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# COLOMBIA: DISPLACED WOMEN DEMAND THEIR RIGHTS

Displaced Colombian women and girls are the resilient survivors of the ongoing conflict inside the country. Frustrated by continued neglect from the authorities, displaced women's organizations successfully petitioned the Constitutional Court, which ordered the Colombian government to bring to justice perpetrators of sexual violence and devise programs attending to the protection and socio-economic needs of displaced women. It is time for the government of Colombia to prioritize the implementation of the court orders. The U.S. government should take the opportunity of its close relationship with its Colombian counterpart to strongly encourage full compliance and provide help and resources to facilitate that task.

## TARGETED VIOLENCE AGAINST WOMEN IS CAUSING DISPLACEMENT

There are 3.2 million displaced people registered in Colombia, the second highest figure in the world after Sudan. Displacement continues at a rate of more than a quarter of a million each year. Including unregistered individuals, one in ten Colombians is uprooted because of violence. Re-organized paramilitary groups are battling among themselves or competing with guerrilla groups for control over strategic areas and communities in order to secure profit from cocaine production and processing, while the Colombian army continues operations against insurgents in remote rural areas. As a result civilians are caught in the crossfire. Leaders of communities resisting pressure from the illegal armed groups are assassinated, while adolescents, both boys and girls, are forcibly recruited into the groups' ranks.

Armed groups are also using sexual violence and forced recruitment as tactics in the conflict. A study conducted by the Ombudsman Office in four Colombian cities in 2007 found that 18% of displaced women identified sexual violence as a direct cause of displacement. For example, Refugees International has learned of incidents of attempted rapes of indigenous women in front of their communities

## POLICY RECOMMENDATIONS

- The Colombian government should fully comply with the Colombian Constitutional Court order on displaced women.
- The U.S. government should encourage its Colombian counterpart to prioritize implementation of the Constitutional Court rulings on displaced women.
- The U.S. government, together with other donors, should build the capacity of Colombia's Ombudsman Office section on women and children and strengthen the investigative capacity of the Prosecutor's Office for cases of sexual violence.
- The U.S. government, together with other donors, should support gender based violence programs that are integrated with income generation activities and sustained professional psychological support.
- USAID should develop a gender policy and require that its contractors comply with its terms. It also should support the expansion of the Casas de Justicia programs whilst improving their existing staff capacity and professionalism.

by illegal armed groups that have caused forced displacements during this past year in Chocó. Threats of sexual violence are a major factor leading families with adolescent girls to flee. Sexual violence as a cause of displacement is under-reported, as women are ashamed to report incidents when attempting to register as displaced.

Individuals have told RI of many cases in which relationships sought by Colombian national army soldiers with young girls have exposed the girls to reprisals from illegal groups who suspect the girls of becoming army informants. This has led to girls being killed or displaced along with their families, e.g., in Arauca. The early warning system, which was set up to protect communities against violence and incipient displacement, and which receives significant U.S. government funding, is currently failing to provide greater security for communities.

## **RESPOND TO DISPROPORTIONATE IMPACTS OF DISPLACEMENT ON WOMEN**

Nearly 50% of displaced households are headed by women, yet significant steps are still required to ensure that the humanitarian response takes the specific needs of women into account. *Acción Social*, the presidential agency mandated to coordinate responses to displaced people's needs, has not yet managed to develop adequate responses for the needs of specific groups such as women and indigenous and Afro-Colombian communities. Humanitarian assistance is often significantly delayed and the displaced are frequently forced to resort to court proceedings in order to receive it. Further, aid is insufficient to cover the needs of the displaced until they reach a minimum of economic stability.

As for women's needs, they often do not even receive sanitary materials or clean delivery kits in mass displacement situations. The UN Fund for Population Activities (UNFPA) provides dignity kits in some areas and both UNFPA and UNICEF provide clean delivery kits, but they do not have the capacity for national coverage. UNFPA only reaches about 15,000 of the nearly 2 million displaced women in the country. Even when women can access government programs like "Families in Action," coverage is limited and women often have to spend a day photocopying documents and a day in line to receive relatively small amounts of assistance.

Women who flee after their husbands or partners are killed end up taking on all family responsibilities, caring for children and other family members and finding ways to survive in their new situation. Displaced women in the Chocó department told RI that almost every displaced woman they knew had felt pressured into transactional sex in order for

their family to survive, and there has also been a recent increase in trafficking of women for prostitution at the border with Panama. Child prostitution is also common amongst displaced communities because of economic desperation. Many displaced women can find informal employment as domestic workers, but pay is low (averaging only \$50 per month) and the work is insecure.

