

Document Presented to the Colombian Commission for the Clarification of Truth, Co-Existence and Non-Repetition

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1. Introduction

For decades, feminist women and women victims of violence within the context of the Colombian armed conflict, have dared to break their silence and bravely denounce the violence committed against them. In 1979, Grupo de Mujeres en la Lucha dared to raise its voice and shed public light on the sexual violence and the torture committed by agents of the Colombian state against the women militants of the M-19 guerrilla group.

In the 2000s, Mesa Mujer y Conflicto Armado (the Women and Armed Conflict Committee) was founded, which, for 10 years, judiciously and committedly documented violence against women within the context of the armed conflict. As a result of its work, the courageous and heart-wrenching testimonies of women and the determined actions of organizations, such as Sisma Mujer, Humanas, Red Nacional de Mujeres, Ruta Pacífica de las Mujeres, Organización Femenina Popular, Casa de la Mujer and organizations of women victims of forced displacement¹, were documented in several reports about women war victims. One of the most significant reports, that of Ms. Radhika Coomaraswamy, special rapporteur on violence against women for the United Nations², described the violence against women within the context of the Colombian armed conflict before the UN Secretary General.

There are also important publications like those by the Centro Nacional de Memoria Histórica

1. Organizations of displaced women, such as the Red de Mujeres en Acción por un Futuro Mejor and the accompaniment of women's organizations got the Constitutional Court to issue Decision 092/08.

2. Report on sexual violence by Ms. Radhika Coomaraswamy, special rapporteur on violence against women, including its causes and consequences, the trafficking of women, migration of women and violence against women (E/CN.4/2000/68), February 29, 2000 <http://www.acnur.org/t3/fileadmin/Documentos/BDL/2002/1529.pdf?view=1>. Amnesty International Report 2004: "Colombia: Cuerpos marcados, crímenes silenciados: Violencia sexual contra las mujeres en el marco del conflicto armado." <https://www.amnesty.org/es/documents/AMR23/040/2004/es/>. Report on Violence and Discrimination in the Context of the Conflict, Inter-American Commission on Human Rights, 2006 <https://www.cidh.oas.org/annualrep/2009sp/Cap.5.Colombia.sp.htm>. Order 092/2008 from the Colombian Constitutional Court <http://www.corteconstitucional.gov.co/025-04/AUTOS%202008/91.%20Auto%20del%2014-04-2008.%20Auto%20092.%20Protecci%C3%B3n%20mujeres%20v%C3%ADctimas%20del%20desplazamiento.pdf>

(National Center of Historical Memory), the documentation of cases by women's organizations, such as Iniciativas de Mujeres por la Paz-IMP-; Sisma Mujer; Humanas; the Truth Commission of Ruta Pacífica de las Mujeres; the reports of the Follow-up Committee for Constitutional Order 092/08; the works on the construction of historical memory of women, which were done by Casa de la Mujer; the two surveys on sexual assault prevalence within the context of the armed conflict, which were conducted by Casa de la Mujer for the Campaign Get My Body out of the War Campaign; and other important reports by women's organizations in other parts of the country.

The Colombian Truth Commission (La Comisión para el esclarecimiento de la verdad, la convivencia y la no repetición. Hereinafter, referred to as the Truth Commission), fortunately, will not start from scratch³, which implies a greater effort on your part to learn about the contributions of said works and formulate some hypotheses about what happened to women during the decades of war and the atrocities committed against them. These hypotheses will help guide the search for the truth of what happened to women from an inclusive perspective, contribute to the recognition of those responsible, formulate proposals for co-existence in different parts of the country and solidify guarantees of non-repetition.

3. According to Gina Maria Kalach, over the last 60 years in Colombia, 10 truth commissions have been created: the Commission for the Investigation of the Causes of Violence created within the framework of the governments of Rojas Pinilla; the Commission on Studies of Violence created within the framework of Virgilio Barco's government; the Commission to Overcome Violence after the signing of peace agreements between the national government and the EPL guerrilla group and the Quintin Lame Movement; the Commission for Human Rights for the Atlantic Coast as a result of the agreement between the government and the Revolutionary Workers' Party-PRT; the National Human Rights Commission as a result of the peace agreement with the Socialist Renewal Current in 1994; the Commission for the Justice Palace case, the Commission on the Trujillo Massacre; the Impetus Committee for the Administration of Justice in relation to the events in Uvos, Caloto and Villatina; the Truth-seeking Commission and the Special Committee to expedite human rights investigations in Barrancabermeja; the National Commission of Reparation and Reconciliation-CNRR; and the Commission as a result of the peace agreement between the government and the FARC-EP, known as the Commission for the Clarification of Truth, Co-Existence and Non-Repetition.

