

Country Profiles from  
Latin America

*Colombia*  
*Guatemala*  
*Nicaragua*

# Internally Displaced in *Colombia*

A Desk Study Overview by Melinda Leonard

## Background

### Historical Context

Colombia has the distinction of being one of Latin America's most stable democracies in spite of a prolonged internal conflict. Fighting began in 1948, soon after a change in power from the Liberal to the Conservative party, marking the start of a two-decade period referred to as "La Violencia." Throughout the 1950s and 1960s, violent demonstrations against the government were countered with repressive state measures, particularly in rural areas, leaving more than 300,000 civilians dead and forcing an estimated two million people to flee to cities.<sup>1</sup> Numerous guerilla groups emerged in the 1960s, most notably the Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia, or FARC) and the Ejército de Liberación Nacional (National Liberation Army, or ELN). Colombia's drug trade also began to develop in the 1960s, starting with marijuana and expanding to cocaine. Drug trafficking gave rise to drug lords and cartels, which in turn led to a new breed of violence committed by paramilitary forces organized to protect drug traffickers' interests. An era of "narco-terrorism" defined the 1980s and 1990s. Paramilitaries, who formed a nationwide association known as the Autodefensas Unidas de Colombia (United Defense Groups of Colombia, or AUC), were increasingly aggressive in their attacks on civilians, including politicians and members of the judiciary.<sup>2</sup> The effects of the protracted conflict have been particularly serious for women: a local women's

group has reported that more than 360 women are killed annually as a result of political violence.<sup>3</sup>

The current coalition government, lead by Andrés Pastrana, has engaged in numerous rounds of talks with the rebel paramilitary forces, though little progress has been made, and fighting continues in approximately 515 of Colombia's 1,000 municipalities. Currently, rebels have a strong presence throughout the country and control a large area in central Colombia known as "the demilitarized zone." In 2000, Pastrana's administration requested assistance from the international community through an aid package, "Plan Colombia," designed to address the narcotics business, socioeconomic development, human rights, and the country's insurgency. The United States has committed military resources to Colombia as part of this plan, primarily to support a "war on drugs."<sup>4</sup> There is concern among human rights organizations that U.S. military aid could lead to an escalation of the armed confrontation.

The length of the conflict has resulted in a culture of pervasive impunity, largely because of a breakdown in the judicial system. Criminal organizations have targeted magistrates through violent attacks with the result that perpetrators are seldom held responsible for their actions. In addition to these successful intimidation tactics, corruption is widespread. Police officers and state agents have been accused of participating in drug-related massacres and other human rights abuses against civilians.<sup>5</sup> Human rights advocates have become targets because of their denunciation of the violence. Hina Jilani, the United

Nations Special Representative of the Secretary General on Human Rights Defenders, visited Colombia in October 2001 to investigate incidents relating to violence against human rights activists; her initial findings indicate a pattern of abuses including threats, disappearances, killings, and forced displacements. Women's groups have also received threats from paramilitary groups. For example, a facility providing services for women in Barrancabermeja run by the Organización Feminina Popular (Popular Women's Organization, or OFP) was destroyed in November 2001 by paramilitaries who had made threats to the organization in March.

### Internally Displaced

A by-product of the violence has been the massive internal displacement of approximately two million Colombians since 1985, an estimated 49 to 58 percent of whom are women.<sup>6</sup> Fighting between the army, guerrillas, and paramilitary groups has forced entire populations of some villages to flee their homes and abandon their property. Between 30 and 50 percent of internally displaced persons (IDPs) are concentrated in large cities and surrounding areas,<sup>7</sup> primarily Bogotá, Medellín, Cartagena, and Cali. Additional settlements exist in rural areas throughout the country, including extremely remote mountain regions. The widespread absence of state control often leaves IDPs with few protections and limited access to basic services such as education and health care. Although the government has passed laws ensuring protections for IDPs, such as access to emergency humanitarian aid, guarantees of safety, and the right to health care, a lack of implementation resources undermines the delivery of those protections. Government regulation requires that IDPs register with the Red de Solidaridad Social (Social Solidarity Network, or RSS) in order to receive emergency aid, but the number of registration centers is limited and the registration process is not confidential. As such, many IDPs are reluctant to seek government aid. The Consultoria para el Desplazamiento Forzado y los Derechos Humanos (Consultant for Forced Displacement and Human Rights, or CODHES), a local organization that works with the Catholic Church and other NGOs to produce statistics on displacement in Colombia, estimates that only 40 percent of IDPs are registered.

Registered or not, displaced persons are often stigmatized by and excluded from the communities

where they settle, suffering discrimination by public agencies and state services.<sup>8</sup> Living conditions are sometimes deplorable: many settlements in and around Colombia's major cities are overcrowded and have inadequate sanitation and water, as well as limited access to schools, work opportunities, and shopping centers.<sup>9</sup> Difficulties in getting an education and finding work are one explanation for the rise in adolescent girls' participation in armed groups and gangs. Lack of health care services is another source of vulnerability for IDPs. In 2001, the Asociación Probienestar de la Familia Colombiana (PROFAMILIA) conducted interviews with project staff in clinics providing health services to IDPs and found that many displaced women have never heard of sexual and reproductive health,<sup>10</sup> in part because affordable care is not available. Recent studies have shown that adolescent girls displaced by the conflict have the highest level of pregnancies among girls in poor communities.<sup>11</sup>

### Status of Women

Discrimination against IDP women occurs in the larger context of widespread gender inequities. Despite constitutional guarantees ensuring equality between the sexes, women must demonstrate higher qualifications than men when applying for the same jobs, and yet earn an estimated 28 percent less than men.<sup>12</sup> Women have a higher rate of unemployment than men; if employed, women are more often engaged in subsistence labor, particularly in rural areas.<sup>13</sup> Although women are statistically well represented in the government's central administration, holding 59 percent of all posts, they occupy only 19 percent of directorships in the administration,<sup>14</sup> underscoring their under-representation in positions of influence. Despite recent improvements in the legal status of women—part of far-reaching policy reforms aimed at increased democratization and modernization<sup>15</sup>—the enforcement of those laws remains limited. This failure to support women's rights is of particular concern with regard to the prevention of and response to GBV, especially in the case of IDPs.

