and survivors of the conflict, but also active participants in peace building. Therefore, peace in Colombia will not be possible without involving women in the process and without the fulfillment of the right to truth, justice and reparation for crimes committed against them. Peace advocates are human rights defenders.





## 4.0 Political Protection of Women Defenders in Colombia

Protection of human rights defenders generally focuses on their physical security. Whilst this is an essential element, human security is actually a far more complex concept which does not merely include physical aspects, but also comprises the psychological integrity of individuals along with the “liberty to take action on one’s own behalf and inherit a healthy environment”.<sup>97</sup>

The lack of a more comprehensive approach to security is mainly caused by a highly politicized security agenda, in which ‘low-policy’ issues such as psychological and sexual violence do not receive the attention that they warrant, as they seem of lesser political relevance to government officials.

A fundamental aspect of protection is strongly related to political will on the part of governments, to value and uphold human rights and their defence, and the role of women in this struggle. As highlighted by the Special Rapporteur on human rights defenders, in her December 2010 report to the Human Rights Council. According to the Special Rapporteur, the risks faced by women defenders

*“cannot be conceived as of separate from the political, social, economic, environmental, and other systemic factors which produce and reproduce conflict, displacement, inequality, violence, patriarchal attitudes and practices which are at the root of these challenges. The security of such defenders is inherently linked to the security of their communities and can only be fully achieved in the context of a holistic approach which includes the deepening of democracy, the fight against impunity, the reduction of economic inequalities, and striving for social and environmental justice, among others”.*<sup>98</sup>

### 4.1 Protection at the National Level

#### Human Rights Defenders Protection Program

At the national level, government efforts to offer protection to defenders at risk, and other vulnerable groups, is coordinated under the Protection Program, in the Human Rights Unit of the Ministry of the Interior and Justice, and was created to generate political guarantees for the protection of human rights defenders and civil society leaders at risk. It is clear, however, from the information and cases described in this report, that existing measures are insufficient, and that urgent and effective measures are still required in Colombia to protect the lives and work of women human rights defenders, who continue to face serious risks and attacks because of the important and legitimate work they do.

One of our serious concern for defenders is the fact that security measures allocated under this Program in the past were used to illegally gather intelligence which was in turn used to persecute defenders. Unsurprisingly, in this context of surveillance and intelligence gathering, the human rights defenders whom the Program is intended to protect feel a profound level of mistrust in the Program and in the measures offered by DAS officials providing such protection.<sup>99</sup>

In April 2011, two prominent human rights organizations, the José Alvear Restrepo Lawyers’ Collective (CCAJAR) and Corporación Sembrar, withdrew from



the government's Protection Program arguing that the measures provided to them were inadequate and, rather than protecting them, had been used to spy on them and had in fact placed them at even greater risk.<sup>100</sup>

On 14 April, a few weeks after they returned their protection, two men tried to break into the home of Zoraida Hernández, Corporación Sembrar's President, in Bogotá. Her phone and the intercom to the reception of the building were apparently disabled at the time. Zoraida Hernández, who is also a spokesperson for the National Movement of Victims of State Crimes (Movimiento Nacional de Víctimas del Estado, MOVICE), has recently been speaking publicly about the restitution of lands stolen by paramilitary groups.<sup>101</sup> The attempted break-in demonstrates the on-going vulnerability of human rights defenders, which is increased when they do not have sufficient protection measures in place.

The need for differential protection is one of the key issues for defenders which needs to be developed under the new administration in consultation with defenders. The program has been criticized for failing to take into account the different measures needed to protect defenders dependent on their group (such as community leader), their situation and their gender. The UN Special Rapporteur recognizes the importance of a gender differential in protection programs for women defenders when she states that programs *"... supported for the security and protection of human rights defenders integrate a gender perspective and address the specific risks and security needs of women defenders and those working on women's rights or gender issues."*<sup>102</sup>

There are clearly some important gender issues to take into account when designing protection programs. As women 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. Because of the work they undertake, women defenders face increased vulnerability in their everyday lives. These additional vulnerabilities often relate to class and poverty issues. An example of this can be seen with regards to health care; women defenders with no health care plans are forced to leave their house in the early hours of the morning to queue outside the hospital for medicine for their sick children. This is a time when, for their own safety, they would normally not leave the house as there are few people around and the risk is greatly increased that they could be attacked or killed with no protection or witnesses. Women defenders have also reported that, when evaluating the financial support offered, functionaries of the Protection Program often undervalue the time that women defenders dedicate to their work, and thus the financial support offered to them, including for transport, is often less than that offered to men.

