

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Peace and Victims' Rights in Colombia

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2255 Rayburn House Office Building

Statement of Angela Maria Escobar V.
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(Original in Spanish. Translated by Tom Lantos Human Rights Commission staff.)

Women's rights and sexual violence: a path under construction
Angela María Escobar V

I am Angela Maria Escobar, Coordinator for the Network of Women Victims and Professionals, an organization made up of approximately 665 women victims of sexual violence during and outside the armed conflict, with presence in 9 regions of Colombia. My organization is part of the *Rape and Other Violence Campaign - Get my body out of the War*, a campaign that we developed with 13 women's, feminist, human rights and victims' organizations, to evidence the magnitude of sexual violence, raise awareness of the seriousness of the situation, and contribute to overcome the high levels of impunity in the face of this crime.

I am here today also to raise in this place the voice of the victims, not with the pretense of representing the diversity of women victims of sexual violence and other forms of violence against us, but in order that you are aware that despite and with all that sexual violence has meant in our lives, the victims have the strength and hope to make peace a real possibility for Colombia.

From the beginning of the dialogue between the National Government and the FARC-EP, as organizations of feminists and women victims we mobilized to decisively influence the issues agreed to in the agenda to be discussed between the parties¹. We did not want the women's decades-long work for peace to be left out of the talks.

¹ The organizations that participated in the meetings held between December 2014 and March 2015 were: Mujeres Arte y Parte en la Paz de Colombia, Asociación de Mujeres de Colombia - ASODEMUC-, Casa de la Mujer, Cumbre de Mujeres por la Paz, Red Nacional de Mujeres, Ruta Pacífica de las Mujeres, Consejo Regional Indígena del Cauca -CRIC-, Asociación Campesina del Catatumbo - ASCAMAT-, Asociación de Mujeres Araucanas Trabajadoras - AMART-, Colombia Diversa, Federación de Estudiantes Universitarios, Red Nacional de Mujeres Excombatientes de la Insurgencia, Asociación de Mujeres Indígenas y Campesinas de Colombia - ANMUCIC-, Mariposas de Alas

The mobilization and advocacy of feminists and women victims' organizations at the Dialogue Table in Havana marks an historic event in the processes of negotiation because we achieved:

- A broad mobilization of women nationally and territorially;
- The creation of the Subcommittee on Gender in the Dialogue Table;
- The appointment of two plenipotentiaries, in the Government delegation and one of the FARC-EP;
- The inclusion of women's rights in all the chapters of the Agreement, the recognition of the differential impact of the armed conflict in our lives and the guarantee of "conditions to make equality real and effective and affirmative measures will be adopted in favor of groups discriminated against or marginalized, taking into account the territorial, differential and gender approach" (Final Agreement, p. 6), for the implementation of the Agreement.

Where do we stand 18 months after the signing of the Agreement and its implementation?

We are aware that the peacebuilding process faces difficulties and its implementation requires the political will of the government, nationally and territorially, inter-institutional coordination, sufficient economic and technical resources and a broad, plural and democratic citizen mobilization to defend that which was agreed upon and oversee its implementation, but today we face a series of difficulties to advance in the fulfillment of the agreement. Some of these are:

1. Assassination, harassment and threats against leaders, the latest report from the Ombudsman's office revealed a painful figure: between January 1, 2016 and June 30 of this year, 311 human rights leaders were murdered in Colombia . And the Institute of Studies for Development and Peace (Indepaz, non-governmental organization) speaks of a total of 385 social leaders killed between January 1, 2016 and May 14, 2018. Of the 385 leaders killed since 2016, 283 were after the signing of the final agreement with the FARC and 79 have been [killed] just in 2018. According to this study, most of the assassinations have occurred in the departments of Cauca, Antioquia, Nariño, Valle, Córdoba, Norte de Santander and Chocó.