### Gender-based Violence

#### Conflict-related

In November 2001, the United Nations Special Rapporteur on Violence against Women visited

Colombia to investigate the effects of the conflict on women. In a statement following her investigation, she highlighted the need to bring to light “invisible acts” of GBV, such as the rape of women before they are killed. Estimates cited by the Special Rapporteur indicate that approximately 84 percent of human rights violations against women are committed by paramilitaries, 12 percent by guerrillas, and 3 percent by state actors.\*

Sexual violence is systematically used against Colombian women and girls as a tactic to destabilize the population. Armed groups have reportedly kidnapped girls as young as five years old and raped them. These incidents are generally unreported, and authorities often do not investigate or even note the rapes of women who are found murdered.<sup>16</sup> Ironically, girls may join armed factions in order to avoid sexual abuse, domestic violence, or maltreatment in their homes, but the patterns of abuse are often continued in the armed groups.<sup>17</sup> Former girl combatants have reported incidents of sexual violence by their superiors; they also report limitations to their rights that include forced abortions or forced use of contraception.<sup>18</sup>

Even if not active combatants, women and girls sometimes choose or are encouraged by their families to develop attachments with paramilitaries as a form of protection. A 2001 delegation to Colombia sponsored by the Women’s Commission for Refugee Women and Children found evidence of girls as young as twelve engaged in relationships with members of armed groups. In one case, a sixteen-year-old was killed by her paramilitary boyfriend.<sup>19</sup> Although a sexual relationship with a paramilitary can initially be an honor, additional anecdotal data from the Women’s Commission delegation indicates that it may put girls at greater risk of being attacked or killed by opposing groups. The Women’s Commission draft report includes a case of the murder of a fourteen-year-old girl in Putumayo who was the sister of a guerrilla but lived with a paramilitary and was suspected of spying.<sup>20</sup> Prostitution among IDP girls is increasing as the conflict continues, with reports of paramilitaries offering money for sex to girls as young as eleven and twelve. Information obtained by the Women’s Commission delegation suggests that IDP girls turn to prostitution as a means to support their families, who in some cases prostitute their daughters.

Trafficking in women is also increasing. Colombia is currently the third most common country of origin for trafficked women, with as many as 35,000 victims ending up in Europe and Asia each year.<sup>21</sup> The Hope Foundation, an NGO working on the issue of trafficking in Colombia, has attributed the rise in trafficking to the ongoing conflict and the displacement of millions of people, as well as the lack of laws that specifically address trafficking.<sup>22</sup> According to the organization’s founder, increasing numbers of Colombian women are arriving over the border in Ecuador, where they are being recruited by international crime rings to travel to third countries to work as prostitutes.<sup>23</sup>

## Beyond Conflict

The conflict-related violence against women takes place against a backdrop of high GBV prevalence rates and underreporting throughout Colombia. An estimated 34 women per 100,000 were the victims of sexual crimes in 1995.<sup>24</sup> There were a total of 13,703 cases of probable rape reported in 1999, despite the prevailing culture of secrecy that inhibits disclosure.<sup>25</sup> It has also been estimated that there are 775 rapes of adolescents annually, with only 17 percent of victims publicly denouncing the acts.<sup>26</sup> While they likely suffer greater exposure to violence, reporting rates among displaced women is similarly low; in a 2001 survey of women displaced by armed conflict, 84 percent of those interviewed had never looked for help after being mistreated.<sup>27</sup>

Laws related to the prevention and protection of rape and sexual violence have improved, even if enforcement remains weak. In 1996 rape in marriage was made a criminal offense, and in 1997 the Penal Code provision that a rape offender could be exculpated from liability if he married the victim was repealed. The attitudes of judges in cases of violence against women contribute to the problem of successful prosecution, in that subjective judgments are often made based on the “reputation” of the woman, who is more often considered not to be a credible witness.<sup>28</sup> Other obstacles to reporting acts of rape include a requirement that all forensic evidence must be taken by a doctor from the government’s forensic medicine department, and many survivors cannot afford to pay the fees for laboratory tests needed for investigations. As a result, many women are hesitant or unable to make use of the criminal

\* Following the visit of the Special Rapporteur, additional independent experts visited Colombia to assess the impact of conflict on women and women’s role in the peace process. Their findings will be published in a UNIFEM-sponsored global report in early 2002.

justice system for assistance in protecting and enforcing their rights.

Domestic violence in Colombia is considered to be a private matter. The Colombian Institute of Family Welfare estimates that 95 percent of all abuse cases are not reported.<sup>29</sup> The new Law on Family Violence, passed in 1996, criminalized spousal rape for the first time and provided legal recourse for victims of family violence.<sup>30</sup> However, like the laws protecting women from non-spousal rape, the domestic violence laws are not well enforced. The Human Rights Ombudsman's 1999-2000 report characterized intrafamily violence as an "increasing problem."<sup>31</sup> The Institute of Legal Medicine documented an average of ninety-three cases of domestic violence per day in 1994; this number increased by 40 percent in 1997.<sup>32</sup> Displaced and marginalized women are at particularly high risk of domestic violence. In a survey conducted in 2000 by PROFAMILIA, 50 percent of those interviewed had been physically abused by their partners.<sup>33</sup> Statistics indicate that domestic violence is underreported among both displaced and non-displaced populations.

