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The Invisible Women: Violence against women in  
armed conflict and the inclusion of gender  
mainstreaming in peacebuilding processes  
*The Case of Colombia*

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*A las mujeres colombianas por su lucha  
y sus esfuerzos por una Colombia en paz*

## Abstract

Le donne sono vittime di disuguaglianze per via di discriminazioni dovute ad un solo motivo: il loro genere. Infatti, la disuguaglianza di genere è la regola generale in molte delle società moderne, e si può affermare che nessuna nazione sulla Terra ha ancora raggiunto una piena uguaglianza tra uomini e donne <sup>1</sup>.

La lotta per l'uguaglianza di genere e la protezione dei diritti delle donne durante i conflitti armati è una sfida soprattutto nei paesi in via di sviluppo, che sono teatro di drammatici episodi di violenza.

L'impatto dei conflitti armati sulle relazioni tra uomo e donna è devastante. Lo sfollamento forzato e la violenza di genere sono due esempi di effetti che non sono dei risultati inevitabili del conflitto armato, bensì strategie di guerra pianificate che destabilizzano famiglie e comunità. Bisogna smettere di ignorare la dimensione di genere dei conflitti odierni, in quanto le donne sono i principali protagonisti.

Seguendo il pensiero del professor Amartya Sen, la violenza contro le donne nei conflitti armati rappresenta chiaramente un'altra dimensione della disuguaglianza di genere nei paesi affetti da problemi di violenza su larga scala.<sup>2</sup> Episodi di violenza fisica e sessuale, in particolare contro donne e bambini, accadono molto più regolarmente durante conflitti armati; le donne subiscono stupri e gravidanze forzate, così come lavoro forzato e schiavitù sessuale.

Dopo il conflitto la discriminazione delle donne continua. I paesi, e in particolar modo i legislatori, si dimenticano che tutte le persone, senza

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<sup>1</sup> World Economic Forum , *The Global Gender Gap Report 2013*, 2013, Accessed March 25th 2014 , < [http://www3.weforum.org/docs/WEF\\_GenderGap\\_Report\\_2013.pdf](http://www3.weforum.org/docs/WEF_GenderGap_Report_2013.pdf) > pp. 28

<sup>2</sup> Amartya Sen, " *The Many Faces of Gender Inequality* , 2001, New Republic publishing , pp. 32

alcuna distinzione, che sono coinvolte nella transizione da violenza a pace hanno gli stessi diritti a contribuire nel post-conflitto.

Inoltre, il successo di questo processo dipende da quanto inclusiva è la dinamica di presa delle decisioni. In questo contesto, lo scenario di creazione della pace fornisce l'occasione per ristabilire la giustizia e una società produttiva e pacifica.

Sfortunatamente, la maggior parte dei paesi non approfitta di questa transizione ma decide di imporre soluzioni restrittive centrate sull'esclusione delle donne.

Per più di un secolo la Colombia è stata lo scenario dei più vecchi conflitti armati nell'America Latina. Le "guerrillas", i paramilitari, i cartelli della droga e membri dell'esercito nazionale hanno combattuto utilizzando qualsiasi tipo di armi e strategie estreme; massacri, omicidi mirati, sequestri di persona, torture, reclutamento di bambini, violenza sessuale e attacchi terroristici sono stati commessi da tutte le parti implicate.

Le donne colombiane sono state coinvolte in diversi modi nei conflitti armati. Ciononostante, questa è una storia invisibile che raramente compare in documenti ufficiali. Sotto queste circostanze le donne sono state vittime di una varietà di azioni violente basate esclusivamente sul loro genere.

Questo lavoro si focalizza sulla varietà dei tipi di violenza contro le donne nei conflitti armati in Colombia e sull'importanza dell'inclusione di un approccio di genere (gender mainstreaming) nel processo di negoziazione di pace che sta ora avvenendo a La Havana - Cuba - tra il governo colombiano e le FARC (Fuerzas Armadas Revolucionarias de Colombia).

Questa tesi metterà in luce l'invisibilità dello sproporzionato impatto del conflitto armato sulle donne e la necessità di una specifica politica pubblica che risponda efficacemente all'impatto differenziato del conflitto e all'inclusione dei diritti delle donne nell'accordo finale di pace.

La ricerca mostrerà le donne come soggetti e oggetti del conflitto. Da un lato come membri attivi dei gruppi armati illegali e dirette combattenti; dall'altro lato come vittime di violenze sessuali ed altri abusi denigranti. L'analisi si ispira alle quattro domande fondamentali nella ricerca femminista formulata da Cynthia Enloe, ovvero: "Dove sono le donne?", "Quali donne sono lì?", "Come sono arrivate lì?" e "Cosa pensano riguardo al fatto di essere lì?"<sup>3</sup>

Tutto questo sarà esposto attraverso una descrizione qualitativa basata sulla sistematizzazione delle testimonianze di donne coinvolte nel conflitto, informazioni raccolte da organizzazioni governative e di diritti umani internazionali, media, letteratura nazionale ed internazionale sul tema; l'analisi sarà inoltre integrata dalla mia percezione come giovane donna colombiana che ha potuto osservare la violenta realtà del paese, e dai risultati di una mia ricerca effettuata in Colombia tra novembre 2013 e febbraio 2014 nelle città di Bogotá e Cali, con la quale si è cercato di trovare risposta ad alcuni interrogativi fondamentali come ad esempio: "Perché e come le donne sono partecipanti attive nei conflitti?", "Quali tipi di violenza subiscono durante il conflitto?", "Perché la violenza contro le donne dovrebbe essere una priorità per i governi e la società civile?" e soprattutto "Perché c'è bisogno di riconoscere le donne come soggetti attivi nei conflitti e come protagoniste nel processo di costruzione della pace?"

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<sup>3</sup> Enloe Cynthia , *Bananas, Beaches and Bases : Making Feminist Sense of International Politics* , 2000, University of California Press, pp. 26.

Per approfondire tali questioni il presente lavoro è strutturato come segue: in modo da avere una miglior comprensione degli argomenti esposti in questa tesi, il capitolo (I) raccoglie e spiega tutti i principali concetti tecnici utilizzati negli studi moderni di genere e sviluppo, necessari per analizzare gli episodi di violenza che le donne subiscono nei conflitti armati; un focus particolare sarà riposto sul concetto di uguaglianza di genere.

L'obiettivo del capitolo (II) è quello di sottolineare come i civili, in particolare le donne, non sono più un danno collaterale dei conflitti bensì il punto centrale di essi. Sarà presentata la cruda realtà delle condizioni delle donne attraverso esempi provenienti da tutto il mondo, e con l'utilizzo di grafici e dati di organizzazioni internazionali e ONG si tenterà di spiegare perché i conflitti armati sono considerati un ostacolo complesso allo sviluppo e all'uguaglianza di genere nella maggior parte delle società.

Il capitolo (III) spiega la dinamica dell'attuale conflitto armato in Colombia e i suoi vari attori, e descrive il background storico dei principali gruppi armati (FARC, ELN, AUC). Si segnala inoltre il ruolo dello Stato colombiano come attore attivo nel conflitto. Il capitolo pone l'attenzione sull'evoluzione del conflitto durante i 60 anni della sua esistenza e sulla sua trasformazione da una guerra di ribelli ad un fenomeno noto come narcoterrorismo<sup>4</sup>, con lo scopo di contestualizzare i diversi scenari di violenza presenti in Colombia.

Il capitolo (IV) analizza le ragioni per cui le donne entrano volontariamente a far parte delle FARC (Circa il 30%<sup>5</sup> dei combattenti nelle FARC sono donne), il fenomeno del reclutamento illegale e le

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<sup>4</sup> Vargas Ricardo, " *Colombia: usos y abusos de la guerra a las drogas. Los actores armados en Colombia y el problema de las drogas*", Magazine Ciencias Sociales América Latina Hoy, No. 23, 1999, Instituto de Estudios de Iberoamérica y Portugal, Universidad de Salamanca, pp. 76- 89.

<sup>5</sup> Meertens Donny , *Ensayos sobre tierra, violencia y Género*, Universidad Nacional, 2000, pp. 37.

tipologie di violenza che le donne subiscono in quanto membri di questo gruppo armato. Una particolare enfasi sarà posta sul reclutamento illegale delle donne sottolineando le incompatibilità tra lo Statuto delle FARC<sup>6</sup> e l'attuale situazione delle donne all'interno di questo gruppo. Il capitolo dimostra inoltre che le ragazze e le donne nelle FARC sono soggette a violenze, molestie sessuali, prostituzione forzata e aborto forzato. La maggior parte delle informazioni utilizzate sono state raccolte attraverso una serie di interviste a precedenti e attuali membri delle FARC, effettuate tra novembre 2013 e gennaio 2014, e rese possibili dalla ONG "INDEPAZ"<sup>7</sup> e dal "Centro Nazionale della Memoria Storica"<sup>8</sup> che hanno fornito i contatti di queste donne.

Il capitolo (V) pone l'attenzione sui diversi tipi di violenza di genere nel conflitto colombiano: abusi sessuali, stupri, schiavitù sessuale e sfollamento forzato. Spiega come, quando e perché le "guerrillas", le forze nazionali di sicurezza e i paramilitari hanno applicato questi tipi di violenza. Inoltre, sottolinea l'utilizzo del corpo delle donne come uno strumento in tutte le dinamiche del conflitto in Colombia, l'impunità di questi crimini e le difficoltà che le donne hanno ad accedere al sistema di giustizia.

Infine, il capitolo (VI) esplica il processo di pace iniziato dal governo colombiano e le FARC nell'ottobre 2012 a Oslo e poi da novembre 2012 a l'Havana. Descrive la base storica di questi dialoghi ponendo particolare attenzione sull'esclusione di un approccio basato sul genere nell'ultimo accordo di pace siglato con l'AUC (Autodefensas Unidas de Colombia) nel 2002. Di conseguenza, si concentra sull'attuale processo

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<sup>6</sup> FARC-EP, Estatutos de las Fuerzas Revolucionarias de Colombia- Ejército del Pueblo, Approved in January 1978 by "Sexta Conferencia Guerrillera", Accessed November 28<sup>th</sup> 2013, < [http://farc-ep.co/wp\\_content/uploads/2013/10/Estatutos.pdf](http://farc-ep.co/wp_content/uploads/2013/10/Estatutos.pdf) >.

<sup>7</sup> Fundación Ideas para el desarrollo y la paz (INDEPAZ), Misión y Visión, Accessed February 16<sup>th</sup> 2014, < <http://www.indepaz.org.co> >.

<sup>8</sup> Centro Nacional de Memoria Histórica, Misión, Accessed March 20<sup>th</sup> 2014, < <http://www.centrodememoriahistorica.gov.co> >.

di pace e sul ruolo delle donne durante queste negoziazioni. Il capitolo si chiude dando dei suggerimenti per un'inclusione efficace di un approccio basato sul genere nello scenario colombiano di costruzione della pace.

Con lo scopo di apportare un contributo alla protezione dei diritti delle donne in Colombia e al processo di costruzione di pace che sta ora avvenendo nel mio paese, questa tesi tenta di denunciare la violenza basata sul genere vissuta dalle donne nell'ambito dei conflitti armati, e allo stesso tempo analizza l'importanza dell'inclusione di politiche incentrate sull'uguaglianza di genere negli scenari della lotta armata e della costruzione della pace.



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## Introduction

Women are victims of inequality by being discriminated for only one reason: their gender. Indeed, gender inequality is the general rule in most of our societies and it can be affirmed that no nation on earth has achieved full gender equality<sup>9</sup>.

The struggle for women's rights during armed conflict is a challenge especially in countries of the developing world facing dramatic episodes of violence. The impact of armed conflicts on the relations between men and women is devastating. Forced displacement and gender-based violence (GBV) are two examples of consequences that are not inevitable result of the armed confrontations but deliberate war strategies that destabilize families and communities. We have to stop ignoring the gender dimension of violence; the fact is that in today's armed struggles the principal protagonists are women.

Following the idea of Professor Amartya Sen violence against women in armed conflict clearly constituted another face of gender inequality<sup>10</sup>. Physical and sexual abuses in particular against women and children, happen much more regularly in an armed conflict scenario. Women suffer rape and forced pregnancy, as well as forced labor and sexual slavery.

After the conflict women's discrimination continues. Governments and usually policy makers forget the fact that all people without any distinction who are involved in the violence period have equal rights to contribute in the peace- building process. Besides, the success of this process depends on how inclusive is the decision-making dynamic. In this context, the peace- building scenario provides the momentum to

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<sup>9</sup> World Economic Forum , *The Global Gender Gap Report 2013*, 2013, Accessed Marcg 25th 2014 , < [http://www3.weforum.org/docs/WEF\\_GenderGap\\_Report\\_2013.pdf](http://www3.weforum.org/docs/WEF_GenderGap_Report_2013.pdf) > pp. 28.

<sup>10</sup> Amartya Sen, " *The Many Faces of Gender Inequality* , New Republic, September 17<sup>th</sup> 2001.

restore justice and reestablish a productive and pacific society, during this procedure the system is open to change, to improve, and to develop. Unfortunately, most of the countries do not take advantage of this transition and decide to impose restrictive men-centered solutions that exclude women.

For over half a century Colombia has been the scenario of the oldest armed conflict in Latin America. The guerrillas, paramilitaries, drug cartels and members of the Colombian security forces have fought using all kinds of weapons and outrageous strategies. Massacres, targeted killings, enforced disappearances; torture, kidnapping, child recruitment, sexual violence and terrorist attacks have been committed by all parties.

Colombian women have been involved in this conflict in multiple ways. Nevertheless, this is an invisible story that rarely appears in the official documents. This document focuses on the varieties of violence against women in Colombia's armed conflict and aims to elucidate the importance of the inclusion of a gender mainstreaming in the peace negotiation process that is now taking place in La Habana – Cuba, between the government of Colombia and the Revolutionary Armed Forces of Colombia (FARC).

The lack of social recognition of women as equal subjects, the gender stereotypes emphasizing discrimination against women, and the constant social belief of men's superiority increases women's vulnerability in Colombia's violence scenario. This thesis will demonstrate the invisibility of the disproportionate impact of armed conflict on women and the necessity of including a gender mainstreaming in the final peace agreement.

The research exposes women as subject and object of the conflict. On the one hand, as active members of illegal armed groups and direct combatants in the confrontations. On the other hand, as raped and displaced victims of the conflict. The investigation is inspired by the four fundamental questions in feminist research formulated by Cynthia Enloe: " Where are the women?, Which women are there?, How did those women get there? and what those women think about being there?"<sup>11</sup>.

This will be revealed through a qualitative description based on the systematization of testimonies of women involved in the conflict, information collected from governmental and international human rights organizations, medias, national reports, national and international literature on the topic, my perception as a young Colombian woman who witnesses the violent reality of the country and through the result of a field research which I developed from November 2013 to February 2014 in the cities of Bogotá and Cali in Colombia.

The investigation will answer the following questions, where are women in the conflict? , Which are the types of violence that women suffer during conflict? Why violent against women should be a priority for the government and the civil society in general? And especially why women need to be recognized as active subjects in the conflict and protagonist in the peace-building process? .

For addressing these question this document is structured as follows: In order to have a better understanding of the arguments exposed in this thesis, Chapter I will explain the fundamental technical concepts used in modern gender and development studies necessary for analyzing the dynamic of women in armed conflicts. With the aim of

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<sup>11</sup> Enloe Cynthia , *Bananas, Beaches and Bases : Making Feminist Sense of International Politics* , 2000, University of California Press pp. 26 .

introducing the main argument the following questions will be addressed in this chapter: what is the link between gender equality and development? And how the international agenda addressed gender equality related to conflict and peace- building scenarios?.

The objective of Chapter II is to highlight that civilians, especially women are no more collateral damage as we call them but are the center of the war zone. This second chapter presents the cruel reality of women conditions during armed conflict giving examples of cases all around the world. Moreover, using figures of diverse international organizations and NGO's the chapter explains why armed conflict is considered a complex obstacle for development and gender equality in most of societies. Finally, it draws attention in the incorporation of a critical view without short-term interests, to recognize violence against women as a public issue and consider the women's movement as a key player in the decision-making processes during conflict and post-conflict scenarios.

Chapter III, explains the dynamic of the current armed conflict in Colombia and its various armed actors. The historical background of the principal armed actor of the conflict: Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia) FARC, The National Liberation Army, (Ejército de Liberación Nacional) ELN and The United Self- Defense Forces of Colombia (Autodefensas Unidas de Colombia) AUC, is addressed in this section. The role of the Colombian State as perpetrator and active actor throughout the conflict is also reported.

Furthermore, the chapter draws attention on the evolution of the conflict over its six decades of existence and its transformation from communist guerrilla warfare to a phenomenon known as Narco-



terrorism<sup>12</sup>. The main objective of this section is to contextualize the diverse violence scenarios existent in Colombia.

Taking into account that approximately 30%<sup>13</sup> of the combatants in the FARC are women. Chapter IV analyzes the reasons why women join voluntarily the FARC, the phenomenon of illegal recruitment and the types of violence women face as members this groups. Emphasis is given to the illegal recruitment of women by highlighting the incompatibilities between the Statute of the FARC<sup>14</sup> ( Estatuto de las FARC) and the actual situation of women inside this group. The chapter also demonstrates that girls and women in the FARC are subjected to violence, sexual harassment forced prostitution and forced abortions<sup>15</sup>. Most of the information used for this chapter was collected through a series of interviews to former and current female members of the FARC. These women were contacted only for the academic aims of this thesis. The NGO "INDEPAZ"<sup>16</sup> and the "Centro Nacional de Memoria Histórica"<sup>17</sup> provided the contacts. Both organizations are working for women's rights in Colombia and are located in Bogotá D.C.

Chapter V focuses on the various type of gender-based violence in the Colombian conflict: sexual abuse, rape, sexual punishments, sexual slavery and forced displacement. It elucidates how, when and why guerrillas groups, state security forces and paramilitaries have perpetrated this violence. Moreover, it highlights the utilization of women's body as an instrument in all the dynamics of Colombia's

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<sup>12</sup> Vargas Ricardo, " Colombia: usos y abusos de la guerra a las drogas. Los actores armados en Colombia y el problema de las drogas", Magazine Ciencias Sociales América Latina Hoy, No. 23, 1999, Instituto de Estudios de Iberoamérica y Portugal, Universidad de Salamanca, pp. 76- 89.

<sup>13</sup> Meertens Donny , *Ensayos sobre tierra, violencia y Género*, Universidad Nacional, 2000, pp. 37.

<sup>14</sup> FARC-EP, Estatutos de las Fuerzas Revolucionarias de Colombia- Ejército del Pueblo, Approved in January 1978 by "Sexta Conferencia Guerrillera", Accessed November 28<sup>th</sup> 2013, < [http://farc-ep.co/wp\\_content/uploads/2013/10/Estatutos.pdf](http://farc-ep.co/wp_content/uploads/2013/10/Estatutos.pdf) >.

<sup>15</sup> Mosquera, Victoria Eugenia and Holguín Carmen Jimena, *El componente de género en movimientos guerrilleros desde la percepción de excombatientes*, Colombia, 2001, Universidad del Valle , pp. 23

<sup>16</sup> Fundación Ideas para el desarrollo y la paz (INDEPAZ), Misión y Visión, Accessed February 16<sup>th</sup> 2014, < <http://www.indepaz.org.co> >.

<sup>17</sup> Centro Nacional de Memoria Histórica, Misión, Accessed March 20<sup>th</sup> 2014, < <http://www.centrodememoriahistorica.gov.co> >.

conflict, the impunity of these crimes and the difficulties women have to access justice.

Chapter VI explains the peace process started by the Colombian government and the FARC, on October 2012 in Oslo-Norway and then from November 2012 in La Habana- Cuba. It describes the historical background of these dialogues with specific emphasis in the exclusion of the gender approach in the last peace agreement signed in 2002 with the AUC. Subsequently, it focuses on the current peace process and in the roles of women during these negotiations. Finally, the chapter provides recommendations for the effective inclusion of a gender mainstreaming in Colombia's peacebuilding scenario.

As a way of contributing to the protection of women's rights in Colombia and aiming to participate in the peace-building process that is now taking place in my country, this thesis attempts to report the gender based-violence experienced by women in the context of armed conflict and at the same time analyses the importance of the inclusion of gender policies in warfare and peacebuilding scenarios.

## **Chapter I**

### **Framing Concepts**

#### **Gender Inequality and Development in armed conflicts and peace building scenarios**

*During a meeting of the World Economic Forum, a man asked Bill Gates if he thought Saudi Arabia could meet its ambitious goal of becoming one of the world's most competitive economies by 2010, Gates said: "I said, 'Well, if you're not fully utilizing half the talent in the country, you're not going to get too close to the top'"*

*Bill Gates*

#### **1. General Context: Framing concepts**

Women represent half of world's population. They are the principals responsible of rising the new generations. Moreover, they make up over forty per cent of the global labour force and they live longer than men in all regions of the world.

However, women are victims of inequality and furthermore, they are frequently being discriminated for only one reason: their gender. Indeed, gender Inequality is the general rule in most of our societies and it can be affirmed that no nation on earth has achieved full gender equality. The causes of this gender inequality are various, sometimes is religion, culture, labour division, predominant masculine values, violence or high poverty levels.

Gender inequality is based on the fact that policy makers, leaders and in general all members of society do not believe in the importance of women for development. They don't understand that without empowering and providing women equal rights and opportunities progress and development is being blocked. In fact, how can you reach high development standards if half of your population (women) are being ignore or left behind in policymaking process and in development strategies? .

On October 24 1975, 90% of women in Iceland refused to cook, work or look after children. That day the whole country was a complete chaos, from Reikiavik to Akureyri things where not working properly. This was a powerful way for reminding society of the key role women play in its running and confirm that development is not possible without gender equality. If we want to see better development in the world, then our best investment is women<sup>18</sup>.

Poverty and armed conflicts are considered two of the biggest obstacles for development in all types of societies. Following the studies and estimates made by the UN, approximately 70 per cent of poor people are women and 80% of the victims in violent scenarios are women and girls<sup>19</sup>. Violence and poverty also allows the reinforcement of gender discrimination and unequal power relations between sexes. During the last 20 years, the modern development studies have found a strong link between increased gender equality and reduced poverty and violence indicators.

Gender equality is therefore both a goal in itself and a prerequisite for poverty and violence reduction. Gender equality is also a prerequisite

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<sup>18</sup> BBC Mundo, "El secreto de Islandia, el mejor país del mundo para ser mujer", November 8th 2013, Accessed December 14th 2014, <

[http://www.bbc.co.uk/mundo/noticias/2013/11/131105\\_islandia\\_mujeres\\_am.shtml](http://www.bbc.co.uk/mundo/noticias/2013/11/131105_islandia_mujeres_am.shtml).

<sup>19</sup> UN-Women, The Annual Report 2012-2013, 2013, Accessed January 5<sup>th</sup> 2014, <  
<http://www.unwomen.org/en/digital-library/publications/2013/6/annual-report-2012-2013> >.

for democracy and for equitable and sustainable global development. A society accomplishes gender equality when women, men, girls and boys have equal rights, responsibilities, and opportunities. In every country gender equality should be considered a precondition for reaching sustainable, people-centred development.

Societies facing an armed conflict like Colombia or countries currently experiencing dramatic episodes of violence like Mexico ignored the powerful effect of gender equality as a strategy of ending violence and building a new society, therefore, these societies are characterized for having high levels of gender inequality. Development studies highlighted the importance of women's equal participation and their full involvement in the maintenance and promotion of peace and security<sup>20</sup>. Hence, gender equality is a key element in overcoming armed conflicts.

Conflicts affect differently women and men. Thus, their responses to conflict varied depending on their gender and the relations between men and women. Moreover, gender relations can change substantially as a result of conflict and violent episodes, development actors and policy-makers have experienced obstacles in including this information into practical gender policies. In most of the cases they have ignored the particular situation of women in conflict and post-conflict scenarios disregarding the gender dimension of conflict.

The direct consequence of the lack of gender policies in armed conflict and peace-building processes is a generation of women without guarantees of any kind and a society based on gender inequality and a predominance of patriarchal values. Unfortunately, women are not seen as a solution for ending conflict, indeed, in most of the cases they are invisible. A radical change in countries experiencing armed conflicts will occurred if all the leaders and policy makers emphasize in the need

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<sup>20</sup> Yubal Davis Nira , *Gender and Nation*, 1997, Sage publishing, pp. 30.

to increase women's role in decision-making in conflict prevention, resolution, and post-conflict reconstruction. In this way, women will become visible; visible actors in the war, in the construction of peace and in the creation of the development mainstreaming.

This Thesis attempts to feature the gender based-violence experience by women in the context of armed conflict and will analyse the importance of the inclusion of Gender Policies for Development Strategies in Violent Scenarios and Peace Building Processes, focusing in the Colombian case.

In order to have a better understanding of the arguments exposed in this thesis and to contextualize general topics to the main argument of this work the fundamental concepts used through all the research will be explain above.

## **2. Gender**

First, it is important to clarify what is implied by "gender" in this thesis. In general through the United Nation system we can find two types of definitions that make emphasis on two different aspects of gender. On the one hand, the first group of definitions emphasize that "gender" is a social constructed category, therefore is directly correlated to society and the way women and men interact among each other and with the environment. On the other hand, the second group of definitions highlight the fact that "gender" is built upon biological foundation. This type of definition underlines the biological determinism concept.

It can be affirm that all the U.N. definitions while differing in focus and phrasing, they all highlighted or tend to underline three similar elements: a) gender is a socially constructed concept, b) the definition of gender is influenced by several factors like culture, perception of men and women in the society, religion, and values, c) the concept of gender is dynamic, it means that it can change from culture to culture

and over time.

The following table shows examples of the two groups of definitions given by organizations belonging to the UN system:

<b>Gender as a social constructed concept</b>	<b>Gender as a concept build upon biological foundation</b>
<p>“The term ‘gender’ refers to the ways in which roles, attitudes, values and relationships regarding women and men are constructed by all societies all over the world. Therefore, while the sex of a person is determined by nature, the gender of that person is socially constructed.”<sup>21</sup></p> <p style="text-align: center;"><b>Expert Group Meeting on the Development of Guidelines for the Integration of Gender Perspectives into United Nations Human Rights Activities and Programmes 1998</b></p>	<p>“Women and men are different biologically but all cultures interpret and elaborate on these innate biological differences into a set of social expectations about what behaviours and activities are appropriate, and what rights, resources, and power they possess.”<sup>22</sup></p> <p style="text-align: right;"><b>World Bank</b></p>
<p>“The socially constructed roles of women and men ascribed to them on the basis of their sex.”<sup>23</sup></p> <p style="text-align: center;"><b>Commission on Human Rights ‘Special Rapporteur on Violence Against Women</b></p>	<p>“ The role of men are women is built by their biological differences, however this roles are develop in various ways according to t time and culture”</p> <p style="text-align: right;"><b>World Health Organization</b></p>

Taking into account the above definitions, we can stated that the concept of “ gender” denotes the various ways in which attitudes,

<sup>21</sup> Valerie Oosterveld, *The Definition of “Gender” in the Rome Statute of the International Criminal Court: A Step Forward or Back for International Criminal Justice?* , Harvard Human Rights Journal / Vol. 18, pp. 56-84, 2005, Accessed February 14<sup>th</sup> 2014, <  
[http://www.iccwomen.org/publications/articles/docs/Oosterveld\\_Gender\\_HarvardArticle2005.pdf](http://www.iccwomen.org/publications/articles/docs/Oosterveld_Gender_HarvardArticle2005.pdf) > .

<sup>22</sup> Meenakshi Malhotra, *Empowerment of Women: Women in rural development*, Gyan Publishing House, 2004, p.13.

<sup>23</sup> Commonwealth Secretariat, *Gender Mainstreaming in Conflict Transformation: Building Sustainable Peace*, edited by Rawwida Baksh-Soodeen, 2005, p. 220.

values, roles, interactions and relationships concerning women and men are interpreted and constructed by all societies all over the world. Is true that the sex of each person is determined by nature but the gender of a person is for sure socially constructed. In other words gender is what states the social differences between men and women, these differences have variations over time and within cultures.

### **3. Gender equality**

Gender equality refers to the stage of human social development where women and men have the same rights and opportunities within all sectors of society, including economic participation and decision-making, and when the different behaviours, aspirations and needs of males and females are equally valued and favoured. Gender equality guarantees that the rights, responsibilities and opportunities of individuals will not be determined by the fact of being born male or female<sup>24</sup>. Therefore, encouraging gender equality is about changing women and men's role, identities and power relations to create fairer society for all.

Gender equality involves equality for men and women, girls and boys. Nevertheless, gender norms and policies must be focused on women's situation because usually women and girls have fewer opportunities, lower status and less power and influence than men and boys- and subsequently, progress towards gender equality frequently requires complementary actions to foster women's empowerment and rights.

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<sup>24</sup> United Nations Development Programme, *Gender Equality Strategy 2008-2011: Empowered and Equal*, 2008, Accessed November 28<sup>th</sup> 2013, < <http://www.undp.ro/download/Gender-Equality-Strategy-2008-2011.pdf> >.



### **3.1 Gender equity vs. Gender Equality: United Nations Convention of the Elimination of All Forms of Discrimination against Women (CEDAW)**

Another concept directly correlated to gender equality is gender equity. These two terminologies are frequently used interchangeably. Nevertheless, gender "equality" is the term used by the United Nations Convention on the Elimination of All Forms of Discrimination against Women ( CEDAW ). The Convention's concept of equality sets specific and objective standards for member states. Moreover, its established the CEDAW'S equality principles; the principle of Non-Discrimination, the principle of State Obligation and the principle of Substantive equality.

In this way, the concept of gender equality that CEDAW promotes refers to substantive equality or equality of results which necessarily requires the elimination of all forms of discrimination against women. Additionally, as with all other human rights, equality as a human right demands state action to achieve it. In contrast to the term "equity" that does not obligate the state and therefore does not demand any state intervention, nor is it linked to the elimination of discrimination. Equity is a subjective term that can mean different things to different people whereas the exist any of the various forms of discrimination against women<sup>25</sup>.

The CEDAW Committee, in charge of monitoring the compliance of the Convention, has underlined the importance of following the CEDAW's

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<sup>25</sup> International Women's Rights Action Watch Asia Pacific, *Equity or Equality for Women? Understanding CEDAW's Equality Principles*, 2009, Occasional papers series No. 14, Accessed August 29th 2014, < [http://www.iwraw-ap.org/publications/doc/OPS14\\_Web.pdf](http://www.iwraw-ap.org/publications/doc/OPS14_Web.pdf) >.

“equality” approach rather than replacing it with the vague and subjective term “equity.”

## **4. Gender Inequality**

The concept of inequality implies the inability to perform or develop something to its full potential. Gender inequality occurs when individuals who are assigned a certain gender does not have access to the same possibilities that individuals of the other gender.

### **4.1. *The many faces of Gender Inequality***

Gender inequality exists in most part of the world, from China to Canada, from Lebanon to Sweden. Still, inequality between women and men is not everywhere the same. According to Economy Nobel Prize winner Professor Amartya Sen, gender inequality is not one consistent phenomenon, but a collection of different and inter-linked problems. In his essay “ *The many faces of Gender Inequality*<sup>26</sup>”, published on September 2001, Professor Sen explained few varieties of the disparity between genders; a) Mortality Inequality, b) Natality Inequality, c) Basic- Facility Inequality, d) Special-Opportunity Inequality, e) Professional Inequality, f) Ownership Inequality, g) Household Inequality.

#### **A) Mortality Inequality:**

Refers to the high mortality rated for women and a resulting majority of men in the total population of some regions in the world such as Africa and the South Asia.

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<sup>26</sup> Amartya Sen, “ *The Many Faces of Gender Inequality*”, New Republic, September 17<sup>th</sup> 2001.

**B) Natality Inequality:**

In many male-dominated societies, parents openly express their preferences to have a baby boy rather than a girl. This desire is also manifest in the use of modern techniques to determine the gender of a fetus and the subsequent choice of sex-selective abortion.

**C) Basic Facility Inequality:**

Refers to the inequality that women experience in the basic public services provided by the society; education, sanitation, among others. As an example we can find many countries in Africa and Latin America where girls have less possibilities to have a basic primary education. Moreover, in some other countries such as Ghana or India, people think that only boys are entitled to have covered all their basic needs. Therefore, more attention is put on the health and education of boys rather than on girls. The common belief in these countries is that investing in boys is more profitable and will bring more incomes to the family.

**D) Special Opportunity Inequality:**

Refers to the fact that women have less opportunity in accessing professional trainings and higher education.

**E) Professional Inequality:**

States the disparities that women face in employment. Moreover, it refers to the obstacle of women in accessing to the labour market and to promotions at work due to their gender.

**F) Ownership inequality:**

In some regions of the world the ownership of property is directly related to gender. Therefore, in countries like India or Pakistan inheritance law give prevalence to male children. Moreover, in other

countries like Afghanistan and Saudi Arabia women are not entitled to have any property on their name.

### **G) Household Inequality:**

Refers to the inequalities in gender relations in the family or the household. In a large number of countries a common social rule states that men will certainly work outside the home, although women could have this possibility only if they could combine such work with various inevitable and unequally shared household responsibilities.

On the one hand, the various types of gender inequality show the impossibility to struggle and overcome disparity between women with one all-purpose remedy. On the other hand, it is possible that the same country move from one type of gender inequality to another. Moreover, it is important to notice that the classification above is not limited gender inequality can manifest in diverse variants depending on specific characteristics of certain countries.

Gender inequality is frequently referred to social discrimination of women. The situations of gender inequality affecting women worldwide varied in different mechanisms in developed countries and in poor or developing countries.

