



Development  
Progress

## Case Study Report

*Women's empowerment  
and political voice*



# PROGRESS DESPITE ADVERSITY Women's empowerment and conflict in Colombia

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## Abbreviations

<b>CMH</b>	Centre for Historical Memory	<b>GNWP</b>	Global Network of Women Peacebuilders
<b>CNRR</b>	Comisión Nacional de Reparación y Reconciliación (National Commission for Reparation and Reconciliation)	<b>IDP</b>	internally displaced person
<b>CSO</b>	civil society organisation	<b>M-19</b>	Movimiento 19 de abril
<b>DANE</b>	Departamento Administrativo Nacional de Estadística (National Department of Statistics)	<b>NGO</b>	nongovernmental organisation
<b>DDR</b>	disarmament, demobilisation and reparations	<b>ODA</b>	official development assistance
<b>ELN</b>	Ejército de Liberación Nacional (National Liberation Army)	<b>SAT</b>	Sistema de Alerta Temprana (Early Warning System)
<b>FARC</b>	Fuerzas Armadas Revolucionarias de Colombia (Colombian Revolutionary Armed Forces)	<b>UNHCR</b>	Office of the United Nations High Commissioner for Refugees

## Abstract

This study explores the trajectory of women’s empowerment in Colombia over the past 20 years in the context of conflict. It analyses important changes in women’s political voice and legal activism, and how these in turn, are contributing to shaping policy on addressing the legacies of the conflict. It is well recognised that conflict-related violence, and the structural legacies of displacement, exclusion and discrimination, are highly gendered. The Colombian case is an example of progress in women’s empowerment in the face of formidable and continuing challenges. Progress is identified in relation to: legal gains for women’s rights and gender equality;

women’s presence and representation in public and elected positions; the advancement of a gender-responsive approach to addressing the legacies of conflict and associated mechanisms of memorialisation, reparations, restitution and transitional justice. The case of Colombia is a valuable study in how women engage with contesting legacies of exclusion and discrimination in the prevailing political settlement, and influencing the public debate and direction of policy relating to justice, peace and accountability to take into account the gendered experience of conflict.

# 1. Introduction



Mural in Bogota. Photo: © McKay Savage.

This study explores the trajectory of women's empowerment in Colombia over the past 20 years in the context of armed conflict. It analyses how changes in women's political voice and legal activism have helped to shape the current process of addressing the legacies of the conflict, and the ongoing peace talks. It is well recognised that conflict-related violence, and the structural legacies of displacement, exclusion and discrimination, are highly gendered. The Colombian case is an example of progress in women's empowerment in the face of formidable and continuing challenges. It therefore represents a valuable study in how women engage with wider issues and influence the discourse and direction of issues of justice, peace and accountability in order to take account of vulnerable and excluded groups.

The armed conflict in Colombia, which has lasted for more than 50 years and is the longest standing in

the Americas, has deep roots in political exclusion and socio-economic inequality. It has created a protracted humanitarian crisis, with more than 220,000 people dead and more than 10% of the total population internally displaced. This makes Colombia the country with one of the largest displaced populations in the world (more than 6 million people), second only to Syria (according to UNHCR 2015 figures<sup>1</sup>). Efforts to address the armed conflict have resulted in processes of contestation and change – but have also created some important opportunities to open political space. The latest attempt at a negotiated peace settlement has been under way in Havana since 2014, with high-level talks between the government and the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Colombia's largest armed group.

In this context, women have transformed their experience of the conflict into strategic action and agency.

1 UNHCR (2015) 'Worldwide displacement hits all-time high as war and persecution increase'. Available at: <http://www.unhcr.org/558193896.html>

In doing so they have contributed to shaping how legacies of violence are addressed and how accounts of conflict-related violence are being articulated. They have also increased political voice.<sup>2</sup>

The study is structured as follows. Section 2 outlines some of the most significant progress that Colombia has achieved in terms of women's empowerment and political voice, with an emphasis on milestones that reflect: legal gains in the agenda for gender equality; changes in women's presence in political and public life; and gains in feminist and women's struggles to (re)define ways to address the legacy of conflict through emerging mechanisms of transitional justice. Section 3 elaborates on the main factors that have contributed to bringing about women's empowerment in Colombia since 1990, while Section 4 highlights the continuing challenges facing women. Section 5 draws out key lessons of collective progress that Colombia offers regarding women's empowerment in the face of adversity.

### 1.1 Why women's empowerment in Colombia?

Since 1990, Colombia has made some noteworthy progress in women's empowerment, especially in terms of how issues of justice and accountability relating to conflict have been reframed by women's struggles for justice. This has helped to draw out how violent conflict is experienced in both the public and the private spheres, while at the same time political change has opened important spaces for increased women's agency and gains in women's political and public roles. There is now much greater visibility of the scale of conflict-related violence and its gendered nature, and this has generated growing demands for public responsibility for this violence and its redress.

Building on recent literature on women in (post-)conflict peacebuilding and state-building,<sup>3</sup> Colombia provides important insights into the enabling factors for women's political participation and empowerment in challenging and conflict-affected settings. The United Nations Security Council Resolution 1325 (UNSCR 1325), approved in 2000, seeks to ensure women's participation in post-conflict peace processes and the provision of security.<sup>4</sup> The fact that 2015 marks the resolution's 15<sup>th</sup> anniversary makes this case study especially timely. The case of Colombia also confirms findings in the recent literature on transitional justice regarding the critical importance of addressing legacies of conflict-related violence from the perspective of women's experiences of injustice (public and private) and

#### Box 1: Defining women's empowerment

Empowerment is a multi-dimensional concept. In relation to women's empowerment, we draw on Kabeer's definition (1999) that it is a '*process by which women gain the ability to make and enact strategic life choices. Critically, women are the agents of their change process*'; that is, it cannot be done to or for them.

Empowerment describes processes by which gendered power structures are contested and redefined; it results in a reallocation of power and resources. It involves a number of processes of transformation in the public and private domains. It goes alongside institutional change (formal and informal) that both results from and further contributes to processes of empowerment as power and resource allocation are reconfigured. It draws on changes in the allocation of resources and development of capabilities, including material, financial, human and intellectual resources that enhance the capacity for agency (Nussbaum 1995) and in changes in prevailing beliefs and social norms regarding gender hierarchies. Inevitably it is a deeply political process about redefining 'who gets what, where and how' in ways that advance and reflect progress in women's increased political, social and economic power. It also describes processes of transformation that are both driven *and* experienced collectively and individually.

Note: See Kabeer (1999); Rowlands (1997); Pathways (2011); Batliwala (2008); O'Neil et al. (2014)

the quest for appropriate forms of accountability, including a better understanding of how violence is used to preserve power inequalities (O'Rourke 2013).

The greater empowerment of Colombian women between 1990 and 2014 is especially significant in two respects. First, in relation to political voice, Colombia was late in promoting a greater presence of women in the political arena compared with other countries in Latin America. This makes the accelerated pace of change that the country has experienced over the past 15 years especially noteworthy. Second, the case of Colombia illustrates how women and gender advocates have navigated and reframed the emerging legal and accountability framework in a context of conflict. A clear example of this is the way in which evolving mechanisms of transitional justice in Colombia, namely

2 See O'Rourke (2011, 2013), Guzmán Rodríguez and Prieto Dávila (2013c) and Díaz and Marin (2013) as important sources on women's experiences of transitional justice in Colombia.

3 Castillejo (2011); El Bushra (2012); McLeod 2014; Ni Aoláin et al. 2011; Olonisakin et al. (2011); Tripp (2012); Bell and O'Rourke (2010) among others. See Domingo et al. (2013a) for a review of this emerging body of research.

4 UNSCR 1325 represents a landmark development in international policy on the role of women in the prevention and resolution of conflicts, peace negotiations, peacebuilding, peacekeeping and humanitarian response and in post-conflict reconstruction. It underlines the importance of women's involvement in efforts aimed at promoting peace and security.

reparations and historical memory, are taking account of women's experience of the conflict, both reflecting and enabling women's agency, and ensuring the visibility of the gendered dimensions of conflict. This has taken place against a backdrop of continuing conflict and attempts at negotiating a peace agreement and redefining the nature of the existing political settlement (see Box 2).

The political economy of conflict in Colombia is rooted in patterns of exclusion and discrimination, and it also represents a gendered experience of violence and displacement. Changes in women's political capacity to influence how these experiences are addressed reflect a struggle to shape justice objectives that take account of the 'web of harms' perpetrated against women in the course of armed conflict (O'Rourke 2011). By politicising the full *gendered* experience of conflict, and thus reframing the terms of the wider public debate about accountability and impunity regarding conflict-related violence, it is possible to speak of a transformation in the discourse of the status of women. From being perceived as passive victims of the conflict, they have become agents of change within the wider political economy of conflict. Fieldwork in Colombia confirmed this transformation

In this context, as discussed further in Section 2, the case study identifies three main categories of progress. First, there have been important policy and legal changes that reflect gains in gender equality objectives and women's rights. The Constituent Assembly (February–June 1991), drafting the 1991 Colombian Constitution, marked a crucial moment of institutional transformation. The constitutional reform opened up political space and established a legal and accountability framework that made it possible to advance citizens' rights, including women's rights and gender equality. Subsequent legal and policy changes have further opened up space for women to participate more fully in political and public life, including in relation to the conflict.

Second, this process has been reinforced by a change in women's political presence and access to decision-making and leadership positions in both the formal political space and the public space, and in the activism of women and gender advocates.

Third, there have been a number of achievements in navigating and ultimately conditioning, the emerging web of policies and mechanisms of transitional justice intended to deal with the legacies of the armed conflict. Women's movements and gender advocates have succeeded in pushing an agenda that has enabled women to move from being perceived and perceiving themselves as passive victims to becoming agents of change, making claims on the state on the basis of rights and accountability, and pressing for change in wider structural conditions of inequality, exclusion and discrimination.

As is true for all processes of empowerment, the direction of travel is complex and multi-dimensional. Change is gradual, with incremental steps leading to greater longer-term transformation. Thus, the achievements outlined here, which are indicators of progress (such as legal gains that advance gender equality), have in turn become drivers of change themselves and have led to further change. Over time, they have opened the way for further progressive change, and have contributed to consolidating institutional opportunities to advance women's voice and agency in different areas of domestic, social and political life.<sup>5</sup>

### Box 2: What is a political settlement?

A 'political settlement' is a common understanding, usually among elites, about how political power is to be organised and exercised, and about how the relationship between state and society – or the social contract – is to be articulated. A political settlement thus defines 'the rules of the game' and sets the parameters for the extent to which the political order is inclusive or exclusionary.

Political settlements include not only formal institutions adapted or created to manage politics, but also, crucially, the often informal and unarticulated political arrangements and understandings that underpin a political system. Political settlements tend to evolve over time in the measure that state and social actors continue to negotiate the nature of their relationship and readjust their respective expectations as different needs, demands and tensions arise. If a political settlement is widely accepted and seen as legitimate, it is less likely to be contested and to provide a greater measure of predictability and stability. This is the cornerstone of resilience in both state and society.

Source: Rocha Menocal (2013).

## 1.2 Colombia's political context

Colombia's state-building trajectory is paradoxical. Colombia (alongside Costa Rica) is one of the oldest democracies in Latin America and is a middle-income country with many functioning central and decentralised institutions and services. At the same time, Colombia has experienced the longest history of armed conflict in the continent – over 50 years – punctuated by attempted peace processes and successive rounds of political and institutional reform intended to be transformative. Ultimately, however, the root causes of conflict have

<sup>5</sup> While we focus on the period 1990–2014, feminist struggles to advance a justice agenda that takes into account the gendered realities of conflict date back at least to the 1950s.



not been resolved. They reflect entrenched grievances associated with successive political settlements that have remained highly exclusionary. Colombia is characterised by the extreme concentration of wealth and power, the failure to achieve substantive land reform and redistribution of resources, and deeply rooted patterns of inequality and discrimination that tend to run along class, ethnic and political lines. This has been exacerbated by corruption, the peculiarities and legacies of sub-national power relations and elite interest structures.

Since independence from Spanish colonial rule in the 19<sup>th</sup> century and for much of the 20<sup>th</sup> century, Colombia's political landscape was shaped by the interactions between regional civilian elites and a weak central state. Until recently, elites competed for power through a system of party politics dominated by the Liberal Party and the Conservative Party. New parties have emerged during the past 20 years, reflecting disaffection with a two-party system that drew political support through patron–client networks rather than from clear ideological or class identities, and it served mainly to protect elite interests. Until 1974, Colombian politics were dominated by the two parties, punctuated by bouts of intense violence and renegotiation of the political settlement. A particularly violent period, *La Violencia* (1948–1966), led to a power-sharing agreement between the Liberal Party and the Conservative Party known as the National Front period (1958–1974). As the legitimacy of the political pact eroded, a new cycle of violence developed, which saw the emergence of armed rebel movements. Elite interests in turn sought protection either from public security forces and/or from various paramilitary groups, whose presence throughout the country became especially significant from the 1980s. Moreover, since then, the emergence of powerful drug cartels has exacerbated and redefined the patterns of violence and armed conflict.

The historically closed and elite-dominated nature of the political system has consistently undermined the legitimacy of state institutions among large sectors of Colombian society. The escalating nature of conflict-related violence resulted in an attempt in the late 1980s to redefine the 'rules of the game' along more inclusionary lines. The 1991 Constitution (replacing the 1886 text) was the outcome of peace negotiations between the Colombian government and one of the armed groups of the time (*Movimiento 19 de abril*, M-19). It sought to establish a political settlement that would fundamentally alter political structures to allow greater voice and participation.

### 1.2.1 Colombia since 1991: the transformation of conflict, transitional justice and peace negotiations

The 1991 Constitution marked an important turning point in Colombia's political and legal development – but it ultimately failed to address the root causes of violence or to create the conditions to dismantle the range of armed actors that had been prominent since the 1980s. These include the Colombian Revolutionary Armed Forces (*Fuerzas Armadas Revolucionarias de Colombia*, FARC) and the National Liberation Army (*Ejército de Liberación Nacional*, ELN); paramilitary organisations, including an assortment of self-defence groups brought together under an umbrella organisation, the United Self-Defence Forces of Colombia (*Autodefensas Unidas de Colombia*, AUC). Since being officially disbanded have become criminal groups (*Bandas Criminales*, Bacrim); and the presence of organised crime, principally around the drugs trade.

State presence varies across the country, and marginalised urban and rural areas are the worst affected both by socio-economic exclusion and the armed conflict. According to the National Department of Statistics (*Departamento Administrativo Nacional de Estadística*, DANE) the poverty rate in urban areas is 18.5% and 45.9% in rural areas.<sup>6</sup> Over 80% of the conflict's casualties have been civilians (*Grupo de Memoria Histórica*, 2013), among whom women and other particularly vulnerable groups, including children, indigenous peoples, Afro-Colombian communities, social activists and human rights defenders, are disproportionately affected (Inter-American Commission on Human Rights 2005; Díaz and Marin 2013).

During the government of President Álvaro Uribe (2002–2010) an agreement was reached as part of the Santa Fe de Ralito Accord (2003) for the demobilisation of members of the paramilitary organisations that had not committed the most serious human rights abuses (drawing on Law 418 of 1997 and 782 of 2002), their reintegration and support (drawing on Decree 128 of 2003). In 2005, Law 975, called the Justice and Peace Law, was signed by demobilised members of illegal armed groups who could not benefit from the amnesty provided by the existing laws (mainly paramilitary leaders) in view of their responsibility for war crimes and crimes against humanity. The Justice and Peace Law provided for reduced prison sentences (five to eight years) in return for participation in truth-seeking and providing reparations for victims.