## Current GBV-related Programming

The government of Colombia has taken numerous steps to denounce violence against women and has passed progressive legislation to promote GBV programming. Revised family violence laws require that victims of domestic violence have access to shelters and that therapeutic counseling is offered to perpetrators. Current law also provides for municipal Family Protection Councils where victims of domestic abuse can go for support. However, lack of resources and government commitment to enforce laws has hampered the implementation of these provisions, particularly in areas with high concentrations of IDPs. As a result, most of the work being done to address violence against women in IDP communities is being undertaken by U. N. institutions and local and international NGOs.

At the national level, the United Nations Population Fund (UNFPA) is collaborating with various governmental agencies, including the national police and municipal administrations, to develop norms for an integrated and multisectoral response to sexual violence. The goal is to ensure that victims of sexual violence receive assistance that recognizes and pro-

motes their fundamental rights to justice, health, protection, and education. This model project—which has yet to be fully implemented—will be evaluated in May 2002 and eventually expanded into a national program through the government of Colombia. UNFPA and the United Nations High Commissioner for Refugees (UNHCR) have also supported local NGOs' GBV-related activities. For example, UNHCR recently funded the Bogotá-based organization Casa de la Mujer to conduct a workshop on domestic violence that included community rights, legislative issues, and self-awareness exercises.

Another GBV programming area with both governmental and nongovernmental support is community education and public awareness-raising. Centro de Recursos Integrales para la Familia (Center for Integrated Resources for the Family, or CERFAMI) in Medellín has published and distributed a twelve-page pamphlet entitled *If She Says No, It's Rape*. The pamphlet offers a definition of rape, information on supportive services, and guidelines for reporting procedures. The Office of the Mayor of Bogotá has a similar campaign using billboards to promote family commissaries as a place to report incidents of violations of children's rights, including sexual violence. The commissaries are a part of the larger structure of the Colombian National Family Welfare system, which includes the Colombian Institute for Family Welfare. However, the billboards appear to be limited to Bogotá, and there is no indication of a national campaign, nor is there any way to measure the campaign's reach or impact with regard to IDPs. In fact, none of the programs mentioned above specifically target the displaced. Given that IDPs are often living in remote areas or are reluctant to seek services because of security issues, this lack of targeting likely means that programming fails to reach a large percentage of the IDPs, who may be at highest risk of GBV.

PROFAMILIA has undertaken to bring sexual and reproductive health services to displaced women throughout the country. It runs perhaps the most targeted of IDP programs with GBV components: a health education project that includes workshops focusing on domestic violence and direct services for victims such as routine gynecological examinations and counseling. Legal assistance for women is also provided by PROFAMILIA in six cities around the country; the programs aim to educate women about their rights under the Convention on the Elimination

of All Forms Discrimination Against Women and to provide advice on legal options in situations of family and other violence. PROFAMILIA has set up forty-six clinics in thirty-two cities in Colombia, and has a rural program that covers eleven out of a total of twenty-six provinces in the country, using mobile clinics and counselors to reach populations that might otherwise receive no assistance. Despite their successes, the dangerous climate that still pervades the country, particularly in many displaced communities, has made it difficult for PROFAMILIA to operate in certain areas. Doctors and health care workers are increasingly vulnerable to attacks and kidnappings. As a result, PROFAMILIA has had to devise creative strategies for ongoing service provision, such as transporting displaced persons to clinics or arranging educational activities in less dangerous areas. And PROFAMILIA is not yet reaching the most remote and rural parts of the country, where local and IDP women have virtually no access to health care or educational workshops.

## Summary

Widespread violence continues to threaten all sectors of the Colombian population, placing IDPs and women at particular risk. Although the Colombian government has made progress in addressing the needs of the internally displaced and women in general, inadequate resources and a lack of a coordinated effort have stalled initiatives to redress GBV. In addition, the government is not providing sexual and reproductive health services; discrimination against women is pervasive; and perpetrators enjoy a culture of impunity. Beyond implementing basic programming to improve the general welfare of IDPs, basic data on the incidence and prevalence of violence against IDP women will be critical to the development of any efforts to limit the high rates of sexual crimes and intrafamily violence.

At present the efforts of local and international NGOs to prevent and respond to GBV remain largely localized, with most work conducted in urban settings. The Colombian government's legislation aimed at improving the legal status of women is largely unenforced, and efforts by local and international NGOs have not yet been sufficient to counter the prevailing traditions that support violence against women. The targeting of human rights defenders and health care workers further limits the capacity of

local and international organizations to provide even the most basic services in remote areas, where IDP women and girls may be at greatest risk for violence.

Given the current financial crisis resulting from Colombia's internal emergency, the international donor community should commit to work with the government in the design and implementation of GBV prevention and response activities for IDPs. Such support will allow the government, in turn, to collaborate with local expert NGOs and members of the IDP community to develop GBV-related programs that address the needs of IDPs in both urban and rural settings. For example, protocols may be introduced for GBV-related health and psychosocial care.

The international human rights and aid community should also assist the government in exercising the laws that are designed to protect against GBV. To this end, it will be critical to train judicial and law enforcement staff on issues of GBV. Additionally, international, government, and local initiatives should facilitate the widespread dissemination of information relating to women's rights and GBV-related protections available under Colombian law.