"The killings occur in areas where the FARC had historically been present and that have been taken over by criminal groups and successor organizations of the paramilitaries," said the text, adding that, in these places, in addition, there is a strong military presence through the Horus and Victoria Plus plans that the Military Forces are carrying out, but that according to the figures have not been effective to prevent these assassinations. "

In addition, among the dead are 63 ex-combatants of the Farc and 17 relatives of the people who are reincorporating, as well as six ex-guerrillas who are missing. "Most of the crimes are perpetrated by gunmen with long and short range firearms, who move around in vehicles and motorcycles.

A pattern that draws attention in cases of assassinations against women leaders and defenders in the country is the accumulation of other aggressions. According to the Somos Defensores Program, "the homicides presented against women always show higher levels of violence, including sexual violence. According to the Ombudsman's Office between 2016 and February 2018, 40 leaders and human rights defenders have been murdered, two of whom were transsexuals.

The Ombudsman's Office has also spoken about the seriousness of the attacks against women leaders, stating that "out of 143 defenders accompanied by the Ombudsman's Office between January 2016 and October 31, 2017, 16.78% were victims of sexual violence. In 2016, the proportion was 15.62%; through October 2017 the proportion was 19.15%, representing an increase of 22.5% over the previous year. "

The Ombudsman in its early warning argues that situations of risk exist for the following organizations of women and LGBTI population: Confluence of Women (Atlantic), Committee to Track Auto 092 (Cartagena), League of Displaced Women of Bolívar, Association of Women United by Casanare - ASMUC, Wayúu Women's Force (Guajira), Association of Displaced Women of Magdalena, Association of Rural Women Producers -ASOMUPROCA (Magdalena), Association of Displaced Women of Meta - ASOMUDEN, Association of Transgender Women of North of Santander -Asotransnor, LGBTI Association of Camp Madrid (Santander), Sucre Diverse, Sucre Alternative, Women's Organization Esfuérzate (Sucre), Chaparral LGBTI Diverse Association, and women's organizations and organizations of people with diverse sexual orientation in Bogotá or that work at a national level.

2. The slow implementation of the Agreement, a situation that is more critical in relation to the human rights of women and the LGTBI population. To date, a series of reports on the development of the gender perspective have been prepared². With diverse methodologies, all of them coincide in pointing out the

². Informe de la Instancia Especial del Enfoque de Género; Primer Informe de la implementación del Enfoque de Género en los Acuerdos de Paz en Colombia para los verificadores internacionales Felipe González y José Mujica (A.F. 6.3.2), la CSIVI y el Fondo Multidonante de las Naciones Unidas para el Posconflicto Secretaría Técnica del Componente Internacional de Verificación CINEP/PPP-CERAC; Casa de la Mujer (2017) SERIE DOCUMENTOS Entrelazando a la normatividad aprobada para la implementación del Acuerdo Final. Colombia; Cumbre Nacional de Mujeres y Paz. (2017). Balance y recomendaciones punto 3.2 de Reincorporación y 3.4 de Garantías de Seguridad. Bogotá; Grupo de Trabajo GPaz: Género en la Paz; y Sisma Mujer. (2017). Quinto informe global de seguimiento al enfoque de género en la implementación normativa del Acuerdo de Paz Instancia Especial para contribuir a garantizar el enfoque de género en la implementación del Acuerdo Final. (2018). Comentarios al documento del plan marco de implementación. Bogotá; Organización de Estados Iberoamericanos, Informe sobre la implementación de las medidas de género contenidas en el Acuerdo, julio 2018.

low compliance with what was agreed to on women's rights and the gender approach. Some of the points to highlight in these reports are:

- a) although progress is being made in the development of activities and management by the National Government, these do not fully comply with the principles established in the Final Agreement and the Framework Implementation Plan;
 - b) the indicators of the Implementation Framework Implementation Plan measure the actions taken by government institutions, but not the impacts of the actions and,
 - c) State entities do not have a comprehensive understanding of gender focus and women's human rights.
3. I would like to make special mention of the topic of political participation, one of the great obstacles is that to date the special peace districts, which were included in the Agreement as a way to expand democracy and open spaces for participation and restitution of rights for victims, have not been approved.

