

## **Global Justice Center E-News • February/March 2008**

***In commemoration of the 52<sup>nd</sup> Session of the Commission on the Status of Women's Review Theme: Women's Equal Participation in Conflict Prevention, Management and Conflict Resolution and in Post-Conflict Peacebuilding, we take this opportunity to highlight our work for the women victims of the armed conflict in Colombia.***

Last November, we launched the Special Initiative on Gender, Non-Impunity and International Law (SIGNAL) project in Colombia. SIGNAL's mission is to advance gender parity through the use of international law as well as regional and domestic legal tools as part of a larger discourse and analysis of the Justice and Peace Law of 2005 (JPL) passed in Colombia. The SIGNAL legal team, headed by Special Counsel Zulma Miranda, provides analysis and legal expertise on the ground in Colombia to insure that the JPL and other transitional justice processes are implemented in conformance with international laws requiring gender equality and set standards on gender crimes. Using international legal mandates that address gender issues, such as the Rome Treaty of the International Criminal Court (ICC), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women "Convention of Belem do Para", the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of Child, the Torture and Genocide Conventions, the American Convention on Human Rights, and the jurisprudence of the United Nations Security Council Resolution 1325 (UNSCR 1325), SIGNAL will facilitate the use of a gender perspective in the changing dialogue on conflict resolution and demobilization processes in Colombia.

### **Recent Highlights:**

#### **Meeting with Corporación Humanas – Centralizing Women's Rights in Colombia's Transitional Justice Processes – Bogotá, Colombia**

During their recent trip, the GJC SIGNAL team met with Corporación Humanas to discuss how the armed conflict in Colombia is affecting women and how international legal tools will aid in forging new legal precedents.

## Training in Bogotá – NGO Working Group on Women, Gender for Truth, Justice, Reparations and Reconciliation

During the November 15, 2007 training, Zulma provided the Working Group with an analysis of the shortcomings in the JPL and how it is failing to comport with key enforceable international laws, in particular those ensuring gender equality. Additionally, she provided the Working Group with strategic advocacy techniques to lobby governmental and judicial authorities responsible for the implementation of the JPL and to demand that they ensure the participation of women in the transitional justice process and their right to reparations under the law. The Working Group engaged in discussion of the JPL, ICC, UNSCR 1325, the Colombian domestic Penal Code and the effective promotion of gender equality and political participation.



Olga Lucia and Luz Piedad of Corporación Humanas charts implementation of our recommendations in afternoon session with the Working Group: Women, Gender for Truth, Justice, Reparation, and Reconciliation.



GJC Special Council Zulma Miranda presents on possibilities for improving gender standards in the implementation of the Justice and Peace Law in Colombia.

### CIASE Training – Implementation of the ICC and UNSCR 1325, Shaping the JPL into a Viable Mechanism for Justice

After the November 15<sup>th</sup> workshop, the SIGNAL team was invited to meet with CIASE at their headquarters in Bogotá and to discuss legal advocacy that can be used to apply international law on behalf of women in the region. CIASE was enthusiastic about hosting a future training for their staff and invited the SIGNAL team to return.

## Meeting with Corporación Humanas in Santiago, Chile – November 20, 2007

The SIGNAL team met with President Lorena Fries of Corporación Humanas. Ms. Fries briefed the team on their programs and discussed their campaign “Firmes Para Que Firmen” asking the Chilean government to sign and ratify the ICC. Chile is the only country in South America that has not ratified the ICC.



SIGNAL settles in at satellite office in Colombia – Women's Link Worldwide Bogotá office.

For an overview of the trip to Colombia, please see:

<http://www.globaljusticecenter.net/projects/colombia/SIGNALupdates.html>

## Anniversary of UN Security Council Resolution 1325 – Open Debate on Women and Peace and Security – Statement by Ambassador of Colombia to the UN

On October 23, 2007, Ambassador and Permanent Representative of Colombia to the United Nations, Claudia Blum, addressed the open debate on Women and Peace and Security and the participation of Colombia in the empowerment of women in areas of peace and security and conflict resolution in the context of the UNSCR 1325.

For links to the Colombia 2007 Country Statement on Women and Peace and Security, please see:

<http://www.globaljusticecenter.net/media/Colombia%20country%20statement%202007.pdf>

For related materials, see the Global Justice Center website at:

<http://www.globaljusticecenter.net/projects/colombia/materials.html>

## Feature Article: Women and Armed Conflict in Colombia – The Importance of United Nations Security Council Resolution 1325 (UNSCR 1325)

The most recent and ambitious attempt at conflict resolution in Colombia was the passage of the Justice and Peace Law (JPL) or Law 975, in July 2005. The JPL followed Colombia acceding to the Rome Treaty (ICC) in 2002, which requires domestic laws be complementary to ICC standards. The JPL is complex and

controversial in that it seeks to both set up a system of demobilization and reinsertion of members of irregular armed groups and establishes Tribunals to fulfill victims' rights to accountability for crimes covered by the ICC, i.e., crimes against humanity, war crimes, and other serious violations of human rights.

Problems with the JPL have already been raised, like a de facto amnesty decree, which the Colombia Constitutional Court already indicated at variance with international and domestic legal guarantees.<sup>1</sup> Although in other contexts the Colombian Constitutional Court has acknowledged gender equality guarantees in the criminal justice system, this law does not comply with those mandates. The Colombian government has failed to establish a mechanism to assist women victims affected by sexual and gender based violence and to recognize that criminal justice is an essential part of an integrated response to massive human rights violations.