## Notes

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# Post-conflict Situation in *Guatemala*

A Desk Study Overview by Melinda Leonard

## Background

### Historical Context

For nearly half a century the small Central American nation of Guatemala has been rife with political violence, suffering five coups and numerous coup attempts. Conflict first escalated to civil war proportions in 1954 when increasing pressure by the United States and its allies forced elected president Jacobo Arbenz to resign. The government was overtaken by a military junta, and a long period of oppressive rule ensued, during which opposition rebel forces and guerrilla groups emerged.<sup>1</sup> Determined to end military rule, the main guerrilla factions united in 1982 to form the Unidad Revolucionaria Nacional Guatemalteca (Guatemalan National Revolutionary Unit, or URNG). Guatemala's military dictator at the time, General Rios Montt, responded to the consolidated opposition with a counterinsurgency campaign. The campaign's "scorched earth" tactics, involving massacres and forced displacements, resulted in over four thousand civilian deaths during 1982 and 1983. Government forces have, in fact, been credited with nearly 94 percent of all human rights abuses and acts of violence committed after the outbreak of internal strife.<sup>2</sup> An estimated 500,000 to 1.5 million Guatemalans were displaced or fled to neighboring Mexico during the years of conflict.<sup>3</sup> The majority fled between 1978 and 1985, the most concentrated period of violence.

Peace talks began in 1991 under the leadership of President Jorge Serrano and then accelerated in 1996

under President Alvaro Arzu Irigoyen. In April 1996 the URNG declared a unilateral cease-fire, and in December the civil war came to an official end with the signing of final peace accords. The accords set high standards for the transition to democracy and for the rebuilding of society.<sup>4</sup> They also included numerous agreements on human rights, including women's rights. The signing of the accords stimulated the return of Guatemalan refugees from Mexico. Between 1994 and 2000, 43,000 refugees were repatriated. The United Nations Verification Mission (MINUGUA) was charged with monitoring the human rights mandates of the peace accords.

The government has considerably improved its human rights record, though problems remain. MINUGUA reported in 1999 that failures in the administration of justice and public security were causing widespread fears of further violence among the civilian population.<sup>5</sup> A 2000 visit by the United Nations Special Rapporteur on the Independence of Lawyers and Judges exposed a justice system suffering from ongoing corruption, lack of resources, and threats to its judges and lawyers. Another recent concern of human rights advocates is the possibility of "social cleansing" of suspected criminals—extrajudicial killings or torture by vigilante groups frustrated by the state's failures to prosecute crimes.<sup>6</sup> Despite the army's history of participation in human rights violations, the government has enlisted its help in order to supplement the National Civil Police's failed attempts to maintain a sense of security.<sup>7</sup>



## Status of Women

The civil war has had a profoundly negative impact on the women of Guatemala—exposing them to torture and sexual abuse, causing widespread displacement, leaving an estimated 120,000 widowed,<sup>8</sup> and sending the country's maternal mortality rate to a high 200 deaths per 100,000 live births.<sup>9</sup> Conversely, the war has contributed to women's visibility at the national level. Although Guatemalan women remain underrepresented in political leadership, holding only 13 of 113 Congressional seats,<sup>10</sup> the post-accords government has set up a number of agencies devoted to women's issues, including an Office for the Defense of Women in the Attorney General's Office for Human Rights and the newly formed Coordinator for the Prevention of Domestic Violence and Violence Against Women. Other important women's groups within the governmental structure are the National Women's Forum, which links the government and local women in the design of national policy, and the National Permanent Commission for the Rights of Indigenous Women. Although these institutions suggest increased commitment on the part of the government to address women's issues, few if any government efforts have been targeted at acknowledging and ameliorating the effects of widespread violence experienced by Guatemalan women during the years of conflict.<sup>11</sup>

Civil sector programming for women, as well as Guatemala's feminist movement, strengthened during and following the conflict, in part because of the work of local and international NGOs. Women who were displaced by fighting to camps along the Mexican border participated in educational workshops on gender and human rights led by the United Nations High Commissioner for Refugees (UNHCR) and international implementing partners. Refugee women also participated in women's groups and established alliances that informed the development of local women's organizations following the post-accords refugee repatriation. The largest and most influential local women's NGO was Mama Maquin, which organized forums for women to articulate their concerns about return to Guatemala. Mama Maquin has continued to be active on behalf of returned refugee women despite threats and at least one documented case of an attack on members by unidentified men urging the women to give up their efforts to promote women's equality.<sup>12</sup> Another organization that grew out of the refugee experience is the

Coordinadora Nacional de Viudas Guatemala (National Coordinating Group of Guatemalan Widows, or CONAVIGUA). The group has a broad platform of objectives that involves pressuring the government to pass laws of protection for widows and mothers; making the voices and demands of widows heard in political, economic, and social dialogue; and helping Guatemalan women—particularly indigenous women in rural areas—to become involved in Guatemala's political and social reconstruction. Other secular and religiously affiliated women's groups cover issues from human rights and reproductive health to agrarian reform. It is primarily these local initiatives that, with the assistance and support of international activists, are addressing issues of GBV.

## Gender-based Violence

### During Conflict

Women in Guatemala lived under a pervasive threat of sexual violence during the country's long civil war.<sup>13</sup> Sexual violence was commonly used by counterinsurgency forces during the 1980s: women were kidnapped, tortured, and raped by the military.<sup>14</sup> A 1982 study cited by researcher Virginia Rich found that the overwhelming fear of most female Guatemalan refugees was that of being raped.<sup>15</sup> Perpetrators acted with relative impunity, committing sexual assaults that were so widespread in the highland combat zones one local official commented that it would be difficult to find a Maya girl of eleven to fifteen who had not been raped.<sup>16</sup> Rape was used as a tactic to bring shame and guilt into the community. Traditional values among Maya women prevented victims from seeking help after sexual assaults; and because of their "silent suffering," many survivors endured chronic gynecological problems and psychological trauma.<sup>17</sup>

Despite an anecdotal consensus that war-related sexual violence was prevalent, virtually no research has been conducted to assess the nature and scope of that violence. Most evidence comes from projects initiated to investigate and document allegations of broad-based human rights abuses. Testimonies of victims gathered throughout Guatemala by the Recuperation of Historical Memory Project of the Office of Human Rights of the Archbishop's Office of Guatemala (REMHI) confirm that women were not only forced to watch the abuse and killing of family

members, but were also themselves victims of sexual torture and sexual slavery.<sup>18</sup> The 1998 REMHI report documented cases of violations committed by the military against both individuals and groups of women. In many cases, sexual violence accompanied massacres, thus adding to the challenge of assessing the total number of rape victims.