2. Proposals

Decree Law 588 of 2017, which established that “the [Truth] Commission is organized to clarify the truth, co-existence and non-repetition,” clearly states the objectives of the commission: To contribute to the clarification of what happened, promote and contribute to the recognition and promotion of co-existence in different parts of the country. In relation to the centrality of the victims, the decree law establishes that the Truth Commission must guarantee the participation of the victims, ensure their dignity and contribute to the exercise of their right to the truth, and in general, their rights to justice, comprehensive reparation and guarantees of non-repetition.

The strength and legitimacy of the Truth Commission will be measured, in part, by its ability to listen and record the stories and voices of the victims—regardless of their political positions—and guarantee their right to the truth about what happened in the armed conflict no matter of how painful it may be. In the case of what happened to women, the commissioners will be required to understand the heterosexual, hegemonic patriarchal system and how this system is embedded in the armed conflict by recreating, strengthening and establishing practices of domination, terror and oppression over women, girls, boys, young people and the LGBTI population.

Thus, for the investigation into what happened to women based on their ethnicity, sexuality, religion, geographical location, economic class and age, it is important to identify the serious violations of their human rights within the context of a hegemonic and heterosexual patriarchal system that, as Amorós (1985) states, “is closely related to a system of implantation of increasingly larger spaces of equal ‘heads of households’ which control women as a whole and are mutually dependent, which are necessary to exercise that control. A masculine fraternity then appears as a condition to maintain the identity, interests and objectives of its members as

dominators.” The author also speaks of patriarchy as a “meta-stable system of domination in the sense that its forms are adapted to historical economic and social organization, although its character is preserved to a greater or lesser extent as a system for exercising power and distributing recognition between male peers.”⁴

The truth about what happened to women should be like a kaleidoscope that allows the Colombian state and society to take concrete and feasible measures aimed at the prevention and elimination of violence against women; overcoming impunity and guaranteeing non-repetition, peaceful co-existence and a life free of violence for women.

The proposals presented by Casa de la Mujer to the Truth Commission are the result of the legal and psychosocial support for women victims of violence within the context of the armed conflict in different territories of the country, the documentation and investigation of those acts of violence and the effort to construct the historical memory of women, which we have been doing since 2008 in 20 municipalities of the country with the participation of more than 800 women.⁵

Using the mandate of the Truth Commission and the experience of Casa de la Mujer as our framework, we present some recommendations that we hope will be useful for the fulfillment of the commission’s mandate and the formulation of proposals for co-existence to be used the Monitoring and Follow Up Committee (Article 32, Decree 588/17).

2.1. Some recommendations for investigating crimes committed against women

It is a recognized reality in the country that the armed conflict disproportionately impacted the

4. Amorós, C. (1995) *Hacia una crítica de la razón patriarcal*. Barcelona: Anthropos.

5. There are two publications about this work: “Memoria Soy Yo: Photographic Essays” and “Notes for a Practice of Hope: Memoria Soy Yo.” *Memoria Soy Yo* includes 12 photo galleries.

lives and bodies of women. The Truth Commission has in its hands a very important challenge: contributing to the clarification of what happened to women and search for explanations that account for the intersections of violence against them so that Colombian society knows the logics and the material and symbolic structures in which said violence was established within the context of the Colombian armed conflict.

It is necessary to track and interpret the logics about, for example, why are the greatest number of displaced people women, children and youth if land ownership and land tenure are not predominantly held by women, children and youth? Why has sexual violence⁶ primarily affected women? Why are women not mentioned as missing and/or killed within the context of the armed conflict? What do racism and geographic location have to do with the victimization of Afro-Colombian and indigenous women? We emphasize that, in regards to sexual violence, it is important to explore how this not only translates into mechanisms of discipline, control and punishment, but also into the expression of symbolic and material structures that “organize our acts and our fantasies and make them intelligible” (Rita Segato, 2013: 19).