The dismantling of the paramilitary groups led to a transformation of the conflict rather than to its resolution. Post-demobilisation armed groups have emerged, with varying levels of ex-paramilitary involvement and with links to organised crime, disputing the control of illicit businesses, including the drug trade, extortion, illegal mining and people-trafficking rings.<sup>7</sup> This form of violence is more

6 DANE (2013) at [https://www.dane.gov.co/files/investigaciones/condiciones\\_vida/pobreza/cp\\_pobreza\\_13.pdf](https://www.dane.gov.co/files/investigaciones/condiciones_vida/pobreza/cp_pobreza_13.pdf)

7 United Nations High Commissioner for Human Rights on the situation of human rights in Colombia (2015), available at: <http://www.hchr.org.co/documentoseinformes/informes/altocomisionado/informes.php3?cod=18&cat=11>. See also Restrepo and Muggah (2009) and Nussio and Howe (2012).

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dispersed but equally destabilising.<sup>8</sup> At the same time, guerrilla rebel movements, principally the FARC, remain active. Since 2005, various efforts to address conflict and violence through disarmament, demobilisation and reparations (DDR) schemes, as well as an increasingly elaborate architecture of transitional justice, have been critical to the strategic engagement of existing and new women's movements seeking redress and accountability for women affected by conflict.

President Juan Manuel Santos came into office in 2010. Under his government, the political approach to addressing conflict and peace has changed significantly, starting with the official recognition that Colombia faces an internal armed conflict rather than terrorist attacks. Law 1448 on Victims and Land Restitution was passed in 2011, which aimed to recognise and provide assistance and comprehensive reparation, individually and collectively,<sup>9</sup> to a larger group of victims of the armed conflict than had been offered by the Justice and Peace Law, including victims of state actions (Law 1591 of 2015 later unified the reparations schemes). The law became a strategic opportunity to demand that the state respond to the legacies of the conflict. In 2012, three bodies were created to support and administer reparations, restitution and memorialisation: the Unit for Victims and Reparation (*Unidad para la Atención y Reparación Integral a las Víctimas*, UARIV), the Unit for Land Restitution (*Unidad de Restitución de Tierras*) and the Centre for Historical Memory (*Centro de Memoria Histórica*). To date over 7,438,000 victims have registered for reparation, of whom 2,295,869 are women and 1,127,731 are girls.<sup>10</sup>

In November 2012 peace negotiations started between the government and the FARC and in June 2014 it was announced that the government and the ELN had embarked on preliminary talks. While the negotiations with the FARC have encountered political opposition and have even lost some legitimacy and momentum given the continuation of hostilities, the parties have reached preliminary agreements regarding rural reform, political participation and illicit drugs (Herbert and Rocha Menocal 2014). Since 2014, there has also been a focus on addressing what has been described as 'the human rights of victims and the right to truth'. As part of this, on 4 June 2015 the parties announced their preliminary agreement to create an independent,

impartial and extrajudicial commission to address the truth behind the conflict, promote pacific coexistence and ensure the non-repetition of violence.

### 1.3 Methods

This case study is based on desk-based research and fieldwork conducted in 2014. It seeks to address the following question:

- What have been the key features of women's empowerment in Colombia between 1990 and 2014?

Sub-questions included:

- How has progress in women's empowerment been shaped by the political economy of conflict-related violence?
- How have women mobilised to engage effectively in the emerging mechanisms of transitional justice and the wider political system to achieve substantive gains for women?
- What political and legal reforms have enabled women to shape the discourse regarding justice and accountability connected to conflict-related violence?
- What institutional and legal reforms have strengthened women's formal rights and access to public and political office?
- How have women mobilised to shape political and legal outcomes?

The team comprised two UK-based researchers (one from the Overseas Development Institute and the other from the Developmental Leadership Program at the University of Birmingham) and a researcher based in Bogotá. The team analysed primary and secondary data, and conducted a total of 24 interviews with key informants, including independent experts, politicians and representatives of civil society (mostly women's movements), national and international NGOs and donor representatives, and academics and legal experts in Colombia. Given the sensitive nature of the issues that this case study seeks to address, qualitative data provides important insights into the political and social complexities of the relevant change processes.

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8 Notably, these new manifestations of violence are not captured in the transitional justice legislation established in 2005. This is especially problematic from the perspective of victims because it affects the legal redress mechanisms they can invoke, including protection measures, reparations and claims for the restitution of land.

9 The Law provides reparation to victims of acts or omissions that violate the rights protected under the Constitution, international law on human rights, international humanitarian law and international criminal law, and that are considered to be criminal offences in Colombian legislation.

10 UARIV (2015), at <http://rni.unidadvictimas.gov.co>

## 2. What progress has been achieved?



Celebration of women's rights. Photo: © Universidad de Antioquia.

This section highlights the major progress in women's voice and agency achieved between 1990 and 2014, which in turn illustrates women's empowerment. It includes, first, progress in the creation and passage of laws and policies that constitute important advances in women's rights and gender equality. Second, it outlines parallel but closely interlinked progress related to the greater presence and participation of women in political and public life. Third, it highlights gains made in developing gendered responses to conflict. Women's personal and collective voices concerning the experience of conflict and violence offer a compelling account of empowerment and self-assertion.

Unsurprisingly in view of the entrenched inequality and patterns of exclusion and discrimination based on class, ethnicity, urban/rural divide and political affiliations that characterise Colombian society, women have not experienced empowerment in the same way or to the

same degree. This is true everywhere, but shared interests regarding gender identity need to be understood also in relation to whether and how they intersect with other primary identities (notably relating to class, ideology, ethnicity and location) in conflict-related and divided societies. The advancement of women's voice and agency is inevitably multi-dimensional. It builds on different capabilities and resources, processes of political and legal change and diverse trajectories of individual and collective action that constitute a cumulative, and far from linear, achievement of gradual progress towards achieving gender equality and women's rights.

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## 2.1 Gender equality and legal change

Since 1990 several constitutional and legal reforms in Colombia have marked important progress in advancing a gender equality agenda and women's rights and created opportunities for further empowerment. They have contributed to creating an enabling environment and institutional structures for greater realisation of women's rights and participation in public and political life. This iterative process has been at the heart of progress in women's empowerment in Colombia, especially in the political arena, and is located in a wider political history of uneven democratisation and ongoing conflict.

This 'thickening' or consolidation of the institutional and legal framework in Colombia regarding women's rights and gender equality has been especially significant because the development of domestic legislation supporting women's political voice was slow prior to the 1990s. In contrast, Colombia has adopted most of the international treaties and covenants on women's rights relating to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (with the exception of UNSCR 1325, see more on this below). Colombia was relatively late to enact key legal changes in support of women's voice in public and political life. For instance, women obtained suffrage only in 1954, long after most Latin American countries had adopted universal suffrage. It was also only in 1958 that women could be elected to the legislative branch (Córdoba 2002). Thus, the constitutional and legislative gains made since 1990 represent a significant change in the legal framework regarding women's rights and the advancement of gender equality, especially in view of the country's history of patriarchy and gender-based discrimination prior to 1990.

Box 3 summarises the legal and policy changes since 1982 (some pre-dating our case study) that best reflect progress in women's empowerment. It focuses on legal changes that represent important advances in recognising women's rights and gender equality since the adoption of the 1991 Constitution. As will be discussed in greater detail in Section 3, it is impossible to underestimate the importance of the 1991 Constitution in establishing the constitutional and legal framework to advance women's and other rights. Of course, legal reform does not necessarily lead to change, or reflect the practice and reality of gender relations, but it does represent an important normative standard against which practice and conduct can be measured and ultimately held to account. The normative principles enshrined in constitutional and legal change have aspirational and symbolic value. They are also major political victories insofar as they contribute to redirecting social norms and practice relating to gender and power relations. Moreover, they lay the foundations for an iterative process of change that can build on those foundations to foster further transformations and reforms. As will be discussed in the following section, the achievements in legal change that constitute significant

milestones of progress for women's rights serve to drive further progress.

Three features of legal, constitutional and policy change are worth highlighting. First, there is a broad effort to comply with international norms on gender relations and women's rights. The fact that Colombia is a long-standing formal democracy, despite widespread conflict-related violence, has meant that successive governments have largely endorsed international conventions, especially when these posed no threat to elite or strategic state interests. Of note, for instance, is that Colombia signed up to the Rome Statute in 2002, accepting the jurisdiction of the International Criminal Court established in 1998 in The Hague. Notably, however, Colombia did not sign up to UNSCR 1325. This reflected the policy of the Uribe government not to acknowledge that Colombia is a conflict-affected country. Nonetheless, a number of women's national and international organisations and other civil society organisations (CSOs) have actively taken up monitoring of women's experience of conflict and have played an important role in applying a gender lens to legacies of violence, in keeping with UNSCR 1325 (GNWP, 2011; Meertens 2012).

Second, additional legal and policy measures since 1990 have opened up organisational and institutional space for women's access to the formal political system and policy-making arena. Quotas have been particularly important in this respect, and have served to foster further change and reform (see more in Section 3). Other fora to host and promote gender equality have also been established. Interestingly, this has not translated into comprehensive gender machinery, and Colombia does not have a Ministry of Gender. This in itself is not exceptional, and reflects a broader international debate on the relative advantages and disadvantages of this approach, but there is certainly now greater formal public and political space in Colombia in which to advocate for gender equality policies.

Third, there has been significant progress in legislation and policies that address violence against women, including in relation to the conflict. Of particular importance is Law 1257 of 2008, which is a major landmark in relation to sexual violence, not least because of the recognition of conflict-related violence in law. While it is vital to underscore the value of this growing legal framework of protection for victims of violence against women given the pre-1990 context, this should by no means obscure the fact that widespread violence against women in Colombia remains a critical feature of the social landscape, and is a 'weapon of war' deployed by armed organisations against women activists and leaders of social movements in order to instil fear. It is critical that social norms in which gender-based discrimination and patriarchy continue to favour impunity, and the widespread incidence of conflict-related sexual violence, remain visible in the public debate as Colombia's peace process evolves.

### Box 3: Legislation and ratification of international conventions and treaties regarding women's rights, gender equality and violence against women from 1990

- 1982: Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- 1991: Political Constitution of Colombia replaced the 1986 Constitution, and provided for: recognition of gender equality and freedom from discrimination (art. 13); women's right to participate at all levels of political decision-making and in the public administration (art. 40); gender equality in family life (art. 42); equal opportunities for women and men, special protection during pregnancy and protection of women heads of households (art. 43); the possibility of divorce; and recognition of the separation of state and religion (Guzmán Rodríguez and Prieto Dávila 2014).
- 1995: Ratification of the Inter-American Convention on the Prevention, Sanction and Elimination of Violence Against Women (*Convención de Belem do Pará*). Establishment of a National Directorate on gender equality (later to become the *Alta Consejería para la Mujer* in 2010).
- 1996: Law 294 establishes standards to prevent, remedy and punish domestic violence.
- 2000: Law 581 sets a 30% quota for women's appointment to public office. Law 599 incorporates domestic violence in the penal code.
- 2002: Law 755 of 2002, also known as *Ley María*, establishes that parents may have a leave of absence of two weeks to be with their children. Ratification of the Rome Statute of the International Criminal Court.
- 2003: Law 823 establishes rules on equal opportunities for women.
- 2004: Decision T-025 of the Constitutional Court, which calls on the state to address the structural causes of the unconstitutional conditions facing the internally displaced persons (IDPs).
- 2005: Law 975 on Justice and Peace for the demobilisation mainly of members of paramilitary groups and the recognition of their victims and their right to justice, truth and reparations.
- 2006: Decision C-370, a Constitutional Court ruling that modified Law 975 on Justice and Peace to create more space for victims' voice and participation, and strengthened the right to reparations. Law 1009 establishes of the permanent Observatory of Gender Affairs. Consolidation of the Women's Caucus in Congress. Decision C-355 of the Constitutional Court regarding the decriminalisation of abortion in three specific cases.
- 2008: Ruling 092, following up on Decision T-025, addresses the historical vulnerabilities of women, the disproportionate impact of the armed conflict on women and the particular experience of women as IDPs. Law 1257 on Visibility, Prevention and Punishment of All Forms of Violence and Discrimination against Women, which increased sanctions and sentencing for violence and discrimination against women.
- 2010: Establishment of the *Alta Consejería para la Mujer*, an executive body in charge of advancing policies on gender equality. Inclusion in the National Development Plan (2010–2014, arts 177 and 179) of a commitment to develop public policy on gender equality. Decree 164 to create an Inter-sectoral Commission entitled 'Interagency Board to End Violence Against Women' (*Mesa Intersectorial de Género*).
- 2011: Law 1448 on Victims and Land Restitution establishes that women victims of conflict have special, preferential and priority treatment in land restitution. Law 1468 extends maternity leave to 14 weeks. Law 1475 regulates gender equality in the organisation and functioning of political movements, parties and electoral processes, introducing an electoral quota.
- 2012: Approval of a National Policy on Gender Equality and Women's Rights (*Lineamientos de Política Pública Nacional para la Equidad de Género y los Derechos de las Mujeres*), budgeted for in 2013. Law 1413 'regulates the inclusion of the economy of care in the system of national accounting systems in order to measure women's contribution to the social and economic development of the country'. Law 1542 ensuring the protection and diligence of the authorities in the investigation of alleged violence against women.
- 2013: Conpes document 3784, 'Public Policy Guidelines for risk prevention, protection and guarantee of the rights of women victims of armed conflict', which consolidates more than 200 specific actions to address the severity of women's experience of the damage caused by the armed conflict. Resolution 80 Ministry of Agriculture and Rural Development establishes a Special Access Programme for Women, Girls and Teens to Land Restitution Process (31 January). Decree 1930 regulates the National Policy for Gender Equality and Women's Rights and creates the Inter-sectoral Commission for its implementation.

It is essential to make visible the scale of the problem, which is not to diminish the progressive advances in the legal framework, as confirmed by informants, including victims of conflict-related violence. These advances helped to give visibility and credence to the scale of the violence, its impact on women, and the legitimacy of associated demands for a gender-sensitive state response to it. The establishment of 25 May 2015 as the first *National Day for the Dignity of Women Victims of Sexual Violence caused by the Internal Armed Conflict* testifies to the achievements relating to legal reform and awareness of the need to end impunity.<sup>11</sup>

## 2.2 Women's presence in political and public life

A second feature of women's empowerment is seen in the larger number of women occupying public and elected positions. This in many ways builds on the passage of new laws and policies intended to benefit women, summarised in Box 3, and helps to capture the iterative and gradual nature of change. We elucidate some of the relevant legislation in the following paragraphs.

### 2.2.1 Ley de Cuotas

Women's participation in Colombia's public administration is regulated by Law 581, commonly referred to as the 2000 *Ley de Cuotas* or Quota Law, which states that women must occupy at least 30% of positions in the executive, legislative and judicial branches, and at different tiers of government (Guzmán Rodríguez and Prieto Dávila 2014). Despite its limitations and patchy implementation (discussed in Section 4) Colombia today has more women in relevant decision-making positions than before the quotas were instituted (UNDP 2012) (see Table 1 below).