The U.N.-sponsored Guatemalan Commission for Historical Clarification (CEH) published similar testimonies documenting over 42,000 human rights violations, the majority perpetrated by state forces and paramilitaries during the thirty-six-year civil war. The 1999 report reveals rape as a common practice, especially but not exclusively targeting Maya women. CEH findings indicate that survivors of sexual violence still suffer profound trauma, including feelings of shame and fears of recrimination from the state agents who perpetrated the violence.

The experience of women who fled to refugee camps in Mexico was significantly more positive in terms of protection from and services for GBV. UNHCR, in collaboration with international humanitarian aid organizations, offered programs on gender, reproductive health, and human rights. Many refugee women participated in self-awareness workshops aimed at reinforcing their self-esteem and promoting empowerment. Legal claims against fellow refugees for sexual harassment, rape, and domestic violence increased in the refugee camps as women became more willing to report.<sup>19</sup> However, gender sensitization did not extend to men in the camps. As women's networks set up in the camps were disrupted following repatriation, many women resumed subordinate status within their families and communities.<sup>20</sup>

Since the peace accords, the Guatemalan government has responded to the reports of conflict-related sexual violence by reiterating the president's request that Guatemalans forgive the state for acts committed during the war. The URNG similarly acknowledged excesses without admitting to a deliberate strategy of mass rape and sexual assault of civilians. This failure by political actors to address the GBV suffered for decades by Guatemala's women has likely reinforced traditions that discourage survivors from seeking assistance.<sup>21</sup>

## Beyond Conflict

Obstacles to reporting GBV exist as well outside the

context of Guatemala's civil war. Guatemala's laws governing rape are prejudicial against women, placing the burden of proof on the victim. The Penal Code requires that violence must be evident in order to prosecute rape, which discourages many victims from coming forward. Police are typically ill trained and ill equipped to investigate cases, and even when charges are lodged, a rapist can be exonerated under Guatemalan law if he marries a victim over the age of twelve.<sup>22</sup> Not surprisingly, few rape cases go to court, and even fewer end in convictions. Unofficial statistics indicate that in 1999 only 80 out of 323 reported rapes were successfully prosecuted.<sup>23</sup> Failure to report incidents of criminal sexual violence is assumed to be widespread,<sup>24</sup> though there are no official statistics on underreporting.

Traditions that inform the perpetuation of sexual violence also contribute to spousal abuse. Domestic violence is deeply rooted in Guatemalan society, as evidenced by the expression, "He who loves you beats you."<sup>25</sup> An exploratory study on attitudes toward domestic violence conducted in 1993 by the Guatemalan Ministry of Public Health and Social Assistance found that many government officials in a position to address domestic violence held traditional victim-blaming perspectives.<sup>26</sup> Findings also indicated that Guatemalan women with all levels of education and from all social classes were at risk of abuse.<sup>27</sup> As with rape, underreporting is widespread, and successful prosecutions are rare. Official statistics for the first ten months of 1999 recorded 1,664 complaints of domestic violence and yet only 28 convictions from all cases.<sup>28</sup>

## Current GBV-related Programming

Although the government created several organizations and agencies dedicated to women's development as part of the 1996 peace accords, those specifically addressing the issue of violence against women are few. One is a hotline created specifically for domestic violence survivors run by the Guatemala Secretary of Public Works' Program for the Prevention and Eradication of Intra-Family Violence. Additionally, MINUGUA is involved in a project with the Guatemalan Judiciary and the Ministry of Education to promote confidence in state institutions and the application of justice. The program, intended for the indigenous population and designed to combat the growing vigilante justice problem, includes work-

shops on topics such as public responses to violence and training on legal codes.<sup>29</sup> The program does not specifically address the issue of violence against women, but increased confidence in the judicial system may encourage women to seek assistance in cases of GBV.

Among the most effective programs are those organized by NGOs. For example, Asociación Mujer Vamos Adelante (Association for the Advancement of Women, or AMVA) specializes in education and training on women's rights and public participation. Founded in 1992, AMVA's goals are to strengthen the role of women in Guatemalan society by training female community workers to lead rights-based workshops in rural areas, where there is an appreciable lack of programming on women's issues.

Several local and international NGOs are working in the health sector to address the needs of Guatemalan women, though most programs do not specifically address the issue of violence against women. The local affiliate of the International Planned Parenthood Federation, the Asociación de Pro-Bienestar de la Familia de Guatemala (Association for the Well-Being of the Family, or APROFAM) offers counseling services to help raise women's self-esteem as part of its larger goal of providing integrated family planning and maternal and child health care. A hotline set up by APROFAM for sexual and reproductive health information receives approximately 40 percent of its calls from domestic violence victims, despite the fact that the hotline was not originated to address this issue.

The only health program that specifically targets returnee women was informed and inspired by work with Guatemalan refugees along the Mexico border. Initiated and facilitated by Marie Stopes International, the program is designed to combat Guatemala's high maternal mortality rate by bringing education and services to returnee communities in the vicinity of Huehuetenango, Guatemala. The program is based on findings by Marie Stopes that many returnees in northern Guatemala were crossing back into Mexico to take advantage of the health services available in refugee camps that were not available at home. Marie Stopes further identified intrafamily violence as one of the vulnerabilities to women's health in Guatemala. The project's education activities therefore include sensitization about issues related to domestic violence, particularly its increase during pregnancy.