2.2. Recommendations for hypothesis formulation

- ◆ Identification of the population of victims. It is necessary that, within its process of institutional readiness, the Truth Commission takes on the task of identifying the potential victims who will participate in interviews, public hearings and open or semi-closed meetings. For this, the total number of victims must be calculated using different sources (national, terri-

6. The prevalence survey on sexual violence within the context of the armed conflict shows a prevalence of 18.36% in the 142 municipalities with the presence of government military forces, guerrilla and paramilitary groups or Bacrim (criminal groups). In the six years under study, 875,437 women were direct victims of some type of sexual violence. This figure suggests that annually, on average, 145,906 women were direct victims of some type of sexual violence, 12,158 were victimized each month, 400 were victimized each day and 16 every hour. Prevalence survey on sexual violence against women within the context of the armed conflict, 2010-2015. Research carried out with the support of Oxfam and within the framework of the Get My Body out of the War Campaign, a campaign in which feminist organizations, mixed organizations and organizations of women victims of sexual violence converge

torial, official, administrative, judicial, human rights sources, as well as women's organizations and reports by international organizations).

The identification of the total population of female victims will allow the commission to determine groups, segments or subsets of the larger population of women victims while taking into account technical criteria according to your mission as the Truth Commission and using an approach that also takes into account race, ethnicity, age, sexual identity, geographical location, economic status, among other criteria. The definition of the population will help set realistic expectations among the victims and design mechanisms for participation that are appropriate for women and their communities.

- ◆ To select the acts of violence against women within the context of the armed conflict, we suggest criteria such as the following: 1) the testimonies and/or documentation selected should be a representative population of women that reflects their diversity and the main characteristics of all types of violence, practices and types of violated used against women in the area of the country where the hearing is being held, thus avoiding restricting only those violence acts that are directly perpetrated within the armed conflict; 2) find a balance between the selected historical periods in order to present a complete historical overview of the practices of violence against women; 3) ensure that the different forms and types of violence and the various responsible parties are included; and 4) prioritize areas of the country and cases of violence against women that are still unknown to Colombian society.
- ◆ Inquire about the relationship between geographical area, women's bodies and women in order to understand how women inhabit each of them, how narratives and practices of violence continue to be naturalized and used as mechanisms of discipline in order to create fear and terror. Inquiring about this relationship will make it possible to understand how women's ability to live autonomously in their communities and their own lives were impeded due to armed groups that regulated their social life, including dress codes and restrictions on their social, emotional, and sexual relationships. It is also important to investigate the relationship between women's age, ethnicity, race, sexual identities and the

different types of violence they have experienced.

- ◆ Use the socio-economic and cultural contexts of women, their diverse identities, the roots of the notion of being female and male, violence, armed actors and power relationships, among others as starting points. This should be a guideline to take into account not only when documenting what happened to women within the context of the armed conflict, but also when interpreting information and making recommendations to guarantee the non-repetition of these events and peaceful co-existence in the different areas of the country.
- ◆ Investigate not only what is evident, what is spoken and what is partially known, but also what is found in people's silence, what is not named, what is hidden, as this is related to practices that have been established in different areas of the country regarding violence against women. This implies breaking the "pact of silence" that has characterized our war and the voices and stories of women within the conflict so you can approach the question: "How can we make these ways of telling our stories relevant? Or if we want to, how can we empower and authorize these ways of talking about women's stories, not as particular traits to support real sources, but rather as epistemic dispositions about the past?" (Rufer, 2013: 102).
- ◆ Explore how women have been part of subordinated communities, discriminated against, excluded and have lacked institutional resources. Also look at the strong presence of different armed actors who have fought over territory and political and economic power where these women have lived. In these contexts, women's bodies are considered to be a territory that can be used to generate terror; impose and regulate social, emotional and sexual life; and impose rules on who can and cannot inhabit their bodies.
- ◆ Recognize the connections between violence perpetrated by armed actors and violence in the private sphere. In the two surveys on the prevalence of sexual violence within the con-

7. Quoted in: "Notes to a Practice of Hope." I Am Memory: Memory, Body and Territory (Apuntes a una práctica de la Esperanza. Memoria Soy Yo: Memoria, cuerpo y territorio). Casa de la Mujer, 2018

text of the armed conflict, we found that the presence of armed actors in their territories increased the violence against women in the private space by 80%. Inquiring about these connections will allow the Commission to make recommendations that better respond to the reality of women in a way that contributes to co-existence and the non-repetition of these events.