In developed countries, women have equal citizenship and an appropriate legal protection. Education levels are similar to those of men. However, women still have more difficulties in the labor market, both for access to positions of greater responsibility and social prestige as compared to the wages paid. With regard to health, medical treatment over women has focused on reproductive health by paying less attention to other topics, which creates situations of risk to women's health.

In poor or developing countries, women suffer greater inequality

situations. Access to citizenship is in some countries less than men and the legal protection of women is limited or nonexistent. In many countries, women's access to education is much more limited than that of men and their incorporation into the labor market in many cases is relegated to informal work (more instability, fewer economic resources and lack of labor rights). Health is also pending in many countries and in many cases reproductive health is limited to birth control.

In countries currently facing violence episodes, declared war or an armed conflict like Somalia, Nigeria, Pakistan, Sierra Leone and Colombia gender inequality can have the following dimension according to the stage of the armed conflict: Armed Conflict inequality and Peace-building inequality.

## **5. Armed conflict inequality**

Armed conflict affects negatively both women and men. Gender inequality reflects power imbalances in social structures. This inequality also existed in pre-conflict periods but is dramatically exacerbated by armed conflict and its aftermaths.

The armed conflict inequality refers to the various impacts of conflict in gender relations and especially in women conditions.

The impact of armed conflict on the relations between men and women is devastating. Forced displacement and gender-based violence (GBV) are two examples of impacts that are not inevitable result of the armed conflict but deliberate war strategies that destabilize families and communities. Therefore, for the aims of this thesis and following the example of Professor Sen the armed conflict inequality clearly constituted another face of gender inequality in countries experiencing large- scale violence situations.

Physical and sexual violence in particular against women and children, happens much more regularly during the armed conflict and beyond. Women suffer rape and forced pregnancy, as well as forced labor and sexual slavery, often at the hands of the terrorist and sometimes even the so called "peacekeepers" the police or the occupation forces, such as happened in Bosnia, Sri Lanka and in the current Colombia's armed conflict.

In 2008 through the resolution 1820 of The United Nations Security Council officially declared rape a "weapon of war". Major General Patrick Cammaert, a former United Nations force commander, spoke of the spread of rape as a war tactic and said something haunting: "It has probably become more dangerous to be a woman than a soldier in an armed conflict".<sup>27</sup>

The struggle for gender equality and women's rights protection during armed conflict is a challenge especially in the developing world. Efforts have been made in changing resolutions, agreements, laws, and now the majority of the States have legal instruments for protecting women during armed conflict. However, in countries facing violence, the law is often irrelevant, particularly outside the big cities. Our focus has to be on changing reality, not only changing laws.

The armed-conflict inequality is based on ignoring the women's dimension of conflict. Usually medias, government, and the civil population itself report the weapons, the fields, the bombs, the politics, the soldiers, that is a men story. But where are women in the violence discourse? The backline of the story is how you actually exist and life and continue living during armed conflict, and that is a women story. Unfortunately that story has never been told. Armed-conflict inequality is based on the invisibility of women during conflict. Women

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<sup>27</sup> Nicholas D. Kristof and Sheryl Wudunn, *Half The Sky: Turning Oppression into Opportunity for Women worldwide*, Knopf E-book, New York 2009, pp. 32.

are no more collateral damage as we call them but are the center of the war zone.

## **6. Peace-building inequality**

All people without any distinction that are living the violence- peace transition have equal rights to contribute in the peace- building process. Besides, the success of this process depends on how inclusive is the decision-making dynamic. In this context, the peace- building scenario provides the momentum to restore justice and reestablish a productive and pacific society, during this process the society is open to change, to improve, to develop. Unfortunately, countries do not take advantage of this transition and decide to impose their same restrictive and men-centered solutions. Indeed, the establishment of gender equality as a solution for sustainable peace and development is always left behind. Women are not allowed to be active participant in peace – building processes.

Peace- building inequality refers to the lack of voice and participation in the decision-making process during peace- building. Furthermore, it refers to the insensibility of peace – makers to take into account women’s claims, opinions and perception of war, peace and development. Countries experiencing a peace-building process should use all the resources necessary to keep peace and foster development. Women need to be included in peace building they are active agents of change who matter to peace as much as peace matters to them.

## **7. Development**

Development is a complex issue, with diverse definitions. Following Professor Amartya Sen, we can approach development as a process of

expanding freedoms equally for all people. Therefore, development intrinsically includes the concept of gender equality; women and men having same rights, same opportunities, and same freedoms.

It can be affirmed that development is a multi-dimensional process, which requires an integral reorganization and reorientation of the economic and social system.

According to Professor Michael P. Todaro of the New York University, development is a process of enlightening the quality of all human lives with the following strategies<sup>28</sup>:

- a.** Improving people's life quality, raising income levels, education access, work opportunities and in general welfare indicators.
- b.** Creating conditions and social scenarios that encourage the growth of people's self-esteem promoting human dignity and respect of human's rights and fundamental freedoms through all the public and private institutions.
- c.** Rising peoples' freedom to choose by broadening the range of their choice variables.

The most complete definition of development was given by the United Nations Development Program (UNDP). According to the UNDP development is : "to lead long and healthy lives, to be knowledgeable, to have access to the resources needed for a decent standard of living and to be able to participate in the life of the community"<sup>29</sup>.

Taking into account the above definition, and highlighting its last sentence : "to be able to participate in the life of the community" , it can be affirmed that the concept of development is "people-centred", therefore , development is linked to participation, democracy and

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<sup>28</sup> Todaro Michael , *Economics for a Developing World: An Introduction to Principles, Problems and Policies for Development*, Longman Publishing Group, 1992, pp. 57.

<sup>29</sup> UNDP, Human Development Report 2014, July 24<sup>th</sup> 2014, Accessed July 30<sup>th</sup> 2014, < <http://hdr.undp.org/en/2014-report> >.



equality. Achieving development is freeing people from obstacles that affect their ability to develop their own lives and communities. Development, hence, is freedom, democracy, active participation, gender equality: it is about local people taking control of their own lives, expressing their own demands and finding their own solutions to their problems without having any obstacle due to their race, economical situation or gender, among others. Moreover, the purpose of development is to increase people's range of choices. Thus, freedom, equality, participation and democracy are more than an idealistic goal; they are a vital component of human development. People who are socially free can take part in planning and decision-making. And they can ensure that society is organized through consensus and consultation rather than dictated by an autocratic elite. These processes can ensure that-as far as possible-a country's development is truly "people-centred"<sup>30</sup>.

### **7.1. Gender and Development:**

Gender equality is an important element for development. As the President of the World Bank Group, Robert B. Zoelick said "Gender equality is at the heart of development. It's the right development objective."<sup>31</sup>

Moreover, according to the 2012 World Development Report, gender equality matters for development because of two main reasons: On the one hand, gender equality matters intrinsically, because the ability to live the life that we chose to have and be safe from absolute deprivation is a basic human right and must be equal for everyone,

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<sup>30</sup> United Nations Development Program, *Human Development Report 1992*, Chapter 2, Political Freedom and Human Development, p. 28, Consulted, December 11<sup>th</sup> 2013, <  
[http://hdr.undp.org/en/media/hdr\\_1992\\_en\\_chap2.pdf](http://hdr.undp.org/en/media/hdr_1992_en_chap2.pdf) >

<sup>31</sup> The World Bank, *World development report on Gender Equality and Development 2012*, Accessed February 14<sup>th</sup> 2014, <  
<http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTWDRS/EXTWDR2012/0,,menuPK:7778074~pagePK:7778278~piPK:7778320~theSitePK:7778063~contentMDK:22851055,00.html> >

independently of whether one is male or female. On the other hand, gender equality matters instrumentally, because greater gender equality contributes to economic efficiency and the achievement of other key development outcomes<sup>32</sup>.

Since 2000 with the Millennium Declaration, the United Nations and all the International Community acquired a compromise with world's development. They established seven Millennium Development Goals: (1) Eradicate extreme poverty and hunger, (2) Achieve universal Primary education, (3) Promote Gender Equality and Empower women (4) Reduce Child Mortality, (5) Improve maternal health, (6) Combat HIV/AIDS, malaria and other diseases, (7) Ensure environmental sustainability and (8) Develop a global partnership for development.

As part of that compromise they have settled MDG-3, that is the promotion of gender equality and women's empowerment as a key point of this development international plan. The importance of this MDG is that not only the significance of gender equality is being reinforced but also the concept of women's empowerment has become an international goal in development processes. Women's empowerment refers to the fact that in general in almost all of our societies women have been disempowered. Disempowered refers to the denial of choice and the freedom to choose, whereas empowerment involves all the processes and institutions by which those who have been denied the power to make choices acquire such an ability.

As part of the Millennium Development Goals all Nations are encourage to implement gender policies in their national agendas. However, while the development of these gender policies is a priority in some countries others are experiencing obstacles for their creation and further

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<sup>32</sup> The World Bank, *World development report on Gender Equality and Development 2012*, Accessed February 14<sup>th</sup> 2014, < <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTWDRS/EXTWDR2012/0,,menuPK:7778074~pagePK:7778278~piPK:7778320~theSitePK:7778063~contentMDK:22851055,00.html> >

implementation. One of the regions that had made positive progress is Latin America. However in Colombia, gender inequality and a 57 years armed conflicts are still a challenge for development.

According to UN-WOMEN Annual report 2012-2013<sup>33</sup> in order to reach gender equality in Latin America three areas are still critical and requires a greater effort: First, the international compromise towards ending violence against women and girls must be reinforced especially in armed conflicts scenarios. Second, the global market, the governmental institution and in general the society should create strategies to provide equal opportunities to men and women. Third, women's participation must be present everywhere, from homes, to public sphere.

## **8. Gender Mainstreaming**

Refers to the process of considering the implications for women and men of any planned action, including legislation, policies, or programs in all areas and at all levels. Gender mainstreaming is a strategy to include as the base of all policies and programs in the different sectors of society the opinions and necessities of men and women so that both genders benefit equally of opportunities and guarantees that the system provides. The principal manifestation of applying gender mainstreaming is the inclusion of special measures and strategies to improve women's access to decision-making, services, and resources. The principal goal of gender mainstreaming is to avoid or encounter gender inequality<sup>34</sup>.

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<sup>33</sup> UN-WOMEN Annual Report 2012-2013, Accessed January 20<sup>th</sup> 2014

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<http://www.unwomen.org/~media/Headquarters/Attachments/Sections/Library/Publications/2013/6/UNwomen-AnnualReport2012-2013-en%20pdf.pdf> >.

<sup>34</sup> Mukhopadhyay Maitrayee , Wonf Franz and Steehouwer Gerard, "*Politics of the Possible: Gender Mainstreaming and Organisational Change: Experiences from the Field*", 2006, Oxfam Publishing, pp. 25

## 9. Armed Conflict

In today's world, the various international and local actors subjectively define armed conflicts. Therefore, when asking about the existence or not of an armed conflict in a specific territory we can have various types of answers depending on the party of the conflict we are inquiring.

However for the aims of the thesis, the definition of armed conflict will be according to the international law mostly accepted by the majorities of the sovereign States and to the studies and reports presented by international organization and prestigious investigation institutions.

A conflict is a dispute or antagonism between parties in the process of accomplishing an objective they consider incompatible, or, rather inevitable in social relations and not necessarily negative. Thus, according to the Uppsala Conflict Data Program an **armed conflict** is a contested incompatibility, which concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths<sup>35</sup>.

The elements of this definition are explained as follows; A conflict is considered an "armed conflict" if all of the following elements are present:

**A. Use of armed force:** Use of arms to disseminate the actor's general position in the conflict, as a consequence fatalities of civilians and soldiers. For example, the use of sexual violence to intimidate the population.

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<sup>35</sup> Wallensteen, Peter & Margareta Sollenberg. "Armed Conflict 1989-2000", *Journal of Peace Research* 38(5), 2001, p. 629-644.

**B. Incompatibility:** The incompatibility must concern government and/or territory. The incompatibility is a divergence of positions between the different parties.

**-Incompatibility concerning government:** incompatibility related to the type of political system, to the orientation of a regime, the replacement of the central government or the total transformation of the government's composition.

**- Incompatibility concerning territory:** incompatibility concerning the status of a territory. For example, the admission of a territory or the claim for a border's modification.

**C. 25 deaths:** a minimum of 25 battle-related deaths per year and per incompatibility.

**D. Party:** Refers to the actors of the armed conflict, it can be a government of a state or any opposition organisation or alliance of opposition organisations. For example a revolutionary group opposing the government, like the ELN (Ejército de Liberación Nacional) in Colombia.

The Uppsala Conflict Data Program definition of armed conflict is becoming a standard in how conflicts are systematically defined and studied.

The International Humanitarian Law provides a definition of armed conflicts generally accepted by the International Community. The International humanitarian Law applies in armed conflict scenarios. According to the International Committee of the Red Cross the International humanitarian law (IHL) is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects

persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare<sup>36</sup>.

International humanitarian law (IHL) or *ius in bello* does not permit or prohibits the armed conflict, whether international or domestic. Nevertheless, it is important to recall the Article 2(4) of the UN Charter<sup>37</sup>, which forbids the use of force by any State Member. The monopoly of the use of force belongs exclusively to the UN Security Council, and it can only be used in extreme situations. Therefore the use of force is not allowed within the international community.

When conflicts take place IHL tries to humanize the conflict and to limit its effects. IHL seeks a balance between military necessity and the principle of humanity, which means, between what is necessary to defeat the enemy and what simply denotes cruelty. The principal instruments that constitute the International Humanitarian Law are the so-called Geneva's Law, the Geneva Conventions of 1949 and their Additional Protocols are considered the core of International Humanitarian Law:

- The four Geneva Conventions of 12 August 1949
- Protocol I additional to the Geneva Conventions, 1977
- Protocol II additional to the Geneva Conventions, 1977
- Protocol III additional to the Geneva Conventions, 2005

International humanitarian law differentiates two types of armed conflicts, on the one hand, international armed conflict that refers to the scenario where two or more states are opposing each other.

Common Article 2 to the Geneva Conventions of 1949 states that:

"In addition to the provisions that shall be implemented in peacetime, the present

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<sup>36</sup> Website International Committee of the Red Cross, War and international humanitarian law, Accessed February 14<sup>th</sup> 2014 < <http://www.icrc.org/eng/war-and-law/> >.

<sup>37</sup> United Nations, UN CHARTER, Chapter I, Article 2(4), 1945, Accessed January 20<sup>th</sup> 2014, < <http://www.un.org/en/documents/charter/chapter1.shtml> > .

Convention shall apply to all cases of declared war or of any other armed conflict that may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance".

Hence, an international armed conflict refers to the situation when one or more states use armed force against another state, nonetheless of the reasons or the intensity of the dispute.

On the other hand, International Humanitarian Law also refers to non international conflicts or so called internal armed conflicts, which occur between governmental forces and revolutionary or non governmental armed groups, or between non governmental armed groups only. The definition of internal armed conflict is given by article 1 of the II Additional Protocol to the Geneva Conventions that states:

"This Protocol, which develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application, shall apply to all armed conflicts which are not covered by Article 1 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol".

Legally speaking and regarding IHL, only these two types of armed conflicts exist, however, is important to highlight that a conflict-

situation can vary and transform into another type of armed conflict, always staying into the two types internal and international armed conflict.

## **10. Peacebuilding:**

In 1992, the United Nations Secretary General introduced the so-called Agenda for Peace<sup>38</sup>. The Agenda for Peace is an innovative strategy of the UN to face the new security challenges proposing appropriate solutions to the various typologies of war and conflicts that emerged after the Cold War. This document defined peace- building as an action to harden peace and avoid the return into conflict.

In order to complement this definition, the 2000 Report of the Panel on United Nations Peace Operations , well known as the Brahimi Report defined it as “activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war.”<sup>39</sup> The definition of the Brahimi Report will be used to approach the Peace building process in Colombia and the role of women in it.

It can be affirmed that peacebuilding is a multidimensional process, which includes the transition from conflict and large- scale violence episode to a post-conflict scenario mainly characterized by social and political stabilization. For a successful peace - building process and to assure a permanent “peace” period all actors of society especially women should be actively involved.

Countries in peace-building process should use all the resources necessary to keep peace and foster development. Almost everyone

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<sup>38</sup> United Nations, *An agenda for peace: Preventive diplomacy, peace making and peacekeeping. Report of the Secretary-General, United Nations GA and SC, A/47/277, S/24111*, 17 June 1992, Accessed March 14<sup>th</sup> 2014 < [http://www.unrol.org/files/A\\_47\\_277.pdf](http://www.unrol.org/files/A_47_277.pdf) > .

<sup>39</sup> Peacebuilding Support Office UN Secretariat, *Peace Building & The United Nations*, Accessed March 23<sup>rd</sup> 2014 <http://www.un.org/en/peacebuilding/pbso/pbun.shtml> .



who works in poor and violent countries recognizes that women are the third world's greatest underutilized resource. Therefore, women are the principal resource to be utilized in building peace and opportunities in a country.

## **11. International Legal Frame on Gender, Conflict and Development**

Women's human rights are established in a wide number of international law instruments. These tools collectively condemn all forms of violence against women. In the 1990's, a new dimension of gender started to appear on international development agendas. The 1995 Beijing Declaration and Platform for Action and the 2000 United Nations Security Council Resolution 1325 on "Women Peace and Security" were the first of an extensive group of international tools addressing this issue. These documents stressed the importance of women's equal rights in conflict and their full participation in the maintenance and promotion of peace and security.

Many of them also contain specific references to the inclusion of a "gender perspective" in 'peace and security', most notably UN Security Council resolution 1325, the Windhoek Declaration and the Namibia Plan of Action. These laws and resolutions emphasize that all development policies adopted in armed conflicted scenarios and peace processes should include a gender perspective and must focus on the protection of women's and girls's rights in conflict and post-conflict reconstruction. Moreover, The UN and the whole international community strongly encourages all parties involved in armed conflicts and peace processes to adopt a gender mainstreaming.

From an international approach the following international law instruments are fundamental for the aims of this research:

<b>International Instrument</b>	<b>Principal topics</b>
<b><i>Convention on the Elimination of All Forms of Discrimination against Women "CEDAW" (1979)</i></b>	The Convention highlights how behavior patterns lead to women's discrimination. The main recommendation to the signatory States of this Convention is to design laws that promotes gender equality and guarantee women's participation in all fields. The CEDAW defines the term "discrimination against women" as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field <sup>40</sup> .
<b><i>Vienna Declaration and Action Programme (1993)</i></b>	This Declaration reaffirms that women's human rights are an inalienable, integral and indivisible part of universal human rights (art. 18). In addition, urges the elimination of gender bias in the administration of justice (art. 38), the elimination of all forms of Discrimination against Women (art. 39), the optimal dissemination of treaties aimed to accomplish gender equality (Article 40), to ensure the full enjoyment of their rights to health and education (art. 41) and to guarantee the participation of women in leadership and decision-making (art. 43).

<sup>40</sup> Convention on the Elimination of All Forms of Discrimination against Women "CEDAW" (1979), Article 1, Accessed January 20<sup>th</sup> 2014, < <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article1> .>

<p><b><i>Beijing Declaration and Platform for Action ( 1995)</i></b></p>	<p>The Beijing Declaration is the result of the agreements reached at the Fourth World Conference on Women held in the Chinese city of Beijing in 1995 . The most important contribution of this forum was the statement that women's rights are human rights.; the human and economic development of a nation can not be conceived without equal rights for women and that power should be shared on an equal basis. Additionally, the statement creates a Platform for Action driven by the International System of United Nations and governments to eliminate the inequality gap between women and men through the empowerment of women and their full access to political and economical field.</p>
<p><b><i>Interamerican Convention on the Prevention, Punishment and Eradication of Violence against Women, "Convention of Belém do Pará" (1994)</i></b></p>	<p>The essential aspect of this convention was visible violence against women not only in the public sphere but also in the private sphere (home). The Convention encourages States to address violence against women within their households. This is perhaps one of the greatest contributions of Belem do Pará. Moreover, this Convention considers domestic violence as a public health problem and allows the State to legislate in the private sector (house). This Convention defines violence against women as any act or conduct, based on gender, which causes death or physical, sexual or psychological suffering to women, whether in the public or private sectors .This Convention is a key tool in this work , because is a regional</p>

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The following table contains the most important international instruments related with Gender equality, conflict and Peace-Building relevant to this research:

<b>Gender and Development</b>	<b>Gender and Conflict</b>	<b>Gender and Peace-Building</b>
-Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1981 -Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women - UN General Assembly Resolution 54/210, Women in Development 2000	-UN Security Council Resolution 2122 (2013) on sexual violence in conflict -UN Security Council resolution 1820 (2008) on sexual violence during wars The four Geneva Conventions of 12 August 1949 and their additional protocols	- UN Security Council resolution 1325 (2000) on women and peace and security

## Chapter II

### Women in Violent Conflicts

*" It is now more dangerous to be a women than a soldier in modern conflict"*  
*Major General Patrick Cammaert, former UN Peacekeeping Commander*

Judging by the events occurred during the mid-90s the majority of problems faced by the international community were not so much related with power relations between states, but with armed conflicts of economic, religious and social nature that caused regional tensions, large numbers of civilian victims, humanitarian catastrophes, fragmentation of states, ethnic and religious tension, social inequality and destabilization. Conflicts, which, in one way or another, were related to negative elements or factors connected to globalization and inequity.

Nowadays, more than thirty undeclared wars and internal conflicts are taking place in the world. The impact of the conflicts in women's lives and development is very diverse. However, the stereotype of the war, understood as the soldiers fighting on the battlefield, is far from the reality of modern wars and conflicts where civilian lives are dramatically impacted by violence. The majority of victims, casualties, refugees and internally displaced persons are women and girls who are forced to flee conflict situations<sup>41</sup>. They also become the householders in very difficult circumstances when male members of the family are "missing", arrested or killed. Moreover, due to predetermined gender roles, women and girls carry on their shoulders the burden of

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<sup>41</sup> Goldstein S. Joshua, *War and Gender: How Gender Shapes the War System and Viceversa*, 2001, Cambridge University Press, pp. 24

maintaining life and ensure the immediate survival of other family members during the conflict and post-conflict. In this task they continuously face threats and are legally and physically unprotected.

In times of conflict women are often seen as a symbol of integrity and honor of their community. Therefore, sexual and physical abuse and harassment against women at the hands of the "enemy" is use as a strategy of war. For the same reasons, women are targeted victims because of their gender, their bodies are used as a battlefield, soldiers and rebel groups want the control of women's body by raping them, for them having the control of the enemy's woman is having the control of the "enemy" itself. Women are considered property of men; hence, raping them is taking control of the "enemy territory". On the one hand, as an example of this reality we can refer to South Sudan, where on April 2014 a rebel commander urged his men by radio broadcast to rape Dinka women as revenge for earlier crimes against the Nuer<sup>42</sup>. On the other hand, we can suggest as an example the sexual crimes committed by Red Army soldiers against German women in East Prussia around 1945. Calls to avenge the Motherland, dishonoured by the Wehrmacht's invasion, had given the idea that almost any vindictiveness would be allowed. Therefore, Red Army soldiers raped around two million German women<sup>43</sup>.

The crimes committed against women in situations of armed conflict are those that yield the highest rate of impunity. Therefore, it is frankly profitable to keep raping women, turning them into sex slaves, forcing them to prostitution. This will undermine the enemy plus the level of

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<sup>42</sup> The CSC Monitor, Jason Patinkin, "*Rape stands out starkly in S. Sudan war known for brutality*", Accessed July 28<sup>th</sup> 2014, <http://www.csmonitor.com/World/Africa/2014/0727/Rape-stands-out-starkly-in-S.-Sudan-war-known-for-brutality>.

<sup>43</sup> Antony Beevor, *The Fall of Berlin 1945*, 2003, Penguin Books, pp. 126.

risk for the perpetrator is minimal because penalties are low and in some cases impunity is the rule<sup>44</sup>.

It can be affirmed that women are invisible before, during and after armed conflicts. There is a strong adjusted aphorism from the Absolute Monarchy; "everything for the people but without the people." Well, that "everything for the women but without the women." Statistics show that mostly are men who look for our safety, for the fulfillment of democracy, human rights and social justice. Bad signal: not because they are men who do it, but they do it so without the involvement of the other half of the world that already knows how to, express, think, claim and fight for their rights. There is a lack of political will to recognize the importance of women role in the solution and decision making-process during the armed conflict. Policies and solutions for the victims of conflicts should be constructed from the consensus of equity. If not they will not be durable and not even effective.

Medias report the weapons, the fields, the bombs, the politics, the soldiers, the military strategies and that is a man story. The backline of the story is how you actually exist and life and continue living in war, that is a women story, and that story have never been told. The objective of this chapter is to highlight that civilians, especially women are no more collateral damage as we call them but are the center of the war zone. We have to stop ignoring the gender dimension of conflict; the fact is that in today's wars the principal protagonists are women and children. However, women voices are ignored and their opinion left behind. The international community in general and the development cooperation in particular should respond to the neglect of the conflicts in the world and take actions against the violation of women's rights during war, post-war and peacetime. This chapter focuses in the incorporation of a critical view without short-term

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<sup>44</sup> Postmus L. Judy, *Sexual Violence and Abuse: An Encyclopedia of Prevention, Impacts, and Recovery*, 2012, ABC-CLIO publishing , pp. 332.

interests, to recognize violence against women as a public issue and consider the women's movement as a key player in the decision-making processes during and in the post-war construction.

### **1. Transformation of Women's traditional roles**

Armed conflicts dramatically affect the lives of women and can completely transform their roles in the family, the community and the "public" sphere.

Predetermined by gender women have two roles in conflict: on the one hand, they are victims of violence, rape, sexual harassment and human rights violations. It is important to highlight the specificity of crimes against women, and that, sometimes, it affects only female gender, making women suffer more violence in war than any other person. On the other hand, conflict is a period when women experience a certain independence although it sounds contradictory, they mostly feel release: the men go to war, all roles change, women have to do extra things out of house, and moreover, if they wish they can organize politically and work for their goals. Conflict in some patriarchal societies like Liberia, El Salvador, Colombia and Rwanda is a moment of liberation for women to meet other women, to find a political space and have the chance to change the social rules, to construct a more equal society.

Usually this is an unforeseen process. The disintegration of family and community support networks force women to assume new roles. Armed conflicts have placed many female-headed households whose male members have been recruited, detained, displaced, killed or disappeared. When men are gone, women inevitably assume greater responsibility for their children and elderly relatives, and often also for the community in its broadest sense. The absence of many male



members of a community accentuates and accelerates the disintegration of the traditional protection and support mechanisms that were trusted until then-especially by women. The Increased insecurity and the fear of armed attacks forces the fleeing of women and children putting women in a spiral of gender's role transformation. Women itself and society in general is not prepared to deal with this change. The situation of many women in conflict zones such as Sudan, Democratic Republic of Congo, Colombia and Syria illustrates this reality.

Women challenge and in some cases redefine their own cultural and social perceptions about themselves and their former boundaries in society. As an effect of armed conflict or war women can have the first opportunity to work outside their homes, become the breadwinners, make decisions and be the head of the family<sup>45</sup>. Moreover, they acquire relevance in the public sphere by organizing with other women and participating in the decision-making processes. All of these new roles of women were usually dominated by men. Carolina Giraldo a young victim of Colombia's armed conflict, eloquently summed up: "Before the war, society did not take into account women, they were always working in the house. But when the war came women came out of their houses to show all their abilities and leadership skills. In part it was because of the war why women were finally taken into account. People realized that women were able to change our society"<sup>46</sup>

Some of these changes towards greater "authority" can be considered positive for women, but it is worth looking at them through the increasing poverty and deprivation of war. Taking into account this, in many societies women still reaching economic and social status only

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<sup>45</sup> Woodward Susan, *Balkan tragedy: Chaos and Dissolution After the Cold War*, 1995, The Brookings Institution, pp. 29 .

<sup>46</sup> Interview Carolina Giraldo , Victim of Colombia's Armed Conflict, January 12th 2014, interview done by the autor, Bogotá- Colombia.

through marriage. The lack of possibilities of marriage (due to the absence of men, or social rejection of raped victims) can bring serious consequences for women. Moreover, gender role transformation is revoked after the conflict ended. Often women are expected to retire to their homes again when men return or simply because the community strives to return to normal and prewar status quo of settled imbalanced gender roles.

History shows how especially during conflict women roles are been abused by the system leaving them unprotected and denigrating their roles in society. The New Spain that emerged from the victory of the Nationalist side in the Civil War was very clear about the role that women play in society. Men's wives and home slaves. Therefore, those women who dared to change the established order or even those whom were in the wrong place at the wrong time were punished. These women were called "débiles mentales" (feeble-minded) by the Franco's Regime. For the first time in Spain's history, the majority of women in prison were not there for common crimes or crimes "against public morality." Were there as political prisoners. The fact that women challenged the role society had reserved for them as passive subjects at home and take an activist role in the street was too much for the social and governmental structures of the time<sup>47</sup>.

### **Torture and sexism**

Esperanza Ramos is a women's rights activist in Honduras and one of the four survivors of the 200 people who were kidnapped, imprisoned and tortured in Honduras as part of the terror imposed by the State in the seventies and eighties. Sponsored by successive American governments dictatorships in Guatemala, Nicaragua, Honduras and El Salvador prevented the foundation and development of socialist and communist movements causing the migration of many refugees who feared persecution. Many ended up in refugee camps on the border between Honduras and El

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<sup>47</sup> Hegoa, Acsur Las Segovias, "Las débiles mentales del franquismo", Ander León, Mujeres en situaciones de conflicto, Revista Diálogos, N° 2, October 2009, pp. 9, Accessed November 17 2013<sup>th</sup>, <<http://www.acsur.org/Dialogos-Nro-2-Mujeres-en>>.

Salvador. Esperanza narrates her experience as follows: 'They said they were going to sterilize me, because I did not deserve to have children - they have that idea of woman as a sublime being whose sacred role is to have children. According to them, I was breaking with the tradition of what a woman is supposed to be. And I was going to be punished. A woman like me did not deserve to be a mother. We were told that we had betrayed our femininity, as they conceived it. How could a woman be involved in this kind of things (activism)? - [They told us] the war is a matter of men fighting, war is something which only men can get involved. They cannot stand a woman who thinks for herself, who wants to change the course of history, who wants to change the future of the country. That was the point when they were torturing me. When I was being tortured I had to fight so they could not penetrate me. Morally speaking, they could never do it. They did penetrate me physically but not morally or emotionally or ideologically. The only resource I had was to attack their moral, because they wanted to rape a woman who was afraid. But my words were not the words of a frightened woman'. (Extract interview, Esperanza Ramos 27/05/2014)

## **2. Gender-Based Violence**

Physical and sexual violence, particularly against women remains a well-documented aspect of armed conflict. This document understands that GBV is sexual violence or any type of violence, which is based on the norms and gender exclusions for attacking people physically and psychologically.

Armed conflict worsens the existing patterns of sexual violence against women. In the first place the acts of 'everyday' violence, particularly domestic violence increase as communities disintegrate during conflict. On the second place, the conflict context makes girls and women more vulnerable towards physical and moral violence, family and social structures are falling during conflict therefore women vulnerability increase. The establishment of rape camps and the provision of sexual services to the armed forces in exchange of resources such as food and

protection services are two examples of GBV during conflict<sup>48</sup>. Conflict raises different kinds of relationships and power imbalances. During armed conflict for example, violence against women is more than the exercise of power over female gender. By raping women, whom represent the purity and culture of the nation, the perpetrators are also symbolically raping the nation itself.

Some types of GBV are exclusively experienced by women and girls during the conflict such as prostitution and forced sex relations, traffic for sexual slavery and forced pregnancy. The impact of GBV has different consequences for women and girls, including female genital mutilation, infertility, chronic problems with reproductive gynecological health, moreover, it causes feelings of stigmatization, isolation, marginalization and loss, lowering women's self-esteem.

The effects of gender-based violence in women are devastating. However, the longest-lasting effect is the lost of self-esteem. Women with low self-esteem are more vulnerable to domination, discrimination and violence<sup>49</sup>.

After dealing with women during conflict, peace forces, NGOs, governments and volunteers wonder what do women really need during conflict to mitigate the sometimes-inevitable gender based violence effects? . Maria Palomares, member of "Dones x Dones" a Catalan organization part of the "International Network of Women in Black against war", highlighted that when working with women victims of the Balkan war in camps for refugees in Bosnia, for them it was more important to go talk to these women, sit with them, have a coffee and say; "We are four in Belgrade, we are just four, but we are working for

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<sup>48</sup> Nakray Keerty, *Gender-based Violence and Public Health: International perspectives on budgets and policies*, 2013, Routledge Publications, pp. 87.

<sup>49</sup> Corbin Alain, *Violences sexuelles*, 1989, Imago publishing, pp. 25.

you what do you need? "<sup>50</sup>. What victims needed was more personal support from woman to woman, not so much of an organization coming with many great ideas and resources to create a system to try to live well outside the war. They were asking her for lipsticks, clothes, body creams... and you wonder is this what women really need in war? . Well, is not all what they need but this objects were useful to make them feel good about themselves, to make them remember the value of being a women, so they could be stronger and overcome these dramatic gender based violence situations.

In general there is a differential impact of violence on victims of armed conflict depending on their gender, cultural belonging and social class. However, the special differentiation of the impact of violence is sexual violence. Sexual violence against women affects their physical, mental and social integrity<sup>51</sup>. Furthermore, is an extreme denial of the right of human dignity. Control over women's bodies and their sexuality is also occurring during peacetime but it is always intensified during conflict. Male violence against women is a key element of conflict and society disintegration, turning women's bodies on battlefields and war trophies. Sexual violence against women involves the exercise of power over them, but also over other men, those in charged of protecting women, questioning his masculinity. Gender based violence is also used as a strategy in the armed forces; it is raised from the state as a way to control society and communities in particular through the control of women's bodies.