Another area of focus for NGO-initiated programming is community education. The local Myrna Mack Foundation is working on a project to disseminate information contained in the REMHI report through community-based human rights education. Although the program does not target GBV, many of the testimonies from the REMHI report contain accounts of sexual violence. Distribution of the testimony creates greater community awareness and dialogue about GBV. Unidas Para Vivir Mejor (United to Live Better, or UPAVIM), a small organization comprised of around sixty-six women living in a squatter settlement in Guatemala City, has identified spouse and child abuse as a major social problem and offers education and personal development programs as part of its campaign to improve quality of life among its constituents.

## Summary

The long civil war in Guatemala featured among its human rights abuses a high frequency of GBV by state actors, though real numbers are impossible to obtain given the stigma associated with reporting and the overall lack of services to survivors. Societal attitudes that discouraged public revelations of sexual crimes, as well as the relative impunity afforded perpetrators, was not a discrete phenomenon of the war: even today, a conspiracy of silence regarding GBV is the norm, and relatively few programs exist to address its prevention or to provide adequate response to survivors. The utility of the recently instituted hotlines for victims of domestic violence illustrates the need for further programming specifically dealing with GBV. However, no programs can be effectively designed without improving methods for GBV data collection, for which there appears to be no national policy or plan.

Moreover, there does not appear to be a large-scale effort to deal with the lasting trauma of survivors of sexual violence as distinct from the general violence of the civil war, nor to help communities understand and support survivors more effectively. Programs focusing on the culture of violence and the sensitization of the population about the issue of GBV will be fundamental to promoting healing and combating the ongoing prevalence of GBV.

Educational activities with refugees and returnees along the Mexican border have illustrated the capac-

ity of local women's groups to organize, but there is little technical or financial support available to returnee women—especially in rural areas. As such, many of the gains produced by the empowerment activities that were a component of camp-based education and training have since been overshadowed by a resumption of traditional gender roles that subordinate women. Even so, the activities of some of the women's NGOs listed above may be supported to include programming that more aggressively addresses GBV as a fundamental violation of women's rights. The several national women's institutions that exist to address the welfare of women are also resources for further stimulating GBV prevention and response programming.

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# Post-conflict Situation in *Nicaragua*

A Desk Study Overview by Melinda Leonard

## Background

### Historical Context

A victim of the cold war, Nicaragua is still struggling to overcome the political and economic instabilities wrought by years of internal conflict. In the early 1960s, the Sandinista Front for National Liberation (FSLN or, commonly, the Sandinistas) was created as a populist-based political movement to unify opposition to the U.S.-supported Somoza dynasty—a family dictatorship that forcibly assumed power in 1936 and was sustained by three generations of Somozas. The Soviet-supported Sandinistas, characterized by militant nationalism and a unique version of Marxism-Leninism, mounted a guerrilla war that in 1979 succeeded in overthrowing the Somozas' forty-three-year regime.

However, the legacy of poverty resulting from the Somozas' personal usurpation of Nicaragua's resources, as well as rising tensions with the United States, undermined the Sandinistas' struggle to institute the socialist policies that were the platform of their revolution. The Contras, an opposition movement trained and financed by the U.S. government, spread throughout rural Nicaragua. The ensuing "second wave" of civil war raised the military and civilian death toll to an estimated 80,000, further ravaging an already fragile infrastructure and economy. Although the conflict came to an official end in 1990 with the election of Violeta Chamorro as president, sporadic fighting between mercenary groups that grew out of the

remains of the Contra movement still occurs in rural areas.

The transfer of power from the Sandinistas to Chamorro was initially collaborative—to the extent that the Sandinistas controlled the National Assembly and the military during a four-year period of "co-government." When the period of co-government ended, Sandinista cooperation with the Chamorro administration decreased; few pieces of legislation were passed by the Sandinista-dominated Assembly, and political progress stalled. The early promise of Arnaldo Aleman, who peacefully succeeded Chamorro in 1996 and offered hope for an end to the Sandinista block, was soon overshadowed by allegations of corruption. The Aleman government's structural adjustment policies further concentrated wealth in the ruling classes, exacerbating already widespread poverty. The election of 2001 that brought former vice-president Enrique Bolanos to power has also stimulated concern that the corruption of Aleman's administration will continue, even as Nicaragua moves forward in its transition from conflict to development.

### Status of Women

Although overwhelmingly Catholic Nicaragua has a long history of conservative patriarchy, women's roles shifted during the Sandinista period. Women comprised 30 percent of the guerrilla force. The first Nicaraguan women's group, the Asociación de Mujeres Ante la Problemática Nacional (Association of Nicaraguan Women Confronting the National



Problem, or AMPRONAC), was formed in 1977 to provide civilian support to the Sandinista platform. Women actively participated in the early Sandinista government; they also benefited from literacy and health campaigns, as well as from inclusion in cooperatives and unions. Quasi-governmental organizations such as the Asociación de Mujeres Nicaragüenses Luisa Amanda Espinoza (Association of Nicaraguan Women "Luisa Amanda Espinoza," or AMNLAE) were developed to target specifically the needs of women, and their work included advocating for legal reforms as well as national health and literacy campaigns.