- ◆ Specific forms of legitimizing violence against women, based not on their status as women rather than human beings. This legitimization comes from the conceptualization of women as inferior and as the property of men to whom they owe respect and obedience, which is reinforced in the speeches and practices of armed actors.
- ◆ While it is important to look at the magnitude of what happened against women within the context of the armed conflict, it is also relevant to know what happened to the victims after they were victimized in order to establish what the impact of this violence was and what it has meant in terms of finding alternatives for social restoration.⁸

Finally, it is not enough that women's truth gets integrated and recognized by the Truth Commission. It is about the complexity of their voices and truth being recognized. Women's truth is complex and their voices and truth must account for that complexity, as well as the various intersections with other forms of oppression, such as ethnicity, race, sexual orientation and identity, territories, and limited access to public goods. Thus, it is not a matter of hierarchizing violence and forms of oppression or singling out the one-dimensional experience of a subject or of an event, but rather giving the opportunity to tell the truth with one's own words as an

8. We define "social restoration" as the process in which an individual or group critically restores their forms of participation in a different status to that which they had before an event occurred – a breaking point – that affects or forcefully changes some spheres of their lives' trajectory and cycle, family cycle, career, place of residence, scope of affect, forms of relationships, the people with whom she relates and the reasons for the social relationship, among other factors. The "critical social restoration" shows the forced changes – due to an event that is external to voluntary, individual or family choice – produced in their personal life history and dated, referred to, occurred and adopted in the experiential condition of everyday life. The changes produced under the rubric of this critical social restoration redefined aspects of the social identity of the individual – her or his social representation – or their way of life, or the subjective content and objectifications in their daily life and, consequently, involve the set of activities that characterize the production and reproduction of the subjects, which in turn create the possibility of production and social reproduction" (Salazar Cruz, Luz María.) *The widows of political violence. Life and Survival Strategies in Colombia (Las viudas de la violencia política. Trayectorias de vida y estrategias de sobrevivencia en Colombia)*. Editorial El Colegio Mexiquense, AC México, 2008, p.19).

essential element for victims to regain their dignity (Ephgrave, 2014), as well as recognizing their different experiences and voices.

2.3. Recommendations for the participation of women victims and women's organizations that accompany victims.

The participation of victims is at the center of the Truth Commission. For this to happen, it is necessary to foresee the emotional and safety risks for victims, witnesses and document makers. The ethical stance for protecting participants must prevail over the risks involved in the declaration. In no case should safety, integrity and emotional stability be given up to obtain the information. The collection of information and/or documentation should be done in such a way that the risks are minimal and that those risks that arise are mitigated.

It is pertinent to think of a specialized team in charge of the victim's safety. Safety must be guaranteed before, during and after testimonies, interviews and/or hearings in order to prevent adverse consequences for the victims.

To address safety, it is important to establish in advance a safe place where the participants can give testimony privately and without interruptions; review additional safety strategies that the participant can take to protect themselves and actions that can minimize the existing vulnerability or risks that may arise because of the testimony; discuss with the participant any appropriate measures that can be taken according to the case, context and resources in the community.

Safety risks should be analyzed with organizations in the territories where public hearings or private audiences will be held. We respectfully suggest to the Truth Commission that some actions be carried out, such as: holding meetings with women's organizations with a national and territorial presence and extensive experience in documenting acts of violence to learn about

good practices and protocols used; assess and respond to pain and trauma that may arise as a result of telling their stories; provide people who give testimony before the Commission with a list of organizations that can offer psychosocial support if the participant needs it; talk to the participants about self-care strategies that she or he can use; if evidence of emotional trauma is detected, the Commission must process referrals to personnel who are specialized in psychological therapy for appropriate treatment.

A frequent risk for those who give testimony is the emotional impact of remembering and verbalizing painful events. Mitigation measures include psychosocial support and providing resources in communities for victims. Therefore, the Commission must have a group of professionals who are suitable for this type of job. This means that the staff already has previous experience and training on how to adequately respond to situations that involve trauma and emotional distress.

In terms of participation strategies, it is feasible to think of mechanisms that make use of new communication technologies for situations in which the protection of victims, their organizations and their communities cannot be guaranteed.

2.3.1. Some strategies that the Truth Commission can implement to facilitate effective, pluralistic and democratic participation of women victims.

- ◆ Provide information on the mandate and scope of the Truth Commission. It is essential that Colombian society and the victims know its mandate and scope. This has two purposes: 1st. Set realistic expectations about the Commission's mandate, and 2nd. Begin a relationship with the victims and their organizations in order to arrange dialogue strategies that guarantee real and effective participation of victims. The information strategy should focus on some population groups and different parts of the countries.