It can be affirmed that the appropriation of women's bodies has been an important weapon of war. It's a weapon that paralyzes, generates fear and guilt. And that guilt that remains in women is one of the

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<sup>50</sup> Nuñez Isabel, *Si un árbol cae: Conversaciones en torno a la guerra de los Balcanes*, 2009, Alba publishing, pp.197.

<sup>51</sup> Baaz Erikson Maria, *Sexual violence as a weapon of war?: Perceptions, prescriptions, problems in the Congo and beyond*, 2013, Zed Books publishing, pp.22.

biggest problems of violence. For example in Guatemala sexual violence against women during the war was considered to be a hidden counter insurgency policy. Gender based violence against women is not an isolated problem: it is one of the manifestations and tools to perpetuate an oppressive and unequal system for both men and women.

### **3. How are women's rights “really” being addressed during conflicts?**

Unfortunately, rape and gender based violence are considered as mere consequences of war rather than as violations of human rights. Moreover, It should be noted that there is impunity to such practices; states do not act efficiently to prevent, punish and repair these violations. In conflict zones, violations of human rights, and especially women, continue to occur despite the existence of international laws and conventions designed to prevent such abuses.

Historically, the definitions of human rights even if they are supposed to be gender neutral, have been based predominantly on the experiences of men. Article 2 of the 1948 UN Universal Declaration of Human Rights, recognizes human rights as a universal ideal to which all humans are entitled, but makes no specific mention to women<sup>52</sup>. In fact, few governments and NGOs have engaged equality of women as basic human right in domestic and foreign policies. In conflict zones, the denial of human rights of women has reinforced the oppression and discrimination. When combined with other forms of unequal power, this denial has devastating consequences.

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<sup>52</sup> United Nations, Universal Declaration of Human Rights, Article 2, 1948, Accessed February 14<sup>th</sup> 2014 < [http://www.unive.it/nqcontent.cfm?a\\_id=181402](http://www.unive.it/nqcontent.cfm?a_id=181402) >.

The difficulty recognizing the status of victims to women who have suffered sexual violence is due to the existence of a patriarchal culture that does not recognize these facts as violations of human rights, and tend to trivialize or naturalize sexual violence as a situation that occurs, but it is not a crime of the same importance from those affecting men.

Efforts to promote the importance of human rights are not enough to address issues related to gender equality. The different violations that can take place during all stages of an armed conflict are usually considered as simple consequences of war, rather than violations of human rights, and are frequently ignored. It is true that armed conflict violates the basic right to life and security. However, women experience specific episodes of violence including forced pregnancy, genital mutilation and sexual slavery by soldiers and revolutionary forces. As women, men may also suffer physical or sexual abuse, or can experience trauma after witnessing this kind of abuse against members of their families. These kinds of violations are considered as 'private' or inevitable consequences of the conflict, not as violations of human rights<sup>53</sup>.

The International Criminal Court (ICC) is a new contribution within the human rights system that promises to thoroughly study the responsibility for human rights violations based on gender. This Court will be the world's first permanent international tribunal to prosecute individuals for genocide, war crimes and crimes against humanity. On July 1st, 2002 the jurisdiction of the Court became effective. The creation of this court is a historical moment for women that after years of joint lobbying efforts especially from women's organizations. The Rome Statute of the International Criminal Court (ICC) now recognizes

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<sup>53</sup> BRIDGE Development-Gender, General Report, " Género y Conflictos Armados", Amani El Jack, August 2003, pp. 23 , Accessed December 15<sup>th</sup> 2013, <  
<http://www.bridge.ids.ac.uk/reports/conflictos%20armados-overview%20report.pdf>>.

and pursues sexual and gender violence as war crimes and crimes against humanity. As established in Article 7 of the Rome Statute, these criminal offenses include " Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity"<sup>54</sup>. Moreover, it provides the creation of a Victims and Witnesses Unit within the Registry of the Court to provide protective measures with regard to gender and other services for witnesses, victims and others who dare to declare their testimony.

As former USA Secretary of State Hillary Clinton stated: "Human rights are women rights and women rights are human rights once and for all". Therefore, gender based violence and any type of violation of women's integrity should be treated as a breach of human rights by governments, lawyers, victims, and the whole International Community.

#### **4. Rape as an illegal tactic of war:**

Women and girls are particularly targeted by the use of sexual violence, including rape as a **tactic of war** to humiliate, dominate, promote fear, disperse and/or forcibly relocate civilian members of a community or ethnic group<sup>55</sup>.

Nowadays, conflicts around the world have a common element: the use of rape as tactic of war for military advantage. While the rape in armed conflict is not always used as a tactic of war, is a fact that all type of sexual violence and indisputably all rape committed during any stage of armed conflict is a severe breach of the Geneva Conventions of

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<sup>54</sup> International Criminal Court (ICC), Rome Statute full text, Article 7, pp. 4, Accessed April 20th 2014 < [http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf) >.

<sup>55</sup> United Nations Security Council Resolution 1820 (2008), Accessed March 24<sup>th</sup> 2014 < <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201820.pdf> >.



1969. Rape frequently labeled as a “weapon,” “tactic,” or “tool” of war, indicates strategic rape or mass rape aimed to further military objectives, such as undermining enemy forces or promoting genocide.

The United Nations by its Security Council states that the use of rape as a tool of war constitutes a threat to international peace and security. Moreover, they affirm that: “Sexual violence as a ‘tactic of war’ refers to acts of sexual violence that are linked with military/political objectives and that serve (or intend to serve) a strategic aim related to the conflict. This will rarely be reflected in overt orders, but may be evidenced by the fact that an armed group has a functioning chain of command and is able to restrain other offenses (like mutiny or desertion), while sexual violence is neither condemned nor punished by military hierarchy. It may also be apparent that sexual violence is in line with the overall objectives of the group.”<sup>56</sup>

The causes, types and different impact of rape committed during war, label it as a phenomenon different from rape and sexual violence during peacetime. Moreover, survivors of war rape endure long-term permanent injuries or alteration of their physical and mental system, usually caused by irreparable damages of their sexual and reproductive organs.

Furthermore, the medical and psychological assistance to the rape victims during conflict is not a priority for most of the governmental authorities and NGO’S working in conflict zones. In fact, the treatment protocols for the injuries suffered by women and girls’ victims of rape, including complex genital urinary trauma, have yet to be established or incorporated in military field hospitals or surgical manuals for war’s injuries.

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<sup>56</sup> UN Action against Sexual Violence in Conflict, *Analytical & Conceptual Framing of Conflict-Related Sexual Violence*, Accessed March 3<sup>rd</sup> 2014  
<http://www.stoprapenow.org/uploads/advocacyresources/1321456915.pdf> .

In countries or societies where women have fewer economical and social rights and where gender inequality is the main rule, they are particularly vulnerable during violent conflicts and therefore in places where gender inequality is particularly high like Liberia, Nicaragua, Colombia and Democratic Republic of Congo we see more rape during armed conflicts.

As recorded by Luz Mendez Colombian activist<sup>57</sup>, the objective of the use of sexual violence as a weapon of war is to defeat the enemy of the state, who are the insurgent forces fighting to transform the status quo of the moment, in the socioeconomic, political and cultural field. However, this objective is based on various existing power structures of Colombian society. First, the patriarchal system in which women are devaluated make it easier to rape and murder women; men feel they have power over women, they own their bodies therefore they own their lives. Second, the system of cultural and social oppression and racism in Colombia, make a women double or triple vulnerable to rape and sexual violence, in the sense that the vast majority of women who suffered this violence during conflict were peasant, black or indigenous women. In the social imaginary in which the indigenous, poor or black represent few to society and even fewer if they are women is extremely easy to commit such atrocities without being sanction. At the end these women are invisible, unprotected by the system, by the society.

#### **4.1. Explaining the use of rape in armed conflict**

According to the diverse type of conflicts there are substantial variations of the use of rape. There are some conflicts where rape is really severe other conflicts where is less so, and this is a distinction that we can explain from a social scientific perspective. Conservative

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<sup>57</sup> Interview Luz Mendez Colombian Activist May 23rd 2014, Interview done by the author, Bogota-Colombia.

estimates that 20,000 to 50,000 women were raped during the 1992–1995 war in Bosnia and Herzegovina while approximately 250,000 to 500,000 women and girls were targeted in the 1994 Rwandan genocide<sup>58</sup>. Moreover, figures referred to the raping of approximately 1100 Italian women by Moroccan soldiers of the French Army in central and south Italy between 1943 and 1944<sup>59</sup>.

The most important arguments for explaining the use of rape in armed conflict are:

**A.** First, is **opportunism** or greed on the part of people whom are perpetrating rape. During conflict the State collapses the norms that were existing in peace time are left aside, the situation turns into a chaos and is because of this chaos that we see all kinds of violence including sexual violence. During peacetime in conservative societies such as Afghanistan, Iran or Morocco a large amount of cultural and social rules that prevails religious morality and restrict physical demonstration between men and women are normally being applied. However, during conflict these rules are not operating as a cause of regime's failure, therefore this is seen by perpetrators as an opportunity to commit rape or sexual assaults without risking any type of sanctions.

**B.** The **accountability mechanism**, is when armed groups rely on unaccountable resources like diamonds or drugs, when they do not have to depend on the civilian population they are more likely to abuse them.

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<sup>58</sup> UN WOMEN, Facts and figures: Ending Violence against Women, Accessed March 23<sup>rd</sup> 2014, <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

<sup>59</sup> Niarchos Catherine, *Women, War, and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia*, 2006, Jhon Hopkins University Press, pp.270.

**C. The recruitment mechanism,** when armed groups have access to illegal resources they attract a kind of “ bad type member ” a type of person that is not motivated by ideology but is motivated by material gains and therefore those kind of people are more likely to commit violence including more likely to commit sexual violence<sup>60</sup>. As we will see in the next chapter the transition of the Colombian armed conflict from guerrilla warfare to struggles between revolutionary groups whom now control the drug business in Colombia, caused a variation in the recruitment mechanism of FARC (Revolutionary Armed Forces of Colombia), now as they have links with drug cartels they are recruiting member irrespectively from their revolutionary ideology, they just want members to combat, to cultivate, and traffic drugs.

**D. Rape is use in a context of ethnic hate,** is use as a way of humiliating others, is more likely that rape is more common in the context of secessionist wars were fighters want to use rape to give a kind of signal to the enemy that life together is over. During the Balkan wars the sexual violence against women belonging to diverse ethnicities had various forms; on the one hand, was used to dishonor the males of the enemy community who experience a deep sense of frustration at not being able to defend their own women<sup>61</sup>. Taking into account that the defense of woman is historically recognize as a symbol of male pride in these cultures. On the other hand, rape was also used to destroy the personality of the victim; because after rape the victim was isolated believing that she had already been “touched” by the enemy more over the victim experienced an unhealthy sense of guilt for not being able to escape the violence. Finally, rape was used as a form of ethnic cleansing, forcing the woman to generate "children of

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<sup>60</sup> Lyman D. Michael and Potter W. Gary, *Organized Crime*, 2014, Prentice Hall, pp. 230.

<sup>61</sup> Sharatt Sara, *Assault on the Soul: Women in the Former Yugoslavia*, 1999, Routledge publishing, pp. 44.

the enemy," in order to spread the ethnicity of the rapist and create for the victim a lasting memory of the rape suffered.

Unfortunately, during the conflicts in the former Yugoslavia they were brothels created in the fields where women and girls were raped repeatedly. Therefore, in Bosnia the rapes were not fruit of individual brutality. On the contrary, there is sufficient evidence to support the hypothesis of policy planning. Rape was institutionalized for "insulting" the Muslim society and in this sense; the woman becomes a key element in the strategy of war. It seems that the intention was to create a kind of fifth column, a society of children Bosnian Muslims and Croats from Serb father. In this way not only survivals, but also the new born would have had to deal with the traumas of war, as the atrocities of ethnic rape is not just about living, it also involves the future generations<sup>62</sup>.

**E. Cost of method**, for some scholars rape and gang rape is relatively cheap as a kind of method that does not required advance weapons, is a "low cost" weapon in warfare, rape destroys opponents cheaply, because rape has no cost on the perpetrators, and physically and psychologically can causes greatest injuries in the victim than a conventional weapon<sup>63</sup>. This is a way of explain why is use so often. Moreover, revolutionary or terrorist groups mostly composed by uneducated members that do not have a solid ideological structure or a concrete financial method mostly use rape as an illegal weapon of war. Reality shows that insurgents groups in developing country such as the Revolutionary United Front (RUF) in Sierra Leone use rape as a tactic of war because is the only type of weapon they can afford.

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<sup>62</sup> Beverly Allen, *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia, 1996*, Univesity of Minnesota Press , pp 56.

<sup>63</sup> Henry Nicola, *War and Rape: Law, Memory and Justice* , 2011, Routledge , pp. 32.

**F. Cohesion mechanism,** the state of cohesion in a group is when all the group members acquire bonds connecting them to one another and to the group as a whole. The level of social cohesion in an armed group is a very important determinant for the level of violence, for the type of violence that armed groups commit and this is fundamental in the case of rape and in particular gang rape. Cohesion offers something else in wartime; it offers protection, food and shelter that normally are limited in the chaos of conflict. Cohesion also allows armed groups just to function in the most basic level. If they are recruiting strangers by force the group need something in order to come together, to work together, and gang rape allows them to create social ties. The major point here is that violence and in particular sexual violence increases this social cohesion within armed groups, and this argument comes out of research in sociology (when talking to members of insurgent groups for example FARC in Colombia and Sendero Luminoso in Perú) . The main idea is that an armed group that have a constant influx of new members will turn to this type of group violence, hence, rape and mostly gang rape is use as a symbol of " we are rebels" and we "are here to stay", a signal of masculinity, and the desire to be consider an strong fighter. Gang rape also increases the status of the perpetrators within others perpetrators so the victim is not often the target of the crime per se, but actually is a part of the process of the perpetrators to try to communicate between each other.

Independently of the reasons rape is implemented, as a "tactic" of war it use constitutes a severe breach of international humanitarian law's prohibition on the use of certain abhorrent weapons and tactics. This breach is considered a crime itself and it constitutes an additional violation to any other crimes arising out of the same act. For example, individual perpetrators who use chemical weapons may be held accountable for a crime against humanity or genocide as well as for the

war crime of using an unlawful weapon. Similarly, individuals using strategic rape may be held accountable for rape as a war crime, crime against humanity, or element of genocide, as well as for the use of an unlawful tactic of war. In Nigeria, women and girls are exposed to rape as a tactic of war by both sides of the current conflict between state and non-state forces. The Nigerian military has used rape and abductions as a counter insurgency tactic. The terrorist group Boko Haram has kidnapped and raped women and girls and threatened to sell over 200 girls they recently abducted from a boarding school into sexual slavery<sup>64</sup>.

In conflicts around the globe, rape is used systematically and ruthlessly with the almost certain knowledge that there will be no consequences for the perpetrators. The lead we set and the action we take therefore has the potential to save lives and change the course of events around the world; nothing less than that should be our ambition. As the international community, we curbed the development of nuclear weapons, heading off a once threatened and unstoppable wave of insecurity. We have binding Conventions against the use of torture and on the treatment of prisoners. We have outlawed the use of chemical weapons and imposed a global ban on cluster munitions. No country could tackle those vast problems alone, and we have shown that we can confront them together. Today we face another burning need to unite together, it is time to improve the condition of humanity; to say that rape and sexual violence used as weapon of war is unacceptable, that we know it can be prevented and that we will act now to eradicate it, shouldering our responsibilities as world citizens.

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<sup>64</sup> Global Justice Center, "Rape as an illegal tactic of war: Research Overview and Frequently Asked Questions". June 2014, Accessed July 5th 2014 < [http://globaljusticecenter.net/index.php?option=com\\_mtree&task=att\\_download&link\\_id=416&cf\\_id=34](http://globaljusticecenter.net/index.php?option=com_mtree&task=att_download&link_id=416&cf_id=34)>.

## **5. Security Council Resolution 1325: On the road towards women's rights visibility during conflict**

The inclusion of the gender dimension in the international agenda of peace and security has been a long process that already has more than four decades of history. United Nations, and other international agencies like the European Union have gradually introduced various laws, resolutions, directives that make up a comprehensive policy framework policy on women, conflict and peace building.

Gender violence experienced by women during the wars in Bosnia and Rwanda caused an immediate reaction of women's movement at the international level. They were demanding and answer and requiring an effective solution to the problem of violence against women during armed conflict. Early efforts to address the situation of women in armed conflict were conducted by the Commission on the Status of Women in 1969, in which the need arose special attention to women and children in emergency situations and in war. Since then there have been four UN Conferences on women issues, linking gender equality, development, conflict and peace. These conferences were held in Mexico (1975), Copenhagen (1980), Nairobi (1985) and Beijing (1995). Throughout these years we have addressed a large number of gender issues and more important we have defined define the role of women in conflict and peace-building processes in the international and local levels. The 2000 Security Council resolution 1325 on "Women Peace and Security"<sup>65</sup> was born in this framework as a result of joint efforts and persistent lobbying strategies from women's organizations, including those working in countries in conflict, Resolution 1325 is a clear outcome of the civil society political influence .

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<sup>65</sup> United Nations Security Council, Resolution 1325 /2000 on "Women, Peace and Security", 2000, Accessed November 29<sup>th</sup> 2013, < <http://www.unfpa.org/women/1325.html> >.



Resolution S-1325 has been an important step to address the impact of armed conflict on women and the role they play in peace processes and post-war rehabilitation progress. In other words, this international law tool have focus the global public debate on women's right during conflict and post-conflict situations. Moreover, it emphasize on the right of women to participate in all levels of conflict resolution and peace building.

However, the mere existence of a legislative framework does not guarantee political change and commitment to enforce the assumptions set out in the resolution. It is true that Resolution S-1325 represents an advance for it valuable international recognition. The problem is how it is accepted by national government and how it is implemented in their domestic policies, the feeling that I have is that it has very little impact. There are enormous difficulties in introducing gender policies and international gender mainstreaming in conservative patriarchal societies such as El Salvador, Morocco and Colombia. Nevertheless, the advantage of the resolutions of major international organizations like the UN is that is known almost everywhere in fact, in conflict countries, women use international law to alleged violations, since their national legal systems are inefficient and sexist.

In the international level the resolution is working effectively. In 2002, the Secretary-General commissioned a study on "Women, Peace and Security" which documented the experience of the United Nations and analyzed the impact of armed conflict on women in international legal framework. It also examined gender perspective in peace processes ,peacekeeping missions, humanitarian operations, reconstruction and rehabilitation. The UN Secretary General has published annual reports tracking the progress in the implementation of Resolution 1325 , with special emphasis on women in conflict and gender based violence .

These reports offer suggestions and recommendations to the member States on the creations of policies, national plans and international cooperation projects to address violence against women. For example, on April 2010 ,the Secretary General recommended a set of indicators on the implementation of this Resolution. Unfortunately, non of the member states have applied these indicators. Is a matter of political will at the national level to set women's rights and gender equality as a priority during war and post-conflict situations.

Moreover, the Security Council adopted UN in the Year 2008, resolution 1820<sup>66</sup> on sexual violence as a weapon of war and in 2009 two resolutions, Resolution 1888,Resolution 1820, and Resolution 1889 that is a operational resource to implement Resolution 1325. While Resolution 1325 provided the general framework for action and was the first approach to the issue of women, peace and security, 1820 refers to a single issue addressed by the 1325 - sexual violence as a weapon of war and the 1888 and 1889 materialize possible steps and measures to ensure consistent compliance with previous resolutions. The four resolutions must be understood as a unique strategy when addressing women's rights in conflicts and post-conflicts scenarios.

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<sup>66</sup> United Nations Security Council, Resolution 1820 / 2008 on " Sexual Violence as a weapon of war", 2008, Accessed 30 November 2013, < <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201820.pdf> >.

## **Chapter III**

### **Colombia's Armed Conflict: The invisible women**

*"Never think that war, no matter how necessary, nor how justified, is not a crime"*

*Ernest Hemingway*

Colombian women have been involved in armed conflicts in multiple ways. However this is an invisible story that rarely appears in the official documents. Regarding sexual violence, the situation is even worst, since it is considered to be inexistent for public consultation, just as it has been treated marginally. Notwithstanding the absence of records, it is undeniable that women and girls suffer and have suffered direct and indirect effects of the armed conflict in it different stages. Under these circumstances they have been victims of a variety of violent actions based on their gender. The lack of social recognition of women as equal subjects, the gender stereotypes emphasizing discrimination against women, and the constant social increase of the superiority of values such as aggression, dominance and strength, culturally attributed to the male, spreads the vulnerability of women in Colombia's conflict.

The Colombian Constitutional Court in the Order 092 of 2008 (Auto 092 de 2008) shows the extent true and severity of armed conflict on women and reveals the existence of a disproportionate and differential impact that violence has had on them. In addition, it identifies the specific risks and effects of the systematic practice of violence against women in the context of armed conflict and the barriers they encounter for the effective enjoyment of their rights. With the issuance of this Order, the Constitutional Court categorizes the risks and effects of

forced displacement and internal armed conflict on women's rights. As stated by the Court, the invisibility of the disproportionate impact of armed conflict and forced displacement on women, particularly at the official level, is manifest in the absence of a specific public policy that responds effectively to the differential impact of conflict and the different gender dimensions of violence. It is also reflected in the absence of indicators to measure and categorize the different types of violence that women face in the context of armed conflict<sup>67</sup>. In this chapter we will explain the dynamic of the current armed conflict in Colombia and its various armed actors. The objective of this chapter is to contextualize the reader about the diverse violence scenarios existent in Colombia. In this way the differential impact of armed conflict on women will be easily understood.

## **1. Explaining the Colombian Armed Conflict**

The ownership, use and possession of the land have been one of the engines of Colombia's armed conflict. There is a problem with the inadequate distribution of the land and the unequal and exclusionary agrarian policy. In this scenario, soldiers, police, government agents, guerrillas, paramilitary groups and Drug Cartels are responsible for the million cases of violence against women<sup>68</sup>. Colombia's armed conflict can be described as a masculinized confrontation in which all the armed actors use women's body as a battlefield.

The war that has been waged in the countryside and cities of Colombia is hard to explain. For over half a century combats have spread throughout the national territory. The actors have mutated identity and strategy. Motivations have also changed. Although Colombia is

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<sup>67</sup> Colombian Constitutional Court, Order 092 2008, pp. 5, Accessed February 17<sup>th</sup> 2014, Available at: <<http://www.corteconstitucional.gov.co/relatoria/autos/2008/a092-08.htm>>.

<sup>68</sup> Bushnell David, *The Making of Modern Colombia: A Nation in Spite of Itself*, 1993, Berkeley; University of California Press, pp. 52.

recognized as the oldest democracy in the region we have to clarify that this is an antithesis. Indeed Colombia is a democracy but with an armed conflict for over 50 years. This is an antithesis, since democracy is based on the recognition of difference and what is war? The denial of it.

In half a century the Colombian conflict has reached the highest level of intensity and unimaginable cruelty. As a Colombian woman I can affirm that violence in my country has transformed our mountains, jungles, and paradises into terror scenarios where women are invisible victims and actors.

Judging by the context of Colombia's armed conflict it is not easy to identify women's voices. Florence Thomas a French-Colombian feminist claims that the subsistence of a patriarchal culture that refuses to acknowledge the historical presence and agency of Colombian women has made them invisible in areas such as economics, politics, development and war<sup>69</sup>.

In the Colombian armed conflict, the guerrillas, paramilitaries, drug cartels and members of the Colombian security forces have fought using all kinds of weapons and outrageous strategies. Massacres, targeted killings, enforced disappearances; torture, kidnapping, child recruitment, sexual violence and terrorist attacks have been committed by all parties. The particularity of this conflict is the combination of all forms of violence and the use of all the modalities by all armed actors. In the 54 years of armed conflict 220,000 people<sup>70</sup> have died.

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<sup>69</sup> Thomas Florence, *Género: Femenino*, 2003, Bogotá, Grupo Santillana, pp. 53.

<sup>70</sup> Gutiérrez Francisco, *El orangután con sacoleva, cien años de democracia y represión en Colombia (1910-2010)*, pp. 27, Bogotá, Debate, 2014.

## **2. The Rise of the Armed Groups:**

According to several historians the episode that undoubtedly marked the beginning of the violence in Colombia was the assassination of Liberal leader and presidential candidate Jorge Eliecer Gaitán on April 9<sup>th</sup>, 1948.

By 1948, there were two traditional political parties that had been deck lock in a political battle for decades; the Liberals and the Conservatives.

The Liberal and Conservative parties emerged by the half of XIX century with the objective of defending the ideals and interests of a specific group of people. In Colombia the social class difference was very visible. The lower classes were aiming for a social, political and economic change, whether; the upper classes thought the status quo should be maintained as long as their political and economical interests were not affected<sup>71</sup>.

For the first group of citizens, the so called liberals, it was fundamental a change in the state' s structure, they aimed for a system with equal rights for all, they wanted a country of free citizens eliminating slavery, guaranteeing all liberties such as religious freedom, free trade and press freedom. Led by Ezequiel Rojas this first group of liberals were mostly indigenou, artisans, employees, former soldiers and merchants, for whom a change in the social, political and economic situation of the country was crucial. On the other side, led by Mariano Ospina Rodriguez the so called conservatives were bureaucrats, landlords, member of the clergy, militaries, politician and businessmen from the Colombian elite for whom the current situation was ideal and

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<sup>71</sup> Dix, Robert H, *Colombia: The Political Dimensions of Change*, 1967, Yale University Press, pp. 76.

should be maintained as long as their interests were not endangered. Conservatives aimed for a centralized government, with a restricted commerce and a catholic faith orientation<sup>72</sup>.

### **Colombian Liberal Party**

- Separation of church and state.
- Freedom of thought and expression
- Freedom of religion
- Universal Suffrage
- Lay Education
- Abolition of the death penalty
- Free Trade policies

### **Colombian Conservative Party**

- Defense of the Catholic faith and moral
- Respect for the ancestral traditions and values
- Union of church and state
- Catholic Education
- Creation of taxes on imports and exports.

\*Source: Table done by the author

Approaching the 1949 elections a young liberal leader named Jorge Eliecer Gaitán, was emerging, conquering followers from all social backgrounds. Gaitán was expected by most to be the next president of Colombia. His ideas and policies were uniting liberal and conservatives. However, in 1948, the well spoken, charming, liberal Jorge Eliecer Gaitán was assassinated in downtown Bogota. This episode generated various reaction among the population starting a bloody period in Colombia called: "La Violencia "( The violence). A civil war that took place between 1946 and 1957. During "La Violencia" the conservative government used the national security forces to intimidate liberal supporters in order to forced them follow the government's conservative rules. Many liberals responded by boycotting the government and encouraging Colombians to form armed civilians

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<sup>72</sup> Henderson James, *Cuando Colombia se desangró*, pp. 25, Bogotá, El áncora, 1984.

groups to defend themselves from the conservative army. For 10 years the liberals and conservatives violently fought causing thousands of death and causing a general destabilization of the country especially in the countryside<sup>73</sup>.

In 1958 as a solution to this bipartisan war the National Front was created; an agreement between the two parties (Conservative and Liberal) to share the national power<sup>74</sup>. The National Front was a pact, which states that for the next four presidencies each party will have two presidents and will switch the presidency every four years distributing proportionately all public offices between conservatives and liberals. In that way Colombia will be equally govern by the two traditional parties. The National Front relatively did stop the armed combats and ended " La Violencia", mainly because the disagreements between conservative liberals were the cause of the violence. However, the National Front excluded many sectors of society, whom would be the seed of liberal and communist guerrillas that would last the rest of the century. Indeed, the social inconformity emerged after National Front agreement, ultimately caused the foundation of the FARC (Revolutionary Armed Forces of Colombia).

The National Front was perfect if you were liberal or conservative or if you belonged to the upper class of Colombia's urban life. However, if you belonged to the invisible lower or middle class, which was completely ignored in the bipartisan government, this agreement did not seem so great. Not all the sectors of Colombia's society were represented in the National Front, they were left behind without any sort of political voice. As a reaction of this exclusion, the two most important Colombia's left- wing guerrillas were formed: The Revolutionary Armed Forces of Colombia (FARC) and The National Liberation Army (ELN).

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<sup>73</sup> Apluye Pinio, *¿ En que momento se jodió Colombia?* , Oveja Negra, Bogotá , 2000, pp. 132

<sup>74</sup> Santamaria Ricardo, *Proceso político en Colombia: Del frente Nacional a la Apertura Democrática*, 1984, Fondo Editorial CEREC publishing, pp. 47.



## **2.1. THE FARC: “ Desde Marquetalia hasta la victoria”<sup>75</sup>**

Taking advantage of the inconformity caused by the exclusion of some social groups in the agreement of the National Front , a former liberal militant named Pedro Marin , known as Manuel Marulanda alias “Tirofijo” , led a group of unsatisfied citizens to form their own self sufficient group rooted on communist ideas, called the “ Republic of Marquetalia”<sup>76</sup>. The armed group was operating from Marquetalia, a small town located in Tolima one of Colombia’s biggest province. They declared themselves independent and proclaimed to be an entity separated from the government.

In the international context, during the latest 1950’s and trough all 1960’s Colombia is subjected to Washington policies. Latin America is now for the United States of America a critical area for the spread of communism. Therefore, the “Plan LASOS” (Latin American Security Operation) is created and executed<sup>77</sup>. The principal objective of this plan is to eliminate any insurrection group or any social movement rooted in communist ideals. The situation in Colombia was dramatically affected by the wave of communist leading Latin American by that time and the American fear of another Cuban Revolution.

Although The “ Republic of Marquetalia” is present in the national scenario, it achievements are marginal as it basically promote agrarian struggles or make claims against landowners in a specific area in southern Tolima, Marquetalia. However, following international pressures, in 1963, Colombia’s Army undertakes “Operación

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<sup>75</sup> Proclaimed official slogan of the FARC in 1964” From Marquetalia to victory”, Accessed February 5<sup>th</sup> 2014, < <http://www.farc-ep.co/> > .

<sup>76</sup> Lee, Chris, “The FARC and the Colombian Left: Time for a Political Solution?” Latin American Perspectives , 2000, 182 Vol. 39(1), pp. 14.

<sup>77</sup> Rochlin, James,F ,Vanguard Revolutionaries in Latin America: Perú,Colombia , Lynne Rienner Publishes, 2003, pp. 235.

Marquetalia” to end the insurgency. This operation was a failure and shortly after in 1964 the “ Republic of Marquetalia” is transformed in a mobile guerilla group called “ The Revolutionary Armed Forces of Colombia” ( Fuerzas Armadas Revolucionarias de Colombia ) or so called FARC in order to resist the military superiority of the Colombian Army<sup>78</sup> . Led by Manuel Marulanda and Jacobo Arenas, their goal was the seizure of power by force and the transformation of the country into a New Colombia based on social justice. The FARC, is the largest and strongest illegal armed group in Colombia and is considered the principal oponent of Colombia’s government in the conflict.

## **2.2. The ELN: “ Ni un paso atrás ,liberación o muerte”<sup>79</sup>**

The National Liberation Army, (Ejército de Liberación Nacional) ELN, was founded in 1964: by Fabio Vasquez Castaño ex-combatant of the Cuban Revolution. It is based on a pro-Cuban political ideology and compared to FARC is a more politicized group. Its leaders are generally from the urban areas, a fact that sets them apart from the FARC a peasant guerrilla. Its military strategy combines all forms of violence, however they always prioritize their political plan<sup>80</sup>. They seek for political representation of leftist ideology and that explains its constant effort to promote political debate. This group is always ready to explore the possibility of peace conversation with the government and usually propose the release of hostages, the exchange of prisoners as a sign of political desire to start a peace agreement. The ELN have few territorial power, however, they have over 5.000 combatants<sup>81</sup>.

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<sup>78</sup> Valencia, Alberto , *Violencia en Colombia años ochenta y Reforma Constitucional*, 1998, Universidad del Valle publishing, pp. 27 .

<sup>79</sup> Proclaimed official slogan of the ELN in 1964, “ Not a step back, freedom or death” , Accessed February 5<sup>th</sup> 2014, < <http://www.eln-voces.com/index.php/es/somos/escudo> > .

<sup>80</sup> Rangel Alfredo, *Colombia: Guerra en Fin del Siglo*, 1998, Tercer Mundo publishing, pp. 53.

<sup>81</sup> Rochlin, James, F , *Vanguard Revolutionaries in Latin America: Perú, Colombia* , Lynne 2003, Rienner Publishing pp.14.

### **3. The evolution of Colombia's conflict: Narcoterrorism**

During the 60s and 70s both guerrillas groups (FARC AND ELN) recruited militants, farmers and college students, showing them the insurgency as a way out of poverty and as an opportunity to achieve power in government. By that time the guerrillas had as main operating centers the peripheral areas of the country where Colombia's Security Forces had no presence as the departments of Arauca, Caquetá, Guaviare, Meta and Cauca. However, in 1978 both FARC and ELN expanded their military strategy to the cities settling guerrillas groups in the major urban centers of the country. Insurgency was gaining territory and Colombia was certainly falling apart.