There are government skills training and income-generation programs provided for many displaced people, but given the enormous changes and trauma that displaced people have undergone, income-generation programs need to include sustained accompaniment and psychological support if they are to be successful. There are numerous challenges with these programs. They fail to provide long-term advice on how to run a business and do not offer sufficient funding or access to credit at reasonable rates. It is often difficult for women to travel to the skills trainings and they are not given support to maintain their families while they attend the courses. Most people who attend these trainings are supposed to receive 1,500,000 pesos (around \$760) for start-up costs, but the costs of training are deducted from this, and program participants are often required to purchase specific materials from specified shops at more expensive prices.

The skills in which people are trained are frequently not marketable and the economic activity to be undertaken is not chosen by the beneficiaries. There are frequent allegations of mismanagement or diversion of resources by *Acción Social* sub-contractors. RI heard no accounts of people who had successfully maintained a business started under these schemes without outside funding sources and support.

Further problems for displaced women around housing and health care must also be addressed. Lack of adequate housing for displaced people leads to overcrowded living conditions and the lack of privacy puts women at risk. The housing subsidies currently provided do not cover market costs. Rigid requirements prevent beneficiaries from building houses by themselves and do not allow enough time to find additional resources, resulting in subsidies being withdrawn.

Access to health care is a problem for displaced people if they are not registered and therefore do not get access to the subsidized health system. Emergency obstetric care is a serious problem for all women in marginalized areas. In Chocó the child mortality rate is double the national average, while the maternal mortality rate is triple (251 deaths per 100,000 births). There is also limited access to free family planning services.

The UN Refugee Agency (UNHCR) has undertaken thorough assessments of the levels of gender mainstreaming in public policy and has a clear analysis of the gaps which exist. UNHCR has made important efforts to take an approach that acknowledges the differential impacts of displacement on women, and has produced gender guidelines together with government. UNHCR has worked with the government of Colombia to promote public policies that address the needs of displaced women, but the government did not allocate sufficient resources to have an impact. UNHCR is now trying to encourage positive changes at local levels.

The U.S. Agency for International Development conducted a gender assessment of its work in Colombia in 2006. This assessment concluded that the USAID Mission should formalize the gender integration process in its portfolio and develop a Gender Action Plan, including the articulation of a precise gender integration policy and action plan for contractors. This has not yet taken place. USAID, through its Colombian Strategic Development Initiative, must also ensure that its stated intention to support the government of Colombia's National Consolidation Plan focused on certain priority areas does not result in a shift of funding priorities from areas where displaced communities remain at high risk and where leaders are often under death threats and persecution by illegal armed groups.

### **ADDRESS IMPUNITY FOR VIOLENCE AGAINST WOMEN**

Crimes of sexual violence are rarely reported to the legal system in Colombia, particularly when legal or illegal armed groups are the perpetrators, because survivors and witnesses have no faith that they will receive protection. Survivors of sexual violence reported to RI that they fear the lack of confidentiality in the system, which puts them at serious risk, particularly given infiltration of the legal system by illegal armed groups. Further, the investigative capacity in the Prosecutor's Office must be strengthened to collect the forensic evidence necessary for obtaining convictions. There is also a need for a countrywide database of gender-based violence cases.

Under the Justice and Peace Law process, which grants reduced jail time for former members of illegal armed groups admitting their crimes, prosecutors rarely ask defendants about crimes of sexual violence despite its frequent use in the conflict. Lack of political will and deficient institutional capacity combine to provide a disincentive for women to report sexual violence cases.

RI was informed about the case of a 13-year old girl who was raped and became pregnant as a result. She sought medical

assistance from a hospital and her rape case was reported to the police. Under Colombian law abortion is legal in these circumstances. One year after the rape, the Prosecutor's Office was using its scarce resources to investigate this young girl for illegal abortion rather than investigating the perpetrator of the rape.

Several trainings have been conducted for the human rights section of the Prosecutor's Office, but there are no sanctions for those not fulfilling their roles. Further, there is a need for training of staff of other institutions whose roles should include work on violence against women, such as the Ombudsman's Office, the Homicide and Forensic Medicine Departments, the Ministry of Social Protection, *Acción Social*, and the judiciary.