- ◆ Open and prior consultation with victims. It is important that these consultations can be held at any time, not just during the Commission's preparation period. This will help to build relationships with the victims and their organizations, generate trust and establish mechanism for dialogue. After the Commission begins its normal functions, consultations with victims and the public will allow it to get feedback from the victims and their organizations as well as from social, human rights and women's rights organizations. The consultations will also enable the Commission to make appropriate changes and adjustments in order to respond to the needs and expectations of the victims in their communities.
- ◆ Create alliances with historical memory centers, Memory Places Network (la Red de los lugares de la memoria), local archives, academia, women's organizations, organizations of women victims, media and international organizations.
- ◆ Conduct public hearings. To conduct these hearings, it is pertinent to carry out a ritual at the beginning and at the end of it.⁹ The organizations and victims in the areas of the country where the hearings take place should be in charge of the ritual. Also, public hearings should be coordinated with organizations from the territory so that they can support the process of preparing victims to give their testimonies and minimize any emotional impacts, as well as preventing revictimization. The hearings can end with an event – victims and their organizations should be in charge of this – to provide new meaning to different places in their communities.

In the case of national audiences, it is also important to carry out rituals and have victims be in coordination with the national press so that the hearings become opportunities to dignify the victims and make their resistance practices known.

- ◆ Interviews and semi-open and closed encounters with victims. These are mechanisms that

⁹ The ritual is a mechanism that contributes to victims' dignity as well as to reinforce the region's identity, the communities' cohesion and to open channels of dialogue and recognize the different expressions that have existed in the territories to resist and protect themselves from the war. In this sense, rituals are a tool that contribute to the healing processes of people and their relationships in communities.

have used in several truth commissions. These spaces contribute to the commissioners having a broader view of what happened and of the resistance practices and actions of the victims, as well as the impact of victimizing events on families, territories and communities. The meetings must guarantee victims' safety and contribute to their dignity. Women's and victims' organizations can support the preparation of such meetings and provide psychosocial support if required.

- ◆ Meetings between women victims and perpetrators. These must be prepared, carried out and evaluated by the victims. If such meetings take place, they must, as contemplated by the mandate of the Truth Commission, facilitate the "recognition of responsibility" and "request for forgiveness" by direct or indirect perpetrators of victimizing acts. There cannot be a common strategy for every part of the country and all the victims. Safety, protection and the willingness of the victims to carry out these meetings must be taken into account. These meetings should be preceded by psychosocial support and a clear definition of the meeting's scope and purpose. After these meetings, it would be a good practice to plan public actions in that dignify the victims.

2.4. Some recommendations to guarantee non-repetition and co-existence

- ◆ Recognize women in their racial, ethnic, sexual, economic and territorial diversity and as rights holders. This implies the recommendations made by the Commission in its final report in regards to women must be aimed at ensuring that the state guarantees conditions for the effective enjoyment of all rights for all women with no exceptions. Additionally, it means that changing the view of women having needs that must be addressed to women victims with rights who demand from the state the fulfillment of its constitutional and international responsibilities.
- ◆ Make recommendations that allow progress toward the demilitarization of civil society and daily life. Militarization leaves women with less capacity to control their own lives and fa-

vors the feeling of masculine superiority, reinforcing the hegemonic heterosexual patriarchal system. Deconstructing the foundations of this system requires overcoming militarism in our society. This is one of the challenges posed by feminist organizations regarding the guarantee of non-repetition and co-existence all over the country.

- ◆ The recommendations to guarantee the non-repetition must be focused not only on the victims of the various armed actors, but also on the victims of sexism. That is to say, it is possible to make justice achievable for all groups of women. These recommendations should be aimed at eradicating situations such as: 1) the exploitation of women in all areas of socio-economic life; 2) the exclusion that generates situations of vulnerability and economic, social, cultural and sexual disadvantages; 3) the lack of power that limits social and political representation and becomes an obstacle for developing their full potential; 4) the universalization of the masculine experience as the norm, which situates the feminine experience as something subsidiary with less value and human transcendence, and 5) the systematic violence that is exerted against us.

Without considering these minimal recommendations, it is difficult to guarantee the non-repetition of violent acts. Understanding that the above recommendations imply a transformation of society and the overcoming of the heterosexual, hegemonic patriarchal system that enhances discrimination, gender exclusion and risks are recognized by the Colombian Constitutional Court.

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