While in the 70's and 80's guerrillas groups were becoming stronger by sowing terror in the population, in 1980 an "emerging class" was controlling the principal illegal activities in the country: smuggling, car rubbery, drug production and international drug trafficking. This phenomenon known as Narcotraffic, set Colombia as one of the world's biggest drug producers of marijuana, heroin and cocaine. The Medellin Drug Cartel controlled by Pablo Escobar and the Cali Drug Cartel led by the Rodriguez brothers' controlled 80% of marijuana's production and 60% of cocaine's market worldwide<sup>82</sup>. In the mid 80's and early 90's mafia was controlling the political, economical and social dynamics in Colombia<sup>83</sup>.

From 1985 to 1999 Colombia experienced the worst period in history. Drugs plantations were replacing agriculture, guerrillas groups were all over the territory and mafia was corrupting the whole system. Therefore, the Government of Colombia and the United States of

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<sup>82</sup> Arango Jaramillo Mario, *Narcotráfico imperio de la cocaína*, 1999, Santillana, pp. 124.

<sup>83</sup> Rey, Oscar, *Colombia, Guerrilla y Narcótráfico*, 1999, Santillana publishing, pp. 63.

America designed an international cooperation strategy to “struggle against drugs” known as “Plan Colombia”<sup>84</sup>. The main objective of this partnership was to eradicate the cultivation of marijuana and the production of cocaine as well as to capture, extradite and prosecute Colombian drug lords and their coworkers in the United States of America.

As a defensive response to Plan Colombia, the drug lords try to enter politics and change the laws that were regulating the extradition process. Led by the slogan “ Preferimos una tumba en Colombia que la cárcel en los Estados Unidos”<sup>85</sup> (We prefer a grave in Colombia than a prison in the United States), they started an enormous social movement to remove the extradition process from Colombia’s juridical system.

In 1983 comes to light the “Movimiento Latino Nacional” (MLN) led by the drug lord Carlos Ledher and “Movimiento Civismo en Marcha” “created by Pablo Escobar Gaviria. These movements were entirely financed by drug cartels. Thus, they were strongly rejected by governmental institutions, political parties, Church and the medias.

Colombia was finally reacting against mafia and corruption. However, the drug cartels were a strong enemy. Having the United States, the Colombian medias and the system as their opponents, the Medellin and Cali drug cartels designed a violent strategy to intimidate the population and destabilize the country. For doing this, the drug cartels created alliances with both guerrillas groups FARC and ELN. The alliances between mafia and guerrillas transformed the Colombian armed conflict from communist guerrilla warfare to a phenomenon known as Narco-Terrorism<sup>86</sup>. This association caused Colombia

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<sup>84</sup> Rangel Alfredo *Colombia: Guerra en el fin de siglo*, 1998 , Tercer Mundo, pp. 32.

<sup>85</sup> El Pais, “ Los Extraditables rompen con Escobar”, April 17<sup>th</sup> 1990, Accessed May 14<sup>th</sup> 2014, < [http://elpais.com/diario/1990/04/17/internacional/640303203\\_850215.html](http://elpais.com/diario/1990/04/17/internacional/640303203_850215.html) >.

<sup>86</sup> Vargas Ricardo, “ Colombia: usos y abusos de la guerra a las drogas. Los actores armados en Colombia y el problema de las drogas”, Magazine Ciencias Sociales América Latina Hoy, No. 23, 1999, Intituto de

innumerable terrorist attacks: as the assassination of Minister of Defense Rodrigo Lara Bonilla in 1983, the murder of Guillermo Cano, director of the newspaper "El Espectador" in 1986, the assassination of presidential candidate Luis Carlos Galán in 1989, the explosive bomb in Avianca flight 203 designed to kill the presidential candidate and future president of Colombia César Gaviria, the car-bomb outside the building of Colombia's Security Department( DAS) in 1990, among others.

Although the extradition or in some cases the execution of major drug lords, narcotraffic corrupted the guerrillas, whom originally were revolutionary groups based on communist ideology. After the alliance with Mafia, the FARC and the ELN putted aside their political plan and revolutionary objectives to become drug traffickers without any sort of ideology and even worst with terrorist orientation. More than 70% of FARC'S revenue derived from drug trafficking and the other 30% is obtained with extortion, kidnapping and other illegal activities<sup>87</sup>.

The situation in the country worsened in the latest 90s. The international press classified Colombia as one of the most dangerous countries in the world. Guerrillas were terrorizing the population and the army was not able to defend the State's sovereignty. Nevertheless, what actually degenerate the situation were the decisions taken during the government of President Andrés Pastrana Arango (1998 - 2002). In this period the Colombian government started "peace conversations" with the FARC. This process was based on two elements:

- 1.** The development of regular dialogues with the guerrilla group, with the objective of finding a political agreement to demobilize and reintegrate the combatants into civilian life.

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Estudios de Iberoamérica y Portugal, Universidad de Salamanca, pp. 76- 89.

<sup>87</sup> Villamarin Luis Alberto, *Narcoterrorismo: Las Guerra del Nuevo Siglo*, Nowtilus 2005, pp. 56.

2. The cession of a demilitarized territory to The Revolutionary Armed Forces of Colombia ( FARC) by Colombia's government. This territory comprised 42,000 square kilometers and included the municipalities of La Uribe, Mesetas, La Macarena and Vista Hermosa in the department of Meta, and San Vicente del Caguan in the Caqueta. The territory granted to the FARC in 1998 was known as the "Zona de distensión" (Demilitarized zone (DMZ))<sup>88</sup>. The purpose of this " zone" was to encourage peaceful dialogues in a demilitarized environment, and give to the nomad guerrilla group a temporal place to stay during the peace dialogue period.



### Demilitarized Zone

The map on the left shows the geographical location of the “ Zona de Distension” or “ Zona de despeje”.

42,000 square kilometers including the municipalities of La Uribe, Mesetas, La Macarena and Vista Hermosa in the department of Meta, and San Vicente del Caguán in the department of Caquetá.

Source: BBC Mundo<sup>89</sup>

Unfortunately, the agreement was not respected by the FARC<sup>90</sup>. Imposing their rules and using the land for illegal purposes this group took full control of the area. The demilitarized zone was used for cultivation and drug's processing as well as a concentration camp for

<sup>88</sup> Vasquez Teófilo, Una vieja Guerra en un Nuevo contexto , Universidad Javeriana , 2011, pp. 27.

<sup>89</sup> BBC News, “ Pastrana visita la zona de distension” , February 23<sup>rd</sup> 2002, Accessed April 20<sup>th</sup> 2014, Available at : < [http://news.bbc.co.uk/hi/spanish/latin\\_america/newsid\\_1837000/1837597.stm](http://news.bbc.co.uk/hi/spanish/latin_america/newsid_1837000/1837597.stm) > .

<sup>90</sup> Villamarin Luis Alberto, La Silla Vacía: Análisis Político- Estratégico del fracasado proceso de paz de Pastrana con las Farc, 2013, Createspace publishing, pp. 237.

thousands of hostages including presidential candidate Ingrid Betancourt whom were deprived of their liberty during this terrible period. The granting of this area reinforced the insurgency and ended the hopes of all Colombians to solve the conflict through dialogue. President Andres Pastrana Arango abolished the DMZ on February 21, 2002. The Armed Forces of Colombia received the order to enter and recover total control of the area.

From the creation of the DMZ until the beginning of 2001, violence, drug trade and a permanent state of insecurity devastated Colombia. It was then in 2003 when the government of President Alvaro Uribe Velez and the United States of America designed a strong military strategy to fight against narcoterrorism. The second version of "Plan Colombia" is a military agreement that allows the establishment of seven American military bases strategically spread in the national territory.

The Plan Colombia is receiving day by day a higher budget. Therefore, since 2003 guerrilla organizations have had strong political-military defeats. The loss of its military presence in the department of Cundinamarca, the death of Raul Reyes alias 'Mono Jojoy' and 'Alfonso Cano', top commanders of the guerrilla. The FARC and ELN are guerrillas are now economically and militarily weakened.

The majority of Colombians now considers the FARC terrorist<sup>91</sup>. Furthermore, the United States of America, the European Union and most of Latin American Countries classify the FARC as a terrorist group that threatens world peace. However, Argentina, Chile, Ecuador, Bolivia and Brazil and the UNASUR (Union of South American States) do not considered the FARC terrorist. Venezuela and Nicaragua considered them as belligerent group<sup>92</sup>.

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<sup>91</sup> Centro Nacional de Memoria Histórica. *Guerrilla y Población Civil. "Trayectoria de las FARC 1949-2013"*, 2013, Imprenta Nacional, pp.176-179.

<sup>92</sup> Leech Gary, *The Farc: The longest Insurgency ( Rebels )*, 2011, Zed books, pp. 82.

It can be affirmed that nowadays the FARC are controlling the drug business in Colombia, what do they want now? For sure they do not want a new Colombia based on social justice as they proclaimed in the 60's, they just want to protect their drug business by killing anyone who is against them. Hence, now we do not have a communist guerrilla fighting for the rights of the oppressed population, instead we have a "rich" guerrilla blocking the development of the whole country.

#### **4. The AUC: The United Self- Defense Forces of Colombia**

The United Self- Defense Forces of Colombia (Autodefensas Unidas de Colombia), or so called AUC emerged in 1998. It was a right- wing paramilitary organization led by Carlos Castaño, brother of Fidel Castaño, former military leader of Medellin's Drug Cartel. This group was conformed by a coalition of right-wing squads that used Colombia's conflict dynamic to hide their illicit economic activities<sup>93</sup>. At the beginning, it was created to defend the civil population from guerrillas leftist groups, however, the Mafia financed them and their modus operandi included drug trafficking, massacres, kidnapping, and extortion. In 2003 The AUC signed a peace agreement with the government and later in 2006 demobilized. Nevertheless, "criminal bands" or BACRIMs, for the Spanish acronyms, inherited their criminal legacy. This new typology of criminals uses the same weapons, personal and violence techniques of the AUC. They are fragments of the AUC dedicated to drug trafficking and organized crime around the country.

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<sup>93</sup> Rojas Cristina, *Civilización y violencia: La Búsqueda de la identidad en la Colombia del siglo XIX*, Norma, Bogotá, 2001, pp. 125.



## 5. Inequality in Colombia

Nowadays Colombian society is divided in 6 social classes or strata ("estratos socio económicos " in Spanish) the lowest strata is number 1 and the highest is number 6. Socioeconomic strata are a tool used by the Colombian government (Law 142 of 1994, Article 102) to classify residential property in accordance with the guidelines of the DANE – National Department of Statistics ( Departamento Nacional de Estadística) , which takes into account the level of incomes of the owners, the provision of services ,public utilities, location (urban, rural), indigenous settlements, among others. The classification of strata is used to determine the taxes each citizen must pay for public services, access to health services, tuition at state universities, among others. This categorization causes a differential payment rates for the services of electricity, water, gas, and communications. This also means that the first 3 strata are subsidized by a contribution from the upper strata.

However, this division has a major incidence in the relations between individuals, people from strata 5 and 6, the so called "elite" are used to hangout only amongst them, they go to bars, disco's, restaurant and universities only class 5 and 6 can afford to go. Therefore there are few occasions were people from all the social strata can interact. Usually if you belong to a certain social level your social circle and friends are from the same level. The social stratification is a product of the unequal actual Colombian society. Therefore, Colombia is considered the 3<sup>rd</sup> most unequal country in Latin America after Brazil and Dominican Republic<sup>94</sup>.

The winner of the Economy Nobel Prize Joseph Stiglitz, in his book "

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<sup>94</sup> Diario el Espectador, , *Colombia, el tercer país más desigual de Latinoamérica*, October 2013, Accessed November 1<sup>st</sup> 2013 , available at < [www.elespectador.com/noticias/nacional/colombia-el-tercer-pais-mas-desigual-delatinoamerica-articulo-451671](http://www.elespectador.com/noticias/nacional/colombia-el-tercer-pais-mas-desigual-delatinoamerica-articulo-451671) > .

The Price of Inequality”, states that these types of societies do not function efficiently and are not sustainable in long term. According to the Author, “when the rich people use their political power to benefit the companies they control, the resources are reverted into the pockets of a few and are not use to benefit the society as a whole”. This causes a vicious circle in which the rich are unwilling to spend money on common needs, public benefits, or public education, because they can afford private colleges and universities, go to the club instead of the public park, this continuous behavior causes a more divided society<sup>95</sup>.

In Colombia the access to education also determines who is going to have the “power” in the country, consequently only the Colombians who have the possibility to access University will have the chance to hold important positions in the government and in the private sector. Unfortunately, as a result of the unequal distribution of incomes in the society, only 37,2% of the students graduated from high school can go to University, and around 20% are able to complete their first cycle University studies<sup>96</sup>.

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<sup>95</sup> Revista Semana, , *El efecto de la desigualdad* , Orozco Arbeláez ,Margarita, October 2013 , Accessed October 20th 2013, available at: < <http://www.semana.com/opinion/articulo/la-desigualdad-en-colombia-opinion-margaritaorozco/360263-3> > .

<sup>96</sup> World Bank, , *El objetivo de Colombia: Más educación superior, más oportunidades para los jóvenes*, January 2013 , accessed October 15th 2013, available at: <<http://www.bancomundial.org/es/news/feature/2013/01/24/colombiamore-success-in-higher-education-more-opportunities-for-youth> > .

## Chapter IV

### Women in the FARC

*"Las mujeres constituyen un verdadero ejército al servicio de la Revolución...La mujer es una Revolución dentro de la Revolución ... Cuando en un pueblo pelean los hombres y pueden pelear las mujeres sin ser discriminadas, estos pueblos son invencibles, y la mujer de este pueblo es invencible"*

*Fidel Castro – January 1<sup>st</sup> 1959 Santiago de Cuba*

Approximately 30%<sup>97</sup> of the combatants in the FARC are women. In this percentage we can find two types of female members. On the one hand, women whom were illegally recruited and on the other hand, women whom decided voluntary to join this armed group. Nevertheless, all women in the FARC are being discriminated by all armed actors in the conflict. They are invisible victims of this war and it is our task to highlight the problem and propose solutions to overcome it. "Farianas" women, as they called themselves are more than uniforms and rifles. They are warriors that day by day are struggling for their rights and dignity.

This chapter analyzes the types of violence women face as members of the Revolutionary Armed Forces of Colombia (FARC). Most of the information used for this chapter was collected through a series of interviews in total 17 interviews done by the author to former and current female members of the FARC. The interviews were developed in the following periods and locations: Between November 2013 and January 2014 in Cali and Bogotá (Colombia) and in June 2014 at the Embassy of Colombia in Paris( France).

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<sup>97</sup> Meertens Donny , *Ensayos sobre tierra, violencia y Género*, Universidad Nacional, 2000, pp. 37.

These women were contacted for the academic aims of this thesis. The NGO "INDEPAZ"<sup>98</sup> and the "Centro Nacional de Memoria Histórica"<sup>99</sup> provided the contacts. Both organizations are working for women's rights in Colombia and are located in Bogotá D.C.

### **1. Women in the FARC: "Somos Mujeres Farianas"<sup>100</sup>**

The 17 testimonies of ex-combatants women collected for the aim of this investigation are compiled in standardized "Survey sheet" (Ficha-Encuesta) in the appendix of this thesis. These testimonies give us the panorama of how it is to be a woman inside the FARC.

There are two categories that differentiate women from the sample by their social origins. First, we find academic professionals women from the urban sector, workers, students, and women who in some way connected to student's movements or leftist parties as for example the Colombian Communist Party (PCC). Second, we have farmers and women living in rural areas and have the following common characteristics: low educational level, low-income level, victims of gender-based violence, oppressed women with no opportunities for getting an education or a decent job.

Some of their names are confidential, and the sources of their testimonies are their own experiences as combatants in the Revolutionary Armed Forces of Colombia (FARC). For some cases it is possible to have accurate facts while other information is partial or

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<sup>98</sup>Fundación Ideas para el desarrollo y la paz (INDEPAZ), Misión y Visión, Accessed February 16<sup>th</sup> 2014, < <http://www.indepaz.org.co> > .

<sup>99</sup> Centro Nacional de Memoria Histórica, Misión, Accessed March 20<sup>th</sup> 2014, < <http://www.centrodememoriahistorica.gov.co> > .

<sup>100</sup> "Farianas", term use by female combatants in the FARC to call themselves, this is their official website: < <http://mujerfariana.org/> > .

restricted. Although not exhaustive, it can help us to visualize the problem.

## **2. Why women join voluntarily the FARC?**

The reasons for joining an illegal armed group can be as large as the number of people who decided to join it. However, they can be grouped and simplified to better understand the insertion process. Taking into account the testimonies and the dynamic of Colombia's armed conflict explained in the previous chapter. It can be affirmed that the reasons why women join voluntarily the FARC changed in the 1990, when the alliances between mafia and guerrillas transformed the Colombian armed conflict from communist guerrilla warfare to Narco-terrorism. In this way before the 90's women who joined voluntarily the FARC were seduced by the group's ideology and objectives, but those who joined after the 1990's were motivated by feelings of anger and revenge and by the fact that this organization was providing them with protection and weapons to defend. Indeed, after the 90's the groups ideology was not important taking into account that at the time the FARC was already considered a narco-terrorist group.

According to the answers given by female former members of the FARC we can group the reasons in four categories within two time periods:

### **- From the foundation of the FARC 1964 to 1989**

#### **2.1. Social awareness and political conviction:**

In this category women are aware of the oppression that causes social inequalities and conflict. They see the society as a never-ending clash between two power groups: the dominant and the dominated.

Women who join the FARC for this reason are usually professionals, workers, students, leftist parties followers or social volunteers. They also have a particular interest for studying and debating the future of the country and the social mechanisms needed to change this unequal and unfair system.

The call from FARC to "make part of the revolution" was argued by noting the importance of engaging all sectors of society to build a more egalitarian country.

Women who answered this call were active leaders in their communities who decided without hesitation to join the FARC.

When women join the guerrilla they abandon their studies, work, family, friends, adopting an austere, almost puritanical life in the jungle.

"I had many questions about the FARC. Therefore, I started attending FARC's urban militia group in Bogota, and there I was invited to a course of 6 months in the jungle, once in the jungle I realized that was my life project. I thought, I have to show somehow the solidarity I feel for these people I wanted to join the struggle for a New Colombia"

*Yesenia Lopez Mosquera<sup>101</sup> ex-combatant FARC*

"Entering the FARC was an honor, because we are here devoting our lives for the transformation of society, we forget all of our individual interests and we give our life to others, to achieve real democracy, to acquire real change for Colombian society. I am here in the FARC to show oppressed Colombian women that they are not alone. "

*Laura Rodriguez<sup>102</sup> current member of the FARC*

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<sup>101</sup> Interview No.1, Former Combatant FARC, interview done by the author, June 25<sup>th</sup>, Paris-France.

<sup>102</sup> Interview Actual member of the FARC, Annex VI, her real name is confidential, interview done by the author December 10<sup>th</sup> 2013, Cali- Colombia.

**2.2. Emancipation:** Women join the FARC to challenge male authority and rebel against the patriarchal traditional social model. They see the guerrilla as a possibility of emancipation from tradition and oppressing lifestyles. Joining the guerrillas is often considered as a way to escape from domestic violence frequently faced by women in societies with marked gender stratification as Colombia's. They seek to flee from home where authority figures: father, brothers, husband, and even their mothers treat them as "sexual objects".

The entry to the armed organization gives them the opportunity to have a new life out of family's constraints. Furthermore, according to testimonies of female ex-combatants, the affective problems and poverty of their original families motivate them to join the FARC. The armed organization in these cases became the "substituted family" to offset their emotional needs.

"The decision of a woman like me to go into the jungle to be part of the FARC is not to be a sexual object of the commanders. Who was willing to leave behind a quiet life in order to go to the jungle and be part of the war just for being the lover of a commander? That was not the reason; I did it because I was tired of the patriarchal culture and the gender-based discrimination. My parents just wanted for me to marry and have children. Unfortunately, for Colombian society women are just "baby-makers". I thought maybe entering the FARC fighting next to men, society would respect me more as the woman I am".

*Unknown name*<sup>103</sup> female ex-combatant FARC

" I was 14 years old when I joined the FARC. I am only child, my

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<sup>103</sup> Interview No. 2, Former Combatant FARC, interview done by the author, June 25<sup>th</sup>, Paris-France.

parents are divorced, and by that time my mother had a boyfriend. This man was abusing me. He raped me several times. I tried to talk with my mom but she didn't believe me. I was feeling completely unprotected. I met a guy that was already working with the FARC.

He offered me protection and told me that if I join the group and learn how to use a gun, everyone will respect me. So I went ."

*Unknown name*<sup>104</sup> female ex-combatant FARC

- **From 1990 to the present:**

**2.3. Seek of revenge for the suffered violence.** The armed group will provide the required support for their purposes, in that sense; they manage to settle their individual goals with the collective goals of the armed group.

Their main motivation is to avenge all the violence suffered either in the family or the community where they lived. The ideological reasons do not matter. They are motivated only by their personal interest and their main objective is the enemy's revenge. They think using a power structure like the FARC will help them to accomplish their goal.

When women are direct victims of violence perpetrated either by paramilitary or governmental forces, they do not need a political belief to join the FARC. In this case the FARC's enemy is their same perpetrator. The decision to join the group is more a reaction than a conviction. Women who enroll for this reason are motivated by guilt and a strong desire to solve internal emotional conflicts. Moreover, they are encouraged by the frustration they had experienced after hard

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<sup>104</sup> Interview No. 3, Former Combatant FARC , interview done by the author, June 25<sup>th</sup>, Paris-France.



episodes of violence. Many have seen murdered parents, siblings, relatives, colleagues and friends<sup>105</sup>. The system is not able to capture and judge the perpetrators therefore; they decide to search for justice on their own by joining the FARC.

“ When I was 12 years old, my cousin raped me. He was abusing me almost everyday I tried always to stop him but I couldn't. I hate him. I joined the FARC because I needed to become a fighter so I can defend myself from all men, society was not giving me this protection this support, but the FARC did”.

*Unknown name*<sup>106</sup> female ex-combatant FARC

“I joined the FARC because in 1984 in " El Arado" a village located in province of Santander the Army massacred 50 peasants (one by one). Women were raped. So I decided to join the rebels to avenge all those people and to fight for the liberation of the oppressed population”.

*Unknown name*<sup>107</sup> female ex-combatant FARC

**2.4. Seeking for representation and major social status.** Joining the armed group is a way to improve their devalued status. This alternative allows them to ascend socially and acquire fundamental rights which society has denied them.

In this fourth category we find women wanting to improve their devalued status entering the "male world of war." The interest for military discipline, the handling of weapons and physical training combined with a desire to exercise power and authority over others. This type of authority was denied to women in civilian life and especially in the social contexts where they come from.

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<sup>105</sup> Stanski, Keith, "Terrorism, Ideology, and Gender: A Case Study of Women in the Revolutionary Armed Forces of Colombia (FARC)." , 2005, Praeger Publishing, pp. 124.

<sup>106</sup> Interview No.4, Former Combatant FARC, interview done by the author, June 25<sup>th</sup>, Paris-France.

<sup>107</sup> Interview No.5 Former Combatant FARC, interview done by the author, June 25<sup>th</sup>, Paris-France.

Woman's identity as an undervalued peasant is usually replaced by the brave, proud and strong "Fariana" warrior. Consequently, the image of brave women, fearful, cruel and ruthless with the enemy is also part of this new identity. This is attractive for women because once they are combatants they receive admiration, respect or fear from others.

"People choose to join the FARC because they have no other alternative to express their inconformity against society, because if they opposed the system using a legal method, the State kill them. The vast majority of combatants join illegal armed groups because it is their only alternative to be heard".

*Laura Rodriguez*<sup>108</sup> Actual member of the FARC

"I am from "Briceño", a small town in Southern Colombia, I finished high school and I wanted to continue with College. Unfortunately my family was really poor and they only were able to send one kid to college, of course they chose my brother. However, I was an ambitious girl, and I wanted to study and be someone important. The FARC promised me free education and the possibility to become a commander of one of the Fronts, they didn't care if I was male or female".

*Unknown name*<sup>109</sup> female ex-combatant FARC

### **3. Illegal Recruitment**

Listed as a breach of International Humanitarian Law (IHL), forced recruitment is considered a massive violation of human rights, which are protected by the Colombia's Constitution and in general by the public international law.

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<sup>108</sup> Interview current member of the FARC, her real name is confidential, interview done by the author December 10<sup>th</sup> 2013, Cali- Colombia.

<sup>109</sup> Interview No.6 Former Combatant FARC , interview done by the author, June 25<sup>th</sup>, Paris-France.

The 1949 Geneva Conventions and the Convention on the Rights of the Child states that the inclusion of children under 15 in armed confrontations is prohibited. However, with the increasing number of child soldiers in various conflicts the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict raised the limit to 18. Thus, states "the armed groups distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under 18."<sup>110</sup>

Illegal armed groups such as the FARC have internal rules, which prohibit the recruitment of minors and in general the illegal recruitment. For example, article 9, Chapter V, of the Statute of the FARC states that the members of the FARC can only composed by fighters who consciously join the armed struggle<sup>111</sup>.

These internal rules are usually designed to convince the international community of their good actions to adjust to international human rights regulations. However, in the practice these rules are not respect. As a consequence, the FARC are permanently violating the international humanitarian law and the human's rights regulations by illegally recruiting boys and girls for their lines<sup>112</sup>.

Illegal groups also convince girls with false illusions of money and freedom to join their lines and then abused them. The so-called "recruitment" is by persuasion. Furthermore, for some girls, male-dominated culture influences the attraction they feel for the uniforms, weapons and the power they represent. These young girls often join

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<sup>110</sup> United Nations General Assembly, A/RES/54/263 , 25<sup>th</sup> May 2000, Accessed January 16<sup>th</sup> 2014, Available at < <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx> > .

<sup>111</sup> FARC-EP, Estatutos de las Fuerzas Revolucionarias de Colombia- Ejército del Pueblo, Approved in January 1978 by "Sexta Conferencia Guerrillera", Accessed November 28<sup>th</sup> 2013, < [http://farc-ep.co/wp\\_content/uploads/2013/10/Estatutos.pdf](http://farc-ep.co/wp_content/uploads/2013/10/Estatutos.pdf) > .

<sup>112</sup> Centro Nacional de Memoria Histórica ; Comisión Nacional de Reparación y Reconciliación ( Colombia), *iBasta Ya! Colombia: Memorias de Guerra y dignidad*, 2013, Imprenta Nacional, pp. 116, Accessed May 20<sup>th</sup> 2014, <<http://www.banrepcultural.org/blaavirtual/memoria-historica-cnrr/basta-ya> > .

armed groups because they think that once they are part of it they are going to have the same rights as men.

The following testimony shows the situation girls face when entering illegal armed groups in Colombia:

“ Camila” joined the FARC when she was 13; she was tired of his father mistreated. She was trying to find a way out and she thought things would change if she holds a weapon and could be capable of fighting. She met a 32 years old FARC commander; this guy seduced her and convinced her that inside the FARC she will be protected and free. However, when Camila joined the FARC she was forced to sustain sexual relations with almost all the commanders of her Front, she died of AIDS at 17<sup>113</sup>.

The illegal recruitment of girls under 18 years by illegal armed groups does not refer only to the use of children as combatants, but extends to all forms of the use of children under 18 in tasks related to kitchen, informants, "messengers", construction of explosive devices, drug traffic, spies, sex slaves, among other situations that dramatically affect their physical and emotional health as well as the development of their life project.

As a consequence of the structural violence caused by the armed conflict, the guerrilla take advantage of the uneducated boys and girls to convinced them with false promises to join the

FARC. The forced recruitment mostly takes place in small towns of the countryside especially in the northern and eastern Colombia. Girls are recruited from the age of 9, they

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<sup>113</sup> Interview No.6, Former Combatant FARC ,interview done by the author, June 25<sup>th</sup>, Paris-France.

are usually recruited for being sexual partners of the combatants or for trafficking drugs and information in the urban areas<sup>114</sup>. The FARC prefer to recruit children because they are amenable, easy to convince and train, and in general they eat and use less hygiene products than the adults, which is an important advantage taking into account that members of the FARC are living in mobile campsites in the jungles and mountains of Colombia.

Girls in the FARC are subjected to violence, sexual harassment and from the beginning are forced to use birth control methods that affect their reproductive health and limit their sexual and reproductive rights<sup>115</sup>. In other words, the illegal recruitment of girls by the FARC is another form of gender-based violence because they used them as sexual objects and instruments for the major activity of the FARC: the drug trafficking.

According to the Colombian Family Welfare Institute (ICBF) a total of 5.156 children soldier have been demobilized from the illegal armed groups from the 10<sup>th</sup> november 1999 to the 31<sup>st</sup> march 2013. From this total 28% are girls. This children are now part of the ICBF program “Niños, Niñas y adolescentes desvinculados del Conflicto” ( Demobilized Children and adolescents ). Furthermore, the majority of boys and girls combating in illegal armed groups are illegally recruited by the FARC, indeed from the total of children involved in guerrillas the 60% are from the FARC. <sup>116</sup>

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<sup>114</sup> Singer W. Peter, *Children at War*, 2006, University of California Press, pp. 74.

<sup>115</sup> Mosquera, Victoria Eugenia and Holguín Carmen Jimena, *El componente de género en movimientos guerrilleros desde la percepción de excombatientes*, Colombia, 2001, Universidad del Valle , pp. 23.

<sup>116</sup> ICBF, Informe Especial, Niñas, Niños y Adolescentes Desvinculados del Conflicto , March 2013, Accessed April 24<sup>th</sup> 2014, Available at: <http://www.icbf.gov.co/portal/page/portal/RecursosWebPortal/Prensa/ABRIL%2016%20INFOGRAFIA%20RECLUTAMIENTO%20WEB.pdf> >.



\* Source: Colombian Family Welfare Institute (ICBF)<sup>117</sup>

The inefficiency of Colombia's education system plus the high corruption rates, blocks the resource mobilization allocated for reinforcing the social and economic conditions of the countryside regions. This fact increases the vulnerability of boys and girls for the illegal recruitment. These children are growing up without a solid education and welfare system. Therefore, guerrillas take advantage of the needs and welfare conditions not guaranteed by the State and kidnaped children. At the end these children are ignored and left behind by the security official forces. Therefore, boys and girls are day by day an easier target for guerrilla's recruitment methods.

According to the UNICEF office for Colombia, nowadays between 6,000 and 7,000 children belong to illegal armed groups. In comparison with other countries only Burma and the Democratic Republic of Congo are

<sup>117</sup> ICBF, Informe Especial, Niñas, Niños y Adolescentes Desvinculados del Conflicto , March 2013, Accessed April 24<sup>th</sup> 2014, Available at: <http://www.icbf.gov.co/portal/page/portal/RecursosWebPortal/Prensa/ABRIL%2016%20INFOGRAFIA%20RECLUTAMIENTO%20WEB.pdf> >.

considered to have larger numbers of child combatants than Colombia<sup>118</sup>.

#### **4. Forced birth control and abortion: “ Prohibido ser madre” (Forbidden to be a mother)**

As stated by Amnesty International, it can be affirmed that all of the illegal armed groups present in Colombia’s national territory violate women’s reproductive rights. In modern gender studies, the reproductive rights of every girl and women includes the right to have a satisfying and safe sex life and the possibility to reproduce without constraints. The decision of using or not birth control methods requires only the women’s consent.

“ I joined the FARC at the age of 15, during my first day in the jungle they inserted me a intrauterine devices for birth control, they forced me to do it and I didn’t even receive information about the device. It was a condition to stay in the group. I had no choice.

All the girls here in the FARC have this device. Is a rule not a choice”

*Unknown name – Female ex-combatant FARC<sup>119</sup>.*

Taking into account the economical and social dimension of the sexual and reproductive rights women must be provided of information on effective and affordable methods of fertility by the State or the International Community. Moreover, is a fundamental right of every women to have access to appropriate healthcare services that will allow them to have a safe pregnancy and delivery.

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<sup>118</sup> UNICEF office for Colombia, *Annual Report 2013-Colombia*, 2013, pp. 24 ,Accessed May 12<sup>th</sup> 2014, < [http://www.unicef.org/about/annualreport/files/Colombia\\_COAR\\_2013.pdf](http://www.unicef.org/about/annualreport/files/Colombia_COAR_2013.pdf) >.

<sup>119</sup> Interview No.7, Former Combatant FARC, interview done by the author, June 25<sup>th</sup>, Paris-France.

## **Abortion Rights in Colombia**

On April 2005, the Colombian Constitutional Court received a lawsuit, which demanded the unconstitutionality declaration of article 122 of Colombian Penal Code (Código Penal Colombiano). This article criminalizes abortion without exception. Hence, according to this regulation women have no right to abort.

**Artículo 122.** *Aborto. La mujer que causare su aborto o permitiere que otro se lo cause, incurrirá en prisión de uno (1) a tres (3) años.*

*A la misma sanción estará sujeto quien, con el consentimiento de la mujer, realice la conducta prevista en el inciso anterior<sup>120</sup>.*

After months of deliberation, The Court in the decision C- 355/2006<sup>121</sup> established the new legal parameters of the used of induced abortion in Colombia.

Nowadays, the induced abortion in Colombia is **allowed only** in three situations:

- 1.** When the pregnancy endangers woman's health, as certified by a doctor.
- 2.** The existence of a malformation of the fetus that threatens his/her life, as certified by a doctor.
- 3.** The pregnancy is the result of a reported sexual violent act, constituting rape or sexual intercourse without consent, abusive or artificial insemination without consent, or incest.

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<sup>120</sup> Código Penal Colombiano, Ley 599 de 2000, Capítulo IV, Artículo 122, Ed. Legis. 2012.

<sup>121</sup> Corte Constitucional Colombiana, C-355/2006, Mayo 10 2006, Accessed Marc 23rd 2014, Available at: < <http://www.corteconstitucional.gov.co/relatoria/2006/c-355-06.htm> >.