Despite the post-Sandinista evolution of such government institutions as the Nicaraguan Institute for Women, the National Committee Against Violence, and the Panel of Women and the Girl, a return to more conservative values during Chamorro's rise, coupled with a decrease in women's public representation, resulted in a commensurate decrease in national attention to issues of women's rights. Subsequent governments have upheld this conservatism. An Aleman administration proposal created a new Ministry of the Family to replace the Nicaraguan Institute for Women as overseer of women's programs. The proposal received heavy criticism from women's groups because of its statements promoting the traditional nuclear family and discriminating against families headed by single mothers and common-law couples.<sup>1</sup>

The massive destruction of Hurricane Mitch in 1998 further eroded women's standard of living, already on the decline as a result of post-civil war economic policies instituted by the Chamorro administration. Despite having predominated in the bureaucratic labor force during the Sandinista period, women now make up an estimated 88 percent of the poor in Nicaragua.<sup>2</sup> Structural adjustments by the Chamorro administration resulted in widespread elimination of public sector jobs, and the job market for women has thus declined drastically.<sup>3</sup> For those women who are employed, salaries are typically lower than those of men with comparable professional experience and education, with men making twice as much as women in some cases.<sup>4</sup>

In a climate of relative conservatism and gender inequity, the feminist movement that consolidated during the Sandinista period continues to be active in promoting and responding to women's concerns.

Although the movement is now primarily based in the civil sector rather than in the government, it has enjoyed considerable success in efforts to include GBV on the national agenda.

## Gender-based Violence

Sexual assault was reportedly an element of Nicaragua's years of conflict, particularly targeting indigenous communities, but no data has been published about the extent and nature of crimes committed. However, data do provide evidence that sexual violence became an endemic feature of post-conflict Nicaragua, exacerbated by men returning from the war to a weak economy and high rates of unemployment. The post-war phenomenon of violence against women was formally recognized in 1992, when Nicaragua hosted a National Conference for Women in which GBV was identified as one of the main problems facing Nicaraguan women. Between 1990 and 1994, the number of reported rapes rose by 21 percent, and the number of reported attempted rapes increased by 27 percent.<sup>5</sup>

Legislation introduced by Chamorro's administration instituted laws establishing rape as a public crime. Although the legislation made it possible for the state to charge a perpetrator, its reach was severely limited: laws did not apply to husbands; they allowed for paternity rights for rapists; and sentences were as short as nine months. Laws governing rape in marriage have since been reformed to establish stricter sentences for perpetrators, yet protections for victims of non-spousal rape and sexual abuse remain limited. The National Police listed 1,181 complaints filed by women concerning rape during 2000, and a total of 1,367 rapes were reported in 1999.<sup>6</sup> Despite this evident increase in reporting, official complaints are widely believed to under-represent the pervasiveness of the problem; women remain reluctant to come forward because of the stigma attached to rape.

Aside from the limitations in existing legislation, another precipitant to the continued high incidence of sexual crimes and their underreporting is the failure of the Nicaraguan government to enforce protections for potential victims and prosecute perpetrators to the full extent of the law. However, the climate for prosecuting sexual abuse may improve as the result of recent action taken in a high profile case: in 2001 the Inter-American Commission on Human



Rights agreed to hear a case brought by the step-daughter of former Nicaraguan president and Sandinista leader Daniel Ortega alleging sexual abuse. The case has stalled because a Nicaraguan court refused to lift the immunity that protects Ortega as a current member of Congress. The Commission is expected to rule on whether the Nicaraguan government failed to provide adequate judicial recourse for the complainant.<sup>7</sup>

The issue of domestic violence was also recognized in the 1992 National Conference for Women as a concern for post-conflict Nicaragua, though no statistics were then available to describe the extent of the problem. A landmark 1995 study conducted with La Red de Mujeres Contra la Violencia (Women's Network Against Violence, or WNAV) found that one out of every two women had been abused by their husband or companion at some point, and one out of three had been forced to have sex.<sup>8</sup> A later study by the Nicaraguan Statistics and Census Institute found that two out of ten women had experienced physical or sexual violence from a partner in the past year.<sup>9</sup>

In response to these alarming findings, and as a result of the lobbying effort of women's organizations, the government has introduced legislative protections for women exposed to domestic violence. The Law Against Aggression Against Women passed in 1996 made domestic violence a crime, punishable by sentences of up to six years, and established a system for the issuance of restraining orders for victims fearing further acts of violence. Moreover, a 1997 Penal Code reform instituted a prohibition against all forms of violence in families, including physical and psychological violence. In addition to these protections, both the government and the nongovernmental community have introduced various programs to address GBV. In fact, a 1998 periodic report of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) acknowledged the emergence of Nicaraguan NGOs and the development of governmental initiatives as positive steps in confronting the issue of violence against women.<sup>10</sup>

## Current GBV-related Programming

The post-Sandinista governments have responded to the issue of domestic violence with a variety of pro-

tections. After the 1992 National Conference for Women, in which GBV was recognized as a component of Nicaragua's post-war society, a number of government institutions and local NGOs took up the issue of violence against women. According to the United Nations Development Program (UNDP), several governmental-level agencies created programs specifically addressing GBV, including an Intra-familial Violence Program under the Ministry of Health and a Consultative Council on Gender within the National Police Force, responsible for specific GBV policies. Another important government initiative is a nationwide network of eighteen Commissariats for Women and Children, also referred to as Women's Centers, supported by the official Nicaraguan Institute for Women. Taking a multisectoral approach involving police, the judicial system, and NGOs, the Women's Centers provide specialized attention to those who register complaints of violence. The Women's Centers also run media awareness and prevention campaigns aimed at educating the population about legal codes related to GBV.<sup>11</sup>