The executive branch has seen the greatest increase in women's participation in high-level office. In the late 1980s, for instance, there were no women ministers and only 3.8% of vice-ministers were women. By 1998, women

were appointed as Minister of Foreign Trade and Minister of Communications, and they represented 12.5% of the government cabinet. In 2001, following the *Ley de Cuotas*, women were appointed as Ministers of Culture, Mining, Commerce and Communications, representing 25% of all ministerial positions (though still shy of the targeted 30%). During Uribe's first administration (2002–2006) women held 46% of ministries (Foreign Affairs, Defence, Education, Environment, Communications and Culture), although in his second term (2006–2010) there were only two women ministers (Education and Culture). In President Santos' first term, ministerial appointments met the *Ley de Cuotas*. In 2011, the cabinet comprised 32% women, with women Ministers of Foreign Affairs, Education, Environment, Development and Culture (Guzmán Rodríguez and Molano Ayala 2013; Guzmán Rodríguez and Prieto Dávila 2014).

In general, the ministries with the highest proportion of women in decision-making positions have included Education, Culture, Communications and Social Protection, all of which are typically viewed as 'soft' ministries. Women have also increased their presence in ministries that have long been the exclusive domain of men, such as the Ministries of Interior and Justice, Foreign Affairs, Finance, Mining and Energy, Environment and Defence (UNDP 2012).

Among the administrative departments, those with more women in senior positions have been the Department of Public Administration (in charge of implementation and follow-up of the *Ley de Cuotas*), the Department of the Presidency of Colombia, and the National Planning Department. The latter is a supra-ministry, leading on the coordination and formulation of public policies. It has also been in charge of the follow-up of public investment. Some departments have, however, remained considerably less open to women, including the Security Administrative Department, in charge of intelligence and security services, and DANE, which manages official statistics (UNDP 2012).

As suggested in Table 1, the judicial sector has become only marginally more inclusive of women in the last 30 years. The law stipulates that judicial appointments made through public examination must be based on merit and the quota applies only to administrative appointments in the judicial branch (Guzmán Rodríguez and Molano Ayala 2013). This makes it all the more noteworthy that, for the first time in Colombia's history, a woman was appointed to the position of Attorney General. In general, all oversight bodies (including the National Attorney General's Office and Auditor General's Office among others) have complied with the Quota Law (UNDP 2012).

At lower tiers of government, progress has been uneven, although some important spaces have opened up for women as a result of the *Ley de Cuotas*. The five

**Table 1: Women's participation in public management positions (percentage)**

	1981	2010
Executive	28	40
Legislative	17	24
Judiciary	23	26

Source: UNDP 2012

<sup>11</sup> <http://www.theguardian.com/global-development/2015/may/25/peace-in-colombia-tackling-systemic-violence-against-women>

sub-national administrations with large populations (Antioquia, Valle del Cauca, Cundinamarca, Atlántico and Santander) have not met the 30% quota, but less populated departments, such as Arauca and Guaviare, have extremely high women's participation (71% and 50% respectively) (UNDP 2012). Women's participation in public administration at the sub-national level is often determined by political relations with the government authority in office, in particular the governor. Current evidence thus seems to suggest that women may find it easier to reach decision-making positions in settings that have small populations (UNDP 2012).

A clear exception to this is Bogotá, which is the country's most highly populated sub-national administration and has seen a steady rise to above 30% of women in key public administration posts since the political reforms ushered in by the 1991 Constitution. As a result of increased political competition, various political parties have come to power in Bogotá since the 1990s, and these have tended to appoint women to leading positions. For instance, in the government of Antanas Mockus starting in 1995, 34% were women. In 1998, under the government of Enrique Peñalosa, women held 48% of senior positions. In 2001, during Antanas Mockus's second period as city mayor, women's participation in public office reached 61%, while in 2004, under the Garzón administration, women accounted for 42% (Fuentes and Peña, 2009). The participation of women since 2010 has been approximately 38%, with two women serving as acting mayor at times when the incumbent was affected by political scandal (UNDP 2012).

Available information also suggests that the women who have acceded to posts of authority in public administration have done so on merit. Such women tend to be highly educated. According to a survey conducted as part of a 10-year stocktake of the quota system supported by several international donors, most have postgraduate degrees, typically in law, public administration, economics or medicine (UNDP 2012; Guzmán Rodríguez and Prieto Dávila 2013a and 2013b). The literature and interviews concur that the *Ley de Cuotas* has not only resulted in concrete gains regarding the presence of women in public office, but has also had an important symbolic effect in terms of women in decision-making roles (Guzmán Rodríguez and Molano Ayala 2012).

Such progress notwithstanding, implementation of the *Ley de Cuotas* has been patchy and uneven. As noted in Section 4 below, political factors (lobbying, political party membership, sponsorships, patronage, power relations, etc.) block more sustained and consistent progress (UNDP 2012). Women's organisations have played an important role in monitoring implementation of the Quota Law, mainly through the Observatory for Women and Political Participation, which comprises several academic and NGO women's groups, but competing priorities and lack of funding have considerably limited the scope of what they

can accomplish. In a context of ongoing conflict, other issues may need to be prioritised, which often calls for choices and compromises to be made (UNDP 2012). As a leading women's activist put it:

*Corporación Sisma Mujer [women's organisation] were able to make a great effort regarding quota follow-up at the local (and not national) level, in four or five departments, with financial support from international actors like the Inter-American Development Bank. However, the challenge of sustainable funding for a particular objective, has meant we were not able to continue working on political participation as other issues were prioritised... (Interview for this case study)*

## 2.2.2 Party and electoral list quotas: Ley 1475

The *Ley de Cuotas* addressed the representation of women in public administration but did not make provisions for elected office. Nonetheless, its existence led to debate and reform that resulted in the passage of Law 1475 of 2011 on quotas for party and electoral lists. As a result, in the country's most recent elections, in March 2014, the Colombian parliament had its highest ever percentage of women parliamentarians – 19.9% in the Lower House and 22% in the Senate, compared with 11.7% and 6.9% respectively in 1997 (Inter-Parliamentary Union, 2015) (see Figure 1, overleaf).

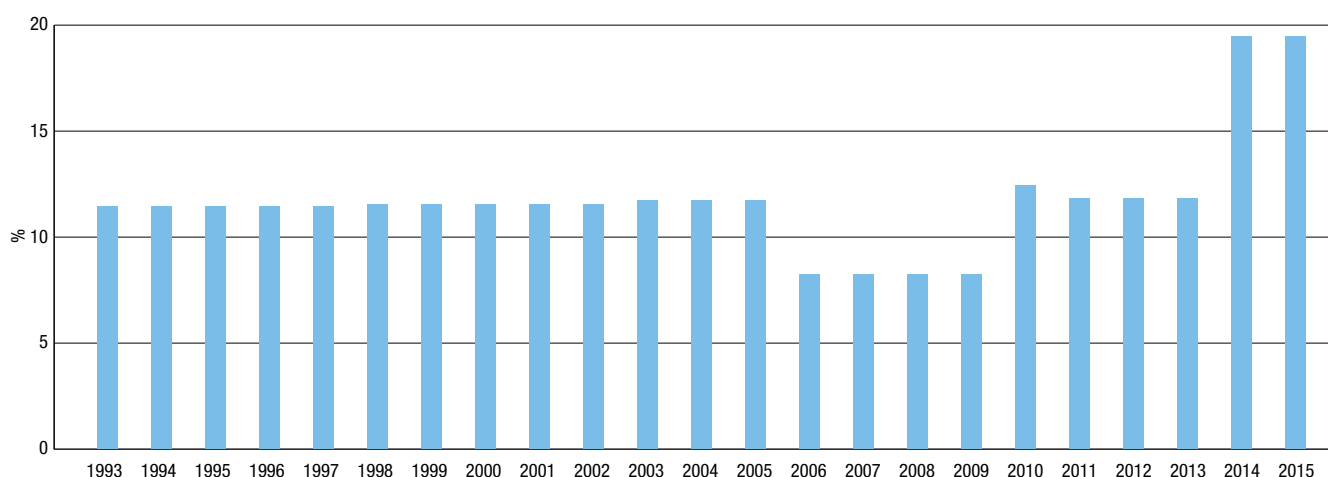
Women have gained elected office at the sub-national level, albeit slowly. By 2013, the proportion of women in elected office was as follows: 9.38% of governorships; 9.81% of mayors; 17.94% in departmental legislatures; 16.08% in municipal councils; 12.6% of seats in the Chamber of Representatives; and 16.6% of seats in the Senate (UN Women 2012; Guzmán Rodríguez and Prieto Dávila 2013b). As noted in a study by *Corporación Sisma Mujer* (2007), women's gains at the local level, in standing for and being elected, remain modest but nevertheless form the basis for greater gains in the future.

At the same time, interviews with a female mayor revealed that while gender-based discrimination remains acute at the local level, her influence and access to decision-making processes was considerably greater than she had experienced as a congresswoman – which remained limited because of the combined effect of her sex and ethnicity. Gender, class and ethnic discrimination, in her experience, are powerful deterrents to progress in national-level politics, whereas at the local level, her leadership skills and tenacity afforded greater opportunity.

## 2.2.3 Congressional Gender Legal Committee

The Women's Caucus (*Bancada de Mujeres*) in Congress began in 2006 and was the first group of its kind. It started as an informal space to enable congresswomen to transcend party differences and work together on activities and legislation of common interest. Over the years, and

**Figure 1: Women's share of seats in national parliament (1993–2015)**



Source: Inter-Parliamentary Union, 2015

following CSO mobilisation, women members of parliament saw merit in creating a more formal congressional body to advance gender equality. The Gender Legal Committee was formed in 2011. Unlike the original caucus, it has legal standing and benefits from institutional and administrative support, including dedicated staff and a budget. Although it has few resources, the Committee has greater political visibility as a formal congressional body (Guzmán Rodríguez and Prieto Dávila 2013a, 2013b and 2014).

As several observers have noted, Colombian congresswomen do not share common political agendas. Even so, the Gender Legal Committee has been active on issues of considerable importance to women and their wellbeing, and it has a positive track record in the enactment of laws benefiting women. In this way, and echoing a theme emphasised at different points in this study, the Women's Caucus both signalled progress in women's empowerment and helped to motivate further change (discussed further in Section 3). Indeed, two of the 2014 presidential candidates were women.

### 2.3 Women, peace and security: gains in gender justice in conflict

Women's collective and individual action has helped to shape the public agenda relating to the conflict in Colombia. While there is a need for caution in view of the formidable challenges of exclusion and violence that women face, it is also important make visible the experience of women's organisations, gender advocates and the victims of violence in taking advantage of the emerging mechanisms of transitional justice and to advance a

version of justice and accountability that takes account of the gendered experience of conflict. The effectiveness of women's mobilisation in shaping public and policy debate on how conflict-related legacies should be addressed is a major achievement given the weight of conflict on Colombia's social and political history.

This is of value to the wider international agenda on women, peace and security, not least since the Colombian case demonstrates effective strategies for navigating the politics of conflict. Conflict has been the chief concern of women's movements in the last 20 years, reflecting the escalation of violence and the impact on displacement (O'Rourke 2013). Conflict has affected women in a number of ways. First, women are especially vulnerable to conflict-related sexual violence. Second, the Early Warning System (*Sistema de Alerta Temprana, SAT*), established in the late 1990s, found that the threat of conflict-related violence against women's groups has increased since 2008. It has been reported that women are especially vulnerable to intimidation and violence. The purpose of the (threat of) violence is to instil fear, to dissuade women from reporting on conflict-related crimes and to demobilise women leaders. Third, women account for 46.8% of cases of forced disappearance. Fourth, women make up 51% of IDPs. From 1995 to 2011, violence associated with this conflict has generated over 5 million IDPs (nearly 8% of Colombia's population).<sup>12</sup> As Meertens (2012) notes, there are a number of ways in which sexual violence and displacement are connected: the threat of and actual sexual violence as a cause of displacement; and sexual violence as a particular form of vulnerability experienced by women during and after displacement.

<sup>12</sup> See also UN Women (2012), which cites data from the Victim Register and from the SAT.



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Typically, as shown in wider research on conflict and post-conflict settings, women are largely excluded from formal access to peace processes, or from taking part in negotiating mechanisms of transitional justice regarding how to address the legacies of conflict-related violence.<sup>13</sup> In Colombia too, women have by and large not been invited to take part in political processes relating to the design of DDR aimed at demobilising the paramilitary forces, or in conflict-related security policies under the Uribe administration. As a result, much of the early legal framework and practice relating to these processes was gender-blind. Women's movements were initially not invited to the peace talks between the Colombian government and the FARC taking place in Havana.

In this context, there are four sets of achievements resulting from women's collective and individual action and strategic mobilisation in response to conflict, and which represent progress in terms of women's rights and gender justice. First, they have redirected the political debate and policy direction of transitional justice and the state response to the violence from various feminist perspectives, including contributing text to laws on conflict-related issues. Second, there is now far more national and international recognition and visibility of the scale of the violence in the public and private spheres as a result of individual and collective denunciation, and judicial and political activism on a more gendered account of the conflict. Third, at the individual level, the strategic engagement of support groups, victims' associations and women's and human rights groups has contributed to personal processes of dealing with the trauma of violence. These are important achievements because they relate to individual experiences of empowerment in situations of constant threat and intimidation. Finally, despite their initial exclusion, women's organisations now have some presence in the Havana peace process.

### 2.3.1 Redefining the terms of transitional justice

Colombia's uptake of mechanisms associated with transitional justice is characterised by the fact that these were established *before* meaningful peace talks in Havana.

Legislative milestones include the Justice and Peace Law of 2005 (under Uribe) and the Victims and Land Restitution Law of 2011 (under Santos). The first initiated a transitional justice process of sorts, but the focus was on DDR. The latter more concretely addressed the needs of victims of the conflict. Additional milestones include major Constitutional Court rulings, notably Ruling T-025 in 2004, and Ruling 092 in 2008. The former called on the state to address the structural causes of the

unconstitutional conditions in which IDPs were living. The second addressed the issue of the historical vulnerabilities of women, the disproportionate impact of the armed conflict on women and the experience of women IDPs.

The Justice and Peace Law created the National Commission for Reparation and Reconciliation (*Comisión Nacional de Reparación y Reconciliación*, CNRR). This set out to regulate the process of reparations and provide a space for establishing the facts of crimes committed but without being a full truth commission. The mobilisation of women and human rights movements ultimately led to reshaping the CNRR on the basis that there was a need to strengthen the protection of victims and their needs in the emerging legal framework. This resulted in 2010 in the redefinition of the CNRR, and the creation of the Centre for Historical Memory or *Centro Nacional de Memoria Histórica* (CMH).

The CMH has become a focal point for establishing the facts of the conflict,<sup>14</sup> and produces publications and annual reports. From the perspective of women it became a site not only for recounting the past, but also for denouncing continued conflict-related violence, and has been a key institution in lobbying for a gender-responsive transitional justice process that gives prominence to the voice of victims. The denunciation has made visible the huge problems of (gendered) structural inequality underlying the conflict, and that these affect how women experience the injustices and violence related to the conflict. The CMH reports have become an important source of information and data on the conflict – and not exclusively of women's experience.