If any of these conditions are proven the abortion will not be criminalized. In Colombia women are not completely free to commit induced abortion nevertheless, the system give them the possibility to do it in certain situations. However, in these situations is always women's decision to do it or not. According to the Colombian journal "

El Espectador", in the long crime's list perpetrated by the FARC in half century, perhaps the least documented is the forced abortion of female combatants. After crossing information on computers seized from the guerrillas and after hearing the horrible stories of pregnant demobilized girls whom escaped the war to protect their children. Colombian security agencies estimate that in one year the average of forced abortions inside the FARC is around 1,000<sup>122</sup>.

The Inter-American Commission on Human Rights has received information indicating that girls and women inside the FARC are subjected to forced abortions and are forced to use contraceptives. The High Commissioner for Human Rights has confirmed this information. Moreover, The Office of the Ombudsman for the Rights of Children, Women and the Family has reported that girls severed from the armed groups have confirmed they were forced, within their groups, to place intrauterine devices, whether they were in agreement or not, and to practice abortions<sup>123</sup>. Amnesty International in its report " Colombia: Scarred bodies, hidden crimes: Sexual violence against women in the armed conflict" <sup>124</sup> included testimonies from women and girls that

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<sup>122</sup> Diario El Espectador, "Así obligan a las mujeres a abortar en las FARC", Juan David Laverde Palma, January 29<sup>th</sup> 2013, Accessed May 28<sup>th</sup> 2014, Available: <http://www.elespectador.com/noticias/judicial/asi-obligan-mujeres-abortar-farc-articulo-401836> .

<sup>123</sup> Inter-American Commission on Human rights, *Violence and discrimination against women in the armed conflicto in Colombia*, 2006, Document 67, Chapter III, Accessed Janaury 5th 2014, < <http://www.cidh.oas.org/women/Colombia06eng/part3co.htm> > .

<sup>124</sup> Amnesty International, Colombia: "Scarred bodies, hidden crimes: Sexual violence against women in the armed conflict", 2004, Accessed April 27<sup>th</sup> 2014, < <http://www.amnesty.org/en/library/info/AMR23/040/2004> > .

abandoned the FARC-EP and the ELN showing that both guerrillas had forced their combatants, in some cases girls only 12 years old, to abort and use contraceptives.

However, due to the lack of study and precarious visibility of this topic is difficult to give exact figures. Moreover, there is not political will to make visible this type of atrocities against women's rights. Unfortunately in the savage male dominated war in Colombia is challenging to prioritize the defense of women's rights in conflict scenarios.

#### **4.1. War Council: Sentenced to abort or die:**

Forced birth control and abortion is a type of gender-based violence suffered by women in armed groups. These constraints represent limitations to self-determination of female sexuality, which constitutes a violation of fundamental rights of every human being.

Forced abortion is practiced on women as a mechanism to control the use of her sexuality. Is presented as one of the extreme situations where women are victims of structural violence and patriarchal discriminatory rules.

Women who get pregnant in the FARC are forced to abort their babies using methods that endanger their lives. The internal rules of the FARC prohibit women to become mothers during their militant's life<sup>125</sup>. When girls or women join the FARC voluntarily or through illegal recruitment they have to follow the internal rules and discipline procedure of the organization. The abortion is a rule in the FARC, which admits no exception.

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<sup>125</sup> Comité para la Eliminación de Todas las Formas de Discriminación Contra la Mujer, Información de Colombia relacionada con tres violaciones a los derechos de las mujeres: (1) el impacto de la interdicción en la esterilización forzada; (2) la violencia sexual en el conflicto armado colombiano; y (3) la discriminación en contra de las personas transgeneristas, January 2013, pp. 12 Accessed April 23rd 2014, [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/JointNGOsubmission\\_Colombia56\\_PSWG\\_sp.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/JointNGOsubmission_Colombia56_PSWG_sp.pdf).

According to the internal rules of these organizations (normas internas), every time a case of pregnancy is informed to the group the Front Commander has to bring the case to a "consejo revolucionario de Guerra" (revolutionary war council) also known as Consejo de Guerra (war council). This is a type of "judgment" in which the major violations of the internal rules are analyzed and judged. Pregnant women are always taken to this Council<sup>126</sup>. After analyzing the particular situation the Council (mostly composed by men) sentences women to forced abortion and or to death penalty if the woman refuses to practice the abortion.

The death penalty is allowed by FARC's internal rules. According to article 4, numeral 4, of the "Reglamento de Régimen Disciplinario de las Fuerzas Armadas Revolucionarias de Colombia"<sup>127</sup> (Disciplinary Regulations of the Revolutionary Armed Forces of Colombia), death penalty is established for serious violations of the principles and rules of the organization. However, it is forbidden in Colombia's legal system. During the War Council the women have no defense right, her opinion is completely ignored and her emotional and physical conditions are not taken into account for the final sentence. Women are always punished with forced physical work plus the mandatory prescription of abortive medicines. The punishments consist mostly on carrying more loads of wood, patrolling for longer hours or digging trenches. All of this physical work plus the abortive drugs, forced them to lose the baby in a short term.

"After some months in the jungle I got pregnant, I informed it to the commander and they took me to "Consejo de Guerra", according to the

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<sup>126</sup> Taussig Michael, *Law in a Lawless Land: A Diary of a Limpieza in Colombia*. The New Press, 2003, pp. 75

<sup>127</sup> FARC-EP, Reglamento de Régimen Disciplinario de las Fuerzas Armadas Revolucionarias de Colombia, Approved in January 1978 by "Sexta Conferencia Guerrillera", Accessed November 28<sup>th</sup> 2013, < <http://farc-ep.co/wp-content/uploads/2013/10/Estatutos.pdf> >.

Council, the rules admit no exception and I was forced to abort. However, I was 6 months by that time so it was too late for abortion. One month later in the moment I was giving birth, the Commander entered to cut the umbilical cord, then he putted his hand on the baby's mouth and killed him".

*Unknown name – woman ex-combatant FARC<sup>128</sup>.*

Abortions are performed by untrained nurses in precarious and dangerous conditions mostly in rural homes or in the middle of the jungle<sup>129</sup>. Being pregnant in any of the illegal armed groups in Colombia is a mortal risk. Once in the group woman has no control of her body, the group owns her integrity, her choices and her life.

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<sup>128</sup> Interview No.8, Former Combatant FARC ,interview done by the author, June 25<sup>th</sup>, Paris-France.

<sup>129</sup> Mosquera, Victoria Eugenia and Holguín Carmen Jimena, *El componente de género en movimientos guerrilleros desde la percepción de excombatientes*, Colombia, 2001, Universidad del Valle , pp. 52.

**Chapter V**  
**The woman as an instrument of war:**  
**Sexual violence against women in Colombia's armed conflict**

*"Violence against women cannot be tolerated, in any form, in any context, in any circumstance, by any political leader or by any Government.*

The time to change is now. Only by standing together and speaking out we  
can make a difference"

*Ban Ki-Moon- UN Secretary -General*

Colombia's armed conflict can be described as a masculinized confrontation in which all the armed actors have used sexual violence as a weapon of war. The use of this type of violence has become a widespread and systematic practice. Indeed, nowadays is considered a normal characteristic of the armed conflict<sup>130</sup>. The impunity of these crimes makes Colombian women the major invisible victims in this war.

This chapter focuses on the various type of sexual violence in the Colombian conflict; sexual abuse, rape, sexual punishments, sexual slavery and forced displacement. Considering the lack of information about this topic and the disparity of the figures provided by the government and by the civil society this document does not provide a quantification of the phenomenon, but a qualitative description based on the testimonies of sexual violence information collected through the review of s available secondary and primary sources.

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<sup>130</sup> Velásquez, T. Magdala , "Reflexiones sobre el conflicto armado colombiano desde una mirada feminista" , Corporación Casa de la Mujer de Bogotá, 2000, pp. 20-32.

The investigation of this subject faced specific challenges. The first challenge was to collect through primary sources the experiences of women victims of sexual violence in the armed conflict. This task was developed through the participation in the social project "Centro de Atención Social -CAS" of Universidad del Rosario during winter 2013 in the city of Bogotá. The project aims to provide assistance to the community of Verbenal a suburb in Bogotá, through the implementation of the Social-Care Center ( Centro de Atención Social ) CAS. The CAS seeks to provide psychosocial, legal and business administration assistance, according to the needs and social dynamics of the Verbenal community<sup>131</sup>. As a former student of the faculty of Law of Universidad del Rosario I volunteered to give juridical assistance to women victims of sexual violence in the conflict, there I collected testimonies and information for this investigation.

The second challenge is related to the ethical commitment that this type of research requires, because as Carolyn Nordstrom states;  
*"Write about people's violence experiences is even more difficult than to write about the violence itself. Dignifying the experiences of violence of a person is probably the most important part of studying and writing about violence and indeed the most complicated"*<sup>132</sup>

In this sense, research, reports, international and national literature and systematized testimonies were collected in order to identify the fundamental elements and the different forms of the use of sexual violence in Colombia's armed conflict.

The following chapter will demonstrate; that guerrillas groups, State security forces and paramilitaries have used sexual violence with two

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<sup>131</sup> Universidad del Rosario, *Proyectos para el desarrollo social*, Centro de Atención social CAS, 2012, Accessed April 23rd 2014, <<http://www.urosario.edu.co/Internacionalizacion/documentos/cooperacion/CAS.pdf> >.

<sup>132</sup>Nordstrom , Carolyn , *A Different Kind of War Story*, 1997, University of Pennsylvania , pp. 24.

main objectives; on the one hand, as a method for terrorizing communities using woman's body as a battlefield. On the other hand, as a torture tool to control the population and forced them to follow strict rules of conduct. Moreover, this chapter wants to highlight the utilization of women's body as an instrument in all the dynamics of Colombia's conflict and the difficulties they have to access justice. Sexual violence is a tragic reality that cannot continue to remain hidden, and needs to be treated urgently in a governmental, legal and personal level.

### **1. Legal Framework: Sexual violence as a category of Gender-based violence**

"Troy is controlled by the Greeks and has nearly ten years of peace, until someone kills the friend of Achilles, the great warrior. After the assassination of Patroclus, Achilles starts to kill many people; Trojans asked him what he wanted? He replied: I want the king's daughter. They gave him the girl, and he rapes her. In our earliest cultural memory, sexual violence is included in the war and women have always been the trophy"<sup>133</sup>.

In the history of mankind sexual violence in war is a very ancient technique. Entire communities have suffered its consequences; women and girls have always been particularly affected because of their gender and unequal social status. In the twentieth century, we found brutal episodes of systematic rape, as an explicit tactic of war. This has been used as way to calm the troops, reward them; or humiliate the enemy, seeing their women as war booty. Sexual violence is also considered as a mechanism to terrorize, violate, dishonor a community, and destabilized an entire group.

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<sup>133</sup> Leatherman L. Janie, *Sexual Violence and Armed Conflicts*, 2011, Polity publishing, pp. 32.

The UN declaration on the Elimination of Violence against women, establishes in Article 1:

"For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life"<sup>134</sup>.

Furthermore of the same declaration Article 2 states:

"Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs."<sup>135</sup>

According to the previous definition the sexual violence is considered a type of gender-based violence. However, it is always difficult to categorize the acts of violence against women as gender based-

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<sup>134</sup> United Nations, Declaration on the Elimination of Violence Against Women, General Assembly , 1993, Accessed May 25th 2014, < <http://www.un.org/documents/ga/res/48/a48r104.htm> >.

<sup>135</sup> United Nations, Declaration on the Elimination of Violence Against Women, General Assembly , 1993, Accessed May 25th 2014, < <http://www.un.org/documents/ga/res/48/a48r104.htm> >.



violence. Therefore, taking into account the previous article and the 2004 Amnesty International report "Colombia: Scarred bodies, hidden crimes; Sexual violence against women in the armed conflict"<sup>136</sup>, the following elements should be analyzed in order to determine whether an act of violence constituted gender-based violence:

**a. Cause or motive:** If during violence the perpetrator clearly expressed gender insults.

**b. Circumstances or context:** as an example, we can think about the abuse in the context of an armed conflict of women of a certain group.

**c. The act itself:** If have to be analyze if the act itself is addressed to hurt women's sexuality. For example, mutilation of sexual parts of the body, overtly sexual acts, forced nudity and rape.

**d. The consequences of a violation:** If the act brings specific consequences for women, such as unwanted pregnancies, exclusion of the community, and victimization by the community who thinks it was women's fault for provoking the man to commit the sexual act.

**e. The availability to access any sort of remedies to claim and defend their rights:**

As a fundamental criteria to establish if violent can be categorized as gender based violence we have to analyzed the obstacles women encounter when accessing to legal remedies, for example the need of a male family member to support her in the legal proceedings or the need to explain the severity of the sexual violence experience over and

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<sup>136</sup> Amnesty International, Colombia: "Scarred bodies, hidden crimes": Sexual violence against women in the armed conflict", 2004, Accessed April 27<sup>th</sup> 2014, <  
<http://www.amnesty.org/en/library/info/AMR23/040/2004> > .

over again to different authorities in order to be heard.

Colombia has a legal framework that provides tools for the assurance and protection of women's human rights: the Convention on the Elimination of All Forms of Discrimination against Women ratified in 1982, the II Additional Protocol to the Geneva Conventions of 1969, ratified in 1994, the Vienna Convention on Human Rights 1993, the Convention of Belém do Pará that was ratified in 1996. Furthermore, in the context of armed conflict, the new Penal Code, Title II<sup>137</sup>, defines crimes against persons and property protected by International Humanitarian Law (IHL), which include sexual violence as a war crime, and a as a crime against humanity.

Law No. 1257 issued on December 4<sup>th</sup> 2008 by Colombia's Congress, refers to sexual harm as: "consequences of a consistent action to compel a person to engage in sexualized verbal or physical contact, or engage in other sexual interactions by using force, intimidation, coercion, blackmail, bribery, manipulation, threat or any other means to annul or limit the person's will. Is also considered sexual harm when the victim is forced to perform any of these acts with third parties."<sup>138</sup>

Sexual violence in its various forms is one of the most serious violations of fundamental rights in particular, the right to life, freedom of expression and movement and the free development of the personality. However, it seems that the international and national legal framework on the topic is not translate into a situation of effective enjoyment of women's rights in the country. By contrast, the violation of international and national commitments is a constant phenomenon, women continue to face discrimination and still subjects of multiple

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<sup>137</sup>Law 599/2000, Colombian Penal Code, Tittle II, article 141, Accessed May 20<sup>th</sup> 2014, < <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=6388> >.

<sup>138</sup> Congreso de La República, Ley 1257 de 2008, Accessed January 20<sup>th</sup> 2014, Available at , < <http://www.sdmujer.gov.co/images/pdf/ley1257.pdf> >.

forms of violence.

## **2. Dimensions of the Sexual Violence in Colombia's armed conflict**

The Sexual violence perpetrated in Colombia's armed conflict is manifest through the following dimensions: violent sexual intercourse, slavery and forced prostitution, sexual violence against women for alleged relationships with any armed conflict actor, trafficking in persons; violent acts against the sexual integrity; the sexual abuse of children and adolescents; rape; erotic fondling; forced marriage, sexual mutilation, forced contraception, pregnancy and forced abortion; restriction on access to safe sanitation for fertility regulation, forced exposure for sexually transmitted infections, forced nudity; forced domestic service and commercial sexual exploitation of children and teenagers<sup>139</sup>.

One of the greatest achievements in relation to the recognition of sexual violence acts perpetrated by armed actors in Colombia is the Auto 092/08 issued by the Constitutional Court, in which "emphasizes the risk of sexual violence on women, noting the severity and frequency of this situation that has been reported by various women's right organizations to this Court"<sup>140</sup>. Through this decision the Court explains that the reported stories, testimonies and figures of sexual violence against women include:

- Acts of sexual violence committed as part of major violent operations such as massacres, looting, and bombing of villages committed against women and girls from the targeted village,

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<sup>139</sup> Villareal, Norma, "Mujeres y madres en la Ruta por la paz": La crisis sociopolítica colombiana. Un análisis no coyuntural de la coyuntura, CES- Universidad Nacional de Colombia, 1997, pp. 260- 275

<sup>140</sup> Colombian Constitutional Court, Auto 092 2008, pp. 5, Accessed February 17<sup>th</sup> 2014, pp.- 3-4 Available at: <<http://www.corteconstitucional.gov.co/relatoria/autos/2008/a092-08.htm>>.

these acts are committed by illegal armed groups such as FARC, ELN and AUC.

- Deliberate acts of sexual violence no longer under broader violent actions, but individual and premeditated sexual violence acts committed by members of all armed groups within the conflict.
- Sexual violence against women indicated to have affective relationships (real or alleged) with members or collaborators of any of the legal and illegal armed groups, as a form of retaliation and intimidation in their communities.
- Sexual violence against women and girls who are recruited by illegal armed groups.
- The subjugation of civilian women and girls to individual or collective sexual harassment and rape in order to satisfy the sexual needs of armed groups members operating in the region.
- Sexual violence against civilian women who disobeyed with their public or private social behavioral the codes of conduct imposed de facto by illegal armed groups in some regions of Colombia.
- Sexual violence by armed groups against women members of social organizations or who serve as leaders or human rights activists; or members of their families, in retaliation and repression of their leadership activities.
- Forced prostitution and sexual enslavement of civilian women, perpetrated by members of ilegal armed groups.

In this chapter we will make especial emphasis to the rape as a weapon of war, the sexual slavery, the uses of sexual violence in the application of social norms during conflict and the gender dimension of forced displacement.

### **3. The continuum of sexual violence perpetrated against women and girls**

Colombian society is defined as a socio-sexual patriarchal systems, as described by the sociologist Olga Amparo Sanchez, the socio-sexual patriarchal system<sup>141</sup> is not confined to a particular historical period or a certain form of family organization. This system refers to the way in which the socio-affective relationships are politically organized. The socio-sexual practice, exploited, appropriates and controls the body and sexuality of women. This system constructs a cultural and symbolic framework that seeks to teach women to live in the subordination and oppression through a repressive and violent socialization. This socio-sexual patriarchal system encourage the use of all forms of violence against women and sustain that the only way to control women is depriving them of their liberty and dignity.

In such systems, women are exposed from childhood to violence. Belonging to the female gender constitutes the risk factor. This feature of Colombia's society added to the armed conflict context shows why sexual violence inflicted by men is primarily perpetrated on women's body in both the private and the public sphere.

The continuum of violence against women and girls is based on power relations, subordination and oppression, as well as practices that legitimize and naturalize such violence. Practices based on the fact of being woman. Legitimacy comes from the conceptualization of women as men's property<sup>142</sup>. This work will demonstrate that one of the purposes of the violence against women is to reinforce, reproduce and

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<sup>141</sup> Sánchez Gómez, Olga Amparo, *Las violencias contra las mujeres en una sociedad en guerra*, 2006, Ruta Pacífica de las Mujeres, pp. 6.

<sup>142</sup> Yubal Davis, Nira : *Gender and nation*, 1997, Sage publications, pp.46.

recreate the sexual inequality; subordination and oppression of Colombia's society pointing out the fact that in the context of armed conflict, the continuum of violence is a reality that woman must face everyday.

Armed actors perpetrate sexual violence through practices that increase the damage and avert the potential defense of women. The following statements evidence this. Through these testimonies women reported the frequency, number of aggressors and the mechanisms used to ensure the damage:

*" I was in the house with my sister and my mother, 5 men from the ELN came around 11 am, they knew we were alone, my husband was at work and my brother was also away. They asked for information about a guy from the neighborhood that was supposed to work for Colombia's army, we didn't know who he was. They took my sister to the kitchen, she was 14 years old and all the 5 men raped her in front of me, then they came for me and they did everything they want with me, I couldn't stop them they were 5."*

*Noelia Ramirez Silva- Victim – Displaced women from Cerrito- Valle Del Cauca* <sup>143</sup>

*" I went to the town to buy some milk, I was with one of my friends, we were both 17 years old, before arriving two paramilitaries stopped us, they were asking for our ID'S, suddenly they start to rape my friend, they were telling to shut up otherwise they have to kill me the same message was for my friend. They both raped us, it was either remain silence or die "*

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<sup>143</sup> Interview No. 1 Victim of violence, Interview done by the author, January 5<sup>th</sup> 2014, Cali – Colombia.

The testimonies highlight the reality of the bloody violence that women are daily living and the ways in which armed groups raped, humiliated and create terror in their lives. It could be said that behind every witness there is a history of pain, humiliation and repression, where women have been deprived of the right to express their opinion and have been left outside the political agenda of the country.

The Colombian Institute of Legal Medicine (Instituto de Medicina Legal), a public institution whose primary function is to provide scientific and technical assistance in the fields of legal medicine and forensic science for the administration of justice throughout the country, between 2004 and 2009 has evaluated 92.000 women victims of sexual violence. However, the Institute estimates that this figure corresponds only to the 65% of cases committed during this same period in the context of the armed conflict. Therefore, the 35% of cases still unreported<sup>145</sup>.

As we are talking about a country facing an armed conflict where illegal armed groups control entire territories and prevent the free mobilization of civilians and Security forces. We can consider that the mechanisms that enable women to access justice, are ineffective because they lack to provide specific remedies for women facing violence in a territory where the rule of law is not working effectively or is not working at all. The mechanism wrongly assumes that the victim have full access to authorities and judges. Therefore, the cases of sexual violence are certainly more than those officially reported.

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<sup>144</sup> Interview No. 2 Victim of violence, Interview done by the author, January 6<sup>th</sup> 2014, Cali – Colombia.

<sup>145</sup> Mesa de seguimiento al Auto 092 de la Corte Constitucional. Acceso a la justicia para mujeres víctimas de violencia sexual , *Cuarto Informe de Seguimiento*, May 2011, Antropos Ltda publishing, pp. 36.

### **3.1. The perpetrators: All armed actors converge on the use of sexual violence**

Sexual violence in Colombia's conflict is not a new phenomenon. Indeed, it has been a constant in the country's history. Soldiers, police, government agents, guerrillas, paramilitary groups, everyone is responsible for the perpetration of sexual violence against women in the armed conflict. All armed actors have used the female body as war booty.

Leonardo Cabana, technical assistant coordinator of the Justice and Peace Unit (Unidad de Justicia y Paz) of the General Attorney's Office (Fiscalía General De La Nación), revealed that 1.169<sup>146</sup> cases of sexual violence against women committed by members of the Revolutionary Armed Forces of Colombia (FARC) and the United Self Defense Forces of Colombia (AUC) were reported from 2012- to 2013 . According to the General Attorney's Office, the age of victims varies between 5 and 79 years. Moreover, it is known that 25 percent of the cases that are being investigated refer to sexual violence against girls under 14 years old<sup>147</sup>.

The previous figures demonstrate that in the modus operandi of these illegal armed groups women are the main victims in the execution of sexual violence acts that aim to humiliate the opponent. The rape and forms of sexual violence to women who are suppose to have a link with a member of another armed group is considered an action against the enemy group.

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<sup>146</sup> El Espectador , "Lesas Humanida : Fiscalía investiga 1.169 casos de violencia sexual cometidos por las AUC y las Farc", December 2nd 2013, Accessed February 15th 2014, < <http://www.elespectador.com/noticias/judicial/fiscalia-investiga-1169-casos-de-violencia-sexual-comet-articulo-461699>>.

<sup>147</sup> Procuraduría General de la Nación, Informe de seguimiento y vigilancia de los derechos humanos de las mujeres en 23 departamentos, el Distrito Capital y tres municipios pilotos, 2013, Norma , Bogotá , pp. 29.



The Inter-American Commission on Human Rights in its 2009 Annual report, stated that in 2006 the illegal armed groups ( FARC , ELN and AUC) used sexual violence as a means of warfare, to combat their enemies. Sexual violence was used for the purposes of obtaining information, terrorizing, punishing, intimidating and coercing women and members of their families and communities. In 2010, a follow-up report indicated that armed groups continued to use sexual violence against women<sup>148</sup>.

According to the International Criminal Court (ICC) "Interim report 2012, on the Situation in Colombia", the ELN, the FARC and the paramilitaries were responsible for inflicting the following forms of sexual violence from 2001-2009: (i) at least 4,415 women were victims of forced pregnancy committed by armed groups;(ii) 1,810 women were victims of forced abortions; (iii) 8,166 women were victims of sexual harassment<sup>149</sup>.

The previous information shows the illegal armed groups (FARC, AUC and ELN) as the main perpetrators of sexual violence during conflict. However, the particularity of the Colombian conflict is that all the armed actors converge in the utilization of this type of violence. Hence, Colombia's army is also a perpetrator of these sexual crimes.

The National Security Forces have the legal mandate to protect all civilians in all kind of circumstances. In accordance with Article 216 of the 1991 Colombian Constitution the term National Security Forces

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<sup>148</sup> Inter-American Commission on Human Rights , Annual Report 2009, Chapter V, par.12, Accessed December 21<sup>st</sup> 2013, < <http://www.cidh.org/annualrep/2009eng/TOC.htm> >.

<sup>149</sup> ICC, Interim report 2012, on the Situation in Colombia, pp. 27, Accessed March 14<sup>th</sup> 2014, < <http://www.icc-cpi.int/NR/rdonlyres/3D3055BD-16E2-4C83-BA85-35BCFD2A7922/285102/OTPCOLOMBIAPublicInterimReportNovember2012.pdf> >.

refers to Military and Police Forces which include the Army, the Navy and the Air Force of Colombia<sup>150</sup>.

Therefore, when the security forces are the perpetrators of sexual violence the impact is devastating and the civilian population is left without authority to which to turn for justice. The rule of law is annulated because the authorities that are supposed to protect it are the ones who violated norms and rights.

The 2013 United Nations Report of the Secretary General on Sexual Violence in Conflict confirms the existence of solid evidence to attribute to members of Colombia's Army ( Ejército Nacional) the use of sexual violence against both females and males . As an example the report refers to three particular cases occurred in 2012. In May two boys were held and sexually assaulted at a military checkpoint in Meta. Subsequently, they were threatened and forced to sign a paper stating that they had been treated well. In July, a woman was repeatedly raped and threatened by members of the army, while in August a 13-year-old indigenous girl was sexually abused and photographed by four army soldiers who were later discharged from the army<sup>151</sup>.

The 10<sup>th</sup> Report on sociopolitical violence against women and girls in Colombia 2000-2010 is a document that projects the statistics of the last decade on the subject, and reviews the compliance of the recommendations gave by UN special Rapporteur on women's rights nine years ago. The principal recommendation was to protect the victims of sexual abuse in everyday life and in times of war. The report contains data on serious abuses that the female population suffers from childhood. It mentions, for example, that from 2000- to 2010 "every

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<sup>150</sup> Constitución Política de Colombia, Cap. VII, art .216, Accessed February 23rd 2014 , < <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4125> > .

<sup>151</sup> United Nations, Report of the Secretary General, Sexual Violence in Conflict 2013, pp. 4, Accessed February 26th 2014, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2013/149](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/149).

hour, about 9 women were raped, and (84%) of the victims were girls under 18."<sup>152</sup> It also reveals that the generic author of violations, in most cases is the State, either by direct action by State agents or by tolerance or support of violent acts committed by illegal armed groups.

The above figures show that sexual violence against women in the context of armed conflict is practice by all armed actors. The fact that all actors including official Security Forces use this type of violence makes difficult the investigation and prosecution of the authors of these crimes. The state as a perpetrator of violence against women, have a substantial share -responsibility for the high degree of impunity of sexual crimes in an armed conflict context. This demonstrates the State's inability to fulfill its responsibilities and causes the denial of justice and reparation for the victims of these offenses. This work tries to highlight this situation, reflect on its causes and coordinate actions to counter it. The issue of sexual violence in armed conflict should be a priority in Colombia's National Agenda and a debatable issue for the society as a whole.

#### **4. Rape as a weapon of war in Colombia's armed Conflict:**

The Colombian conflict combines characteristics of traditional and modern wars. Nevertheless, between its characteristics we found the use of one of the oldest war practices: the rape and sexual assault of women.

Civilians are the principle victims in Colombia's conflict not only because they are "inevitable" injured in the crossfire but also targeted as war objectives.

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<sup>152</sup> Colombian Commission of Jurists, *10<sup>th</sup> Report on sociopolitical violence against women and girls in Colombia 2000-2010*, 2012, Norma publishing, pp. 124 .

Due to the multiplicity of armed actors in the Colombian conflict, rape as a weapon of war is seen as a symbolic act to offend the other side. Women who have love affairs or any kind of sexual contact with men from the guerrilla, the paramilitary or the national army, becomes a military target of illegal armed groups.

It is significant to note that, historically; sexual assault was considered a collateral damage during conflicts. However, given the massive volume and systematic sexual violence episodes occurred in recent armed conflicts, most of the humans rights organizations and international tribunals considered this type of violence as a crime against humanity. As an example we have the International Criminal Court, which considered rape as a war a crime and as a crime against humanity <sup>153</sup>.

The majority of armed groups consider women as strategic military objectives. Therefore, it can be affirmed that abused women for the following reasons: for disobeying prohibitions imposed by the group, for transgressing gender roles, for being considered a useful targeted for humiliating the enemy or for sympathizing with the enemy.

According to the First Survey on the Prevalence of Sexual Violence against women in the context of the Colombian Armed Conflict 2001-2009. The prevalence of sexual violence-for that period in 407 municipalities where security forces, guerrillas, paramilitaries or other armed actors are present was estimated in 17.58%, which means during these nine years 489,687 women were direct victims of rape . This means that, from 2001-2009, an average of 6 women per hour were direct victims of violence typed in these municipalities.<sup>154</sup>.

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<sup>153</sup> Luban David, *International and Transnational Criminal Law*, Aspen Publishers, 2009, pp. 452.

<sup>154</sup> OXFAM International , Casa de la Mujer , Campaign Rape and other Violence: Leave my Body Outof War , "First Survey on the Prevalence of Sexual Violence against Women in the Context of the Colombian Armed Conflict, 2001-2009," January 2011, pp. 24,Accessed march 20th 2014,<  
[http://www.peacewomen.org/portal\\_resources\\_resource.php?id=1425%28](http://www.peacewomen.org/portal_resources_resource.php?id=1425%28)>.

In this document we identify that in Colombia the armed actors use rape as a weapon of war for the following purposes:

**A) To forcibly displace populations from lucrative mining or agricultural zones and from areas of strategic importance for drug trafficking**

According to the Secretary- General report of 2013 on Sexual violence in conflict there is a connection between spikes in incidents of sexual violence and military activity linked to the illegal extraction of natural resources and the strategic areas for drug trafficking in some countries now facing conflict and civil war. In the Democratic Republic of the Congo, armed groups use rape to punish civilians for preventing robbing and mineral trafficking. In Colombia, illegal armed groups have used sexual violence to forcibly displace populations from lucrative mining or agricultural zones and from areas of strategic importance for drug trafficking<sup>155</sup>. Some of these areas correspond to the regions of: Pacífico (Valle, Cauca, Nariño and Chocó), the Central region (Antioquia, Santander, Caldas, Boyacá and Cundinamarca) and the departments of Putumayo and Caquetá. Civilians living in these areas are used to live in daily crossfires, combats and violence.

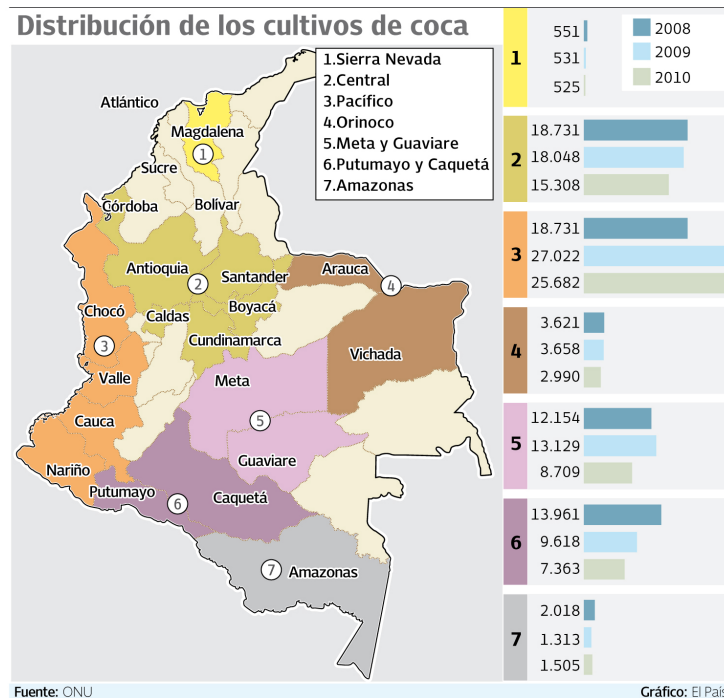
Therefore, the most effective weapon used by armed groups to terrorize the population is rape, mostly gang rape. Women and girls are

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<sup>155</sup> United Nations, Report of the Secretary General, Sexual Violence in Conflict 2013, pp. 2 , Accessed February 26th 2014, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2013/149](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/149) .

rape on the streets by groups of 15 combatants; they have no other choice than to escape<sup>156</sup>

**Map 1: Areas of Coca cultivation and trafficking in Colombia**



\*Source: El Tiempo, Spanish Journal

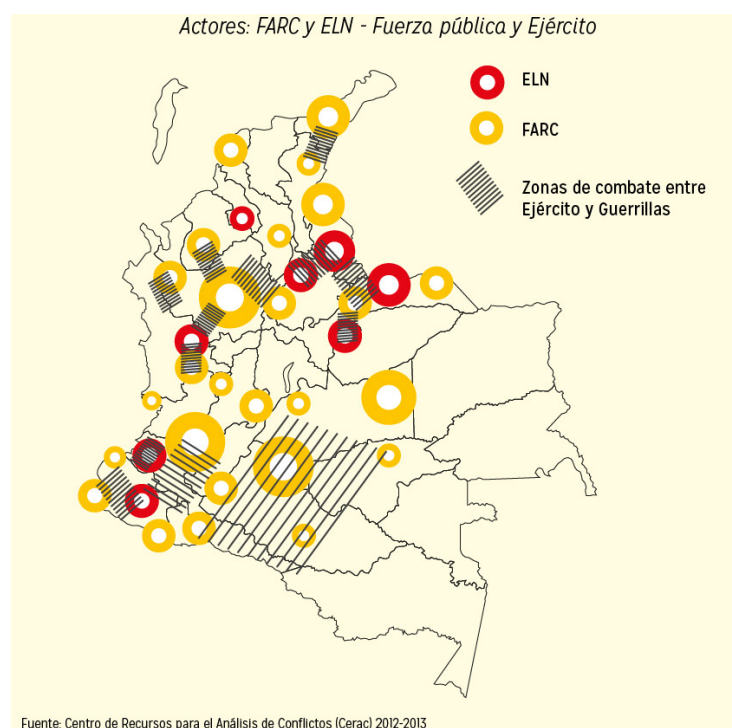
**According to Map 1 the areas of major cultivation and trafficking of coca are:**

The Pacific region with 25.682 crops by 2010

The Central region with 15.308 crops by 2010

<sup>156</sup> Interview No. 9, Former Combatant FARC Annex V, interview done by the author, June 25<sup>th</sup>, Paris-France.