Despite this evidence of increasing government attention to GBV prevention and response, most of the long-standing programming has been the result of action by local NGOs. One of the most widespread NGO initiatives to emerge from the 1992 conference is the WNAV. The organization is made up of over 150 local groups and several hundred individual members located throughout the country. Activities range from domestic violence sensitization and denunciation projects to public campaigns and lobbying efforts. WNAV also runs centers providing services for battered women. Advocacy efforts of members were central to reforming the penal code regarding domestic violence. In 1995 WNAV organized a national conference that brought five hundred women from professional groups, the police, grassroots organizations, and government institutions together to discuss domestic violence. At the conference they distributed booklets that provided practical listings of supporting agencies as well as an analysis of laws and social values that leave violence against women unchecked. The conference attracted significant media attention to the issue of domestic violence.<sup>12</sup>

Perhaps most in the vanguard with regard to GBV programs is the Asociación de Hombres Contra la Violencia (Association of Men Against Violence, or

AMAV). Founded in 1993 as the Group of Men Against Violence, the organization became a national association in 2000 in order to unite local groups throughout the country. The goal of AMAV is to reduce violence against women by confronting issues of masculinity and aggression. The organization seeks to educate and sensitize men regarding patriarchal traditions, gender equality, power, and GBV. In addition to coordinating the network of Men Against Violence groups, AMAV offers training workshops on machismo and violence, promotes alliances with women's groups (particularly WNAV), supports men's reflection groups, and participates in public awareness campaigns addressing issues of masculinity and violence. The organization stresses a need for men and women to reach decisions by consensus and focuses on developing skills for more positive and constructive listening and discussion between the sexes. AMAV has over one hundred active members throughout the country who participate in local and national activities. Another organization that has addressed the issue of masculinity is the Centro de Comunicación y Educación Popular (Popular Education and Communication Center, or CANTERA), which runs workshops around the issue of masculinity and popular education. With support from a variety of international partners, CANTERA offers educational programs and publishes books, reports, and short stories addressing a wide scope of issues, including masculinity and violence, cultural models, and masculine identities.

Puntos de Encuentro (Common Ground), a partner of the international development NGO One World Action, provides an example of a broad-based approach to the issue of GBV. Among its activities, the organization publishes the newsletter *Boletina*, organizes programs addressing psychosocial issues for individuals and groups affected by natural and social trauma, offers courses on capacity building for women's groups, and conducts public awareness campaigns addressing GBV. When research undertaken by the organization revealed that domestic violence had increased in the aftermath of Hurricane Mitch, Puntos de Encuentro launched a campaign in conjunction with the WNAV and AMAV with the tagline "Violence against women is a disaster that men can avoid." The campaign uses leaflets, informational brochures, posters, and radio and television announcements to publicize GBV-related issues, including anger management for men. Puntos de Encuentro also manages a documentation center for

information related to feminism, masculinity, violence, sexuality, youth, and institutional development, and has televised a program aimed at adolescents and their families dealing with sexuality, reproductive health, domestic violence, and other important issues facing youth in Nicaragua. The international organization MADRE has also participated in GBV programming, working in rural areas with the local NGO Wangky Luhpia to institute health clinics for women that offer counseling to victims of sexual abuse as a component of their services.

## Summary

Although sexual violence committed during Nicaragua's conflict is difficult to determine given the lack of data, policies, or programming, what is clear is that Nicaragua was subject to a general increase in GBV following from the devastation of years of war. There does not appear to have been a significant international response to the issue of GBV either during the conflict or directly afterward. Such a response may have been helpful in preventing the trend toward conservatism regarding GBV in early post-conflict administrations. International support also could have consolidated the initial gains of women's organizations that were born during the years of conflict and facilitated an early response to GBV, which was quickly identified by the women's community as an aspect of post-war culture.

Nevertheless, the evolution of the women's movement that was initially a strong component of the Sandinista revolution has led over time to great strides in institutionalizing GBV prevention and response activities. Empowered by their collaboration and inclusion in the Sandinista administration, women have worked to improve gender equity on issues ranging from land reform to protection of human rights. Prompted by the consistent lobbying activities of feminist organizations, the government of Nicaragua has recently made significant efforts to address the issue of GBV. The improvements in legislation and the introduction of government initiatives provide a basis from which to advance ongoing prevention and response activities.

However, there remains a lack of governmental will to implement legislation guaranteeing protections against GBV. Despite laws criminalizing domestic violence, women remain unlikely to press charges,

and when victims do take perpetrators to court, most receive a verdict of not guilty because of a weak judicial system with little experience dealing with GBV.<sup>13</sup> Data on the prevalence of GBV remains difficult to obtain. Absent efforts by the government to collect and analyze such data, monitoring of GBV is difficult, as is the development of policies and programs to address the issue more effectively. Coordination between governmental agencies and the NGO sector also appears weak, undermining the effectiveness of programs designed to address GBV.

Government Women's Centers are a positive example of collaboration between government agencies and NGOs, and may be utilized as a model to expand GBV-related programming throughout the country. The programs targeting men represent some of the most innovative in the world and should be adapted to other conflict-affected populations. Perhaps most critically, the international aid community should continue to support the efforts of the government and local NGOs to ensure that the important gains achieved in addressing GBV continue to result in more effective and comprehensive initiatives.

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# Annex: Travel Schedule

The Africa, Asia, and Europe country profiles included in this report represent information obtained during site visits that were conducted in 2001 according to the following schedule.

Date	Location	Participants
January 22-31	Republic of Congo	Jeanne Ward
February 5-15	Sierra Leone	Jeanne Ward
February 18-28	Rwanda	Jeanne Ward
April 14-21	Pakistan	Jeanne Ward
April 22-29	Thailand	Jeanne Ward
May 7-14	East Timor	Jeanne Ward
June 3-10	Azerbaijan	Jeanne Ward Suzanne Petroni Cari Clark
June 11-16	Kosovo	Jeanne Ward Cari Clark
June 18-27	Bosnia and Herzegovina	Jeanne Ward Cari Clark Betsy Kovacs

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