Women defenders and the organizations that support them have also criticized the Risk Evaluations that are carried out to determine the level of risk faced by individual defenders and the corresponding level of protection needed. The fixed and non-negotiable definitions used to classify risk can often lead to requests for protection for defenders facing real dangers being rejected. Gender discrimination and stereotypes amongst the local functionaries responsible for carrying out the risk evaluations can worsen the situation for women defenders as they may be discredited and criticized for being on the streets demanding rights

rather than being at home with their families.<sup>103</sup> Linked to this, organizations have also raised concerns about the excessive delay between a request for protection being made and the defender at risk receiving an effective response from the authorities, and implementation of protective measures if they are approved. The requirement to report all threats to the Prosecutor's Office and provide paperwork to prove the legal status of the organization to which the defender belongs represent further obstacles to defenders access to adequate protection measures.

Despite the key role psychological violence plays in the persecution of women defenders and social leaders, the psychological dimension of security is still missing in Colombia's government-run political protection program. By focusing exclusively on the protection of individuals the program does not adequately address the protection needs of collective organisational processes.

Finally, in cases where both partners in a relationship are defenders it is assumed that because the man benefits from a protection scheme it is therefore not necessary to provide protection to his wife or partner, even though she too undertakes work as a defender and so should also be considered for protection measures of her own.

Many of the provisions available are designed for male defenders working in cities and are not suitable for defenders, particularly women, in rural areas. Community leaders in rural areas have different needs to urban workers. In some rural areas there is no telephone signal and roads are not adequate for armored cars. Indigenous communities, for example, have stressed the importance of gaining support to strengthen their traditional collective self-protection methods which include women and young people, such as the indigenous guard, or the construction of traditional community gathering places, as well as offering protection to individual leaders. Some communities, specifically Afro-Colombians, have aimed to strengthen their community organizations, and opted to designate parts of their territory as protected areas, such as humanitarian zones or zones of biodiversity, and they have then demanded that the state and armed actors respect these boundaries.

Defenders from rural communities have repeatedly stressed that militarizing community areas is in contravention of IHL, as it places the civilian population in the cross-fire between the various armed groups. They have therefore called for demilitarization of community areas to be used as a protection measure. From a gender perspective, a paid health care plan for a family may well reduce the risks more significantly than an armour-plated car. What is certain is that protection must be fully consulted with Colombian human rights defenders, and adapted to these differing circumstances.

Modifications to the protection program under the last administration, through Decree 1740 of 2010<sup>104</sup>, have worsened rather than improved the situation of protection for defenders. This was recognized by the incoming administration, and proposed changes to the Decree are currently being consulted on. This represents an important opportunity to improve the structural failings of the program. However, while the government has signalled that it is in consultation with civil society over the changes, organizations like Sisma Mujer have stated that the feedback they have given to the government

on the proposed Decree have so far gone unanswered.

The modified Decree maintains the distinction between preventative and protective measures (art.17). The possibility of national and international air tickets to defenders' immediate family (if deemed necessary) and the inclusion of over-land transport, which had been omitted from the original Decree will benefit defenders with families. Of concern, however, is the upholding of the reduction in the financial support offered to help people at risk who need to relocate temporarily. This will impact on all defenders but it particularly discriminates against those with families. The Articles of the modified Decree still do not encompass a differential gender focus, nor do they include a differential ethnic focus.

## Local and Grass-Roots Protection Offered by Colombian Organizations

At local and grass-root level, several NGOs take legal action, presenting grave human rights violations which have not been adequately addressed in the ordinary Colombian justice system, to Colombia's Constitutional Court, the Inter-American Court on Human Rights, and the various UN mechanisms. It is this type of advocacy that resulted in a revision of Colombian law to provide more efficient protection mechanisms to defenders. Women defenders themselves have responded to their extremely dangerous security situation by developing advocacy campaigns and networks to protect people from threats and attacks. A good example is The Working Group on Women and Armed Conflict (La Mesa de Trabajo Mujer y Conflicto Armado), a network of NGOs working for women's rights, women's social organizations, human rights organizations, and some individual researchers. By collecting and distributing information on the impact of the armed conflict on women and girls, submitting annual reports to UN officials, holding workshops and training courses, providing direct support to women in conflict and advocating with government and non-government agencies, the working group raises awareness of the specific forms of threats and attacks faced by women defenders and social leaders in Colombia on a daily basis.