Women have the legal right to be included in all political processes under the Convention on the Elimination on all Forms of Discrimination Against Women (CEDAW) and United Nations Security Council Resolution 1325 (UNSCR 1325), in this case enforcing those rights is critical for sustainable peace and long-term stability. The JPL demobilization process disfranchises women from the peace process, yet they bear the burden of the economic, political, and physical consequences of the war. In Colombia, as elsewhere, violence against women is a strategy of war; a woman dies every two days from political causes, such as, murder by armed groups, disappearances, and illness caused by displacement and malnutrition.<sup>2</sup> Crimes of sexual violence against women are widespread but underreported due to the historical shame -and blame- placed on women.

Although Gender based crimes need to be at the forefront of the judicial process due to historic discrimination. The structure of Demobilization, Disarmament and Reintegration Process fails to facilitate victim participation and reparations, specifically for women who are traditionally more vulnerable. The women in Colombia need to be visible and powerful stakeholders both to insure that the JPL comply with gender guarantees under international law and to establish women as having a great stake in the success of long-term peace and rule of law.

**The Justice and Peace Law may be viewed in full at:**

<http://www.globaljusticecenter.net/projects/colombia/materials.html>

### ***UNSCR 1325 - A Legal Tool for Colombian Women***<sup>3</sup>

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<sup>1</sup> Constitutional Court, Case D-6032, Judgement C-370/06, made public on July 13, 2006.

<sup>2</sup> Inter-American Commission on Human Rights (IACHR), (1999) *Third Report on the Human Rights Situation in Colombia*, Available at: [www.oas.org](http://www.oas.org), Chapter XII, para. 35 and 38.

<sup>3</sup> Colombia has ratified the following international treaties, which can be applied domestically to promote justice for women victims of sexual violence as part of resolving the conflict situation in the country: The Rome Treaty, the Convention on the Elimination on all Forms of Discrimination Against Women (CEDAW), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women "Convention of Belem do Para", the International Covenant on Civil and Political Rights

Most recently, the Inter-American Commission of Human Rights in a report on “Violence and Discrimination Against Women in the Armed Conflict in Colombia,” recommended that Colombia comply with the gender equality guarantees of the Convention of Belém do Pará, the Rome Statute, and UNSCR 1325.

**UNSCR 1325** was successfully utilized by two of the major women's organizations in Colombia - The Women's Initiative for Peace (Iniciativa de Mujeres por la Paz) and The National Women's Network (Red Nacional de Mujeres) utilized 1325 to ensure that the Justice and Peace Law adequately reflects and protects women's rights and enshrines justice for sexual and gender based violence. As a result of their mobilization and advocacy, the new law adopted their recommendations on the protection of victims and witnesses in cases of sexual violence, attention to the specific needs of victims, and representation by women's organizations on the proposed National Commission for Reparation and Reconciliation. This sets a precedent for utilizing SCR 1325 as a tool to argue that the Colombian government has an affirmative obligation to protect women from gender-based violence during conflict. Read the resolution in English and Spanish at: <http://www.globaljusticecenter.net/projects/colombia/materials.html>

As a Member State to the United Nations, Colombia is bound to uphold gender equality in transitional justice processes under UNSCR 1325, a resolution binding on all UN Member States mandating inclusion of a gender perspective in all aspects of conflict resolution and prevention as fundamental elements to maintaining peace.

UNSCR 1325 is a legal tool for women in Colombia - it is part of a growing body of international law establishing justice and equality during conflict and post-conflict; and articulates standards of gender equality that are binding as a matter of international human

rights law.<sup>4</sup> The obligations of the international community to provide accountability for crimes of sexual violence as a violation of international law are reflected under UNSCR 1325 Article 10 and 11.<sup>5</sup>

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(ICCPR), the Convention on the Rights of Child, the Torture and Genocide Conventions; and international Humanitarian law the Geneva Conventions, the American Convention of Human Rights, and the jurisprudence of the war crimes Tribunals and United Nations Security Council Resolution 1325 (UNSCR 1325). (for a complete list of international treaties ratified by Colombia: <http://www.icrc.org/ihl.nsf/Pays?ReadForm&c=CO>).

<sup>4</sup> See the Convention on the Elimination of All Forms of Discrimination Against Women (1979), ratified by 185 nations; Vienna Declaration and Programme of Action (1993); General Assembly Declaration on the Elimination of Violence against Women (1993); Beijing Declaration and Platform for Action (1995); ECOSOC Agreed Conclusions on Gender Mainstreaming (1997).

<sup>5</sup> See UN Security Council, Resolution 1325, S/Res/1325, adopted Oct. 13. 2000, Article 10 which reads: “Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;” and Article 11: “**Emphasizes** the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions.”

This Resolution opens the door for women to demand that gender considerations inform the transitional justice mechanism, giving victims of gender-based violence a place in the process and an even stronger claim for reparations. The Constitutional Court's recent jurisprudence reflects the respect for the legal value of international human rights in Colombia; and their usage of international legal norms to solve constitutional challenges in other areas is a landmark opportunity for women. In Colombia, where women fall victim to both violence as a result of the armed conflict and exclusion from the political process, the implementation of UNSCR 1325 is critical.