## Map 2: Areas of Permanent Combats in Colombia



\*Source: Centro de Recursos para el Análisis de Conflictos ( Ceracl)

Researchers found that the five departments with the highest number of cases of sexual violence committed by the FARC, are Antioquia, with a total of 68 victims, followed by Meta, with 31; Putumayo, with 21 events; Caquetá, 19; Tolima and Bolívar, with 18 episodes<sup>157</sup>. Indeed, according to maps 1 and 2, it can be concluded that the areas where more rape cases occurred were located in those departments considered strategic for drug cultivation and trafficking. Therefore, rape was used as war strategy to terrorize the population and forced them to leave the territory; in this way illegal armed groups could take complete control of the areas.

<sup>157</sup> Corporación Humanas, *La Violencia Sexual una estrategia paramilitar en Colombia: Argumentos para imputarle responsabilidad penal a Salvatore Mancuso, Hernán Giraldo y Rodrigo Tovar*, Norma, 2013, Bogotá, pp. 102, Accessed March 23rd 2014, < [http://www.humanas.org.co/archivos/libro\\_La\\_violencia\\_sexualcompleto.pdf](http://www.humanas.org.co/archivos/libro_La_violencia_sexualcompleto.pdf) >.

## **B) As a form of punishment for having any type of relationship with the enemy**

Being identified as girlfriends, lovers, spouses or relatives of any of the actors involved in the conflict, women are vulnerable to accusations, which sometimes degenerate into direct violence with sexual connotation such as rape. Violence in this context is a warning mechanism and a form of retaliation; victims are often accused of supporting the enemy.

*" I was attending school and suddenly two members of the AUC entered to the classroom, they were asking for me, by that time I was 15, they asked me if I had a boyfriend in Colombia's army, I said I didn't, they told me I was a traitor, then both men raped me in the classroom, in front of everyone, we couldn't stop them, they both have fusils".*

*Valentina Arbelaez Rojas<sup>158</sup> - Victim of Sexual Violence from Cerrito-Valle del Cauca*

To illustrate the situation of the use of rape as a punishment, Amnesty International reported that in February 2002 in the municipality of Saravena in east Colombia, the 45 Front of the FARC distributed leaflets declaring women who visited army battalions and police stations to be military targets: " We are writing to inform women who

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<sup>158</sup> Interview No. 5, Interview done by the author, January 25<sup>th</sup> 2014, Bogotá- Colombia.



frequent military installations belonging either to the army or the police, that they will be considered military targets"<sup>159</sup>.

It can be considered that these rape as form of punishment is used as a strategy to assert dominance over the territory that armed actors consider as their own, but also a way to assert dominance over the symbolic territory of the female body.

### **Sexual violence , against "enemigas": The Case of " El Placer"**

The southern Putumayo Paramilitary Front, executed a series of cruel mechanisms oriented to wipe, delete, end or disappear everyone that " seems" or even guerrilla or guerilla's collaborator<sup>160</sup>. These types of violence methods were not applied in the same men or women. Indeed they were different depending on victim's gender.

Various forms of sexual violence were part of the repertoire of punishment executed by paramilitaries against women categorized as "collaborators" of FARC. Violence aimed to break the alleged links with guerrillas and punish the relationship was sent through women's body as a demoralizing message to the enemy. This kind of punishment marked the lives and bodies of women from the village " El Placer " in the department of Putumayo.

"Memoria Historica", identified three punishments exercised by members of the Putumayo Southern Bloc against women identified as enemies. Rape, death threats and exile were the mechanisms used to break and prevent any contact of the woman with the FARC. Through this strategies, the paramilitaries raped and exiled mothers, girlfriends

<sup>159</sup> Amnesty International, Colombia: "Scarred bodies, hidden crimes": Sexual violence against women in the armed conflict", 2004, Accessed April 27<sup>th</sup> 2014, pp. 25 < <http://www.amnesty.org/en/library/info/AMR23/040/2004> >.

<sup>160</sup> El Tiempo, "De Mujeres Decentes e Indecentes", Florence Thomas, April 8 2014, Accessed May 25<sup>th</sup> 2014, < <http://www.eltiempo.com/opinion/columnistas/de-mujeres-decentes-e-indecenes/13804155> > .

and wives of suspected guerrilla members<sup>161</sup>. They considered certain women as a communication channel of the enemy. Through the exile, paramilitaries punished women for any blood or affective ties that could serve to supply information to the guerrillas.

### **C). As a method for terrorizing the population and forced women to obey them**

In November 2011, the UN special Rapporteur on violence against women Radhika Commaraewamy, led an official mission to Colombia. The objective of this mission was to investigate, assess and report on the differential impact of conflict on women<sup>162</sup>. Taking into account this report and analyzing the testimonies of the victims of sexual violence in Colombia's armed conflict it can be state that when armed actors use rape as a weapon of war they install terror as a control mechanism and exploit this resource to achieve military objectives. In this way, they have transformed women bodies into battlefields. Women and girls are the hidden victims of this war. Sexual violence is used as a method of intimidation to terrorize the population and get the obedience of women to achieve military objectives. Its effectiveness as an instrument of collective and individual terror explains its presence in a large number of contexts affected by armed and political violence.

*" We were building camp in the jungle then the commander ordered to go with him to scout the terrain. So we went over there to explore and when we were coming back, he began to harass me, I told him to stop, because I was afraid, and I didn't want to have sex with him. So he*

<sup>161</sup> Centro de Memoria Historica, El Placer: Mujeres, coca y Guerra en el Bajo Putumayo, Taurus, 2012, pp. 140, Accessed November 29<sup>th</sup> 2013, <  
[http://www.centrodememoriahistorica.gov.co/descargas/informes2012/el\\_placer.pdf](http://www.centrodememoriahistorica.gov.co/descargas/informes2012/el_placer.pdf) >.

<sup>162</sup> Amnesty International, Colombia: "Scarred bodies, hidden crimes": Sexual violence against women in the armed conflict", 2004, Accessed April 27<sup>th</sup> 2014, pp. 4<  
<http://www.amnesty.org/en/library/info/AMR23/040/2004> >.

*grabbed me by force and raped me. I cried and he covered my mouth he told me I have to obey him in everything otherwise she will rape me again . Then I was doing everything he asked me too from transporting coca to the town, to having sexual relation with him and his friends, it was a nightmare”.*

*Rosalía Cardenas Arias<sup>163</sup>- Victim of Sexual Violence from Guamo-Tolima*

As another example, the UN Special Rapporteur on Violence against women, highlight the c facts occurred on 23 August 2002 in the department of Sucre in the municipality city of San Benito Abad when 60 paramilitaries entered the town and after intimidating the inhabitant, apparently raped four women in front of their children.

The following testimony, collected by the author, shows the effectiveness of rape as an instrument of collective and individual terror explains its presence in a large number of contexts affected by armed and political violence.

*“ I was 19; I was working in the supermarket of my town. There I had contact with paramilitaries, guerrillas and soldiers from the army. One day a Commander from the AUC approached me, he told me to give him information about a soldier, but I didn’t know anything, he almost raped me. Then, he assigned me the mission of seducing a soldier of Colombia's army to get information for them. I was afraid he could rape me so I did it and I accomplished my mission. However, the commander was not satisfied with the information I gave him so he went to my house and raped me. My father intervened and the commander killed him and then he threatened me to keep quiet”*

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<sup>163</sup> Interview No. 6, Victim of Sexual Violence . Interview done by the author, January 17<sup>h</sup> 2014, Bogotá-Colombia.

**D). As a method to humiliate the enemy:**

The aftermath and consequences of the sexual violation of women are also extended to men. Since armed actors use rape as a way to injured the "honor" of the enemy by possessing their women.

This humiliation is the result of the inability to perform the duties that society gives to men: be guardian of the sexuality of their wives, daughters and girlfriends. Although sexuality is a topic considered "tabú" within the Colombian families, the community understands that it is an important social value. In this way, when virginity or sexuality are taken without permission, is the man who feels humiliated, as he could not comply with the duty of women's protector<sup>165</sup>. This feeling is enhanced even more when the loss of control of sexuality is due to a violation committed by an armed actor. The "honor" of man is broken, even more knowing that an armed group was the direct responsible, because he cannot take revenge due to the power asymmetry of the adversary.

**5. The imposition of social norms on women's behaviour**

Armed groups have endeavored to control the most intimate aspects of women's lives; imposing invasive and discriminatory social rules, using violence for intervening in family disputes and community social affairs and inflicting punishments such as rape, sexual mutilation and flogging

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<sup>164</sup> Interview No. 7, Victimi of Sexual Violence . Interview done by the author, January 12<sup>h</sup> 2014, Bogotá-Colombia.

<sup>165</sup> Centro de Memoria Historica, El Placer: Mujeres, coca y Guerra en el Bajo Putumayo, Taurus, 2012, pp. 141, Accessed November 29<sup>th</sup> 2013, <  
[http://www.centrodememoriahistorica.gov.co/descargas/informes2012/el\\_placer.pdf](http://www.centrodememoriahistorica.gov.co/descargas/informes2012/el_placer.pdf) >.

to those who transgress their rules. These punishments are based on culturally rooted gender stereotypes that exacerbated during conflict.

According to the results of the investigation "Domestic Violence and domestic violence against women in the context of armed conflict,"<sup>166</sup> conducted by the Presidential Council for Social Policy, the HazPaz and Japanese Cooperation program, there are reported cases where armed actors impose social rules and standard, which restrict women's freedom, such as forcing them to dress in certain ways, ordering where are where not to go, forbid them to see people linked to other groups. All of these situations are clearly considered a form of gender-based violence.

As a result of the patriarchal culture that characterized Colombia. Guerrilla and paramilitaries consider that keeping women under control is a key strategy for controlling territories and communities. As part of their standardized social rules, we found that wearing clothes that are considered provocative, having sexual relations with more than one man, being a prostitute, or declaring their independence by not having a male partner can drive the armed group to inflict denigrating punishment against women<sup>167</sup>.

Amnesty International reported how in territories effectively control by armed groups; they have imposed intrusive rules in the daily life of rural and urban populations. The punishments for contraventions of these rules of conduct can include flogging, putting glue into a person's hair, shaving the head, mutilation and disfiguring the face and other

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<sup>166</sup> Consejería Presidencial de Política Social, *Violencia intrafamiliar y violencia de género contra la mujer en el contexto del conflicto armado*, 2010, Accessed June 4th 2014, pp. 49 < <http://www.uclm.es/fundacion/resolucionConflictos/pdf/enlaces/XinformeViolencia.pdf> >.

<sup>167</sup> Amnesty International, Colombia: "Scarred bodies, hidden crimes": Sexual violence against women in the armed conflict", 2004, Accessed April 27<sup>th</sup> 2014, pp. 24 < <http://www.amnesty.org/en/library/info/AMR23/040/2004> >.

parts of the body with acid or sharp instruments. Public humiliation is also common, for example the forced the woman to undress and carry out chores for them while carrying a sign outlining their supposed transgression<sup>168</sup>.

It can be stated that with the establishment of these "rules of conduct" subjectivity is regulated by controlling the body and female sexuality. Under these rules, and their respective sanctions armed actors are imitating the traditional gender identities that accentuate the patriarchal mentality and structural violence on women.

All controls on the body were thought to respect the social order imagined by illegal armed groups. The following testimony can illustrate the situation:

*I still remember the day when the paramilitaries arrived at her village in Bolivar. They forbidden the use of short skirts to young women, they forced girls to get marry very young , and those who disobeyed were taken to the camps, forced to cook , wash clothes and have sex with commanders”.*

*Catalina Rengifo Oviedo<sup>169</sup>- victim of sexual violence from Figero – Bolivar*

In certain regions of Colombia, both paramilitaries and guerrillas used and continue using various forms of social control over women’s behavior. A social control that is based on the existent patriarchal culture.

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<sup>168</sup> Amnesty International, Colombia: “Scarred bodies, hidden crimes”: Sexual violence against women in the armed conflict”, 2004, Accessed April 27<sup>th</sup> 2014, pp. 25 < <http://www.amnesty.org/en/library/info/AMR23/040/2004> >.

<sup>169</sup> Interview No. 8 Victim of violence, Interview done by the author, January 20<sup>th</sup> 2014, Bogotá– Colombia.

New investigations have discovered that in the case of afro-Colombian and indigenous women, armed groups have attempted to restrict their cultural practices<sup>170</sup>. Therefore, in Colombia a person belonging to an ethnic Minority is being double discriminated for being female and for being black or indigenous.

## **6. Sexual slavery in the Colombian Conflict**

The crime known, as "sexual slavery" is an internationally wrongful act recognized by various international instruments. However, for the aims of this document we will use the definition established in 1998 by the Rome Statute of the International Criminal Court( ICC), which categorized sexual slavery as crime against humanity and as a war crime in articles 7(g) and 8(xxii)<sup>171</sup> respectively. The " Elements of crimes" included in the "Commentary on the Law of the International Criminal Court" known as (CLICC) give a clear definition of the crime of sexual slavery by explaining its elements:

- "1. The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty
2. The perpetrator caused such person or persons to engage in one or more acts of a sexual nature.
3. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.

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<sup>170</sup> Colombian Commission of Jurists, *10<sup>th</sup> Report on sociopolitical violence against women and girls in Colombia 2000-2010*, 2012, Norma publishing, pp. 104.

<sup>171</sup> ICC, Rome Statute of the International Criminal Court, 2002, Accessed March 23rd 2014, Available at [http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf) .

4. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population<sup>172</sup>

In conclusion the crime of sexual slavery requires two very different behaviors; slavery and rape or sexual abuse committed simultaneously. It is a complex behavior that threatens the sexual integrity and the freedom of a person.

It is also important to mention the principal legal provision of the Colombia legislation, which referred to sexual slavery. In article 141 of The Colombian Penal Code sexual slavery is mentioned as a crime against persons and goods protected by International Humanitarian Law (IHL), in the context of an international or domestic armed conflict. However, it is not classified as a crime against humanity in the domestic legal system.

Therefore, judges and victims have to support their claims with international legal provisions in order to obtain better results, taking into account that IHL applies higher penalties. While for a sexual violent act, the minimum sentence in the Colombian Penal Code is four years in jail in the IHL the minimum penalty is ten years<sup>173</sup>.

In this document we will use the concept sexual slavery established by the International Criminal Court, which apply also for Colombia's legal system as the country ratified the Rome Statute in 2002.

Sexual slavery committed by illegal armed groups is a terrible reality that underlines the patriarchal culture and the inequality between men and women. The paramilitaries, the ELN and the FARC abduct girls and women from remote village of Colombia to satisfy their sexual desires.

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<sup>172</sup> International Criminal Law Database & Commentary, *Commentary on the Law of the International Criminal Court : Elements of Crimes; Sexual Slavery*, Accessed May 23<sup>rd</sup> 2014 <:<http://www.iclklamberg.com/Elements.htm#Article%207%281%29%28g%29-2> >.

<sup>173</sup> Garavito Solorzano Carlos Roberto, *Derecho Penal y Responsabilidad Médica en Colombia*, publishing Nueva Jurídica, 2008, Bogotá, pp.58.



These groups get away with enslaving village girls for the same reason that people got away with enslaving blacks two hundred years ago: The victims are perceived as discounted humans<sup>174</sup>.

In Colombia's conflict sexual slavery is used to control the most intimate aspects of women's lives; imposing strict codes of conduct to control their sex life, what they can wear, where they should go or who they should be paired with.

The Colombian Constitutional Court states that sexual slavery is one of the modus operandi of the illegal armed groups in the country. Indeed the Court has received information about the abduction of women and girls to sexual slavery by the FARC and paramilitaries in Putumayo, Santander and Meta. The Court also highlights the importance of the decision C-203 of 2005 where it is recognized the participation of girls in the ongoing conflict as victims of sexual slavery. Moreover, it recognizes sexual slavery as a violation of international human rights standards, and accepts the responsibility of the State in this felony<sup>175</sup>.

As shown in the following testimony, the illegal armed actors consider sexual slavery as a distraction from war, as a military strategy to moralize guerrilla's members and as a method to intimidate the population and promote fear by controlling the body and lives of their women.

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<sup>174</sup> Kristoff D. Nicholas, and Wudunn Sheryl, *Half the Sky: Turning oppression into opportunity for women worldwide*, Alfred A. Knopf, 2009, New York , pp. 29.

<sup>175</sup> Corporación Humanas, *La Violencia Sexual una estrategia paramilitar en Colombia: Argumentos para imputarle responsabilidad penal a Salvatore Mancuso, Hernán Giraldo y Rodrigo Tovar* , Norma, 2013, Bogotá, pp. 87, Accessed March 23rd 2014, <  
[http://www.humanas.org.co/archivos/libro\\_La\\_violencia\\_sexualcompleto.pdf](http://www.humanas.org.co/archivos/libro_La_violencia_sexualcompleto.pdf) >.

"After fighting for days against the army in the jungle, we came to Puerto Arandano (Meta), we chose a farm and took women there, more or less 60 or 70 "muchachas" (young women). Tents were assembled and women had to cook our food. At around 4 pm the first troop of 100- 120 men arrived to the location and women had to "satisfy them" the next day another troop came and women had to do the same job. It was a small distraction for the guys, as any warrior says: just to give them some moral. "

***Arnolfo Santa María alias "Pipa"***<sup>176</sup> ***former AUC commander "Bloque Sur" Meta***

The previous testimony is an evidence of the use of women as instrument of war. As "Pipa" said prostitution was seen as a moment of distraction in a war zone, but also was a combat strategy to give "moral" to warriors. Sexual slavery as a method to meet the "uncontrollable sexual desires" of the combatants, is a form of instrumentalization of women's body, the woman is not seen as a human, is seen as a sexual object which armed actors use as war booty.

The Commanders of paramilitary groups refers to prostitution as a positive phenomenon not only for male members of their organization, but also for the community as a whole, because they assumed that women would be less exposed to sexual abuse by enemy members of guerrillas groups. According to alias "Pipa", this dynamic was premeditated to achieve military advantages and a "pacific" coexistence with the community<sup>177</sup>.

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<sup>176</sup> Fiscalía General de La Nación, Versión libre: Arnolfo Santa María, alias "Pipa", December 16 2001, Field No. 302456, pp. 45.

<sup>177</sup> Centro de Memoria Historica, El Placer: Mujeres, coca y Guerra en el Bajo Putumayo, Taurus, 2012, Accessed November 29<sup>th</sup> 2013, <  
[http://www.centrodememoriahistorica.gov.co/descargas/informes2012/el\\_placer.pdf](http://www.centrodememoriahistorica.gov.co/descargas/informes2012/el_placer.pdf) >.

Luz Piedad Caicedo, research coordinator of “ Humanas” an NGO working to defend gender rights, affirms that the recruitment of women to sexual slavery was, and still is, a common practice amongst paramilitaries and guerrillas. "This is a purely macho strategy perceived as a 'reward' to men by offering women after a battle, for example, or just when they feel the need for sex,"<sup>178</sup> she explains.

In the following paragraphs we will focus on illustrating how guerrillas and paramilitaries perpetrate sexual slavery in several regions of the country. First, we are going to explain how sexual slavery depends on an economic activity controlled by various illegal armed actors. Then, we will explain about the medical and social control exercised on women's bodies for detecting sexually transmitted diseases, and finally, we will focus on describing the sanctions applied to women when their body is infected. This whole explanation aims to highlight the sexual violence present in Colombia's armed conflict and in this way contribute to counter the social blindness and impunity of this phenomenon.

### **6.1.The "business" of sexual slavery**

The economic chain in the business of sexual slavery controlled by guerrillas and paramilitaries works as follows<sup>179</sup>: usually a friend of the troop's leader is responsible for choosing and capturing women. Some are lured with promises of jobs and education and others as just taken by force. The economic chain continues when the person in charge of choosing takes the women to a truck driver. According to the testimonies of the victims, these drivers are civilians forced by armed

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<sup>178</sup> El Tiempo, *Caso de 10 jóvenes 'reclutadas' por Farc y obligadas a ejercer la prostitución investiga Fiscalía*, May 2nd 2009, Accessed April 25th 2014, < <http://www.eltiempo.com/archivo/documento/CMS-5119267> >.

<sup>179</sup> Anrup Roland, *Antígona y Creonte, Antígona y Creonte. Rebeldía y Estado en Colombia*, B publishing, 2011, pp.108.

groups to make risky journeys through jungles and mountains from the villages to the locations where women are needed.

*"I was 16 when a FARC member threatened my father with a gun and kidnapped me. I was taken to a guerrilla camp in the mountains with a group of 14 girls. There everyone abused us, the youngest were forced to have sex with all the commanders and if we had tried to escape they would have killed us".*

*Camila Andrea Avendaño<sup>180</sup> - victim of sexual violence Duitama -  
Cundinamarca*

Finally the Report on Sexual violence in Colombia's armed conflict 2012 issued by the Center of Historical Memory (Centro de Memoria Histórica), explains the role played by the pharmacies and medical centers in this economical chain. The majority of pharmacies and medical centers located in Colombia's countryside were obliged by the guerrilla groups (FARC and ELN) to pay a monthly tax. These pharmacies were in charge of providing health examinations, sexual control and sell medicines needed to treat venereal diseases.

The women were forced to pay for their examinations. Therefore, the tax paid to guerrillas was recovered by the incomes received from the hundreds of women victims of sexual slavery that were forced to take these health cares. However, when paramilitaries (AUC) were coming to ask for examinations and medicines for their slave women, the owners of the pharmacies were forced to give them for free otherwise they were identified as helpers of the guerrilla. At the end the

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<sup>180</sup> Interview No. 3 Victim of violence, Interview done by the author, January 20<sup>th</sup> 2014, Bogotá- Colombia.

pharmacies were depending on the illegal armed groups and the dynamic of the sex slavery phenomenon.

## **6.2. Women's health control by illegal armed actors**

The sexual health of women involved in sexual slavery was control by the requirement for women of an epidemiological card epidemiologic. This card began to be required when combatants started getting sick due to the infections acquired through the multiple sexual relationships they held<sup>181</sup>. The fact that this health control was only required for women is an evidence of how women and their bodies were perceived as an object at the disposal of men in the armed conflict. Indeed, the same members of armed groups. They were responsible for monitoring and reviewing women's bodies every week.

*"When we were in the truck ready to go to the camps the paramilitaries were checking out epidemiological card, the girl that did not have in order the document, was forced to get off the truck and then she was shot".*

*Angela Maria Zambrano Reyes<sup>182</sup> - Victim of sexual violence, Tabio-Cundinamarca*

The revision of medical tests was not always done in private. For example the community of "El Placer " in Putumayo remembers an event where member of the FARC took more than 70 women to the basketball court and read the results of their medical exams aloud and

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<sup>181</sup> Centro de Memoria Historica, El Placer: Mujeres, coca y Guerra en el Bajo Putumayo, Taurus, 2012, pp. 192 , Accessed November 29<sup>th</sup> 2013, < [http://www.centrodememoriahistorica.gov.co/descargas/informes2012/el\\_placer.pdf](http://www.centrodememoriahistorica.gov.co/descargas/informes2012/el_placer.pdf) > .

<sup>182</sup> Interview No. 4 Victim of violence, Interview done by the author, January 23<sup>th</sup> 2014, Bogotá- Colombia.

one by one. With this action the sexual health of the women was public, and all the community knew who were the infected women<sup>183</sup>.

54 cases were recorded from 2011 to 2002 regarding crimes of sexual slavery, 24 were committed by the FARC and 30 by the paramilitaries (AUC)<sup>184</sup>. Through these cases we can see how sexual and reproductive self-determination in conflict areas is seriously threatened. Many women and girls are forced to provide sexual services to combatants and / or are blackmailed to access sexual demands for saving their lives and protecting their families. Apparently the endemic nature of rape in war has been institutionalized through forced prostitution and sexual slavery of women by soldiers

After analyzing the different dimensions of sexual violence in Colombia's armed conflict we can affirm that sexual violence has become a collective and systematic practice, although the implications of this situation may not be comparable to what happened in other recent conflicts such as the former Yugoslavia and Rwanda, it is undeniable that this problem is exercised massively in the country as a warning message to intimidate and punish the opponent and as a mechanism to assert dominion over the territory and over the female body considered an instrument of war by the illegal armed groups.

## **7. Internal forced Displacement : The tragedy of abandoning everything**

Internal displacement refers to the: "persons or groups of persons that have been forced or obliged to flee or to leave their homes or

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<sup>183</sup> Centro de Memoria Historica, *El Placer: Mujeres, coca y Guerra en el Bajo Putumayo*, Taurus, 2012, pp. 186, Accessed November 29<sup>th</sup> 2013, <  
[http://www.centrodememoriahistorica.gov.co/descargas/informes2012/el\\_placer.pdf](http://www.centrodememoriahistorica.gov.co/descargas/informes2012/el_placer.pdf) >.

<sup>184</sup> Colombian Commission of Jurists, *10<sup>th</sup> Report on sociopolitical violence against women and girls in Colombia 2000-2010*, 2012, Norma publishing, pp. 122.

places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border".<sup>185</sup>

Despite the 2.4 million people who fled their homes in Syria last year, the forced displacement of a million people in the Democratic Republic of Congo, and the high number displaced people registered in countries like India, Pakistan and Sudan in 2012. Colombia still holds the title of the country with the largest number of internal displaced persons in the world. According to the latest report from the Internal Displacement Monitoring Center (IDMC), based in Geneva, the number of internal displaced people in the South American country by 2012 is about 5.5 million persons<sup>186</sup>. Which means that, over the past half century, roughly one out of ten Colombians have been forced to flee their homes as an effect of armed conflict.

According to the RUV (Registro Unico de Victimas ) so far, the internal armed conflict has led to the forced displacement of 5'700,381,00 people by July 1<sup>st</sup> 2014, the total number of displaced women by July 2014 2'592.500,00 is equivalent to 51% of the total population affected by this fact<sup>187</sup>.

Women in the countryside and in regions with a lack of presence of official security forces find themselves totally unprotected from violence and especially from gender violence during the armed conflict. Their only solution is to escape. Displaced women focus all energies in

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<sup>185</sup> United Nations - OCHA, *Guiding Principles on Internal Displacement*, 1998, Accessed January 24<sup>th</sup> 2014, <<https://docs.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf> >.

<sup>186</sup> BBC MUNDO, " Desplazados; El record mundial que le duele a Colombia, Arturo Wallace, 2013, Accessed January 17<sup>th</sup> 2014, <[http://www.bbc.co.uk/mundo/noticias/2013/04/130429\\_colombia\\_desplazados\\_mundo\\_informe\\_aw.shtml](http://www.bbc.co.uk/mundo/noticias/2013/04/130429_colombia_desplazados_mundo_informe_aw.shtml) >.

<sup>187</sup> UARIV, Statics Forced Displacement by July 1<sup>st</sup> 2014, Accessed July 20<sup>th</sup> 2014 <<http://www.unidadvictimas.gov.co/>> .

finding a survival strategy far from home. Therefore, all personal and family projects are greatly diminished.

Among the various causes of internal displacement that forced women to leave everything behind we find:

**a.** Threats to family security, murder of their relatives especially children and husband.

**b.** Threats to personal security such as threat of rape, sexual violence and sexual slavery.

**c.** Force recruitment. As a well-known “social rule” in some villages of Colombia the members of guerrillas groups FARC and ELN recruit at least one child and one woman per family. Women have no choice but escape.

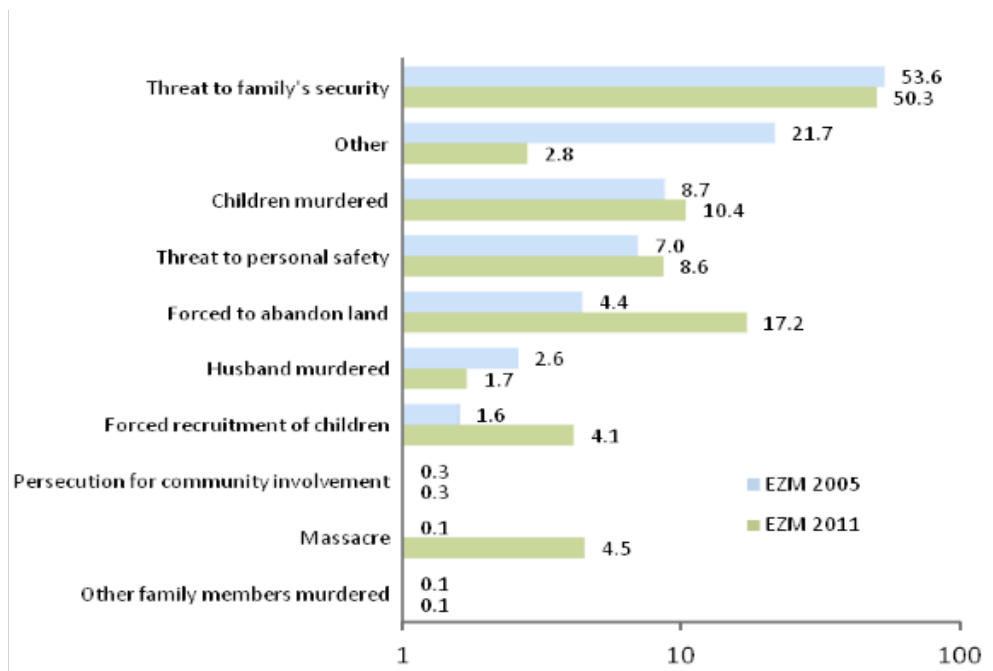
**d.** Political persecution is also a cause of women’s internal displacement as well as “supposed” connections with members of the army or other illegal groups. When interviewing, Teresa Alzate<sup>188</sup>, woman living in the countryside, Province of Putumayo, she expressed: “ My brother is a soldier, therefore when my little girl was born, we received thousands of threats from the FARC, ordering us to move from town because they cant not stand army supporters, for them my little girl was a supporter just because is the niece of a soldier, we were forced to move, to leave all behind and start from zero in Bogotá.”

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<sup>188</sup>Interview Teresa Alzate displaced women, December 20<sup>th</sup> 2013.



## Causes of women's forced displacement



\*Source: Profamilia- Surveys in Marginalized Areas ( EZM : Encuestas en Zonas Marginadas) 2011-Forced Displacement<sup>189</sup>

The victims of forced displacement generally coming from the countryside and forested regions of Colombia suffered diverse consequences when arriving to urban centers like Bogotá, Medellín or Cali: the trauma of the violent act (murder, torture or disappearance of a spouse and / or family, illegal recruitment of them or their children by armed actors); the loss of their properties and personal goods (house, furniture, crops, animals) goods that involves breaking their daily life habits; the loss of their social referents, economic sponsors and in general their social capital; the level of vulnerability of girls with a total lack of economic rights and the uprooting suffered by women and girls

<sup>189</sup> Profamilia, Surveys in Marginalized Areas, Chapter 3 Forced Displacement, 2011, Accessed January 20<sup>th</sup> 2014, < [http://www.profamilia.org.co/encuestaenzonasmarginadas/pdf/ezm2011\\_eng\\_cap3.pdf](http://www.profamilia.org.co/encuestaenzonasmarginadas/pdf/ezm2011_eng_cap3.pdf) >.

to reach and adapt to an unfamiliar city with aggressive urban lifestyle.

The adaptation to new dynamics and conditions offered by the host cities generates consequences in the structure of families facing this situation. According to analyzes done by international organizations and universities, forced displacement disrupts family dynamics, generates changes in the family structure, particularly affecting women. These changes caused either by death, disappearance or separation from their partners or husbands, result in an additional psychological, emotional and physical burden. Women are not prepared to face this situation; moreover, society or governmental authorities do not give them tools to deal with this new lifestyle.

Given their experience working at home. In the big cities, displaced women are primarily assigned for cleaning domestic services or venture into small businesses as vendors. They assume the maintenance and upbringing of their children and the need for economic livelihood. Hence, they are forced to be absent from their homes during day. Indeed, 46%<sup>190</sup> of displaced families are incomplete families where woman is the only breadwinner.