The attitude of many officials in the legal and medical system leads to rape victims being treated badly and doubly victimized, and the lack of psychosocial support makes it even more difficult for survivors to deal with the stress of going through court proceedings. The Ombudsman Office currently has resources to provide legal assistance and support to alleged perpetrators, but it does not have sufficient resources to grant such accompaniment and legal assistance to survivors of crimes. The women and children's section of the Ombudsman Office currently has only three staff. With increased staffing and resources they could deploy personnel out to the departments and help women and children who are pursuing court cases against their abusers.

There is an urgent need to improve protection programs and provide psychological support for survivors. Further, there are increasing threats and attacks against women leaders and existing provisions to protect them are ineffective. They must be redesigned in consultation with the women who are facing risks to their personal safety, since they know best what measures enhance their own security.

Medical assistance is not available for many rape survivors. UNFPA has distributed some post-rape kits, including for medico-legal samples, which they hope to adapt for health providers in areas of conflict, but currently post-rape kits are not available in many areas. The lack of Ministry of Health funding in conflict areas is an obstacle that must be overcome. The fact that under the law doctors are obliged to report cases of sexual violence is a disincentive for women to seek help. The government has set up a complex system (*Ruta de Atención Integral*) to attend to cases of violence against women. But the system is not functioning in all communities and there is little knowledge about it where it does exist.

There are very high levels of family violence among displaced communities in Colombia, significantly higher than in the rest of the community. Displaced women told RI that this increase in domestic violence results from the economic and social stresses of displacement. Many women stated that their family had previously owned property where they had space and no food security problems. In displacement they are living in overcrowded conditions, and men are struggling to adapt to their new circumstances. Displaced men often cannot find work, while displaced women frequently can find informal employment. This enforced change in roles often results in tensions that lead to violence.

In some areas of the country there are *Casas de Justicia* — many funded by USAID — where people can seek assistance with cases of family violence. Concerns were expressed to RI about the quality of staffing and service that they provide. UNFPA is working with the government statistics office to set up a standardized national system to collect information on gender-based violence. UNHCR has helped to create protection networks in some communities to help respond to domestic violence cases. In some areas, such as Chocó, UNHCR is also running GBV awareness projects associated with income-generation projects. These projects need ongoing support, as they are succeeding in engaging women in GBV awareness work. There is currently insufficient work being conducted with men and boys on GBV awareness. A positive development is the passing of a 2008 law on domestic violence, but it requires regulations before it is fully functional and must be widely disseminated.

## IMPLEMENT LANDMARK CONSTITUTIONAL COURT DECISION

Reacting to the Government of Colombia's inaction on abuses of displaced women's rights, Colombian women's groups organized themselves and collected information about the lack of response in 600 cases, which they submitted to the court system. Despite the harassment, threats and direct physical attacks suffered by many of the leaders, they pursued these cases through the legal system, which led to the landmark 2008 Constitutional Court decision. The Court set out two constitutional presumptions about the vulnerabilities of displaced women and about the rights of displaced women to receive humanitarian assistance up

until they are economically stable. It ordered *Acción Social* to design and ensure implementation of 13 socio-economic programs to guarantee the rights and protection of all displaced women. Finally, it required *Acción Social* to attend to the socio-economic needs of 600 specified displaced women and ensure that 183 cases of sexual violence within this group are investigated and dealt with by the justice system.

In late 2009 the Court is due to give a further ruling on the government's level of compliance with the order one year later. The government of Colombia's response has been minimal, although there have been some important advances. On the positive side, some extensions of humanitarian assistance have been given since the court order to displaced women but only to 9% of them. Previously assistance was rarely extended beyond the initial three months. Further, the court decision has resulted in increased knowledge about displaced women's rights and reportedly improved attitudes towards beneficiary women by some *Acción Social* staff.

Overall, however, *Acción Social's* response has been to minimize their responsibilities. Rather than taking serious steps to design and ensure implementation of the 13 programs, they have decided to start with a "pilot program" with the 600 women only. Yet, these programs are not even reaching all of the 600 women. *Acción Social* has not designed new programs, but is simply adding on a few extra spaces into pre-existing initiatives like cash bonuses for supporting children's school attendance, vocational training courses and affiliation with subsidized health services for poor households. The 13 programs lack budgets and have not been included in local authorities' development plans.

*Acción Social* should start by working on the design of a few of the key 13 programs and press relevant ministries and local government authorities to implement them for all displaced women, rather than taking a piecemeal approach with a small number of women. Colombian women's organizations have shown a clear willingness to work with *Acción Social* to assist with development of realistic programs. Now the government must demonstrate the political will to comply fully with the court order.

*Andrea Lari and Melanie Teff assessed the situation for internally displaced women in Colombia in October 2009.*