In parallel – and pre-dating the Justice and Peace Law – groups of women and of victims had created their own space for monitoring and recording conflict-related atrocities, establishing record of the scale of violence that represents a truth-telling process. In 2000, the umbrella group *Mujer y Conflicto Armado* brought together women's rights movements and human rights organisations with the purpose of requesting a visit by the UN Special Rapporteur on Violence Against Women, and has been a leading voice on conflict-related violence. More radical organisations such as *La Ruta Pacífica* and *Vamos Mujer* have focused on exposing the structural gender inequalities that underlie the conflict and the particular forms of violence that women experience.

Thus, women's groups have engaged with emerging mechanisms under the Justice and Peace Law in various ways. For instance, since 2000, organisations in the *Mujer y Conflicto Armado* umbrella group have been involved in parallel documentation of conflict-related atrocities

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13 There is a rich emerging literature on women's role and experience in peacebuilding and post-conflict transitions and transitional justice. See notably Ní Aoláin et al. (2011); Bell and O'Rourke (2010); on Colombia the work by O'Rourke (2011, 2013); Díaz and Marin (2013); Guzmán-Rodríguez and Prieto Dávila (2013c) is important.

14 <http://www.centrodememoriahistorica.gov.co/>. The CMH publishes annual reports. Central to the gender work of the CMH has been the leadership of Emma Wills Obregón, a feminist activist and the lead researcher of the publication *¡Basta Ya!*.

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‘owned’ by civil society, and supported by the international community. Other gender activists and organisations have also engaged with the CNRR, and specifically the CMH, seeking to transform state-supported mechanisms to make them more responsive to gender, and thus reshaping ‘official’ narratives of justice.

While women’s and victims’ associations have been divided in many respects, as discussed in Section 4, this cumulative appropriation of an evolving record of conflict-related atrocities illustrates empowerment through truth-telling, which contributes to building an account of the violence that lends voice to its victims. Moreover, the documentation of atrocities has become a valuable means to expose political realities relating to the wider structural injustices of inequality, discrimination and exclusion that are at the heart of the existing political settlement, and to the complicity between elite interests and conflict-related violence. The gender perspective has helped to reveal the devastating impact of the violence in the private domain, highlighting the impact of conflict on family and domestic life. Significantly, much of the analysis in this documentation has contributed, first, to giving insights beyond ‘public’ violence, to how it affects private life. Second, it has underscored the deep connections between the gendered experience of violence – including sexual violence, which tends to be treated as a personal or domestic issue – as a reflection of the exclusionary and discriminatory nature of wider socio-political structures, and the political settlement.

Other effective engagement with state-created mechanisms included the work by legal specialists among some gender activists to engage with capacity development and gender sensitisation among state agencies concerned with the reparations, restitution and justice work of the CNRR. This involved providing training for judges, prosecutors and staff working with the CNRR at the national and regional levels on how to investigate cases of sexual violence and to follow appropriate practices in gathering evidence, conducting interviews, providing protection and ensuring anonymity. The work also included training and capacity development for CSOs. A series of workshops in 2007 brought together CSOs and government bodies, often for the first time. It was intended that this could contribute to building state–society trust in the emerging transitional justice architecture.

The Justice and Peace Law of 2005 was highly controversial and was viewed as not prioritising victims’ needs or experiences.<sup>15</sup> From the perspective of women’s experience of the conflict, and the position of different women’s, human rights and victims’ associations, the question of whether to engage with the processes put in place with the law was an especially divisive issue

(O’Rourke 2013). This included initially whether to engage with any of the formal truth-telling and reparations mechanisms put in place by the law, and whether to pursue any form of judicial process against the perpetrators of violence or other conflict-related crimes, since doing so might lend legitimacy to the controversial policy of DDR of the paramilitary forces.

In practice different approaches have featured among different women’s, human rights and victims’ associations. Some clearly rejected any engagement with the mechanisms established under Uribe’s law. Other chose to work with them in order to transform and employ them to seek justice or give visibility to the scale of the violence. Irrespective of the chosen approach, the cumulative gains of gender activists involved redirecting public debate and institutional development to become more gender-sensitive and generally more responsive to victims, within the constraints of continuing conflict.

The Victims and Land Restitution Law 1488 of 2011 was also an especially important marker of progress for women in shaping policy on the legacies of conflict. A key achievement was that gender activists successfully contributed to shaping the content of Law 1448. As has been well documented, women’s groups became actively involved in lobbying to inform the legislative process for the Victims and Land Restitution Law, which resulted in legislation that takes account of the gendered experience of conflict. Gender activists lobbied congressional representatives to provide direct wording to establish measures to protect women’s legal rights. Díaz and Marin (2013) describe this as an important achievement in engendering the transitional process and the wider debate on addressing the conflict in Colombia.

Concrete gains obtained by engaging with the legislative process and public debate prior to the enactment of the law include: broadening the definition of victim to include those victimised by state agents; better rules on the provision of evidence and legal procedures for dealing with cases of sexual violence, including psychological support; the adoption of a chapter on land restitution for female claimants; a measure to prioritise women, especially those with sole responsibility for their household; judicial processes of restitution; recognition that women have priority claims to benefits and reparations with regard to the restitution of land; and wording that stipulates recognising land-titling to women when restitution takes the form of formalisation of land title (a measure intended to address historical injustices relating to informal land-titling in rural areas) (drawn from Díaz and Marin 2013; and Meertens 2012).

Women’s and victims’ associations have used mechanisms of transitional justice to secure gains in

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15 A report by the Commission of Jurists succinctly summarised the problems of the law in terms of achieving transitional justice objectives in favour of victims. <http://www.razonpublica.com/index.php/conflicto-drogas-y-paz-temas-30/7446-ochos-a%C3%B1os-de-%E2%80%9Cjusticia-y-paz%E2%80%9D-un-balance-con-m%C3%A1s-sombras-que-luces.html>

relation to reparations for IDPs. For this they have not only used the legal provisions noted above, but have also deployed strategies of judicial activism and constitutional litigation (see Section 3). In the context of continuing conflict, this has resulted in some major results in terms of justice, reparations and restitution.

### 2.3.2 Individual stories of empowerment

The examples given above are a reflection of *collective* experiences of women's empowerment. Interviews with victims of the violence revealed personal stories of change achieved following their experience of conflict. Through dealing with the trauma of exposure to some of the worst excesses of conflict-related violence, interviewees described their *individual* processes of self-affirmation, the assertion of rights and sense of empowerment resulting from seeking justice and from giving voice and visibility to their personal predicaments. Two stories of change stand out. They include the account of Jineth Bedoya Lima, a leading journalist a victim of conflict-related sexual violence, who has chosen to speak out in public; and that of a displaced woman who has survived dispossession (see Box 4). These are personal vignettes of women who have rejected the status of victim to see themselves as agents of change.

Individual transformation from victimhood to agent of change has become an important concept at the grassroots level in addressing conflict-related violence. It has been documented in processes of memorialisation, such as the *¡Basta Ya!* report drafted by the CMH<sup>16</sup>. Such stories abound in the report, which gives voice to personal accounts of extreme violence, dispossession, threats, intimidation and ultimately survival. Through processes and experiences of memorialisation, recounting personal histories of trauma and tragedy as part of a wider collective experience of injustice is an expression of intense grief, as well as an act of denunciation, self-affirmation and resilience. These are both markers of voice and also constitute examples of empowerment through the experience of giving visibility and voice to their experience (Díaz and Marin 2013).

In sum, women's agency has contributed to important gains through the shaping of emerging mechanisms of transitional justice to ensure that they take account of the gendered experience of conflict. This has included contesting the legitimacy of early official initiatives (the Justice and Peace law); contributing to the development of measures that take account of women victims of the violence, including lobbying for textual reference to the gendered experience of conflict in the law (the Victims and Land Law); documenting the nature of the conflict and cases of atrocity both within and outside state-sponsored

#### Box 4: María Eugenia Cruz and Jineth Bedoya Lima

María Eugenia and her children were displaced by a group of paramilitaries in the early 2000s. She lost everything, including her small business. Encountering discrimination and stereotyping, she became an activist for victims' rights. 'I realised we had to become organised as women in order to stop being mistreated, and that we needed to change our vision and expectations of the state from an emphasis on "hand-outs" to demanding the protection and realisation of our rights'. María Eugenia is a founding member of the organisation *Mujer, sigue mis pasos* ('Woman, follow my footsteps'). She is currently involved in awareness-raising and a lobbying campaign to ensure that women's experience of the conflict is taken into account in the peace talks, and that there is no impunity for armed actors as part of transitional justice. In 2015 she was one of 12 victims of the conflict who travelled to Havana to speak at the peace talks on behalf of other victims and as a representative of women's rights.

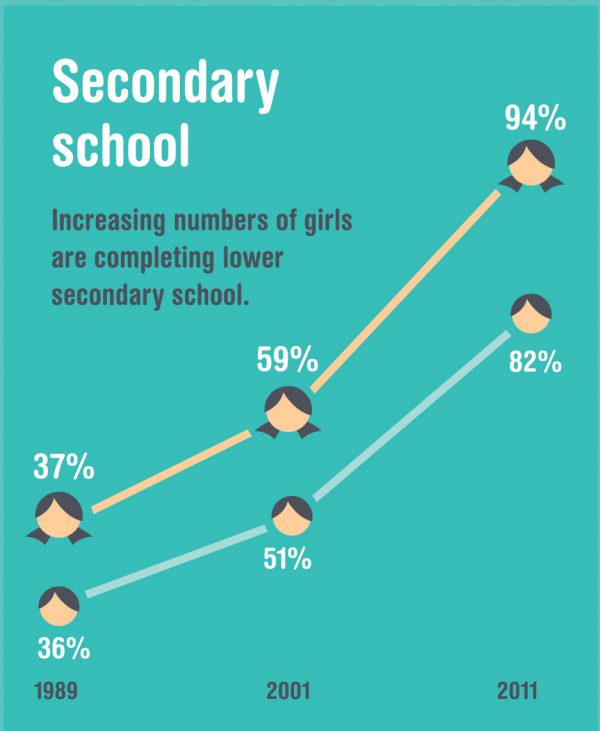
Jineth is a prominent journalist for *El Tiempo*, a leading newspaper in Colombia. In May 2000, she was kidnapped, tortured and raped by paramilitaries outside a prison as she went to cover a story for another national newspaper. Three years later, she was kidnapped and held for eight days, this time by the FARC. In 2009, Oxfam GB contacted Jineth about its global campaign on sexual violence against women and asked her if she would help to launch it. At first, she declined – 'I had no interest in being a victim in public', she told us. But she changed her mind. As she explains, 'I had met so many women who had experiences similar to mine, yet the state would not recognise these crimes. No one wanted to look into it, or even talk about it'. Because of who she is – an internationally recognised and well-established journalist – the sharing of her story has had a multiplier effect. Through a new movement she has started, '*No es tiempo de callar*' ('Now is not the time to stay silent'), she works to support women to speak out against violence and enable them to be empowered from within.

bodies of memorialisation and truth-telling; pursuing justice in relation to sexual violence, reparations and land restitution; and supporting victims in giving voice to their experience of violence.

16 See the report *¡Basta Ya!* at <http://www.centrodememoriahistorica.gov.co/micrositios/informeGeneral/descargas.html>



...Colombia is making progress on gender equity:



Sources: [www.unhcr.org/pages/49e492ad6.html](http://www.unhcr.org/pages/49e492ad6.html) ; [www.databank.worldbank.org/data/](http://www.databank.worldbank.org/data/)

# 3. What are the factors driving change?



Women in Colombia. Photo: © Luz Adriano Villa.

This section summarises the factors that have contributed to Colombia's progress in gender equality gains since 1990. These include factors related to policy, institutional change and agency. International agencies have also supported women's movements, but the process of change has been fundamentally local.

There are four sets of factors. First, a number of political and institutional reform processes have created both political space and opportunities, sometimes through critical junctures or key moments of political change that served to galvanise strategic political and social action. Second, there have been specific political opportunities relating to women's political empowerment, and how women in political office have used access to power to advance gender equality. Third, collective action through social activism and the work of gender activists has been critical in pushing for political agendas relating to women's

political empowerment, and specifically in relation to the conflict. Fourth, a number of international factors have served to support the change processes described above.

## 3.1 Constitutional reform and political structures

There have been important changes in Colombia's political and institutional make-up since the 1990s that have permitted progress in women's rights. The 1991 Constitution is an especially significant landmark that fundamentally altered the opportunity structures for women's engagement in political life, and for the affirmation of principles of equality and non-discrimination.

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### 3.1.1 The spirit of the 1991 Constitution and opening up of political space

The 1991 Constitution is one of the most important political milestones in 20<sup>th</sup> century Colombian history. It substantively changed formal political life, and state–society relations. It represents an aspiration towards a more inclusive political settlement than had characterised Colombia since independence. As an inclusionary political and social project it reflected a desire for a fundamentally new social order, establishing institutional mechanisms and principles of equality, non-discrimination and social and political justice. This translated into substantively new institutional and political structures for oppositional voice and traditionally excluded social sectors. Through recourse to new forms of formal political participation, social action, and strategic litigation (through the newly established Constitutional Court), many of the gains described in Section 2 were the outcome of gender advocates in politics and women’s organisations using the normative and political space created by the 1991 Constitution. The Constitution thus led to subsequent progressive reforms in terms of the political and institutional opportunities for political voice it enabled for women’s movements and gender activists.

Before 1991, the closed nature of Colombia’s political system was grounded in an elite bargain that secured the political dominance of the Liberal and the Conservative parties. The sustainability of this arrangement had reached its limit by the end of the 1980s; it had failed to resolve issues related to conflict and violence, and sectors of Colombian society viewed it as contributing to the conflict (Herbert and Rocha Menocal 2014, Engstrom and Gomez-Suarez 2012).

The 1991 Constitution was the outcome of an open and participatory process that followed a peace agreement signed between the Colombian government and the M-19 guerrilla movement. The reform process included a broad basis of support and participation from many sectors of Colombian society, including CSOs, students, journalists, professional and educated classes, organised ethnic minorities, and new political forces (including former guerrilla organisations). Interviews confirmed that women’s groups were not the most active CSOs in the constitutional reform process (Archila 2010). A network of women’s organisations and feminist groups did come together under an umbrella group entitled the *Mujeres a la Asamblea Nacional Constituyente*, which lobbied the National Constituent Assembly during the negotiations regarding the new constitution. This, and the spirit in which the new constitution was drafted, contributed to ensuring principles of equality on which subsequent legal gains in gender equality noted in Section 2 were grounded (O’Rourke 2013).

The opportunities created by the new constitution became a key feature and enabler of feminist action and women’s groups’ strategies in subsequent years. It profoundly transformed the country’s legal framework,

and the spirit of the text is the foundation of much of the progress that has been achieved in terms of women’s empowerment since its promulgation. In the words of the Mayor of Quidbó, capital of the Chocó region, who is both Afro-Colombian and indigenous, ‘I would not have gotten as far as I have gotten in electoral politics without the 1991 Constitution. That Constitution changed our vision of what is possible, and the provision of the law of the land, even if just on paper, provides tremendous backing’.

The 1991 Constitution is a highly progressive document, although its implementation remains problematic in many respects, not least because the conflict escalated in the period under review. Despite challenges, it has been a lynchpin of progressive political change in Colombia’s political economy and specifically in relation to women’s rights.