### Constitutional Court

The Constitutional Court in Colombia has assumed a key role in demanding that the state respond to its obligations to protect the rights of women victims of sexual violence and forced displacement. To this end it has established important legal precedents, such as the Auto 092 of 2008 and the Auto 036 of 2009, with the objective of obliging the state to respond to the serious problem of impunity linked to sexual violence in the context of the armed conflict as well as to the broader disproportionate impact of forced displacement on women. Nevertheless, the Colombian government has failed to effectively implement the rulings of the Constitutional Court, above all due to a lack of political will.



## 4.2 Protection at the International Level

### United Nations

On an international level, the rights of women defenders are enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the United Nations Declaration on Human Rights Defenders, and the International Covenant on Civil and Political Rights (ICCPR); Colombia is a State party to all three. In addition to expressing that States are primarily responsible for protecting its defenders and social leaders, these international legal standards confirm women defenders' equal right to life as well as their freedom of expression, assembly and association, and thus declare any threats and attacks against them as a violation of their rights, both as women and as human rights activists.

As the United Nations Declaration on Human Rights Defenders confirms, the protection of defenders is the primary responsibility of the State, and as such, it is the obligation of the Colombian government to find solutions to the gender-specific risks women defenders encounter in the Colombian conflict.

It is now 10 years since the UN Special Rapporteur on Violence against Women visited Colombia. An official visit in the near future would offer important support to women human rights defenders, their organisations and the victims they represent.

### The Inter-American System of Human Rights

As a member of the Organisation of American States (OAS), Colombia has ratified the American Convention on the Rights and Duties of Man, and the Convention on the Prevention, Punishment and Eradication of Violence against Women - "Convention Of Belem Do Para".

The Inter-American System of Human Rights monitors OAS member states' compliance with the American Conventions, and as such, has a number of mechanisms which include the protection of women human rights defenders, including the Office of the Rapporteur (formally the Human Rights Defenders Unit)<sup>105</sup> and the Special Rapporteur on Violence against Women, who receive information about cases, carry out country visits and issue urgent actions and reports.<sup>106</sup>

The Inter-American Commission and Court grant precautionary and provisional protection measures, ordering state members to take specific and measurable action to protect individuals or groups who have suffered human rights violations. In 2010 alone, as previously stated, the Inter-American Commission granted precautionary measures to 18 displaced women in Colombia. Whilst these measures help to protect defenders, in many cases the Colombian State has not adequately acted upon them, and as a result many defenders with protection measures have been killed.

## European Union Guidelines

In 2004 the European Union issued the EU Guidelines on Human Rights Defenders, in order to guide EU Missions in third countries to “promote and encourage respect for the right to defend human rights”, and to “provide for interventions by the Union for human rights defenders at risk and suggest practical means to support and assist human rights defenders”. The guidelines also state that “it is important to apply a gender perspective when approaching the issue of human rights defenders”.<sup>107</sup>

Given the extremely serious situation in Colombia for women human rights defenders, the guidelines should be urgently implemented by the EU Delegation in Colombia. To date, the Delegation has not consulted or publicly shared its Country Strategy for Colombia with human rights defenders. It is extremely important that this strategy is constructed together with Colombian human rights defenders and includes a gender perspective.

The EU Guidelines on Violence against Women and Girls and combating all forms of discrimination against them (VAW Guidelines) request States to provide support to “women’s rights defenders and female human rights defenders, in particular those who are threatened or who are the victims of specific and targeted repression or harassment.” There is clearly potential for synergy between the VAW Guidelines and the HRD Guidelines. The VAW Guidelines recommend that the EU strives to set out institutional, as well as other mechanisms to allow the compilation of accurate and reliable data about violence against women. It would be equally important to have bilateral and multilateral cooperation supporting capacity-building programs for documentation of women human rights defenders, in order that they can compile qualitative and quantitative data, identify patterns of violations and have access to national, regional and international legal systems. The VAW Guidelines emphasize the absolute necessity that States guarantee that violence against women be punishable by law and that States guarantee protection of the victims of such violence. Again, it would also be advisable to guarantee this protection to women defenders who frequently

accompany victims and, as a result, also face risks.

Both the HRD Guidelines and the VAW Guidelines recommend holding talks and carrying out periodic consultations with human rights defenders, for example during the preparation, development and monitoring of political dialogue. Women defenders can be marginalized during these processes. Reasons for their marginalization include their gender, but also the fact that their work is based in remote areas away from capital cities and the lack of acknowledgment of sexual, reproductive, economic, social, cultural and environmental rights in comparison with “traditional” civil and political rights. The EU Missions must guarantee that such opportunities for dialogue and consultation with women human rights defenders are given and that women defenders in all parts of the country have the opportunity to participate regularly in those spaces.