Women victims of forced displacement are often exposed to domestic exploitation, degrading treatment and are frequently victims of sexual abuse. The survey of "sexual and reproductive health in marginalized areas" developed by Profamilia ( Non-profit private organization working in Colombia) shows that 44% of displaced women have suffered physical aggression at least one time during the displacement period by their husband or partner and 18.5% of displaced women

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<sup>190</sup> UARIV, Statics Forced Displacement by July 1<sup>st</sup> 2014, Accessed July 20<sup>th</sup> 2014 < <http://www.unidadvictimas.gov.co/>>.

experience physical violence during pregnancy, sometimes causing abortion<sup>191</sup>.

The invisibility of the disproportionate impact forced displacement has on women, is manifest in the absence of a specific public policy that responds effectively to this differential impact. Nowadays, more than 2 million displaced women are living in terrible conditions in the big cities, they are now our neighbors; they are now physically visible for the government authorities. However, there is not effective reaction from the State. They are invisible victims of the armed conflict, fighting for the inclusions of effective policies that recognize the gender dimension of this war and give them a protagonist role in the peace building process.

## **8. Obstacles to access justice:**

In Colombia, as in other places where armed conflicts are taking place, the inefficiency of the legal system to investigate and prosecute sexual violence causes a longer suffering for the victims and accentuates gender –based discrimination. Despite the often-unequivocal evidence on the victim’s bodies few perpetrators are ever brought to justice for these types of crimes, usually considered as a collateral effect of the armed conflict.

In the scale of values of Colombian justice, violence against women does not appear among the most serious crimes and gender-based violence has been relegated to private scenarios. Therefore, the legal system is not focus in the investigation and prosecution of this type of violence. Considering this information and taking into account the experience of providing legal assistance to women’s victims of violence

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<sup>191</sup> Profamilia, Survey in Marginalized areas 2000-2011, September 2011, Chapter III, Accessed November 23th 2013, < [http://www.profamilia.org.co/encuestaenzonasmarginadas/2011\\_resultados\\_eng.html](http://www.profamilia.org.co/encuestaenzonasmarginadas/2011_resultados_eng.html) >.

in the project of the Social-Care Center ( Centro de Atención Social ) in Bogotá<sup>192</sup>, we can identify four obstacles faced by women in accessing justice :

### **8.1. The complaint:**

As we are talking about a country facing an armed conflict where illegal armed groups control entire territories and prevent the free mobilization of civilians and Security forces, we can consider that the mechanisms that enable women to access justice, are ineffective because they lack to provide specific remedies for women facing violence in a territory where the rule of law is not working effectively or is not working at all. The mechanism wrongly assumes that the victim have full access to authorities and judges. Therefore, the cases of sexual violence are certainly more than those officially reported. Is also true that women in Colombia are afraid to report these cases because the system does not provide any sort of protection after the presentation of the claim.

### **8.2. Reluctance to consider the existence of sexual violence in conflict as a systematic and widespread practice**

The criminal investigation on cases related to sexual violence in conflict shows the great resistance of The Attorney General´s office( Fiscalía General de La Nación in spanish) to consider as research hypothesis the existence of sexual violence in armed conflict as a systematic and widespread practice despite the repeated finding of its massive occurrence along the armed conflict in the country. Indeed, the Attorney General´s Office does not recognized as a research hypothesis the systematic used of sexual violence in armed conflict on the contrary the criminal investigation aims to prosecute the direct perpetrator,

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<sup>192</sup> Universidad del Rosario, *Proyectos para el desarrollo social*, Centro de Atención social CAS, 2012, Accessed April 23rd 2014, <<http://www.urosario.edu.co/Internacionalizacion/documentos/cooperacion/CAS.pdf> >.

letting unpunished the potential liability of senior officers who order or encourage the use of sexual violence as a strategy of war<sup>193</sup>. Considering the increase of sexual violence cases as an strategy of armed groups to destabilize populations and the various obstacle women have to report these crimes to the competent authority it is necessary that the General Attorney's Office includes immediately the sexual violence as a systematic and widespread practice as a research hypothesis.

### **8.3. Ignorance of judicial investigators and prosecutors:**

Difficulties in the characterization of this type of crime due to ignorance of judicial investigators and prosecutors on the subject are a clear obstacle for women to access justice. The sexual crimes are usually considered collateral damage of the conflict and are ignored in public hearings. Many of the cases are classified under crimes such as homicide, conspiracy, forced displacement, threats, etc<sup>194</sup>. The fact that investigators and prosecutors ignore the dimension of "sexual violence" in the case report causes the low visibility of the phenomenon.

The available information shows that to 2011 only four individuals (including two paramilitary leaders) have been convicted for rape or other forms of sexual violence. Both the Colombian Constitutional Court and United Nations Human Rights Committee have noted the inadequacy of prosecutorial and judicial activity in relation to these crimes<sup>195</sup>.

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<sup>193</sup> Garavito Solorzano Carlos Roberto, *Derecho Penal y Responsabilidad Médica en Colombia*, publishing Nueva Jurídica, 2008, Bogotá, pp.40.

<sup>194</sup> Fernández León, Whanda, *Sistemas Penales de Juzgamiento*, publishing Legis, 2001, pp. 24.

<sup>195</sup> ICC, Interim report 2012, on the Situation in Colombia, pp. 28, Accessed March 14<sup>th</sup> 2014, <  
<http://www.icc-cpi.int/NR/rdonlyres/3D3055BD-16E2-4C83-BA85-35BCFD2A7922/285102/OTPCOLOMBIAPublicInterimReportNovember2012.pdf> >.

#### **8.4. Women have the burden of proof:**

On the other hand, either by ignorance or culturally normative stereotype, judicial investigators and prosecutors focus exclusively on the testimony or physical evidence for the development of sexual violence cases. In fact, are women and no authorities the ones in charge to proof that the sexual act was committed. This practice causes a disproportionate burden on women and a further barrier for accessing justice even before presenting the complaint. Despite the various trainings and institutional guidelines, the behaviors of public officials in different stages of the process reflect discriminatory patterns. Expressing doubts from the previous sexual conduct of the victim, demanding unnecessary tests, and subjecting victims to repeat for more than three times their painful sexual experience are just some examples<sup>196</sup>.

#### **9. Jurisdiction of the International Criminal Court in Colombia**

On the 5th of August 2002, four years after Colombia and 119 countries subscribed to the Rome Statute which established the creation of the International Criminal Court (ICC). The Colombian government officially submitted the ratification instrument to the Office of the United Nations Secretary General in New York city. This ratification was welcomed by human rights organizations, who perceived it as a deterrent message sent by the Colombian government to all armed actors involved in the internal conflict, according to which they should end the violations human rights and International Humanitarian Law otherwise they will be subject to the jurisdiction of

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<sup>196</sup> Garavito Solorzano Carlos Roberto, *Derecho Penal y Responsabilidad Médica en Colombia*, publishing Nueva Jurídica, 2008, Bogotá, pp.43.

the International Criminal Court. However, this situation changed days later when it was informed that the in the ratification of the Statute, the Colombian government used the clause established by Article 124 of the instrument<sup>197</sup>.

#### *Article 124 Transitional Provision*

*"Notwithstanding article 12, paragraphs 1 and 2, a State, on becoming a party to this Statute, may declare that, for a period of seven years after the entry into force of this Statute for the State concerned, it does not accept the jurisdiction of the Court with respect to the category of crimes referred to in article 8 when a crime is alleged to have been committed by its nationals or on its territory. A declaration under this article may be withdrawn at any time. The provisions of this article shall be reviewed at the Review Conference convened in accordance with article 123, paragraph 1."*<sup>198</sup>

This clause gives the State the possibility to declare that, for a period of seven years from the date on which the Statute enters into force the jurisdiction of the Court on the category of crimes mentioned in Article 8 (war crimes) committed by their nationals in its territory will not be accepted.

Therefore, after Colombia's ratification of the Statute on 5 August 2002 the Court have jurisdiction over all ICC crimes committed in the territory or by nationals of Colombia since 1 November 2002. Nevertheless, due to Colombia's declaration of the application of article 124 of the Rome Statute the Court only have jurisdiction over war crimes since 1 November 2009.

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<sup>197</sup> Universidad Militar Nueva Granada, Instituto de Estudios Geoestrategicos, Colombia y La Corte Penal Internacional" Serie " Analisis de Documentos", October 2002, UMNG-IEG No. 7, pp. 2-6.

<sup>198</sup> CC, Rome Statute of the International Criminal Court, 2002, Accessed March 23rd 2014, Available at < [http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf) >.

For the aims of this document it must be highlighted that article 8 (xxii)<sup>199</sup> includes sexual violence and the use of rape during conflict as a war crime, therefore all the sexual crimes committed against women from November 1<sup>st</sup> 2002 to November 1<sup>st</sup> 2009 by any of the armed actors in the national territory can not be investigated or judge by the International Criminal Court. This fact leaves women who were subjected of sexual violence during that period (2002-2009) with no possibility of access to justice provided by this international criminal law tribunal.

The decision of Colombia to use the transitional provision of article 124 of the Rome Statute was openly rejected by human rights organizations, which consider this declaration as a trick from the national government to make them believe that the country with the simple ratification of the Rome Statute fully entered in the jurisdiction of the International Criminal Court. Moreover, this topic has generated a sharp debate among international organizations, which perceived it as a strategy of the government to ensure immunity to members of the Security Forces who committed war crimes in the context of the internal conflict<sup>200</sup>.

This decision constitutes an obstacle for women to demand their rights to truth, justice and reparation. It is necessary that this kind of analysis encourages Colombian government to fulfill its constitutional responsibility to investigate, punish and prevent violence against

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<sup>199</sup> "Article 8, (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions.", ICC, Rome Statute of the International Criminal Court, 2002, Accessed March 23rd 2014, Available at < [http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf) >.

<sup>200</sup> O' Rourke Catherine , *Gender Politics in Transitional Justice*, Routledge; First Edition , 2013, pp. 127.



women, and can also serve as a political tool for women to break the boundaries of the role that patriarchal culture have assigned them.

## Chapter VI

### **The inclusion of gender mainstreaming in Colombia's current peacebuilding process: The time for women**

*"Both women and men have decided to do everything possible to destroy the evil of war: you with your methods, we with ours. However, it is clear that the best way to end war is not by repeating your words and following your methods but by finding new words and creating new methods."*

*Virginia Woolf  
Three Guineas*

While entire communities suffer the consequences of armed conflict, women and girls are particularly affected due to their gender. As we explained in the previous chapters, the armed actors use violence against women as a tactic of war. Despite this, women should not be seen only as war victims they should be also recognized for their key role in ensuring the survival of the whole community. Therefore, their involvement and active participation in peacebuilding processes is not only fundamental but also strictly necessary. However, governments ignore the importance of women as key actors in decision-making processes. Therefore, the absence of women in the peace-negotiating table is undeniable.

The Platform for Action adopted by the Fourth World Conference on Women held in Beijing in 1995, emphasized the need to promote equal participation of women in conflict resolution at decision-making

levels. Women need to be involved in formal peace processes to build greater post-conflict gender balance and a more inclusive peace<sup>201</sup>.

Taking into account the fact that during the peace negotiations is where the foundations for a future society are often set is there where important gender issues should be addressed and where a gender perspective on peace should be incorporated.

Women's participation in peace talks can also widen the popular mandate for peace and lead to concrete measures, such as: ministries for gender equality and women's affairs (Afghanistan), separate units within ministries to address gender issues (Liberia), equal rights to vote and participate in political processes (Cambodia), and changed attitudes to women's leadership and decision-making capacities (Northern Ireland)<sup>202</sup>.

It can be affirm that the inclusion of women in the peace negotiations and the incorporation of a gender mainstreaming in all the agreements settled in the negotiating table will ensure the sustainability of the peace accords and a more inclusive post-conflict process.

Colombia started a peace process with the FARC, on October 2012 in Oslo and then in La Habana- Cuba. This chapter will explain the background of these dialogues doing specific emphasis in the exclusion of the gender approach in the last peace agreement signed in 2002 with the AUC. Subsequently, it will focuses on the current peace process and in the involvement of women in the peace negotiations and peacebuildings infrastructures. Finally, taking into account the current status of the peace dialogues in La Habana we will give some

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<sup>201</sup> Tiessen Rebecca, *Everywhere/Nowhere: Gender Mainstreaming in Development Agencies*, 2007, Kumarian press, pp. 16.

<sup>202</sup> The World Bank/ The International Bank for Reconstruction and Development, *Gender, Conflict, and Development*, 2005, pp. 53 , Accessed January 24<sup>th</sup> 2014, < [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/11/15/000090341\\_20041115142901/Rendored/PDF/30494.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/11/15/000090341_20041115142901/Rendored/PDF/30494.pdf) >.

recommendations for the effective inclusion of a Gender Mainstreaming in Colombia's peacebuilding scenario.

## **1. Background: Three failed attempts to achieve peace in Colombia**

The peace process started by the president of Colombia, Juan Manuel Santos on October 2012, is the fourth attempt since 1980 to negotiate the end of the armed conflict with the Revolutionary Armed Forces of Colombia (FARC). In order to illustrate the background of the actual peacebuilding process, in this session we will elucidate the three previous peace dialogues developed during the last 30 years between the government of Colombia and the Revolutionary Armed Forces of Colombia ( FARC) .

The **first attempt** to seek peace with the FARC, dates back to the presidency of the conservative Belisario Betancur (1982-1986). On March 28, 1984 the FARC and Betancur's government signed " La Uribe" agreement<sup>203</sup>. This agreement included three items: a bilateral ceasefire, the suspension of the kidnappings and the possibility for the guerrilla to have political representation. After the signing, some members of the FARC demobilized to create a new political communist movement named the Patriotic Union ( Unión Patriótica) UP. The UP was subjected to political persecution, about 3,000 activists and leaders of the UP, including Jaime Pardo Bernardo Jaramillo were killed in a period of 5 years. Due to this the peace process failed in 1987.

The **second attempt** to achieve peace took place during the presidency of liberal César Gaviria (1990-1994). The talks between the government and the FARC were developed from June

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<sup>203</sup> Carrillo Vladimir and Kucharz Tom, *Colombia: Terrorismo de Estado*, Icaria publishing, 2006, pp. 230.

1991, first in Caracas and then in Tlaxcala (Mexico)<sup>204</sup>. However, the negotiations ended abruptly due to lack of agreements and the murder of former minister Argelino Durán who had been kidnapped by the guerrilla in 1990.

The **third attempt** to end the conflict with the Revolutionary Armed Forces of Colombia took place between January 7, 1999 and February 20, 2002, during the period of the conservative president Andrés Pastrana Arango (1998-2002). On January 7, 1999, after an official ceremony the negotiating table was installed in the town of San Vicente del Caguán, President Andrés Pastrana attended the ceremony. Nonetheless, him and the whole country waited for the arrival of the major leader and founder of the FARC Manuel Marulanda Velez, alias Tirofijo, who did not attend the meeting. This famous episode known as the "silla vacía" (empty chair) was devastating for the government and in general for the spirit of the peace process. According to *Semana* magazine, "the famous episode of the empty chair was a prediction of what would later happen to the peace dialogue process"<sup>205</sup>



Photo of the "Silla Vacía" (empty chair) episode. President Andrés Pastrana Arango waiting for Manuel Marulanda Velez. January 7 1999. \* Source: *El Colombiano*<sup>206</sup>

<sup>204</sup> El Espectador, Intentos de Paz en Colombia, March 25th 2012, Accessed December 20th 2013, < <http://www.elespectador.com/publicaciones/especial/intentos-de-paz-colombia-articulo-334224> >.

<sup>205</sup> Villamarin, Luis Alberto, *La Silla Vacía: Análisis Político-Estratégico del Fracaso del proceso de paz de Pastrana con las Farc*, CreateSpace publishing, February 2013, pp. 256.

<sup>206</sup> El Colombiano, "Zona de distensión: Nunca más", February 12th 2012, Accessed March 14th 2014, [http://www.elcolombiano.com/BancoConocimiento/Z/zona\\_de\\_distension\\_nunca\\_mas/zona\\_de\\_distension\\_nunca\\_mas.asp](http://www.elcolombiano.com/BancoConocimiento/Z/zona_de_distension_nunca_mas/zona_de_distension_nunca_mas.asp).

Two weeks later after this episode, another meeting was arranged and finally the dialogues started. The peace dialogues between the government of President Andres Pastrana Arango and the Revolutionary armed forces of Colombia are popularly known as the “Caguán” process. These meetings were developed in a demilitarized zone that comprised the municipalities of plateaus, La Uribe, La Macarena, Villahermosa and San Vicente del Caguán with a size of 47,000 square kilometers. The purpose of this “ zone” was to encourage peaceful dialogues in a demilitarized environment, and give to the nomad guerrilla group a temporal place to stay during the peace dialogue period. Unfortunately, the agreement was not respected by the FARC. Imposing their rules and using the land for illegal purposes this group took full control of the area. The demilitarized zone was used for cultivation and drug’s processing as well as a concentration camp for thousands of hostages. President Pastrana Arango ended the peace conversations and abolished the DMZ on February 21, 2002. The Security Armed Forces of Colombia received the order to enter and recover total control of the area.

### **1.1. Transactional justice: The Peace process with the AUC “ Ley de Justicia y Paz”**

The peace process with the United Self Defense Forces of Colombia was developed from 2002 to 2006 during the first presidency of Álvaro Uribe Vélez. In a public letter to the president, the AUC declared a national ceasefire from 1<sup>st</sup> December 2002, thus meeting the requirement of the national government for starting conversations. As a response to this gesture, the 23 December 2002 the Government appointed an Exploratory National Peace Committee for starting peace-conversations with the armed group. Months later, and after several

meetings during this exploratory phase, in July 15 2003 in Tierralta (Córdoba), the High Commissioner for Peace, the Members of the Exploratory Committee, delegates of the Catholic Church and representatives of the AUC signed the " Ralito Agreement " (called " Acuerdo de Santa Fé de Ralito" in Spanish) through which the government and the AUC agreed to start the negotiations, stating the purpose of the process as "the achievement of national peace, through the strengthening of democratic governance and the restoration of territorial control to the national government"<sup>207</sup>. Through the Ralito agreement, the United Self-Defense Forces of Colombia pledged to demobilize all its members before December 31 2005, in a gradual process that began with the demobilization on November 25, 2003 of the Bloque Cacique Nutibara Medellín. Later, in December 10, 2004, the Catatumbo Bloc one of the most important fronts in the AUC demobilized together with its commander Salvatore Mancuso. Collective demobilization extended until August 2006.

According to Office of the High Commissioner in the length of four years 31,671 combatants demobilized and 18,051 weapons were handed in 38 acts of demobilization. After the period of disarmament AUC demobilized commanders were held in the special center of La Ceja, Antioquia, and were subsequently transferred to the maximum security prison of Itagui, in the same department<sup>208</sup>. However, as the legislation of the time (Law 782 of 2002) restricted amnesty and indulgence to political crimes a new law was needed as a legal tool to facilitate individual or collective reinstatement to civilian life for demobilized combatants and at the same time guarantee the rights of victims, without subjecting the country to the "forgive and forget" method. For

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<sup>207</sup> Duncan Gustavo, *Los Señores De La Guerra: de Paramilitares, Mafiosos y Autodefensas En Colombia*, Planeta publishing, 2006, pp. 46.

<sup>208</sup> *Stockholm Initiative on Disarmament Demobilization and Reintegration (SIDDR)*, Final Report of the Stockholm Initiative on DDR.", 2008, pp. 20 Accessed May 14th 2014, < <http://www.sweden.gov.se/content/1/c6/06/43/56/cf5d851b.pdf>. >.

these reasons the National Congress adopted the Law 975 of 2005 or the so-called “ Justice and Peace Law” (Ley de Justicia y Paz).

The “ Justice and Peace Law” is a method of transactional justice that established the prosecution and punishment methods for members of the AUC, as well as the strategies for victim’s reparation. Under the “ Justice and Peace” law, demobilized members of illegal armed groups that have committed serious crimes can receive alternative indictments of between five and eight years of prisons in exchange for demobilization and contribution to truth and reparation.

This law is a model of transitional justice based on three pillars: truth, justice and reparation and exclusively dependent on criminal justice to vindicate the rights of victims. Its implementation has not been easy. In July 2013, eight years after law’s approval, prosecutors in the Justice and Peace Unit had only obtained convictions against 18 people<sup>209</sup>. Prosecutors and judges have recognized that the original aspiration of the law, to prosecute all offenses committed by armed actors, surpasses the existing institutional capacities and the trials themselves are ineffective in the overall defense of the rights of victims.

In this session we will demonstrate that the Justice and peace law does not fulfilled the requirements of Security Council Resolution 1325/2000, in the sense that this law is transactional justice mechanism that does not include a gender mainstreaming, therefore, women are fully discriminate and have not juridical guarantees for accessing to truth, justice and reparation trough this law.

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<sup>209</sup> Crisis Group, Informe sobre América Latina , *Justicia transicional y los diálogos de paz en Colombia* N°49, August 29<sup>th</sup> 2013, pp. 6 , Accessed May 26<sup>th</sup> 2014, <  
<http://www.crisisgroup.org/~media/Files/latin-america/colombia/049-transitional-justice-and-colombias-peace-talks-spanish.pdf> > .



### **a. The right to truth:**

Besides implying the need for confession of all the crimes by the perpetrators, the right to truth needs to guarantee the recognition of women's voices. Women voices should be heard during all the process and most important ; should be believed.

The right to truth under the Justice and Peace law is not completely guaranteed to women and is limited only to the procedural truth. A process where the questions of women are not answered cannot be considered a process that respects the right to truth and the right to know what really happens. Women need to understand the context in which violations of human rights occurred so they can start the grieving process necessary for their emotional health.

### **b. The Right to justice:**

According to art. 6 of " Justice and Peace " law, "the State has a duty to conduct an effective investigation leading to the identification, capture and punishment of those responsible for crimes committed by members of illegal armed groups; ensure that victims of such conduct have access to effective reparation methods, and take all measures to prevent the repetition of such violations. "<sup>210</sup>. Taking into account this is important to highlight that: Neither the law nor the regulations governing the participation of victims in the process (Resolution 3998 of December 6, 2006 and Decree 315 of February 7, 2007) embody mechanisms to provide adequate psychosocial assistance to women in order to help them: overcome the fear of being stigmatized as a result

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<sup>210</sup> Congreso de la República, Ley 975 de 2005, July 25 2005, Accessed June 20<sup>th</sup> 2014, < [http://www.fiscalia.gov.co:8080/Documentos/LEY\\_975\\_concordada.pdf](http://www.fiscalia.gov.co:8080/Documentos/LEY_975_concordada.pdf) >.

of reporting the case to the authorities, especially in cases of sexual violence. Furthermore, the law does not provide any mechanism to provide women an adequate psychosocial assistance in the event they have to address their perpetrator during the legal proceedings. Unfortunately, the law ignores the emotional effects that these encounters can cause on the victim.

The absence of procedural safeguards for women victims of violence; the fact that women have the burden of proof when paramilitary versions are inaccurate or false and the lack of non-repetition obligations are some of the obstacle women face when accessing justice through this law.

Judicial authorities do not recognize sexual violence as a weapon of war in the Colombian armed conflict. The fact that in the public audiences regulated in the Justice and Peace law, the cases of sexual abuse are treated as a collateral effect of the conflict and are not subject to a rigorous investigation demonstrates the discriminatory spirit of this regulation.

Moreover, according to the NGO " Ruta Pacifica", by November 2011, there were only 29 prosecutions for sexual from nearly 4000 reported cases. It is important to highlight that these crimes are prosecutable by law enforcement, however, in the framework of Law 975 sexual violence crimes have only been investigated after allegations made by the victims. There have been no cases in which the prosecutor or judicial police have initiated *proprio motu* (on its own initiative) an investigation regarding this type of crimes<sup>211</sup>.

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<sup>211</sup> Ruta Pacífica de las Mujeres, VERDAD, JUSTICIA Y REPARACIÓN UNA DEUDA PENDIENTE CON LAS MUJERES VICTIMAS DE LAS VIOLENCIAS, November, 2011, pp. 29-30, Accessed June 5<sup>th</sup> 2014, < <http://www.rutapacifica.org.co/descargas/publicaciones/Verdadjusticiayreparacion.pdf> >.

### **C. The right to reparation:**

The right of victims to reparation is established Law 95/ 2005, article 8. According to this article the reparation includes actions to foster restitution, compensation, rehabilitation, satisfaction to victims and the enforceability of the non-repetition obligation to perpetrators.

These methods fulfill the international law standards. However, in the practice reparation methods have been focused on compensation. While, the " Peace and Justice" law established an administrative integral reparation program what actually is being implemented is a compensation program, in which a certain amount of money is given to victims depending on the crime<sup>212</sup>. At the end the victims receive only a monetary compensation that in the majority of cases is not proportional with the suffered damages. Sexual violence for example is within the compensable crimes, however, the amount set is really low, and the victims are not provided with others methods of reparations such as psychological assistance, medical treatments, among others.

The women's rights organizations have insisted for more than a decade in the differential effects of the political and armed conflict on women. This situation was widely recognized by the Constitutional Court, from 092 to 2008 (auto tracking to Case T-025/04), which mandates the use of a differential approach for victim's treatment. However the "Justice and Peace Law" does not included a differential gender approach to establish the reparation methods, which make a useless law for repairing crimes committed against women. This law should recognize the especial needs of female victims and should take into account the differential damage they have experienced n because of their gender.

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<sup>212</sup>Scales, Ann. Legal Feminism: Activism, Lawyering and legal Theory, 2006 , New York University Press, pp. 8.

The previous analysis of the “Peace and Justice” law that helped to conclude the peace dialogue and future demobilization of the United Self Defense Forces of Colombia (AUC) was done using a gender perspective and with the aim of underlining the mistakes committed in this law in order not to avoid again the inclusion of a gender approach in the peacebuilding policies that will be set in the near future. Therefore, we urge the National government that is now negotiating in Cuba to base their transactional methods in a gender approach and in this way assure a more gender inclusive peace building process.

## **2. The current Peace Process: Peace dialogues between the government of Juan Manuel Santos and the Farc**

The “ Final Agreement for ending the conflict and building a stable and durable peace” ( Acuerdo Final para la terminación del conflicto y la construcción de una paz estable y duradera) was signed by the Government of Juan Manuel Santos and the top commander of the Revolutionary Armed Forces of Colombia ( FARC), Rodrigo Londoño, alias Timoleón Jimenez in La Habana, Cuba on August 26, 2012 .Among other things this agreement stated the establishment of a conversation table that was installed in Oslo, Norway in October 2012<sup>213</sup>.

However, the agreement states that the headquarters of the peace negotiations will be La Habana, Cuba. With the signed of this agreement the government of Colombia started official peace dialogues with the FARC. Both parties committed to ensure the effectiveness of the process and develop in an efficient way and in the shortest time

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<sup>213</sup> Estrada Álvarez Jairo, *Solución Política y Proceso de Paz en Colombia: A propósito de los diálogos entre el gobierno y las FARC-EP*, 2014, Ocean Sur publishing , pp.37.

possible all the issues settled in the agenda. The first cycle of peace conversations started on November 2012 in Oslo, Norway followed by the second cycle of dialogues in La Habana, Cuba initiated on January 2013 and that nowadays is still being developed.

The agenda settled in the “ Final Agreement for ending the conflict and building a stable and durable peace”<sup>214</sup> includes the following items:

### **1. Integrated agricultural development policy:**

The integrated agricultural development is crucial to promote regional integration and the social, economic and equitable development of the country.

- a.** Access to land use. Unproductive land. Property formalization. Agricultural borders and reserve areas protection.
- b.** Development programs with a territorial approach.
- c.** Infrastructure and land improvement.
- d.** Social development: health, education, housing, and poverty eradication.
- e.** Strategies to promote agricultural production and a solidarity and cooperative economy. Technical assistance. Subsidies. Credit. Income generation. Marketing. Labor formalization.
- f.** Food security system.

### **2. Political participation**

- a.** Rights and guarantees for the consolidations of the opposition movements in in general, and in particular for the new movements arising after the signing of the Final Agreement.

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<sup>214</sup> FARC-EP, Gobierno de la República de Colombia, “Acuerdo Final para la terminación del conflicto y la construcción de una paz estable y duradera”, August 26<sup>th</sup> 2012, Accessed November 25<sup>th</sup> 2013. < <https://www.mesadeconversaciones.com.co/sites/default/files/AcuerdoGeneralTerminacionConflicto.pdf> >.

**b.** Democratic citizen participation mechanisms, including direct involvement in different levels and different subjects.

**c.** Effective measures to promote a greater participation in national politics with equal opportunities and security guarantees especially the most vulnerable population.

### **3. End of the conflict**

Is a comprehensive and simultaneous process that involves:

**a.** bilateral and definitive cease-fire

**b.** Surrender of arms. Incorporation to civilian life of demobilized members of FARC.

**c.** The Government will coordinate the review of the situation of persons deprived of liberty, or convicted for belonging or collaborating with the FARC-EP.

**d.** In parallel the Government will intensify the review of the situation of persons deprived of liberty, or convicted, of belonging to or collaborating with the FARC-EP.

**e.** The Government will promote reforms and institutional changes needed to address the challenges of peace building.

**f.** Security guarantees.

**g.** Under the provisions of Item 5 (victims) of this agenda will be clarified, among others, the paramilitary phenomenon.

The signing of the Final Agreement initiates this process (End of the Conflict), which should be developed within a reasonable time agreed by the parties.

### **4. Solution to the problem of illicit drugs**

**a.** Substitution programs for illicit crops. Integrated development plans based on the participation of the communities in the design and

evaluation and execution of the substitution programs and the environmental recovery of areas affected by these crops.

**b.** Programs for the prevention of drug use.

**c.** Solutions for the phenomenon of narcotics production and commercialization.

## **5. Victims**

The reparation of the victims is at the center of the Agreement. In this regard it will be discussed:

**1.** Victims Human rights.

**2.** Truth

The conversations will be developed with the support of the governments of Cuba and Norway as guarantors and the governments of Venezuela and Chile as observers.

### **2.1. The method of Multi-track diplomacy:**

Experts affirm that to solve an armed conflict as the Colombian one taking into account its duration, complexity and intensity, it is necessary to involve the entire society. Therefore, the method of "Multi-track diplomacy" is being applied to the peace negotiating process currently taking place in Cuba.

For the aims of this document we contacted one of the creators of the "Multi-track diplomacy" method, H.E John McDonald a former U.S ambassador and actual Chairman and CEO of The Institute for Multi-Track Diplomacy (IMTD). In one of his e-mails Ambassador McDonald explained the method is based in his personal mantra: "The only way to solve a conflict, at any level of society, is to sit down face-to-face and talk about it." He added " That is what the FARC and the

government is doing in Cuba, and that is the only way in my decades of experience that you can solve a conflict like the one Colombia faces today”.

In the following lines we will explained the method of “Multi-Track Diplomacy” and its importance for the effective inclusion of a gender mainstreaming in Colombia’s peacebuilding process.

To understand the method of multi-track diplomacy is necessary to understand the concept of peacebuilding. Peacebuilding is the process in which the tangible and intangible conditions to transform a conflict-habituated system into a peace system are created. Peacebuilding can be done, therefore, before, during, or after violence erupts. The activities of peacebuilding consist in creating infrastructures. According to the Institute of Multi-track diplomacy there are three types of peacebuilding activities required to transform a conflict into a peace system: political, structural and social peacebuilding. The **political peacebuilding** refers to legal agreements that settled the rules for ending the conflict and the conditions for establishing peace. It is about structuring a legal frame that can address the political needs and control the boundaries of a peace system. To give some examples the activities of the political peacebuilding can be negotiations, technical grouping groups or mediation.

**Structural peacebuilding** involves the creation of a military, economic and community infrastructure that offers solid and realistic opportunities for the effective development of a new peace system. These kinds of structures are fundamental to accomplish peace because signed peace treaty (political peacebuilding) will never accomplish conflict transformation by itself; it only creates a basis for peace. Promoting economic development programs, democracy and



governance are some examples of the activities included in structural peacebuilding.

**Social peacebuilding** is the grass-roots portion of the peacebuilding process. It is based on relationships; human infrastructure. It deals with feelings, attitudes, opinions, beliefs, values, and skills as they are held and shared between peoples, individually and in groups. It is about building a human infrastructure of people who are committed to engendering a new "peace culture" within the social fabric of communal and inter-communal life<sup>215</sup>.

This type of peacebuilding constitutes the focus of the multi-track diplomacy method, which relies on the complete involvement of society to accomplish peace. This method requires the involvement of all the sectors of society in the peace negotiation process. Therefore, the utilization of the multi-track diplomacy method requires and assures the involvement of women in peacebuilding processes.

Regarding the peace process between Colombia and the FARC we put in the first level the parties directly involved (in this case, the government and FARC), then we go from the private sector, religious institutions, schools and the media, to the (most important) ordinary citizen. All of these actors will participate and contributed to the final peace agreement through training programs, dialogues or community-building programs. Social peacebuilding pursues to shape the human infrastructure that can support the political agreements and societal institutions.

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<sup>215</sup> Diamond Louise and McDonald John, *Multi-Track Diplomacy: A Systems Approach to Peace*, Kumarian press, 1996, pp. 62.

## 2.2. Colombia's Peace Process updated (September 20 2014)

From October 8, 2012 in Oslo and then in November 19 of that same year in La Habana (Cuba), the government of Juan Manuel Santos and the FARC have participated in a series of peace dialogues based on a five-point agenda: agricultural development, political participation, end of the conflict, solution for the problem of illicit drugs and victims.