Key elements of the new constitution included, first, a more competitive political system that in principle allows for a broadening of political space beyond the traditional political elites. Second it created a Constitutional Court with extensive judicial review powers, which over the years has acquired genuine legitimacy. Importantly, the Court has been inclined to take expansive readings of the constitutional content and to be judicially active in monitoring public and political office. This has made it an important ally for women’s organisations, as has been the case for other activists such as human rights organisations and victims’ associations. The Court’s progressive stand has been evident in its rulings in support of the protection of rights, advancement of the principles of the Constitution, and holding the state to account for these – including in relation to conflict-related violence.

Third, the 1991 Constitution established an expanded Bill of Rights including explicit reference to social and economic rights, and to principles of equality and non-discrimination, the legal basis for which has been tested in the courts; and associated with this, the *tutela* writ – which gives legal standing to all citizens to initiate constitutional review of rights in the Constitutional Court. Of note is that article 22 of the 1991 Constitution established a right to peace, which has been of great importance in the court’s jurisprudence relating to transitional justice (O’Rourke 2013).

While the new constitution significantly reframed the formal ‘rules of the game’, and has been used as a basis upon which to structure progressive social and political agendas, including among feminists and women’s groups, it did not bring an end to the conflict. State–society relations have remained problematic, and the 1990s saw a transformation and worsening of the conflict, which resulted in the state responses discussed above. But importantly, the 1991 Constitution provided the normative standards to which women’s groups and others had recourse to hold the state to account. Moreover, women’s, human rights’ and victims’ groups have used it to ensure that policy and legal choices and the state response to the conflict have progressively been redirected in order to

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not deviate from the spirit of the constitution. For this, in addition to documentation and truth-telling exercises noted in Section 2, recourse to the new Constitutional Court was important.

### 3.1.2 Constitutional Court and judicial review framework

The Constitutional Court proved to be a remarkably progressive body that took upon itself to hold the state and government to account against the principles enshrined in the Constitution. Its extensive review powers have been proactively used by successive members of the Court to affirm and protect the expanded Bill of Rights, and in response to social and political actors' legal claims. Its progressive attitude is reflected in rulings that give substance to social and economic rights and group rights, compelling the state to meet its commitments through policy reform, as necessary (Uprimny 2006). Court rulings have often given explicit guidance on policy and legal reform, or redistribution of resources, required for the state to meet its obligations. Women's groups have been among the range of social and political actors that have used the Court to advance women's rights in a number of areas, ranging from decriminalising abortion to recognising the needs and rights of women IDPs, providing recommendations for redress where harm has been done, and acknowledging the gendered experience of violence in recommending reparations for female victims of the conflict.

The creation of the Constitutional Court thus resulted in a novel structure for progressive groups and oppositional actors to give visibility to social and conflict-related injustices. In the past decades, women and other movements (such as IDPs) have used legal mobilisation and litigation to advance their rights, seek redress and advance other transformative agendas. There are several examples of how women, conflict victims and human rights groups have used the Constitutional Court. Here we note some examples that have been especially significant in shaping transitional justice gains from the perspective of women's rights in the context of conflict, as well as some other key areas relating to other areas of social and political life.

In relation to the conflict, the Constitutional Court has ruled progressively in relation to a number of issues to take account of women's particular experiences of and vulnerability to conflict-related violence. Important rulings include, first, in 2004, Ruling T-025, which established that the living conditions of IDPs represented an unconstitutional state of affairs and a systematic violation of women's rights. The state was compelled to develop measures to provide remedy and address the specific needs of female IDPs. Of importance in this case is that the Court's ruling was to be relevant not only for claimants, but also for everyone living in such conditions. It also

ordered that monitoring mechanisms should be established to oversee compliance (Vidal-López 2012).

In 2008 the Court further added through Constitutional Order 092 that that Attorney General should investigate cases of conflict-related sexual violence, taking account of the gendered experience of conflict. The order signalled the disproportionate impact of violence on women. It ordered the state to proactively engage in preventing sexual violence against women in conflict, and during and after forced displacement. Furthermore it ordered the government to implement programmes to provide protection, comprehensive assistance, and the restitution of rights. These aimed to strengthen prevention and protection and to support restitution and reparations for women. There was also special mention of protection for indigenous and Afro-Colombian women. While the literature notes the government's limited response to the Court's order, it was nonetheless important in fuelling the mobilisation of displaced women and formally indicating the need for a more gender-sensitive approach to addressing the conflict (Meertens 2012). Finally, a ruling in 2010, T-45 ordered the establishment of a reparations and rehabilitation programme, to be underpinned by a gender-sensitive approach.

These cases have contributed to giving political visibility to structural gender-based discrimination through extreme forms of violence perpetrated against women in the conflict – despite the fact that the impact of such judicial activism has not always been fully effective in terms of reach and full implementation of the Court's recommendations. This strategic use of the Constitutional Court to address the systematic violation of women's rights in the context of conflict is an example of women's groups (as well as human rights' and victims' groups) effectively using the available institutional opportunities to shape the understanding of social and gender justice. The fact of a proactive Constitutional Court, and an enabling constitution, meant that women could use the law and litigation as a strategic means through which to contest gender relations and structural power imbalances in the context of conflict.<sup>17</sup> This judicial activism has also been central to shaping the mechanisms of transitional justice towards giving more voice to female victims. More widely, this application of a gender lens in the strategic use of legislation has contributed to the public debate on justice and impunity relating to the conflict, showing greater sensitivity towards all groups affected by the violence.

There have also been other important victories for women, not least of which was a controversial case on abortion. A lawsuit was filed by Monica Roa, a lawyer and project director at the Link Worldwide. The Court ruled in favour of lifting a ban on abortion that had been in place for over 30 years, with the effect that abortion was

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17 This has been underlined by other observers, for instance O'Rourke (2013) and Díaz and Marin (2013).

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decriminalised. It also ruled that abortion was permitted in three cases: malformation of the foetus; a risk to the health and life of the pregnant woman; and where pregnancy was the result of rape or incest (Reuterswärd et al. 2011).<sup>18</sup> In interviews, some activists suggested that the case had been filed prematurely, thus limiting the scale of ambition and scope of women's choice regarding abortion, not least because the ruling conceded that the state may still outlaw abortion in cases other than the three stipulated. There is consensus, however, that the legal mobilisation achieved significant public interest in the issue, which is quite important in view of the political and social presence of the Catholic church; more significantly, it fundamentally changed the terms of public debate on abortion in Colombia.

These are examples of strategic legal and political action by women's groups pursuing alternative routes to contesting the political order and gender-based inequalities, outside the formal political space. Importantly, the Constitutional Court became a legitimate institution. It carried moral weight, even if implementation of its rulings is far from effective – not least because of passive resistance to compliance by government bodies. The Court's recognition of the legal and constitutional validity of women's movements' claims is itself an important affirmation of women's rights in a highly patriarchal society.

From the perspective of women's movements and gender activists, the Court thus became an important institutional structure for enacting power struggles to rebalance gender relations and to advance women's rights. Using the law in this way became a particular feature of feminist mobilisation in the period in question, as the value of the 1991 Constitution and the Court came to be appreciated among women's groups. In particular, *Corporación Sisma Mujer*, an organisation founded in 1998, focused on using the law to contest power structures and 'as a realm of emancipation, as a realm where certain advances could be gained'.<sup>19</sup>

As with other cases that have advanced women's rights, and other progressive rights including those related to social and economic entitlements, the Constitutional Court has contributed to substantive legal and policy gains, and also to changing the public discourse on gender justice. It has been an important factor in bringing about change and provides an institutional structure that women's activists and gender advocates put to good use to advance gender equality, and to redefine the terms of public debate on these issues. Importantly, the strategic use of the law and judicial activism to achieve gains in women's empowerment drew on feminist legal activists in Colombian universities, in particular the University of Los Andes.

### 3.1.3 Critical junctures of political change relating to the conflict

The succession of conflict-related political developments, especially during the governments of Uribe and Santos, generated key moments of opportunity for strategic engagement with the political process to advance women's rights and the legal and policy gains noted in Section 2.

In part learning from the poor engagement leading up to the 1991 constitutional reform process, this has entailed a much more proactive (rather than reactive) approach to identifying critical junctures of change with which women activists could engage in order to shape outcomes. The succession of key policy decisions and legislative acts that have punctuated the state's response to the conflict – notably under the presidencies of Uribe and, later, Santos – have created both dilemmas and opportunities for women to engage with these political and legislative opportunities to contribute to shaping relevant processes. Women's groups have engaged strategically in different ways with these moments of political change – and with varying degrees of consensus among them. But importantly, these political moments have been taken up by feminist activists and women's movements to engage with policy debates, and to take ownership of understanding how conflict has affected women in order to give greater visibility to and address the gendered experience of conflict. Such moments of policy and legal change have thus provided a chance for women to contest and contribute to contesting and redefining state and legislative responses to the conflict.

Second, women's groups and feminist activists have used multiple approaches, within and outside state institutions, to ensure ongoing presence and commitment in relation to a range of conflict-related issues (discussed further in Section 3.3). These have included lobbying formal political processes to advance legal reform; documenting experiences of conflict-related violence with the aims of denouncing these both nationally and internationally; using strategic litigation to advance women's rights in conflict; working strategically with international agencies that support their objectives. These have not always been coordinated, and sometimes have been in tension, in part because of disagreements among women's groups, as discussed further below. The cumulative effect of women's strategic engagement in its multiple and diverse forms has, however, ensured that women's experience of the conflict has acquired a public visibility that is very new in Colombia's long history of violence.

In relation to transitional justice, as women have begun to organise against the war, mobilising discourse around issues relating to women's experience of the conflict has featured in very important ways in the strategic engagement of women's groups with the current political

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18 See Undurraga and Cook (2009) for an explanation of the Court ruling, in addition to Reuterswärd et al. (2011) and O'Rourke (2013).

19 *Corporación Sisma Mujer*, cited in O'Rourke (2013).



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process. This has included shaping wider understandings of the role of justice, truth and reparations for victims of the conflict (O'Rourke 2013). Some of the analytical discourse is rooted in feminist approaches to the conflict, where the emphasis is on giving visibility to the structural gender-based inequalities that are embedded in the experience of conflict *and* that reflect wider structural patterns of exclusion and discrimination.

Finally, women's movements have been active in lobbying the current peace process. The peace process began at the end of 2012 when, following initial rounds of negotiations, the main guerrilla movement, the FARC, abandoned the armed struggle.<sup>20</sup> Talks have since been taking place between the FARC and the government in Havana, with stops and starts, facilitated by the Cuban and Norwegian government. It is far from clear that the process will result in a resolution of the conflict, but it represents a major effort, on which President Santos has staked the success of his administration (*The Economist*, 2015). The formal negotiations are taking place largely behind closed doors. In August 2014, however, both parties agreed to establish a special commission charged with producing a report on the causes, conditions and features of the conflict. The report was an opportunity to record victims' experience of the conflict, as the peace process begins to engage with the thorny issue of how to incorporate mechanisms of transitional justice that address the legacy of violence. The key issue in setting up new transitional justice processes in the context of the peace talks is about how to ensure that no amnesty is granted to any of the parties that committed abuses (including the state security forces, the guerrilla movements and the paramilitary organisations). Importantly, women victims (such as María Eugenia Cruz, cited above) have given testimony on conflict-related sexual violence and lobbied the peace process to ensure that (women) victims are taken into account in a post-conflict political settlement. The vocal presence of feminists and women's groups among the lobbying groups in the peace process – fragile as it is – is an important achievement.

### 3.2 'Laws building on laws' as an iterative process of change

As discussed in Section 2, one of the important achievements in Colombia in terms of women's empowerment has been the passage of formal laws intended to increase women's representation in the formal political system and/or foster greater gender equality. In turn, these laws have laid the foundations for further

processes of reform. This helps to highlight the fact that change is gradual, iterative and non-linear in nature, with small incremental steps leading to further transformation.

The 2000 *Ley de Cuotas* is a good example. As noted in Section 2, the law established a quota of at least 30% of administrative and decision-making roles in the public sector to be allocated to women. It also became an important reference of progress regarding the advancement of affirmative action and a precursor to other reforms. During the review of the constitutionality of the law (which in part explains why it took so long to come into place), the debate on the principle of 'difference' on special measures contributed to developments in recognising the collective rights of specific groups, such as indigenous peoples and Afro-Colombians.

Legal change that leads to further legal change is thus an important contributing factor in women's empowerment. Moreover, the Constitutional Court confirmed that the law was constitutional on the basis that it gave substance to the constitutional principle of equality. It was also on the basis of the debates on equality that the Constitutional Court ruled that women's participation and inclusion should be guaranteed not only in public administration, but also in electoral politics. The *Ley de Cuotas* thus provided crucial legal grounding for Law 1475 of 2011, which establishes quotas for political parties, stipulating that women must make up *at least* 30% of candidates on electoral and party lists. This law is the most recent major legal achievement on women's political participation, although long-term consequences in terms of descriptive and substantive representation cannot yet be assessed. The *Ley de Cuotas* has also contributed to symbolic change, echoing findings in the wider literature on women's political participation regarding the *intrinsic* value of women's presence in public and political life as a measure of women's empowerment, irrespective of how far in practice this is instrumental in advancing gender equality or women's rights.

First, the law brought life to the debate on women's access to decision-making roles in Colombia. This is evident from the increased references in the press and to speeches and official communications in Congress, in the Attorney General's office and in the Constitutional Court, to the Quotas Law, to associated levels of women's participation and access to decision-making positions. Anecdotal evidence also suggests that the appointment of a woman as General Attorney has made a distinct difference to the state's engagement with conflict-related sexual violence: 'According to women's groups, the former Attorney General Viviane Morales demonstrated greater commitment than her predecessors to fighting impunity in cases of conflict-related sexual violence. In January 2012

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20 In August 2012 the government obtained approval for a reform of the Constitution defining a Framework for Peace (*Marco para la Paz*), intended to create forms of transitional justice and establish a legal basis for offering special treatment to former guerrillas and allowing them to take part in politics if a peace agreement is reached (Pfeiffer 2014; Melo 2013; Isacson 2014). In the current peace talks taking place in Havana, civil society, including women's groups, is not represented formally. Rather, inputs from civil society have been channelled indirectly (e.g. through regional and national fora organised by the Universidad Nacional and UNDP, or by victims engaging with negotiators).

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her Office published its policy on equality and non-discrimination' (ABColumbia 2013: 18).

Second, and associated with this, the law – and its slow implementation – makes visible conditions of inequality and gender-based discrimination, including in terms of what Guzmán Rodríguez and Molano Ayala (2012) call the 'democratic deficit' of women's under-representation in public and political life, and how this conflicts with the principles of non-discrimination and equality enshrined in the 1991 Constitution. This inequality was instrumental in giving rise to Law 1475 of 2011, which, as discussed, introduced quotas for women on electoral and party lists. Once again, this law is significant in terms of the symbolic value and demonstration effect of women being elected to office, which can help to shift values and social norms regarding gender relations and women's role in the political sphere. Third, both laws have provided grounds for legal action in relation to their implementation, which again lays the foundation for further progressive change.