Whilst there are Colombian State-supported programs for the protection of defenders, it is essential to address the need to improve the protection of defenders and the differentiation of protection for women defenders as ordered by the Constitutional Court. However, these measures along with international mechanisms related to their protection will always be insufficient unless there is the political will to protect human rights defenders. Expressions of this will must include real efforts to dismantle the military, economic and political structures of the paramilitaries that continue to have links to the security forces; the DAS and the military intelligence that has also been shown to be persecuting human rights defenders. It is essential to address impunity and to bring to justice and punish those responsible for these crimes in order to dissuade others from continuing this practice.

It is essential that there is political will to protect individuals and communities at risk. The state must take urgent and effective steps by developing and implementing public policy, to recognise and support the work of women in society, including women human rights defenders, as essential actors in the struggle for justice in Colombia. At the wider level, it is fundamental that there is political will to tackle the root causes of the violence against defenders and community leaders by dismantling the military, political and economic structures that perpetrate the violence against them. As long as they continue to exist, so will the threat. By making serious efforts to tackle impunity and prosecute those responsible the Colombian government would also send strong signals that violence against defenders will not be tolerated.



# END NOTES

## Executive Summary

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## Main Report

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98 Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya for the Human Rights Council. 20 December 2010, para.103.

99 Hard protection measures were carried out by the DAS (as set out in Decree 2861/2006). This was a cause for considerable concern given the DAS's links to paramilitaries and its illegal intelligence campaign against defenders. See ABColombia, Oidhaco, US Office on Colombia, Climate of Fear; Colombian Human Rights Defenders Under Threat, October 2009.

100 CCAJAR's lawyers are representing victims before national courts in the case against DAS (Colombia's national intelligence agency) agents for illegal surveillance on civilians, including journalists, human rights defenders, and opposition leaders; CCAJAR also represents victims of human rights violations committed by high-ranking military officials. The Lawyers Collective was one of the principal targets of the DAS' illegal surveillance operation and investigations indicate that the DAS, as an institution, considered CCAJAR a threat to national security and the security of the government. Consequently, CCAJAR announced that it would no longer accept any protection measures offered by the DAS or any other entity that carries out intelligence activities. The Lawyers' Collective will also refuse protection measures provided by private security firms. See CCAJAR Press Release, 'JOSE ALVEAR RESTREPO LAWYERS' COLLECTIVE RETURNS PROTECTION SCHEME TO THE DAS', 12 APRIL 2011, <http://www.colectivodeabogados.org/Jose-Alvear-Restrepo-Lawyers>. Corporación Sembrar has worked with local communities opposed to the multinational mining companies in the South of Bolívar Department and also on other high-profile cases such as that concerning the forced displacement of communities from Las Pavas in the municipality of El Peñón, in the South of Bolívar Department, in northern Colombia. The community returned to their land on 4 April

following a dialogue with the government in which Zoraida Hernández participated. See Amnesty International Urgent Action, Human rights defenders at risk, UA: 119/11 Index: AMR 23/012/2011 Issue Date: 21 April 2011.

101 See Amnesty International Urgent Action, Human rights defenders at risk, UA: 119/11 Index: AMR 23/012/2011 Issue Date: 21 April 2011.

102 Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya for the Human Rights Council. 20 December 2010, Conclusions and recommendations, para. 109.

103 See 'Reflexiones sobre la protección de las mujeres defensoras de derechos humanos en Colombia' (Reflections on the protection of women human rights defenders), developed by Adriana Patricia Fuentes López, for Corporación Sisma Mujer, November 2010.

104 The previous government of Alvaro Uribe undertook a review of the Protection Program in May 2010, under Decree 1740.

105 In March 2011, the Inter-American Commission on Human Rights decided to create an Office of the Rapporteur on the Situation of Human Rights Defenders, in view of the petitions it received and in the interest of giving greater visibility to the important role human rights defenders and justice operators have in building a democratic society in which the rule of law is in full effect. This office replaced the Human Rights Defenders Unit (For more information see: <http://www.humanrights-defenders.org/2011/05/iachr-website-of-the-rapporteurship-on-human-rights-defenders-now-online/>)

106 The last specific report of the Inter-American system on the Situation of Human Rights Defenders in the Americas was published in 2006. The Special Rapporteur on Violence against Women also visited Colombia in 2006 and issued a series of recommendations related to violence against women in the armed conflict.

107 <http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>