As to the rest, the limited progress in relation to the guarantees for the exercise of political opposition, is especially problematic in that security guarantees for leaders and social leaders are not provided. This, taking into account the continuation of the assassinations of leaders, especially in the territories where the presence of the State has been weakened and the non-inclusion in the Framework Plan of measures that are in the Agreement, such as:

- a) Strengthening and promoting the construction of participatory budgets sensitive to gender and women's rights at the local level;
 - b) Promotion of the participation of women in the Territorial Planning Councils, this as part of the commitment to strengthen democratic and participatory planning;
 - c) Promotion of the creation of organizations and social movements of women and LGBTI population;
 - d) Information disaggregated by sex in the evaluation and monitoring system of the Individual and Collective Protection Program.
4. The changes that have been taking place in the Integral System of Truth, Justice, Reparation and Guarantees of Non-Repetition, in important aspects that have to do with the place of the victims and the guarantees of truth and justice. Examples of this are:

- a) the change of rules included in the "Statutory Law of the Administration of Justice of the Special Jurisdiction for Peace- JEP-", there it was approved that those responsible for rape of minors under 18 on the context of the conflict, would be judged by the JEP, but the penalty must be imposed according to the Colombian Penal Code. This means that those responsible for these crimes prefer to deny it and/or not confess it which does not motivate them to tell the truth, it strengthens the silence of ex-combatants and agents of the State, given that they face the same penalty inside or outside the JEP ;
- b) The ruling of the Constitutional Court "that to compel a non-combatant to go to the JEP is contrary to the Constitution because it eliminates the natural judge of civilians which is ordinary justice", this means that third parties involved in the Colombian armed conflict can appear if they wish, but the JEP does not have jurisdiction to investigate them given that, according to the High Court, its competencies are only for judging the combatants. Of course, this decision again contributes to weakening the truth and to impunity and opens the way for the victims not to benefit from reparation and does not guarantee them the non-repetition of the acts, a situation that worsens for women with crimes such as sexual violence;
- c) The inclusion in the Law of Procedure, which normatively governs the legal action of the JEP, of a special courtroom for the investigation and prosecution of members of the Security Forces responsible for crimes committed during the armed conflict, with the argument of benefiting the interests of the military, turns out to be unfavorable for them and opens the doors to the International Criminal Court. This initiative may imply not getting to know the truth on the part of the military and of those possibly involved in grave human rights violations- extrajudicial executions, kidnapping, sexual violence against women-, and it leaves adrift more than 2,000 members of the Security Forces who have taken advantage of the jurisdiction of the JEP.

In addition, the Law of Procedure eliminated all references to the LGTBI population, which implies placing the rights of this population, which has been heavily victimized during the armed conflict, at risk.

Recommendations

- Urge the Congress and government of the United States to encourage President Duque and his administration to comply with the entire Final Agreement and its Framework Plan, keeping the victims at the center and the Integral System of Truth, Justice, Reparation and Guarantees of non-repetition as a vital mechanism to guarantee the rights of the victims and to end the cycle of violence in the context of the Colombian armed conflict.

- Encourage President Duque and his administration to launch as soon as possible the program of guarantees and protection for political activity and provide security to social leaders and human rights defenders.
- Encourage President Duque to dismantle the paramilitary groups and illegal armed groups, which attack the human rights of the inhabitants in the territories, and to have zero tolerance for the use of violence against those who engage in politics.
- Encourage President Duque and his government team to allocate sufficient resources to implement the Agreement with respect to the rights of women, ethnic peoples and the LGTBI population.
- That the United States Congress and government continue with assistance for the implementation of the Agreement and the construction of a stable and lasting peace.
- Call on the United States Congress to follow up on the situation of women's human rights and compliance with the Agreement as regards the rights of women victims.