### 3.3 Collective action: women's social movements

The presence of very active women's movements has been critical in securing gains for women. Colombian women's movements are diverse in the issues on which they focus, their capabilities and expertise, and their preferred approach. Their development is shaped by the wider political economy. For the 1990–2014 period, we pay special attention to women's responses to the gendered experience of conflict. In this respect there are some important differences and divisions. But the cumulative effect of their activism has been a central factor in securing gains in women's presence in political and public life, and influencing the emerging architecture of transitional justice and the state's response to the conflict, as described in Section 2.

Women's movements in Colombia have evolved around different issues and in response to different political conditions. Archila (2010) identifies four generations of women's movements that have mobilised around different goals. The first focused on getting women the vote in 1954. Until the 1960s, women's organisations were either paternalistic, and aligned with the political elites; or they emerged from the trade union movements with a focus on social justice. The second generation found roots in and coalesced around feminist debates in the 1970s related to the 1975 International Women's Conference in Mexico. This constitutes the beginnings of Colombian expressions of feminism. Women's social mobilisation was also rooted in the political left with which, as with other expressions of feminism in Latin America at the time, there was a tension because of the low priority the left in general attached to feminist demands. Among this second generation of women's groups there was a variety of socio-political profiles and ideological differences. For instance, there

were urban-based feminist groups, and grassroots women's movements that organised not only, or even primarily, around gender equality or feminist goals. An important division at this stage was in relation to whether women's groups should take part in formal political life and engage with the state – to do so was, some argued, to be complicit with the exclusionary political settlement. Other women's groups positioned themselves to lobby the constituent process of 1991 – and thus contributed to ensuring that the new constitution included women's rights. Since 1991, they have developed diverse strategies to address women's experiences of conflict and public debate about conflict-related politics.

A number of new national-level organisations surfaced at this time; some rooted in earlier expressions of feminism, others as a reaction to conflict-related violence. Major organisations of this period include: *Corporación Sisma Mujer*, *Red Nacional de Mujeres*, *Ruta Pacífica de las Mujeres*, *Iniciativa de Mujeres por la Paz*, *Mesa de Trabajo Mujer y Conflicto Armado* and *Humanas*. In addition, grassroots women increasingly began to mobilise in response to their experience of conflict and violence and its impact on them and their families.

These have been important expressions of women's social voice during the period under consideration, as has already been seen. There have also been varying levels of convergence and tension among them, mostly in relation to how to engage with the state and government responses to the conflict during the 1990s and 2000s. In particular, the issue of whether to take up some of the opportunities created by the controversial Justice and Peace Law under Alvaro Uribe was hugely divisive among women's groups (e.g. Koppell and Talbot 2011; O'Rourke 2013; Díaz and Marin 2013).

The key component of progress brought about by this mobilisation is that the range of women's movements and feminist groups (national and grassroots) have come to represent an important expression of women's political voice and influence in this period, from outside the formal political space.

First, they have been involved in organising around the need to address the conflict and its particular impact on women and their families. Related to this, they have been central in contesting and framing the terms of the debate on transitional justice, giving visibility to the consequences of the conflict, and to the urgency of addressing the (gendered) legacies of violence and impunity.

Second, women's organisations have continued to be visible in mobilising to advance policy and legal improvements in women's political participation. Women's groups contributed to shaping legislation and policy change. 'Women's organisations have been extremely brave. We owe them Law 1257 (on Violence Against Women)', according to Jineth Bedoya Lima. The increased visibility of women victims has attracted the backlash of heightened risks of threat and intimidation and the assassination of activists (ABColumbia 2013). But women's groups have

also strategically targeted policy-making and legislative processes to ensure that gender issues have progressively featured in measures and legislation regarding the state's response to violence (such as the Victims and Land Restitution law of 2011).

Third, women's groups have used a range of mobilising channels. We have noted the importance of the strategic use of judicial review through cases presented to the Constitutional Court to test the constitutionality of policies or conditions regarding the conflict and its impact on women. As noted, the scope of legal mobilisation to hold the state and government to account in relation to a wide range of issues is especially important and has contributed to shaping outcomes and public discourse relating both to transitional justice and to controversial issues such as abortion.

Fourth, women activists have also played an important role in facilitating processes of sensitisation and self-affirmation among women victims. This has helped them to move from victimhood to agents of change at the individual and collective levels. As noted by one displaced woman and activist:

*Women's groups played a fundamental role in the lives of women victims. They have helped us to open our eyes and become aware of our rights. They know the laws and international norms and they have accompanied us in our struggle. This has provided us with crucial backing as we interact with the government. Women's organisations have been essential in our individual and collective empowerment.*

This also contributes, as noted in interviews, to giving some measure of safety and protection from backlash. Individual victims especially noted the value of women's organisations 'accompanying them' in acts of denunciation or truth-telling that contribute to these processes of self-affirmation and recovery of self-confidence after trauma.

Fifth, women's organisations have used international networks to give visibility to issues of gender inequality. They have engaged in international advocacy, especially in the 2000s, to give voice to victims of conflict-related violence and visibility to its gendered nature. In doing so they have contributed to processes of self-affirmation that have nurtured the possibility of moving from victimhood to the possibility of individual and collective agency. This matters given the history of conflict. In the 1980s and much of the 1990s, international human rights groups focused generally on wider human rights issues, giving little attention to their gendered nature, as noted by O'Rourke (2013). By the 2010s, however, a gendered account of the conflict outside Colombia is much more visible. In part this reflects the growing attention by official donors and NGOs to women's experience of conflict, following the adoption of UNSCR 1325 and the establishment of an international agenda on women, peace and security (Domingo and Hinestroza 2013). For instance, the Global

Network of Women Peacebuilders (GNWP) is a recent form of transnational organisation and advocacy that, in collaboration with Colombian groups, contributes to international monitoring of the conflict and of state response to the violence (GNWP 2011). At the same time it also reflects the more strategic international mobilisation of women's groups and individual victims. Women such as Jineth Bedoya Lima have been especially vocal and effective in touring the world to give visibility through her own experience of violence inflicted on women victims in conflict.

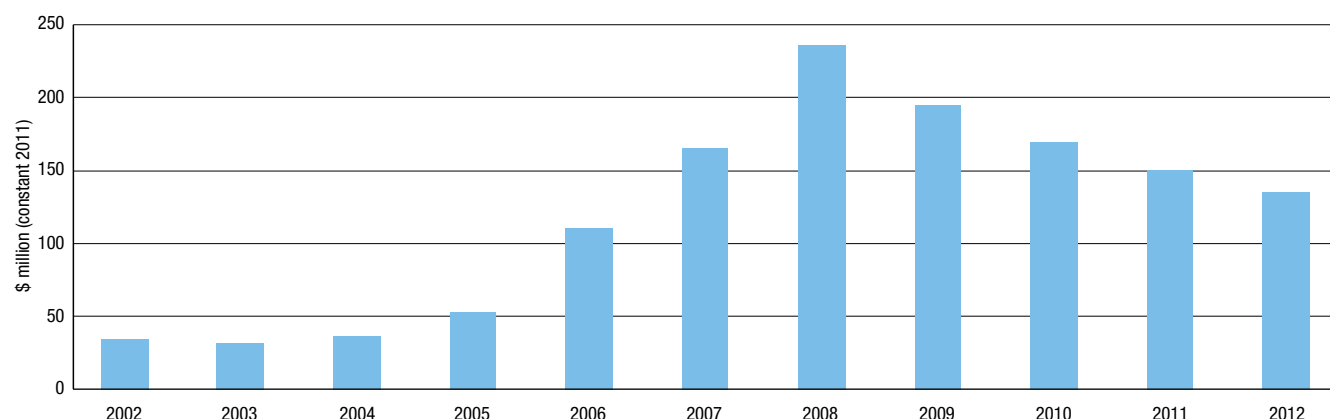
Key features of the strategic engagement by women's groups and gender activists include, first, an improved capacity for strategic political mobilisation and coalition-building. Whereas women's movements were not visible in the political process of negotiation leading up to the 1991 Constitution, there has since been a marked change in the ability to navigate the changed political and institutional environment to good effect, resulting in concrete advances in law and policy across a range of gender issues. This has included building strategic alliances with human rights organisations, with those mobilising around legal issues and with congressmen, creating a more enabling environment in formal political space and promoting gender equality agendas (Córdoba 2002). Second, feminist activists and women's groups have a growing range of expertise, deployed across different forms of engagement. For instance, legal expertise has become especially valuable in the context of the increased recourse to strategic litigation. Finally, gender activists have increasingly made more strategic use of different media to denounce injustices and acts and consequences of violence and displacement resulting from conflict. This contributes to sensitising the general public and the international community of the nature of women's experience of patriarchal and gender-based discrimination.

### 3.4 Contributing international factors

International factors have also contributed to supporting women's empowerment in conflict in a number of ways. Colombia is a middle-income country that receives official development assistance (ODA). The largest donor is USAID. Much of the ODA has been focused on eradicating the production and trafficking of drugs (through Plan Colombia). But there has also been aid to support women, human rights organisations and victims' associations – notably in relation to the international agenda on women, peace and security, as noted by key informants. Here we especially highlight three international factors that have contributed to enhancing women's political voice, particularly in the context of conflict.

First, international support to women's organisations has been fundamental in ensuring their presence and capacity to mobilise. In terms of volume, Figure 2 (overleaf) shows an increase during the 2000s in ODA to support women's empowerment, peaking in 2008. It

**Figure 2: Total commitments to projects targeting gender equality and women’s empowerment by OECD Development Assistance Committee members (2002–2012)**



Source: OECD Creditor Reporting System (<http://stats.oecd.org/#>)

was not possible for this study to disaggregate the volume of ODA further, but informants and other sources drew attention to the important role of support in enabling women’s organisations to survive.

UN Women (formerly UNIFEM, through UNDP) was cited in interviews as especially important in supporting women in conflict, for instance through support to women’s organisations under the Women, Peace and Security agenda. This has previously been directed through governance-related aid and support for women’s political empowerment. More recently the UN Women’s office in Colombia has an agenda devoted to addressing the gendered experience of conflict (Domingo and Hinestroza 2013). Relevant ODA has also come from the Spanish donor agency AECID, Sweden, and, in smaller proportions, the Netherlands, the Canadian International Development Agency (CIDA) and Norway. But while this has been important, research and interviews underlined that the achievements highlighted in this study were the outcome of local processes. The most effective support has been where international agencies have supported locally driven processes and agendas (Díaz and Marin 2013; Domingo and Hinestroza 2013).

Second, and related to this, it is important to highlight ‘ways of working’ that have been most effective in how international agencies have supported women’s empowerment in the context of conflict. More traditional forms of engagement have included funding for capacity development and training, technical support, logistical support to the different areas of memory and truth-telling, justice and reparations as well as political voice, as noted in Section 2. This has included, for instance, strategic support for the research and publications of such organisations as CNRR and CMH, as well as the Victims Unit and the Land Unit, with a focus on gender. It has also included providing technical support to the development of the Victims and Land Restitution Law to various entities,

such as the Victims Unit, the Public Prosecution Office and the judicial branch, including on the systematisation of jurisprudence. Their effectiveness has, however, been mixed (Hayek-Weinmann 2012; Domingo and Hinestroza 2013).

Of particular interest is donor agencies ‘accompanying’ or facilitating and playing a brokering role in a context where the risks of activism are high, and where there is considerable distrust between different actors. Women from grassroots organisations and activists, for instance, particularly noted that international donor agencies could contribute to providing protection and enhancing their recognition vis-à-vis government and public officials (Domingo and Hinestroza 2013; Domingo et al. 2013b).

The third relevant factor is the role of international human rights bodies and Colombia’s commitments to international human rights conventions, at least in giving visibility to the scale of the violence and impunity. Given the importance of the use of law and legal mobilisation to obtain results, research highlights this as an important factor (O’Rourke 2013; ABColombia 2013; Díaz and Marin 2013). While impunity remains hugely problematic and state bodies have been denounced for flouting international human rights commitments, there are reputational costs for successive Colombian governments, given that they aspire to claim that they govern through the rule of law.

There are four related aspects of international human rights law that are relevant to the achievements in women’s rights identified in this study. First, the Colombian Constitutional Court has ruled that within the framework of the 1991 Constitution, international human rights conventions to which Colombia is signatory have constitutional status and trump domestic law. Second, the Constitutional Court takes into account international human rights jurisprudence, including in relation to women’s rights. This has also been reinforced by close alliances between women’s movements and human rights organisations – and especially capitalised

on by active feminist lawyers engaging in strategic legal mobilisation in relation to women's rights in conflict (O'Rourke 2013). Third, the Inter-American Commission and the Inter-American Court of Human Rights have also reported on the scale of conflict-related violence affecting women, further adding to the pressure on the Colombian government (O'Rourke 2013). Finally, the International Criminal Court (ICC)<sup>21</sup> in The Hague is closely watching the peace process in terms of how transitional justice is being negotiated, including justice and redress for sexual violence perpetrated in conflict (ABColumbia 2013). The presence of Colombian feminist organisations with legal expertise, such as *Corporación Sisma Mujer*, has been important in being able to capitalise on Colombia's international human rights obligations in the context of their strategic use of the law and the Colombian Constitutional Court.

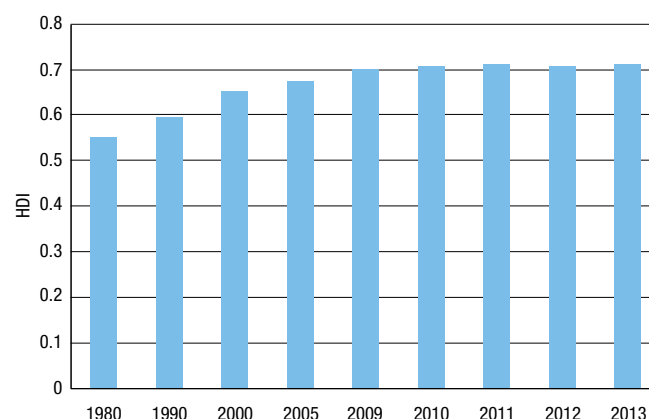
All of the factors discussed above have been relevant insofar as they have effectively engaged with local capabilities and processes. Women's empowerment has not been imported via ODA. Rather, the effectiveness of international factors has been the result of engagement with processes of empowerment located within Colombian society.

### 3.5 Gains in gender equality: long-standing social and economic indicators of progress

If we look at more structural indicators of women's empowerment it is important to consider progress in relation to changes in the social and economic indicators of gender equality. In the period under review, these changes have contributed to improving women's position in society. They contribute to building capabilities that enhance the capacity for agency and empowerment (Nussbaum 1995). Our case study focuses on political voice and women's empowerment in relation to the conflict, and the analysis and qualitative data do not seek to explain gains in social and economic indicators of gender equality. Moreover, the data and literature reviewed seldom established any strong causal connection between changes in social and economic gender equality and progress in women's political empowerment and agency in shaping transitional justice and peace processes. Indeed, an important knowledge gap identified in the secondary research concerns the lack of connection between analysis and data relating to women's experience of violence and conflict, and existing data on education, health and labour (*Casa de la Mujer y Ruta Pacífica* 2010).

It is, however, relevant to pay attention to trends relating to improvements in gender equality in the social

**Figure 3: Colombia's progress in the Human Development Index (HDI) (1980–2013)**



Source: UNDP, 2014

and economic spheres because these are important in a country characterised by very high levels of inequality.<sup>22</sup> Moreover, it is inequality, embedded in structural patterns of political, economic and social exclusion and discrimination, that has led to the conflict. In other words, improving trends in gender equality need to be set in the wider context of inequality and exclusion. This is important since research on horizontal inequalities highlights the relevance of gender inequality, among others, as a predictor of conflict (Brinkman et al. 2013).