After six months of intense negotiations, finally on May 26, 2013 the parties agreed on **agricultural development**, the first item on the agenda, and the most important issue for the guerrillas, since their entire armed struggle is based upon it. Later, at the end of 2013 was signed the agreement on **political participation**, the second item of the agenda. The key points were the adoption of a law on the status of the opposition and the formulation of an electoral reform. Afterward, on May 16 2014, the government and the FARC agreed on the third item in the agenda " the solution to the **problem of illicit drugs**".

In this historical agreement the FARC have pledged to break all links with drug trafficking, one of its major financial resources<sup>216</sup>. In any case, the agenda explicitly stipulates that until the five points of negotiation are not closed, none of the agreements will be binding. This means that all that remains to be decided is item No.5 about victims and item No. 3 which was entitled "end of conflict" and includes issues such as the disarmament and integration of demobilized guerrilla members. As soon as these two items are settled the entire peace agreement will be binding and will open the way for accomplishing the long-pursued goal of peace.

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<sup>216</sup> El País, "Gobierno y Farc anuncian acuerdo en tema de narcotráfico y cultivos ilícitos", May 16 2014, Accessed June 20th 2014, < <http://www.elpais.com.co/elpais/judicial/noticias/gobierno-y-farc-anuncian-acuerdo-tema-narcotrafico-y-cultivos-ilicitos> >.

### **3. Women's participation in Colombia's current peace process:**

Two years ago when the initiation of the peace dialogues between the government of Colombia and the FARC was announced to the world, Jody Williams, the Nobel Peace Prize winner gave an interview to the most important Newspaper in Colombia, El Tiempo. During the interview, held in Bogotá, the Colombian journalist Yamid Amat asked her, about the inclusion of women in peace processes, this is what she answered;

*"To be honest, I will say that sexism is one of the biggest problems worldwide. The world is patriarchal and does not see women as equal to men. Therefore, female voices are frequently ignored in the negotiating table. Often, men, combatants, are sitting at the table trying to see how they can maintain their power without weapons. Women must have a seat at that table because peace is much more than disarmament. When women ask for participation in peace processes they receive the same after: " women issues will be addressed later". That angers me because I don't know what is a "women's issue". It is ridiculous. It is women and girls who die in the armed conflicts. They are tired of always hearing "later, later. "Women want to be part of the process now!"<sup>217</sup> .*

We cannot deny the importance of the peace process that was formally initiated in Colombia two years ago and in which women should have a key role in order to ensure the sustainability of the peace agreements. In this sense, we must underline that so far the participation of women has not been a priority or a major concern in the negotiation process.

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<sup>217</sup> El Tiempo, 'Las mujeres son indispensables en los diálogos': Jody Williams, Interview to Jody Williams , Nobel Peace Prize winner, September 23rd 2013, Accessed August 25th 2014, < <http://www.eltiempo.com/archivo/documento/CMS-12245383> >.

Indeed, the negotiating teams did not include women in the initial stage and in the case of the Colombian government, only two women joined the team almost a year after peace talks were publicly announced<sup>218</sup>.

### **3.1.The implementation of Security Council Resolution 1325/2000 on “women peace and security” in Colombia:**

As described in greater detail in Chapter II in this document, the UN Security Council Resolution 1325/2000 on women, peace and security gives a series of recommendations to all actors involved in armed conflict, mainly on the protection of women and girls and their incorporation in the peace negotiating tables. Therefore, I will venture to affirm that the actual implementation of this resolution will assure the inclusion of women in the current peace process and in a future post-conflict scenario.

The working group on UN Resolution 1325 in Colombia known as “Coalición 1325”, reunites multiple networks and women's organizations. On March 2013 this groups issued the III report on the implementation of resolution 1325/ 2000<sup>219</sup>.

The report highlights the precarious participation of women in decision-making processes, the high levels of impunity for crimes of sexual violence and the deficient reparation for women victims of violence.

In terms of participation, the report notes that Colombia remains a country with low participation of women in decision-making processes.

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218 Peace-Women Organization, Statement by Red Nacional de Mujeres, ¿ Donde están las mujeres en las negociaciones de Paz en Colombia ? ,2013, Accessed March 25th 2014,

<[http://www.peacewomen.org/assets/file/statement\\_by\\_red\\_nacional\\_de\\_mujeres\\_spanish.pdf](http://www.peacewomen.org/assets/file/statement_by_red_nacional_de_mujeres_spanish.pdf) >.

219 Coalición 1325, III Informe de monitoreo a la Resolución 1325 del Consejo de Seguridad de Naciones Unidas – Colombia, 2013, Accessed March 21st 2014, <

<http://www.convergenciagnoa.org/images/Documentospdf/informesddhh/Monitoreo2013Resolucion1325.pdf> >.

To give some examples of this situation the report refers to the wide gap between women and men in Congress, with 12% and 88%, respectively. Moreover, it highlighted the fact that the “quota law” (Ley de Cuotas)<sup>220</sup> was not fully complied and the fact that most of the time women are included in political lists just to fulfill the minimum quotas required by law. Therefore, we can affirm that women’s participation is a numeric participation not a real involvement.

The exclusion of women was evident in the negotiating teams set for the peace dialogues in La Habana. The government included only two women in the peace delegation and only for the second round of the negotiation process with the FARC<sup>221</sup>.

This panorama shows how far women are from having a real participation in the current peace process. Moreover, this proves the refusal of the government to recognize the importance of the female intervention in the peacebuilding process.

As established in the resolution 1325, the report recommends the immediate creation of a National Action Plan of Resolution 1325 in Colombia, which will allow the articulation of efforts, resources and actors needed to achieve the real implementation of the resolution within a short time period. The creation of the National Action Plan will translate participation policies and strategies into executable and measurable actions. With the formulation of this Action Plan, Colombia will have two main challenges: on the first place, the harmonization of resolution 1325, with national policies on the protection of women victims and the real engagement of women in building peace through the empowerment of female leaders and their

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<sup>220</sup> DIARIO OFICIAL No. 44.026, Ley 581 de 2000, May 31 2000, Accessed April 12<sup>th</sup> 2014, <<http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=5367>> .

<sup>221</sup> El Tiempo, 'Las mujeres son indispensables en los diálogos': Jody Williams, Interview to Jody Williams , Nobel peace prize winner, September 23<sup>rd</sup> 2013, Accessed August 25<sup>th</sup> 2014, <<http://www.eltiempo.com/archivo/documento/CMS-12245383>> .

organizations.

### **3.2. Gender mainstreaming in Colombia's peace process: Gender subcommittee for peace negotiation in La Habana**

Gender mainstreaming refers to the process of considering the implications for women and men of any planned action, including legislation, policies, or programs in all areas and at all levels. Gender mainstreaming is a strategy to include as the base of all policies and programs in the different sectors of society the opinions and necessities of men and women so that both genders benefit equally of opportunities and guarantees that the system provides<sup>222</sup>. The principal manifestation of applying the gender mainstreaming is the inclusion of special measures and strategies to improve women's access to decision-making, services, and resources. The principal goal of gender mainstreaming is to avoid or struggle gender inequality.

Colombia has already some legal tools based on gender mainstreaming; therefore these legal instruments should be underlined and included in the final peace agreement. Some of the best examples are: the **Law 1448 of 2011**<sup>223</sup>, which states that women will enjoy especial protection in the handling of land restitution affected by the armed conflict and will benefit from assistance and integral reparation. The law also provides differential measures and guarantees of non-repetition for women and girls victim of sexual violence. Another important legal instrument with a gender approach is the **National Policy for Gender Equity (Política Pública Nacional de Equidad de**

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<sup>222</sup> Tiessen Rebecca, *Everywhere/Nowhere: Gender Mainstreaming in Development Agencies*, 2007, Kumarian press, pp. 32.

<sup>223</sup> Congreso de la República, Ley 1448 de 2011, June 10<sup>th</sup> 2011, Accessed May 16<sup>th</sup> 2014, <[http://www.secretariasenado.gov.co/senado/basedoc/ley\\_1448\\_2011.html](http://www.secretariasenado.gov.co/senado/basedoc/ley_1448_2011.html)>.

**Género)** <sup>224</sup> . The Government of President Juan Manuel Santos consolidated this policy in 2012 to ensure women's human rights women and gender equality in Colombia. The policy is focused on three pillars: prevention, integral and differentiated treatment and institutional coordination, which assign specific responsibilities to the nation, local authorities, the private sector and the civil society.

To encourage the Colombian government to accelerate the inclusion of a gender mainstreaming in the peace negotiation process the Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation No. 30 of 2013 on " women in conflict preventions, conflict and post conflict situations"<sup>225</sup>, highlights the need for the inclusion of a critical mass of women in international negotiations, peacekeeping activities in all levels of preventive diplomacy, mediation, humanitarian assistance, social reconciliation and peace negotiations at national, regional and international level. Taking into account this recommendation, on September 7 2014 after almost two years of peace dialogues, the peace conversation table in La Habana conformed by the FARC and the Colombian government created a **gender subcommittee (subcomisión de género)**<sup>226</sup> .

The creation of this subcommittee represents an important progress in the inclusion of a gender mainstreaming in the current peace process. Its principal objective is to incorporate a gender mainstreaming in the partial agreements already adopted and in any agreement settled in the peace conversation table. The subcommittee will have 10 members

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<sup>224</sup> Presidencia de la República, "Lineamientos de la Política Pública Nacional de Equidad de Género para las Mujeres", 2012, Accessed February 14<sup>th</sup> 2014, < <http://www.equidadmujer.gov.co/Documents/Lineamientos-politica-publica-equidad-de-genero.pdf> > .

<sup>225</sup> Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, October 18<sup>th</sup> 2013, Accessed February 20<sup>th</sup> 2014, < <http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf> > .

<sup>226</sup> Caracol, Agencia EFE, "Instalan subcomisión de género en la mesa de diálogos de paz para Colombia", September 7<sup>th</sup> 2014, Accessed September 17<sup>th</sup> 2014, < <http://www.caracol.com.co/noticias/internacionales/instalan-subcomision-de-genero-en-la-mesa-de-dialogos-de-paz-para-colombia/20140907/nota/2403123.aspx> > .

five members elected by the government and 5 by the d the FARC.

Nigeria Renteria women's representative and member of the governmental peace delegation in La Habana affirmed that: " the goal of the subcommittee is not only to consider women as victims in the conflict but also as protagonists in the construction of peace."<sup>227</sup>

The gender subcommittee should be conformed by the end of October 2014. For choosing its members the government and the FARC must take into account the crucial role that Colombian women and women's rights organization have been developing for years and that legitimizes their participation in peace negotiations.

The principal debates in the subcommittee should regard the priority to highlight the importance of women to achieve sustainable peace and the necessity to recognize that sexual violence (although not the only violation of human rights suffered by women) has been committed by all armed actors as a strategy of war and creates a serious impact on women's lives and communities. Besides the inclusion of women in the negotiating table, it is essential to bear in mind their role in the implementation of peace agreements.

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<sup>227</sup> Semana, *FARC niega violencia de género en sus filas*, September 7<sup>th</sup> 2014, Accessed September 12<sup>th</sup> 2014, < <http://m.semana.com/nacion/articulo/las-farc-niegan-violencia-de-genero-en-sus-filas/402004-3> >.



## **Conclusions and Recommendations**

For Colombian women armed conflict is an everyday reality. It is not an event or isolated episode is rather the main characteristic of their daily lives within the last 60 years. Violence against women continues to be redefined and acquires new typologies. Given this reality, it can be conclude that is absolutely necessary to disclose the extent of violence against women in armed conflict in order to recognize, combat and prevent it.

### ***Women as protagonists of the armed conflict***

After analyzing the gender dynamics in Colombia's violence scenario it must be affirmed that women have essentially two roles in the conflict. They can be recognized as victims and as active actors. In both cases, we can conclude that women are protagonist of the conflict. Hence, armed actors, governmental authorities and civil society should recognize both of their roles.

On the one hand, the testimonies of former and current members of the FARC demonstrated that the reasons why women joined the FARC are determined by the social situation of the country and by the transformation of the armed conflict in 1990 from communist guerrilla warfare to narcoterrorism. Taking into account that we can conclude that women have not only a passive role as casualties in the confrontations but also an active role as direct combatants in the armed struggle.

On the other hand, women are victims of various type of violence and abuses perpetrated by all armed actors as part of their war strategy.

In this way women's body is used as an instrument of war in the battlefield.

### ***The use of sexual violence as a systematic practice during conflict***

The Colombian conflict combines characteristics of traditional and modern wars. Between its characteristics we found the use of sexual violence. Despite the lack of information about this topic and the disparity of the figures provided by the government, it can be concluded that for the last decade sexual violence constituted a major crime perpetrated by all armed actors: the paramilitaries, the FARC, the ELN and in some cases the national security forces. The sexual violence perpetrated in Colombia's armed conflict is manifest through the following dimensions: violent sexual intercourse, slavery and forced prostitution, violent acts against the sexual integrity, sexual abuse of children and adolescents, rape, erotic fondling, sexual mutilation, forced contraception, pregnancy and forced abortion, restriction on access to safe sanitation for fertility regulation, forced exposure for sexually transmitted infections, forced nudity, forced domestic service and commercial sexual exploitation of girls and women<sup>228</sup>.

Taking into account the reports and figures collected for this research we can conclude that all armed actors in the Colombian conflict use sexual violence as a weapon of war for the following reasons: a) To forcibly displace populations from lucrative mining or agricultural zones and from areas of strategic importance for drug trafficking, b) As a form of punishment for having any type of relationship with the enemy, c). As a method for terrorizing the population and forced women to obey them, and d) As a method to humiliate the enemy.

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<sup>228</sup> Villareal, Norma , "Mujeres y madres en la Ruta por la paz": La crisis sociopolítica colombiana. Un análisis no coyuntural de la coyuntura, CES- Universidad Nacional de Colombia, 1997, pp. 260- 275.

Considering the figures used in this research we can state that sexual violence in Colombia's armed conflict has become a collective and systematic practice used by all armed actors. While the implications of this situation may not be comparable to what happened in other recent conflicts such as the former Yugoslavia and Rwanda, it is undeniable that this kind of violence is massively exercised in the country.

However, armed groups and governmental authorities do not recognize the massive and systematic characteristics of gender-based violence. Unfortunately, it is treated as a collateral damage of the conflict and not as a systematic practice against women's rights that requires immediate and especial attention.

### ***The state responsibility***

Colombia as a country has failed to protect and respect women's human rights with regard to its international and national obligations to guarantee that women and girls are entitled to enjoy a life free of violence and discrimination. According to the concerns and specific suggestions stated by international human rights authorities, including Amnesty International, Human rights watch, The Inter-American Commission on Human Rights and the UN Special Rapporteur on Violence Against Women, there is not enough evidence to indicate that the Colombian authorities have promoted effective measures to encounter gender-based violence by investigating such crimes, bringing perpetrators to justice and giving an appropriate reparation to victims.

### ***The invisibility and impunity of violence against women in the armed conflict***

The crimes committed against women in situations of armed conflict are those that yield the highest rate of impunity. This research confirms that all armed actors in Colombia exploit gender stereotypes and commit sexual crimes. The fact that also the Security Forces use this

type of violence makes difficult the investigation and prosecution of the authors of these crimes. It can be concluded that the state as a perpetrator of violence against women, have a substantial share - responsibility for the high level of impunity of sexual crimes in an armed conflict context.

Judging by the figures that reports the lack of effective laws to defend women rights and taking into account the victims who testified we can be conclude that in the scale of values of Colombia's legal system violence against women does not appear among the most serious crimes. Consequently, gender-based violence has been relegated to private scenarios. The inefficiency of the legal system to investigate and prosecute sexual violence causes a longer suffering for the victims and accentuates gender -based discrimination. Despite the often-unequivocal evidence on the victim's bodies few perpetrators are ever brought to justice for these types of crimes, usually considered as a collateral effect of the armed conflict. As a final consideration it can be affirmed that there is reluctance from the juridical and legislative authorities to consider the existence of sexual violence in conflict as a clear violation of human rights and as a war tactic used by the armed actors.

***The importance of women's involvement in the peacebuilding process:***

Taking into account the duration, complexity and intensity of Colombia's conflict, the only way to negotiate the peace is to involve the entire society. Therefore, the method of "Multi-track diplomacy" is the most adequate tool to use in the current peace conversation with the FARC in Cuba.

For the last two years of peace dialogues the participation of women has not been a priority or a major concern in the process. However,

following the recommendations of the CEDAW committee, and with the aim of implementing the Security resolution 1325/ 2000, on September 7 2014 after almost two years of peace dialogues, the peace conversation table in La Habana created a **gender subcommittee (subcomisión de género)**<sup>229</sup>.

The creation of this subcommittee represents an important progress in the inclusion of a gender mainstreaming in the current peace process. Its principal objective is to incorporate a gender mainstreaming in the partial agreements already adopted and in any agreement settled within the peace negotiations.

Regarding the complex social, political and economical reality of the country we can conclude that although the inclusion of a gender approach and the active participation of women in the final peace agreement will be a historical achievement for Colombian women and certainly will ensure a more inclusive post-conflict, it will not end the gender inequality and gender- based violence in Colombia. Gender equality can only be achieved with long-terms multidimensional strategies focus on: ending economic gender oppression, guarantying access to justice, reinforcing the effectiveness of public institutions and assuring basic living conditions to men and women.

Following the analysis developed in the previous chapters concerning the state of violence against women in Colombia's armed conflict and taking into account the final considerations of this research. This document proposes the following recommendations to encounter

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<sup>229</sup> Caracol, Agencia EFE, "Instalan subcomisión de género en la mesa de diálogos de paz para Colombia", September 7th 2014, Accessed September 17th 2014, < <http://www.caracol.com.co/noticias/internacionales/instalan-subcomision-de-genero-en-la-mesa-de-dialogos-de-paz-para-colombia/20140907/nota/2403123.aspx> >.

violence against women and include a gender mainstreaming in Colombia's peacebuilding process:

**a. Adopt gender sensitive investigative procedures to collect information, statistics and figures about violence against women in armed conflict**

One of the most significant findings while writing this document was the existence of an information gap on the subject. It is contradictory that even with the large quantity of studies on Colombia's conflict, still no figures or precise data on gender based violence. However, the collection of episodes narrated by women through the interviews presented in this work highlights a human tragedy of immense proportions that society must be aware of.

Taking into account this, the government must adopt gender sensitive investigative procedures to collect information, statistics and figures about violence against women in armed conflict.

**b. Promote the formulation of the National Action Plan of Security Council Resolution 1325**

-Promote the formulation of the National Action Plan of Security Council Resolution 1325 as a necessary tool for monitoring the involvement of women in the pre-agreements and in the future final peace agreement between the government and the FARC.

-Work in the coordination of national networks to articulate a Peace Agenda in the framework of Resolution 1325<sup>230</sup>.

- Strengthen international partnerships for the prevention of armed conflict, especially on women, peace and security, to make visible the

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<sup>230</sup> Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, October 18<sup>th</sup> 2013, Accessed February 20<sup>th</sup> 2014, <<http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf>>.

situation of women in Colombia, so that Colombia can receive international support for the effective implementation of resolution 1325/2000.

**c. Conduct trainings on gender mainstreaming and the elements of Security Council resolution 1325 to authorities and governmental organizations**

-The government must organize gender sensitive trainings and adopt codes of conduct and protocols for the police, the military, including peacekeepers, emphasizing the importance to protect women and ensure their humans rights. Moreover, the codes of conduct must strongly condemn the use of violence against women by any state member. In this way impunity will be also encountered<sup>231</sup>.

-Develop a technical document for all national authorities explaining the concept of gender mainstreaming and the strategies for it inclusion. This document will order periodical trainings and evaluations on the issue. The inclusion of a gender mainstreaming must be set as a requirement for every governmental entity to access the national budget assignment.

**d. Integrate women's organizations in the decision-making processes and the actual negotiation process in La Habana.**

"La Ruta Pacifica"( Pacific Route of Women) is a feminist organization working for a negotiated resolution of the armed conflict in Colombia. La Ruta Pacifica is conformed by more than 315 organizations and groups coordinated in 8 regions (Santander, Valle del Cauca, Risaralda,

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<sup>231</sup> Coalición 1325, III Informe de monitoreo a la Resolución 1325 del Consejo de Seguridad de Naciones Unidas – Colombia, 2013, Accessed March 21st 2014, <  
<http://www.convergenciagnoa.org/images/Documentospdf/informesddhh/Monitoreo2013Resolucion1325.pdf>>

Cundinamarca, Putumayo, Antioquia, Chocó and Cauca )<sup>232</sup>. We are looking forward to see representatives of these organizations as members of the new gender subcommittee for the peace negotiations in La Habana , created recently on September 7<sup>th</sup> 2014. Moreover, this subcommittee should include women from all the ethnic minorities present in the territory.

#### **e. Strengthen the judicial and police structures:**

-Reinforce these entities with economical and human resources so that they can investigate and prosecute cases of sexual violence and related. In this sense, it is urgent to implement a legal reform that focuses on the legal and social consequences of gender based violence in the armed conflict. Moreover, the authorities and the civil society in general should provide trainings to all agencies of the criminal justice system and the military forces regarding gender-based violence and women's human rights

- It is strongly recommended the assignation by the Attorney General of a senior counselor in what regard to sexual and gender-based violence<sup>233</sup>.

- Integrate protection and privacy rules that allow women to report sexual abuse related to the armed conflict.

#### **f. Implement effective mechanism to struggle against impunity for violence against women**

The high levels of impunity on crimes against women encourage armed actors and in general the society to keep using this type of violence

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<sup>232</sup> Corporación Nuevo Arcoiris, *En qué va la resolución 1325 de ONU en Colombia: mujeres y paz*, November 19th 2012, Accessed Janaury 20th 2014, < <http://www.arcoiris.com.co/2012/11/las-mujeres-aun-lejos-de-la-equidad-y-la-igualdad-de-derechos/> >.

<sup>233</sup> Crisis Group, Informe sobre América Latina , *Justicia transicional y los diálogos de paz en Colombia* N°49, August 29<sup>th</sup> 2013, pp. 10 , Accessed May 26<sup>th</sup> 2014, < [http://www.crisisgroup.org/~media/Files/latin-america/colombia/049-transitional-justice-and-colombias-peace-talks-spanish.pdf](http://www.crisisgroup.org/~/media/Files/latin-america/colombia/049-transitional-justice-and-colombias-peace-talks-spanish.pdf) >.



even after conflict . Therefore, the judicial apparatus and in general the peace negotiations should be directed towards the punishment and prosecution of sexual crimes and violence against women, this to avoid the repetition of these episodes and to build a judicial system focus on defending women's rights.

- The judicial authorities use conciliation as a method to solve the crimes against women, despite the international recommendations to avoid this method in case of violence against women<sup>234</sup>. Hence, the conciliation must be forbid for these types of crimes.

- Figures from the Attorney General's Office shows that from the 941 reported cases of sexual violence in 2011, only two convictions were issued. In this regard the United Nations Representative for Sexual Violence in his recent visit to Colombia he stated: "While the Colombian government has made progress in important legal developments with gender, there are great difficulties in women's access to justice and impunity persists in most of the allegations"<sup>235</sup>.

- In July 2012, the government approved the "Legal Framework for Peace"( Marco Legal para la Paz) , a constitutional reform to regulate the inclusion of the future final peace agreement that hopefully will be signed in La Habana into the national legal system.

Unfortunately, this reform promotes impunity for the atrocities committed by guerrillas, paramilitary and military in the event of signing a peace agreement with the FARC<sup>236</sup>. The reform authorizes the Congress to eliminate the prosecution of atrocities to those who identified themselves as " major responsible" (in spanish "máximos responsables") and provides legal immunity to all others who have

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<sup>234</sup> Kadish H Sanford, *Criminal Law and Its Processes: Cases and Materials*, Aspen Publishers; 9th edition , 2012, pp. 327.

<sup>235</sup> Corporación Nuevo Arcoiris, *En qué va la resolución 1325 de ONU en Colombia: mujeres y paz*, November 19th 2012, Accessed January 20th 2014, < <http://www.arcoiris.com.co/2012/11/las-mujeres-aun-lejos-de-la-equidad-y-la-igualdad-de-derechos/> >.

<sup>236</sup> Human rights watch, *Executive Summary Colombia*, January 2014, pp, 6, Accessed May 14th 2014, < <http://www.hrw.org/es/world-report/2014/country-chapters/122015> >.

participated in the planning, execution and concealment of the same offenses but are not considered the "major responsible", a category that was not defined in the reform.

This reform also enables the Congress to abandon the possibility to investigate crimes such as sexual violations and kidnappings when they are not part of a systematic attack. Finally, the reform allows the Congress to suspend prison sentences to all guerrillas, paramilitaries and soldiers who have already been convicted for crimes committed in the context of armed conflict<sup>237</sup>. The Constitutional Court of Colombia examined the Legal Framework for Peace and determined its constitutionality in August 2013.

Taking into account the consequences of this reform, and highlighting the high level of impunity of sexual crimes and violence against women already explained in the previous chapters, it can be affirmed that the level of impunity of this reform should be revised in order to avoid the continuum of sexual violence. Therefore, it is highly recommended to request the Constitutional Court for a new analysis of the " Legal Framework for peace". The Court must base this second analysis in a gender perspective taking into account that the impunity of gender based violence in the conflict will worsen the phenomenon of gender discrimination and will block the sustainability of the peacebuilding process.

#### **g. Create reparation programs with a gender perspective**

Reparation methods cannot be the same for all women. These remedies should take into account the reasons why women are victims and the particularities of their origins, social background and political orientation. The Women's Movement (El Movimiento de Mujeres), from

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<sup>237</sup> Congreso dela República, Acto Legislativo 01, 2012, Accessed November 28th 2013, < <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=48679> >.

its political and academic exercise has made enormous efforts to propose various forms of reparation in accordance with the needs and rights of female victims<sup>238</sup>. Reparation should not be limited to monetary compensation. Medical and psychological rehabilitation, public acts of reparation; truth, justice and guarantees of non-repetition should be part of an integral reparation policy.

In this direction, we urge the government to include in the peace building policies various types of reparation methods for female victims according to the crimes they suffered and to their social and ethnic background. As we explained in Chapter IV the Constitutional Court used a differential gender approach to evaluate the consequences of forced displacement in men and women. The current policy-makers should follow the work done by the Court and in this way focus their efforts in issuing laws and policies based on a differential gender mainstreaming that respect the diversity of victims and take into account the various damages they have experienced due to their gender and social condition.

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<sup>238</sup> Porto, Joao Gomes, Chris Alden, and Imogen Parsons ,*From Soldiers to Citizens: Demilitarization of Conflict and Society*, 2007, Ashgate Publishing, pp. 54.

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## **Interviews**

### **1. Women victims of violence in Colombia's armed Conflict<sup>239</sup> :**

-Interview Teresa Alzate , (RUV<sup>240</sup> 20345), done by the author, December 20<sup>th</sup> 2013, Bogotá Colombia

-Interview, Noelia Ramirez Silva , ( RUV 30903) , Interview done by the author, January 23<sup>th</sup> 2014, Cali – Colombia

-Interview Natalia Prieto Ordoñez (RUV 34973) ,Interview done by the author, January 20<sup>th</sup> 2014, Bogotá– Colombia,

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<sup>239</sup> Some of the victims provided their real names and RUN ID number, while others preferred not to give it for security reasons

<sup>240</sup> Identification number corresponding to the RUV ( Registro Unico de Victimas) , for more information <http://www.unidadvictimas.gov.co/index.php/ruv>

-Interview Valentina Arbelaez Rojas ( RUV 20945) , Interview done by the author, January 20<sup>th</sup> 2014, Bogotá– Colombia

-Interview Rosalia Cardenas Arias (RUV 21076), Interview done by the author, January 20<sup>th</sup> 2014, Bogotá– Colombia

-Interview Shirley Mayarin Prieto ( RUV 32743) , Interview done by the author, January 23<sup>th</sup> 2014, Cali – Colombia

-Interview, Catalina Rengifo , ( RUV 30971) , Interview done by the author, January 23<sup>th</sup> 2014, Cali – Colombia

-Interview, Angela Maria Zambrano ( RUV 15930) , Interview done by the author, January 23<sup>th</sup> 2014, Cali – Colombia

-Interview ,Valentina, Interview done by the author, January 25<sup>th</sup> 2014, Bogotá– Colombia

-Interview Maria, Interview done by the author, January 25<sup>th</sup> 2014, Bogotá– Colombia

-Interview Rosa, Interview done by the author, January 20<sup>th</sup> 2014, Bogotá– Colombia

-Interview, Constanza, Interview done by the author, January 20<sup>th</sup> 2014, Bogotá– Colombia

### ***Women former members of the FARC<sup>241</sup>:***

-Interview No. 1, Former Combatant FARC( 5 years in the FARC) , interview done by the author, June 25<sup>th</sup>, Paris-France

-Interview No. 2, Former Combatant FARC( 7 years in the FARC) , interview done by the author, June 25<sup>th</sup>, Paris-France

-Interview No. 3, Former Combatant FARC( 2 years in the FARC) , interview done by the author, June 24<sup>th</sup>, Paris-France

-Interview No. 4, Former Combatant FARC( 14 years in the FARC) , interview done by the author, June 25<sup>th</sup>, Paris-France

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<sup>241</sup> Women didn't provide their real names for protecting their privacy, moreover, the organizations that provided us their contacts : “ INDEPAZ “ and the “ Centro Nacional de Memoria Historica” asked us not to provide any information about the identity of these women in this document. For more information about the interviews you can contact the author: [luisafernandagh5@gmail.com](mailto:luisafernandagh5@gmail.com)



Interview No. 5, Former Combatant FARC (3 years in the FARC), interview done by the author, June 25<sup>th</sup>, Paris-France

Interview No. 6, Former Combatant FARC (12 years in the FARC), interview done by the author, December 30<sup>th</sup>, Cali-Colombia

Interview No. 7, Former Combatant FARC (1 years in the FARC) , interview done by the author, December 30<sup>th</sup>, Cali-Colombia

***Women current members of the FARC<sup>242</sup> :***

-Interview No. 8 Current member of the FARC (12 years in the FARC), interview done by the author December 12<sup>th</sup> 2013, Cali- Colombia

-Interview No. 9 Current member of the FARC (5 years in the FARC), interview done by the author December 12<sup>th</sup> 2013, Cali- Colombia

-Interview No. 10 Current member of the FARC (7 years in the FARC), interview done by the author December 12<sup>th</sup> 2013, Cali- Colombia

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<sup>242</sup> The women provide their “alias” names used inside the organizations, however we are not allow to publish them in this documents to respect their privacy. For more information you can contact the author.

## **Appendix 1. Interview questions**

### **Women former members of the Revolutionary Armed Forces of Colombia(FARC)**

Edad: \_\_\_\_\_

Año de ingreso a las FARC: \_\_\_\_\_

Nivel educativo: \_\_\_\_\_

Posición en las FARC : \_\_\_\_\_

- 1. ¿** Por que decidió ingresar a las filas de las FARC ? Lo hizo por voluntad propia?
  
- 2.¿** Que papel desempeñaba en la guerrilla de las FARC ? Podría describir como es un día corriente en la selva como militante de las FARC?
  
- 3. ¿**Cuál fue el momento más duro y más bello en las FARC?
  
- 4.** Colombia es considerada una sociedad machista. ¿ Cómo se combate el machismo dentro y fuera de la guerrilla?
  
- 5. ¿**Que garantías ofrece las FARC a las mujeres militantes?
  
- 6. ¿** Sufrió usted algún tipo de discriminación o maltrato físico o emocional por el hecho de ser mujer?
  
- 7.** Según su experiencia en este grupo ¿considera usted que las normas internas de las FARC discriminan a las mujeres o restringen algunos de sus derechos?

**8.** Las FARC-EP, acaba de cumplir su 50 aniversario de fundación ¿cuál considera usted que ha sido la mayor reivindicación a lo largo de su lucha?

**9.** ¿ Por que decidió optar por el camino de la desmovilización y así renunciar al ELN?

**10.** ¿ Cree usted que el programa de “Desmovilización” del gobierno proporciona garantías y oportunidades a las mujeres ex militantes de las FARC?

## **Appendix 2. Interview questions**

### **Women current members of the Revolutionary Armed Forces of Colombia (FARC)**

Edad: \_\_\_\_\_

Año de ingreso a las FARC: \_\_\_\_\_

Nivel educativo: \_\_\_\_\_

Posición en las FARC : \_\_\_\_\_

- 1. ¿** Por que decidió ingresar a las filas de las FARC ? Lo hizo por voluntad propia?
  
- 2.¿** Que papel desempeñaba en la guerrilla de las FARC ? Podría describir como es un día corriente en la selva como militante de las FARC?
  
- 3.** En su niñez , en que tipo de mujer soñaba convertirse? la FARC le ayuda a hacer realidad este sueño?
  
- 4.** Colombia es considerada una sociedad machista. ¿ Cómo se combate el machismo dentro y fuera de la guerrilla?
  
- 5.** ¿Que garantías ofrece las FARC a las mujeres militantes?
  
- 6.** ¿ Sufrió usted algún tipo de discriminación o maltrato físico o emocional por el hecho de ser mujer?

**7.** Las FARC-EP, acaba de cumplir su 50 aniversario de fundación ¿cuál considera usted que ha sido la mayor reivindicación a lo largo de su lucha?

**8.** Se siente usted representada como mujer militante de las FARC en la mesa de negociación de paz en La Habana Cuba?

**9.** ¿ Existen políticas de desarrollo específicas para la mujer dentro de los puntos a ser negociados en la Habana? Es el tema de Mujer prioridad para las FARC en la mesa de negociación? Y para el gobierno?

**10.** Uno de los lemas de las FARC es “ Hemos jurado Vencer y Venceremos”, cree usted que la firma de un acuerdo de paz en la Habana seria considerada una victoria para las FARC?

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