Colombia ranks 98 out of 187 countries recorded in the Human Development Index (2013).<sup>23</sup> Still, there has been some overall progress on Colombia's human development indicators since 1990 (see Figure 3). There has also been progress in relation to overall inequality over the past 15 years, although this remains deeply problematic.

Overall, there have been sustained improvements in education, economic and health indicators in relation to gender equality. In education, the female literacy rate outpaced male literacy in 1996 and this trend has continued (see Figure 4, overleaf). Girls' enrolment in primary education has remained lower than that of boys, although in secondary and tertiary education, women outperform men (World Bank, 2014); and women's secondary completion rate has been consistently better than men's since 2001 (World Bank, 2014).

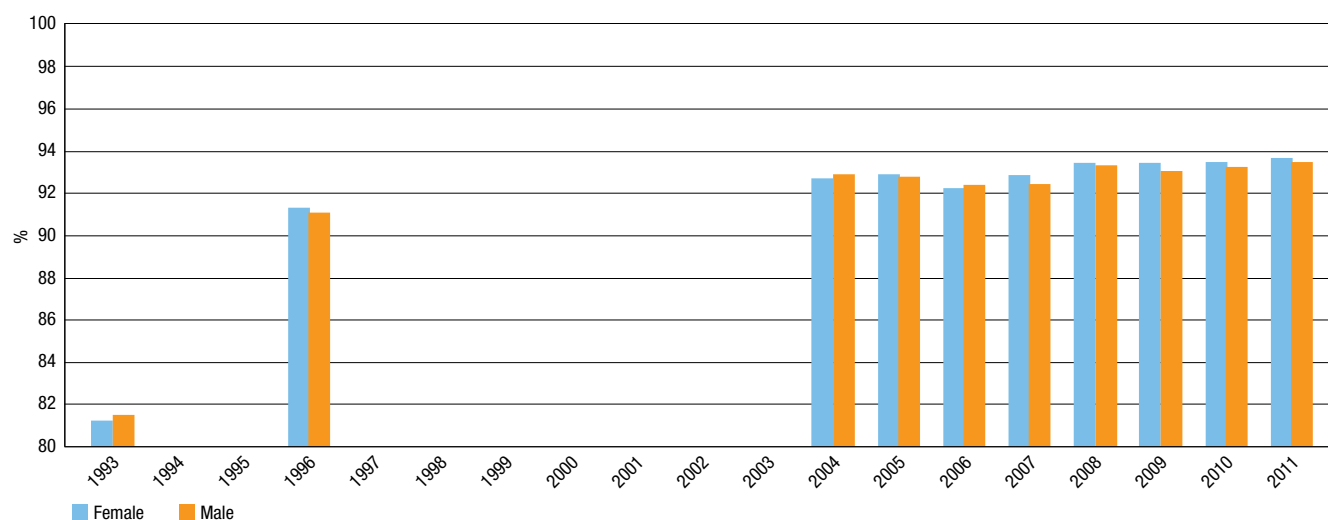
In relation to women's participation in the labour market there has been a relatively sustained level of progress since 1990. In 1990 women made up 29.93% of the labour force. By 2012 they represented 42.66% of the labour force (World Bank, 2014).

21 International Criminal Court (2012) 'Situation in Colombia Interim Report, November 2012', paragraphs 20 and 22, cited in ABColumbia (2013).

22 The correlation between different dimensions of inequality and conflict is a recurrent finding (including horizontal inequality, following research findings from CRISE in Oxford) and conflict. Findings also confirm consistent correlations between gender inequality and other indicators of inequality and conflict.

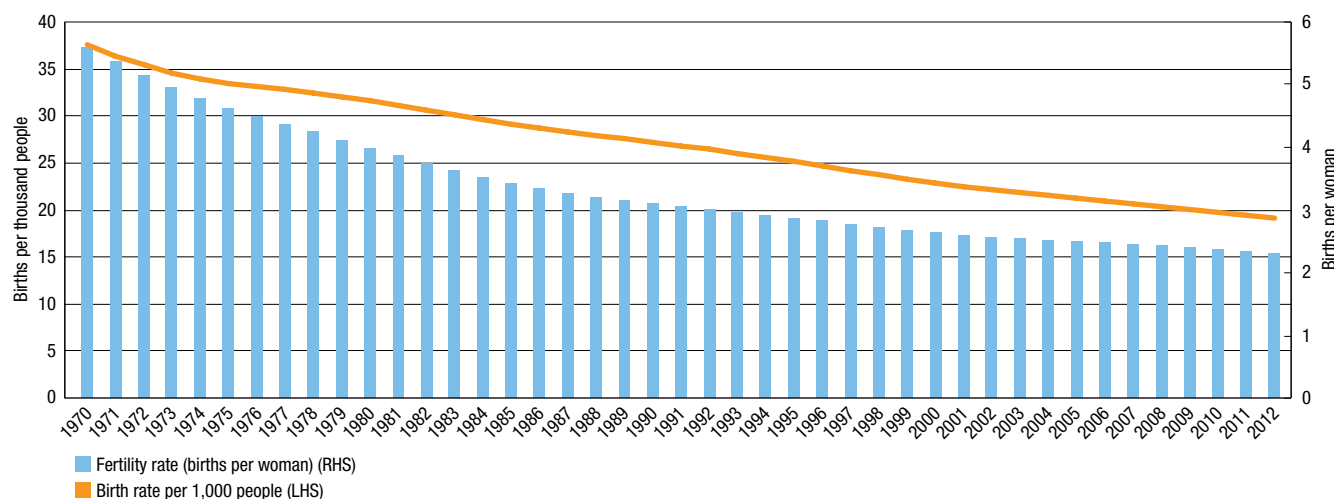
23 See <http://hdr.undp.org/en/content/table-1-human-development-index-and-its-components>

**Figure 4: Sex-disaggregated adult literacy rate (aged over 15 years) (1993–2011)**



Source: World Bank, 2014

**Figure 5: Birth and fertility rates (1970–2012)**



Source: World Bank, 2014

Finally, there have been important changes in reproductive health since 1990 and maternal mortality rates have improved consistently since 1994. There has also been a decline in fertility (Figure 5), which is an important element of women’s empowerment (Malhotra 2012). Malhotra suggests four ways in which fertility and gender relations are interconnected: ‘childbearing is valued less and therefore motivation to subjugate women has decreased; sexuality is distinguished from procreation; women allocate less time to childbearing and childrearing; and, contraception provides women opportunity to balance reproductive and non-reproductive goals’ (Malhotra 2012: 3).

These general trends in greater gender equality are significant in contributing to enabling political voice and

agency for women. Little is known, however, about how progress in gender equality correlates with the conflict or with differences based on urban, rural and ethnic background. This is important since, as Díaz and Marin (2013) point out, illiteracy is common among the victims of violence. This suggests the need for research that focuses on the associations between inequality more broadly, gender-based inequality and the patterns of conflict-related violence.

It is nonetheless important to acknowledge that steadily improved gender equality indicators in education, work and reproductive health constitute the foundations for the necessary capabilities to make political and legal gains in women’s empowerment sustainable over time.

## 4. What are the challenges?



Women protesting against war. Photo: © Natalio Pinto.

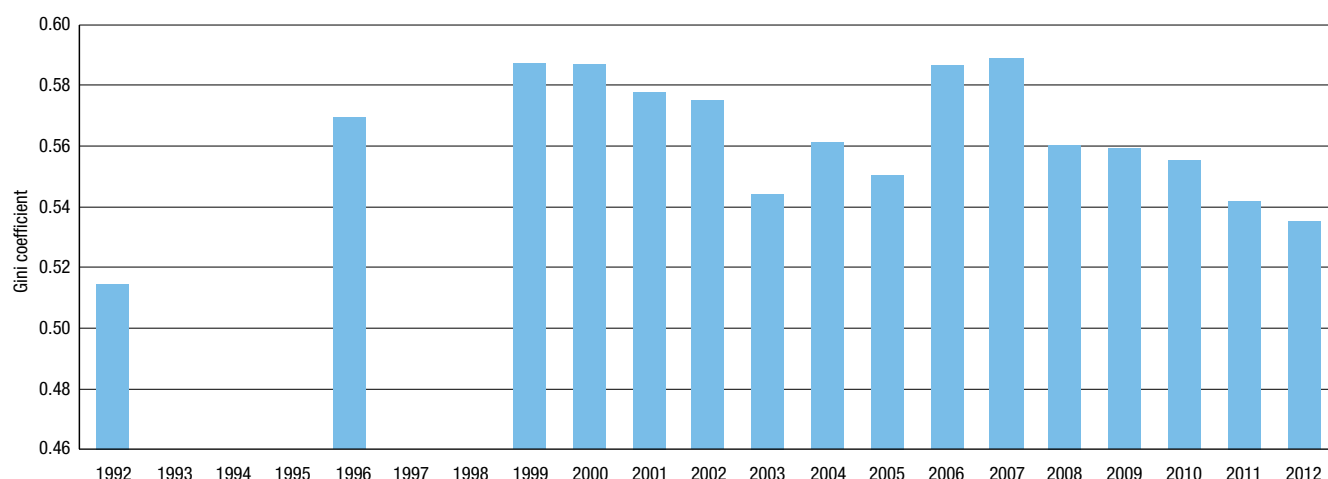
Women's achievements in navigating conflict and a political system that remains deeply discriminatory are hugely important and deserve international recognition. At the same time, however, Colombian women face major challenges, both in terms of gender inequality, and because so many women continue to experience constant conflict-related threats and intimidation.

There are several caveats regarding the gains relating to women's agency and gender equality. First, current research on the conflict in Colombia consistently underscores that, while it is important to acknowledge gains that have been made, it is equally important to acknowledge the challenges facing all victims of the violence, and specifically women's experience of conflict. Gains thus need to be qualified in terms of their somewhat modest reach and transformative effect, not least because the conflict remains unresolved, and conditions of threat, intimidation and backlash persist (O'Rourke 2013; ABColombia 2013; Vidal-López 2012). Second, and related to this, is a concern that overstating success risks losing sight of the fact that the vast majority of conflict-related victims

have to date not benefited from the current mechanisms of transitional justice, while the underlying structural conditions of injustice remain largely unresolved. Third, women's movements are not unified – there are important divisions regarding how (and how far) to engage with the emerging mechanisms of transitional justice and the state more broadly. These caveats are important, but are also unsurprising given the conditions of conflict. As evidence and experience not only from Colombia but also from other (post-)conflict settings suggests, in general success in women's empowerment tends to be in the form of piecemeal gains (Domingo et al. 2013a; Tripp 2012).

Thus, major outstanding challenges undermine the progress noted earlier and need to be taken into account in determining how the international community might most effectively support gains for women in Colombia. In this section we first consider the significance of ongoing conflict since Colombia has not yet reached a 'post-conflict' settlement. Second, the conflict and associated patterns of inequality are deeply gendered, and it is important to highlight the specific issues and challenges facing women

**Figure 6: Colombia's Gini coefficient (1992–2012)**



Source: World Bank, 2014

in relation to the conflict. Third, we look at the divisions among women's movements and politicians, and how these undermine unity of purpose, regarding both how to address the conflict, and how to prioritise among gender equality objectives. Finally, we consider constraints associated with engrained patterns of gender-based discrimination and patriarchy, and how these feature in political life.

#### 4.1 Unresolved socio-political grievances, and the fragile peace process

The challenges facing Colombian women in relation to gender inequality and discrimination cannot be dissociated from the wider political economy of the history of the conflict. The first issue, therefore, lies with the political settlement in Colombia, and the fragility of the peace process. The current peace talks are not the first of their kind in Colombia's history. The peace process resulting in the 1991 constitutional reform seemed promising at the time. Yet, it ultimately failed to prevent a deterioration of the conflict and the transformation of armed groups through the 1990s and 2000s. Armed organisations have transformed and resurfaced in response to various interests and actors (e.g. landed elites, drug trafficking, paramilitaries, guerrilla movements) who continued to challenge the political order of the 1990s.

The features of the underlying political settlement, including the role of the church and patriarchal social norms (and how these are manifested at the local/regional levels), have proven remarkably resilient. Although the consolidation of the institutional mechanisms described earlier was intended to address the legacies of the violence and respond to victims' grievances, the root causes of the conflict have not been addressed and there has, as of yet, been no substantive re-articulation of the political settlement

relating to unresolved issues of land, inequality and deeply entrenched structures of exclusion. The transitional justice mechanisms are important in making visible the scale of the issues relating to conflict, in terms of violence, displacement and loss of land and livelihoods (Meertens 2012). These are especially problematic in rural areas where the implementation of progressive laws is actively resisted by vested interests in the patriarchal social order.

In relation to inequality, while there has been overall progress since 1990 (see Figure 6 on the Gini coefficient for Colombia, which is a measure of income inequality), Colombia is still one of the most unequal countries in the world. This remains a deeply problematic feature of the country's development, and is a central underlying cause of violence and conflict. For the peace agreement to result in a substantive redistribution of resources (including more substantive land reform), a meaningful shift in the elite bargain will be required. We examine further below the gendered nature of inequality. The key point to note here is that that it is inevitably enmeshed in the wider socio-political structures of inequality in Colombia.

Finally, there are too many unknowns regarding what will be achieved in the current peace talks, and the degree of acceptance and legitimacy the outcome will command within the wider population. It is also not clear whether the peace process will result in a renegotiation of the political settlement, given the multi-dimensional character of the conflict and the fact that there are many vested interests in *not* reaching an agreement with the rebel forces (Herbert and Rocha Menocal 2014).



## 4.2 The gendered face of inequality and conflict

As the peace process evolves, there are concrete problems in relation to gender relations in Colombia, in particular the gendered nature of inequality and conflict.

### 4.2.1 Gender-based inequality in conflict

First, women continue to experience inequality in relation to men. Figure 7 shows the entrenched patterns of gender-based inequality in relation to human development – notwithstanding the trends in improved indicators relating to education, labour and reproductive health that have been noted. Of particular interest is how this intersects with women's experience of conflict and other social divisions associated with exclusion and discrimination.

Data is patchy and contested, but there is a growing body of work based on official figures, reports from memorialisation and other secondary sources. The conflict is experienced in gendered ways. Díaz and Marin (2013) report that while most casualties are men, women account for 68% of those who register claims before government institutions, including the transitional justice mechanisms.

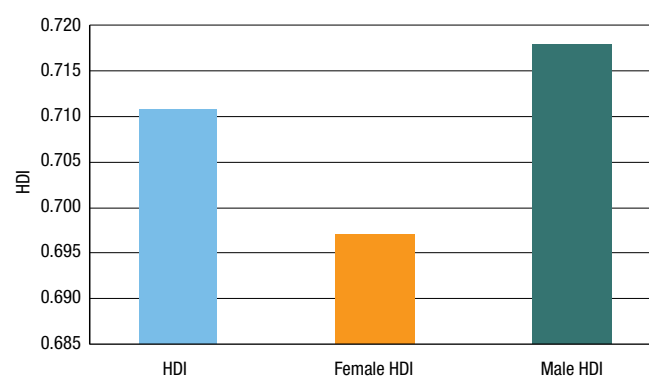
Existing research also suggests that women who are affected by the conflict are often also vulnerable to inequality and exclusion in various dimensions. First, women who are subjected to violence seem to be less educated and often illiterate. Díaz and Marin (2013) show, for instance, that of 30.5% of women who have registered a claim with a prosecutor's office have never attended school and that 44.9% have attended only primary school. Among IDPs, overall illiteracy is far higher (29.5%) than the national rate (6.9%) and, of these, women have a higher rate of illiteracy (30.8%) than men (27.9%) (Díaz and Marin 2013).

Ethnicity also intersects with gendered vulnerability to conflict. For instance, an Oxfam report (2009) pointed out that Afro-Colombian and indigenous women are especially vulnerable to gender-based violence; and that they are particularly likely to under-report cases of abuse because of their limited access to mechanisms of redress over and above discrimination and geographical isolation. Afro-Colombians make up 26% of the population, and experience high levels of marginalisation and socio-economic disadvantage. Tellingly, more than 30% of the IDPs are Afro-Colombian, and of these half are women (Oxfam GB 2009).

### 4.2.2 Conflict-related violence

Data on the incidence of gender-based violence is inevitably difficult to obtain due to under-reporting. According to

**Figure 7: Colombia's Human Development Index (HDI), disaggregated by sex**



Source: UNDP, 2014

data from the first survey on conflict-related sexual violence for the period 2001–2009, and drawing on data from 407 municipalities in which there are armed organisations, there are an estimated 489,687 women affected by direct forms of sexual violence (Sánchez et al. 2011). Numerous reports generated by research institutes (such as DeJusticia) and national and international CSOs testify to the scale of such violence against women, and to the lack of recourse to reporting or to the criminal justice system.<sup>24</sup>

Oxfam GB (2009) reports that between 60% and 70% of Colombian women have experienced some form of violence, whether physical, psychological, sexual or political. It is also estimated that up to 90% of cases of sexual violence go unreported.<sup>25</sup> Conflict-related sexual violence takes multiple forms, and has considerable debilitating effects on the affected and wider population (ABColumbia 2013). At one level it is an expression of the deeply patriarchal structures and patterns of gender-based discrimination, and this is in turn aggravated by the reinforcement of masculinities of violence and conflict (Theidon 2009). One report cites the longer-term impact as 'high levels of domestic violence committed by former combatants as an effect of militarised masculinity' (Saferworld 2014).

There is also the use of threats, intimidation and terror as a means of social control. In addition, constant intimidation is intended to ensure impunity by 'silencing' victims from reporting on this and other crimes. It is also clear that sexual violence is not sporadic but a standard feature of the armed conflict – perpetrated by all armed organisations – and women and children tend to be the vast majority of the victims. Conflict-related sexual

24 Guzmán Rodríguez and Prieto Dávila 2013c; Sánchez et al. 2011; ABColumbia 2013; GNWP 2011. See also a report by Colombian women's organisations presented to Margot Wallström, Special Representative of the Secretary-General (SRSG) on Sexual Violence in Conflict (2010–2014), Red Nacional de Mujeres et al. (2012).

25 Cited in Oxfam GB (2009), from data from the Colombian National Institute for Legal Medicine and Forensic Science (*Instituto Nacional de Medicina Legal y Ciencias Forenses*).

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violence has multiple effects on victims, including physical, psychological and social stigmatisation, that touch on many aspects of everyday life. It is also one of the main factors driving displacement, along with forced land eviction (Oxfam GB 2009; ABColombia 2013, 2015). Díaz and Marin (2013) note, for instance, the impact on schooling as a result of victims being stigmatised.

### 4.2.3 Impunity and weak rule of law

An important feature of the Colombian political system in the context of ongoing armed conflict has been that the rule of law remains weak and the implementation of the emerging mechanisms of transitional justice has been uneven and limited. This, in addition to the resilience of patriarchy and discriminatory social norms, means that it is important to be realistic about how quickly legal gains can translate into behavioural and attitudinal changes. Moreover, in conflict-affected contexts the risk of backlash is especially high, so that progress is rarely experienced in a linear fashion.

Colombia, paradoxically, has a sophisticated legal tradition. Moreover, as noted, the Constitutional Court has been a space in which to develop mechanisms of accountability and redress, including for conflict-related grievances. This tradition – and the capabilities associated with it, including in women’s movements – has been an important element in bringing about change. At the same time, there remain major barriers to obtaining access to justice, especially for women victims of the conflict. Women continue to face entrenched gender bias and stigma in relation to their experience of sexual violence, which is reproduced in the ordinary and criminal justice systems.

The barriers to access to justice thus remain formidable. While there may be formal laws intended to protect women’s rights, their implementation remains an enduring challenge. ABColombia (2013), Díaz and Marin (2013) and Guzmán Rodríguez and Prieto Dávila (2013c), for instance, document the difficulties of altering attitudes and practice in the criminal and ordinary justice systems in dealing with cases of conflict-related sexual violence, and handling cases relating to the mechanisms of transitional justice established since the turn of the century. In this respect, informal rules continue to trump formal ones, and this is an issue that has limited the effectiveness of laws intended to empower women, not only in Colombia but also beyond. The Development Progress case study on political voice and women’s empowerment in Morocco vividly illustrates this challenge (Castillejo and Tilley 2015).

## 4.3 Divisions among women’s movements and female politicians

Women’s movements in Colombia have a history of political and social fragmentation. In part this is associated with the political polarisation that characterises the socio-political context of conflict, where political identities

are sharply divided – and this in turn is reflected among women’s groups. There also seem to be some generational dynamics at work, with women from different generations having markedly different priorities and ideas about how to work towards achieving change, especially in terms of how the struggle for women’s empowerment should engage with the state (or not). Moreover, women have mobilised not only around feminist identities, but also across a range of practical issues, with varying levels of convergence regarding the political process, and in successive attempts to address the conflict. The process under the Uribe administration (2002–2010) was especially divisive in relation to how and whether women’s organisations should engage with conflict.

As elsewhere, it is also true that, given the peculiarities of the party system, women in formal positions of power and political participation are more inclined to prioritise party politics over agendas of gender equality. While as has been noted the women’s caucus in Congress has at times been able to overcome political differences to act collectively on gender issues across divides, according to Córdoba (2002), the number of congresswomen who are committed to prioritising or supporting gender equality agendas remains small. Indeed, Guzmán Rodríguez and Prieto Dávila (2014) found that different ‘generations’ of congresswomen have manifested varying levels of convergence around women’s issues and commitment to gender equality policies. Concretely, for instance, the congresswomen for the 2006–2010 legislature – and the women’s first caucus – was much more inclined to engage with gender equality agendas, including debating the issues among themselves and identifying ways forward, than their successors. Again, however, this is not unique to congresswomen in Colombia and, as much literature on this subject suggests, there is no reason to assume that women will automatically band together simply because they are women (as reviewed in Domingo et al. 2015).

## 4.4 Entrenched gender bias in formal political life

The weight of discriminatory social norms is also prevalent in day-to-day congressional affairs (Córdoba 2002). Women have not been appointed to high-level congressional positions, and the gender bias in congress has been identified as a factor explaining its refusal to approve the establishment of committees to oversee compliance with international norms and commitments on eliminating gender-based discrimination. It is also viewed as a major reason for Colombia’s relatively tardy adoption of quotas for women, highlighting the need to address more effectively women’s social and economic participation.

As noted above, compliance is also an issue of deep concern. Implementation of formal rules and laws, such as quotas in both public office and electoral politics, remains

patchy, and reporting is highly variable across the country and at different tiers of government (Mesa de Género 2011; Guzmán Rodríguez and Molano Ayala 2012). For instance, for years different tiers of government have failed to meet the requirements of the Quota Law, but there are no real sanctions for non-compliance. Accountability mechanisms either do not exist or are extremely weak.

For instance, in terms of oversight, the Department of Public Administration has carried out systematic follow-up of implementation of the law since 2004. However, the Attorney General's Office, in charge of taking action against non-compliant authorities, has not been effective in this respect. The absence of an effective gender machinery was cited as a weakness in ensuring proper oversight. The national institution in charge of gender policies is the High Presidential Council for the Equality of Women. It lacks technical and financial resources, and although it has carried out some dissemination and awareness-raising actions, the general perception is that these will not have a sustainable impact (UNDP 2012). The lack of compliance also reflects a lack of commitment and poor monitoring mechanisms. In addition it has been noted that there is a tendency to see the 30% quota as a ceiling rather than a minimum level of women's participation. Guzmán Rodríguez and Molano Ayala (2012) show that women account for no more than 40% of decision-making posts in any given area.

Women's organisations have been active in monitoring the implementation of the *Ley de Cuotas*, notably through the Observatory for Women and Political Participation. This consists of several women's groups in academia and the NGO sector. It has not always been easy for these organisations to devote the resources and energy required to monitor this law consistently over time, however. In a context of continuing conflict, other issues may need to be prioritised, and this often calls for making choices and compromises (UNDP 2012). As one leading women's activist observed:

*Corporación Sisma Mujer was able to make a great effort regarding quota follow-up at the local (and not national) level, in four or five departments, with financial support from international actors like the Inter-American Development Bank. However, the challenge of sustainable funding for a particular objective has meant we were not able to continue working on political participation as other issues were prioritised...? (Interview for this case study)*

Interviews with female politicians further confirmed the male bias that dominates formal politics. As echoed in the wider literature on women and political participation, women politicians face the problem of navigating the web of informal relations and political interactions, where key decision-making processes are often made. This includes the kind of networking that takes place in closed-door meetings and social networks among male politicians to which, in practice women often have only limited access.

#### 4.5 Women's empowerment and equity issues

While important progress has been made in Colombia in terms of empowering women, especially against a backdrop of ongoing conflict and violence, this progress has also been uneven across different groups of women. Severe inequities persist across regions and between different income groups. For the most part, it is well-educated and urban women who have been able to benefit the most from the gains made, while women in rural areas, who are often poor and illiterate, continue to lag behind – and are also much more exposed to the risks of gender-based violence, discrimination, displacement, etc. This bias in socio-economic conditions and access and opportunity is also clearly visible in the kinds of women who have the means, education, skills and even basic inclination to enter the formal political and policy-making arena. Women like the Mayor of Quidbó from the Chocó region, featured earlier in this case study, who came from a very poor rural background and overcame all sorts of challenges and discrimination to achieve political office, continue to be rather exceptional.

This poses serious questions about equity and about whether women from disadvantaged areas and backgrounds can become empowered and articulate their voice effectively. Often, these women lack fundamental awareness of their rights to demand redress, not to mention the kinds of resources that are needed to participate in political life and gain access to positions of authority and decision-making. The persistence of such inequity among women of different strata suggests that women's empowerment and increased voice is not sufficient in itself to address issues of inequality, and much more needs to be done to level the playing field so that less privileged women can benefit from the gains that have been made more thoroughly and consistently.

**‘Colombian women face major challenges, both in terms of gender inequality, and because so many women continue to experience constant conflict-related threats and intimidation’**

# 5. What lessons can we learn?



Women's rights celebrations. Photo: © Universidad de Antioquia.

Colombia's experience of women's empowerment is embedded in a wider process of political transformation and the legacies of conflict. It is an inspiring experience of collective progress in a context of great adversity – women overcoming conflict to further their rights and agency, and gaining political influence and visibility to achieve gains in gender equality and empowerment in the face of gendered experiences of violence. Moreover, the case of Colombia represents interesting approaches to shaping the public debate and policy on issues of accountability and justice to seek redress for the damage caused by conflict.

This case study also highlights the importance of understanding empowerment as a long-term, multi-level and iterative process of change between political reform, which opens up space for women's individual and collective action and agency, which stimulates change through mobilisation in different spaces.

The gains in women's voice in Colombia since 1990 are linked with a long-term process of political change that offered opportunities to renegotiate the political and public discourse of conflict from a gender perspective, and helped to enhance progress on women's rights. The legal and institutional framework created by the 1991 Constitution was especially important. Collective action and strategic engagement with the political process during the 1990s and 2000s have been strengthened. Women's groups and gender activists – including in the formal political sphere – are now better placed to make a difference in the current peace process and in wider policy-making.

Noting the challenges of pushing for changes in gender relations in the context of conflict has led to new ways to understand and envisage state–society relations and rights-based citizenship. Women's groups and gender activists have been highly effective in generating powerful

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arguments for women's rights and mobilisation strategies in response to an emerging political and institutional architecture of transitional justice. They have done this through deploying a range of approaches. These have included: contestation, denunciation and legal mobilisation around conflict-related injustices, including gender-based violence, displacement and dispossession, as well as truth-telling and documentation of these experience; strategic political engagement and negotiation both to critique and also to engage constructively with the state to reframe legal change and state responses to the conflict, resulting in an increasingly 'gendered' approach to transitional justice; and engagement with women IDPs and other victims to nurture the transformation from victimhood to agency. The gains in advancing gendered understandings of the conflict have served to give greater visibility to the scale of the impact of the conflict on Colombian society, including in the private sphere.

The achievement of women's empowerment is especially remarkable given that it has taken place not only against the backdrop of conflict, but also in a context characterised by deeply entrenched socio-economic, ethnic and cultural inequalities, which moreover are gendered. The process of empowerment has not been linear, and women are far from being a homogeneous group united around a gender equality agenda. Since Colombia is a deeply fractured and unequal society, women also have multiple identities and interests that may not overlap.

From the perspective of international support for women's rights in Colombia, the major lessons that can be drawn from this case study include the following:

- **Women's empowerment is a protracted and multi-level process of change.** It involves iteration between political reform, which opens up space for women's individual and collective action, and agency. In Colombia, the political economy of conflict combined with political change over time has been the backdrop for women's increased agency and influence. The experience of women's empowerment in Colombia illustrates the gradual nature of change as incremental steps that facilitate further changes and reforms in a challenging context.
- **Formal rules and rights have been essential in facilitating women's empowerment.** They have enabled women to make claims on the state and seek redress on the basis of those rights. The increased presence of women in the formal political arena also has symbolic importance, helping to shift social norms relating to gender relations and power structures. While gains in policy and law are a key ingredient of change, implementation remains challenging, reflecting underlying and often informal institutional and power dynamics that continue to slow down progress in gender equality.
- **Agency and collective organisation are instrumental in bringing about change.** Women's movements and feminist groups have been central in contesting gender-based inequality and in pushing for change. Strategic dialogue and negotiation in formal political spaces among gender advocates and policy-makers (e.g. the women's caucus in Congress) have also been crucial in shaping policy and legal reform to advance women's rights and gender equality agendas.
- **The experience of women's empowerment in Colombia shows that progress is uneven.** Increased empowerment and political voice for some women have not on their own been able to address issues that lie at the core of the politics of inequality, including differential power and access to rights and resources held by different groups of women. It is therefore essential to look at how gender-based inequality and vulnerability to conflict-related violence intersects with other inequalities based on class, ethnicity and the urban–rural divide.
- **Given the politically complex processes of change underlying women's empowerment, international support that is flexible and adaptive is more likely to accommodate contextual realities and political economy dynamics.** In line with current debates on the need for international actors to be politically strategic, support to women's political power and influence needs to align with locally driven change processes. This requires modes of engagement that are sensitive – both to strategic windows of opportunity as they arise in order to facilitate safe engagement for women activists, and to the nature of resistance and backlash that can result from that change.

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