

Report to the Committee on the Elimination of All Forms of Discrimination against Women

On its Consideration of the Combined Fifth and Sixth Periodic Reports by the Government of Colombia
under the Convention on the Elimination of All Forms of Discrimination against Women
Thirty-seventh Session, January 15 – February 2, 2007

Background

Human Rights First is a leading human rights advocacy organization based in New York City and Washington, D.C. Since 1978, our mission has been to create a secure and humane world – advancing justice, human dignity, and respect for the rule of law. The organization protects refugees in flight from persecution and repression; helps build a strong international system of justice and accountability; and ensures that human rights laws and principles are enforced in the United States and abroad. Since its inception, Human Rights First has worked in partnership with activists around the world to protect their rights as human rights defenders under the 1998 U.N. Declaration on Human Rights Defenders.¹

The Human Rights Defenders Program is particularly concerned with the impact of gender-based discrimination on the ability of women human rights advocates to carry out their work. Because women human rights defenders are critical actors in the effort to fight gender discrimination, full implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires an end to impunity for gender-specific threats and attacks against women human rights defenders.

Recommendations

Human Rights First respectfully submits that the Committee on the Elimination of Discrimination should make the following recommendations to the government of Colombia:

- All members of government should give due recognition to the work of women human rights defenders, and public officials should stop making defamatory remarks as a means of discrediting them;
- All threats and attacks against women defenders, especially those who work as trade unionists, in rural areas, or regions of conflict, should cease;
- Authorities should affirmatively prevent gender-specific attacks against women human rights defenders, whether perpetrated by state or non-state actors;
- Authorities should investigate threats and physical attacks against women defenders promptly and effectively.

¹ U.N. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, U.N. Doc A/RES/53/144, March 8, 1999.

Introduction

Women human rights defenders are critical actors in the global fight to end gender discrimination. Many women defenders work for the rights of women as social workers, lawyers, journalists, teachers, doctors, counselors, and grassroots activists. Their advocacy for women's rights is vital as they challenge inequality and repression on the local and national levels from within their own societies. Therefore, protecting the rights of women human rights defenders is essential to the effective implementation of CEDAW.

In addition, all women defenders – including those women who do not focus their work specifically on women's rights – challenge traditional gender roles. As women taking responsibility for human rights promotion, they are actively engaged in public and political life. The preamble to CEDAW states that “a change in the traditional role of men as well as the role of women in society...is needed.” Women defenders fight gender discrimination and put CEDAW into action simply by conducting their work.

Therefore, attempts to intimidate and silence women defenders are contrary to the realization of women's rights under CEDAW, and should be of primary concern to the Committee for the Elimination of Discrimination against Women.

In addition to the broad goals laid out in the preamble, the following provisions of CEDAW are particularly relevant to the consideration of the rights of women defenders:

- Article 1: Under this provision, discrimination against women includes the gender-specific impairment of any of the human rights of women. These rights are provided under international law and include the Declaration on Human Rights Defenders and the International Covenant on Civil and Political Rights (ICCPR), to which Colombia is a State Party. Both documents codify defenders' freedom of expression, assembly, and association, as well as their right to life.²
- Article 7: Women defenders should have full and equal ability as men to participate in public and political life, including in nongovernmental organizations (NGOs), under this section. Attacks against women who conduct human rights work, as well as government inaction in response to those attacks, would amount to a violation of this right.³

² “Article 1: Discrimination: For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” The Convention on the Elimination of All Forms of Discrimination against Women, available at:

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

³ “Article 7: Political and Public Life: States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country. The Convention on the Elimination of All Forms of Discrimination against Women, available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

The Situation of Women Defenders in Colombia

Human rights defenders in Colombia operate in one of the most dangerous environments in the world. Despite the Colombian state's obligations under the ICCPR and the Declaration on Human Rights Defenders, severe persecution of all defenders continues unabated. Defenders receive threats regularly and many have been murdered by both state and non-state forces. The persecution of defenders in Colombia includes the abuse of their freedom of expression, assembly, and association, as well as their right to life.

Women who work to protect the rights of others face all of these challenges. In the last few years, women defenders have been murdered or attacked, and many have received threatening phone calls or mail, or have been followed. Many have had to flee the country to preserve their lives (see below).

The impact of these attacks can be greater for women defenders than for their male colleagues. For example, after receiving death threats, women defenders have described greater difficulty relocating to safer environments due to their familial responsibilities. In addition, women defenders in Colombia face additional gender-specific challenges and risks compared with their male colleagues (see below).

Who is Responsible for the Persecution of Women Human Rights Defenders?

The perpetrators of these acts are: (1) government armed forces; (2) government agents, such as paramilitary groups in some circumstances; (3) non-state actors, such as organized crime rings or guerrilla groups; (4) community members, including religious leaders; and (5) family members. Paramilitary groups have reportedly been responsible for the majority of attacks on human rights defenders.⁴

Women Defenders Promoting the Rights of Marginalized People

Women defenders are especially vulnerable if they promote the rights of the most marginalized groups, such as indigenous people, ethnic and religious minorities, trade unionists, and lesbian, gay, bisexual and transgender individuals. For example, the National Association of Peasant, Black and Indigenous Women of Colombia (*Asociación Nacional de Mujeres Campesinas, Negras e Indígenas de Colombia*, ANMUCIC) works for marginalized women and its members have faced serious persecution on account of their work. In July 2003, an ANMUCIC member, **Nora Cecilia Velazquez**, was abducted by paramilitaries for three days, during which she was physically and psychologically abused.⁵ During the abduction of another ANMUCIC member, **Blanca Nubia Diaz**, shortly thereafter, paramilitaries made clear their intention to kill ANMUCIC's President **Leonara Castaña**, forcing her to seek exile in Spain. The Inter-American Commission on Human Rights has granted Ms. Castaña and ANMUCIC precautionary measures in recognition of the human rights work they perform and the risks they face.⁶

⁴ See, e.g., Amnesty International, *Colombia: Fear and Intimidation: The dangers of human rights work*, AI Index: AMR 23/033/2006 (September 7, 2006).

⁵ Amnesty International, *Colombia: Fear for Safety/Threats UA 248/03*, AI Index: 23/056/2003 (August 20, 2003).

⁶ Inter-American Commission on Human Rights, *Annual Report, Chapter III: Precautionary measures granted or extended by the Commission during 2001*, para. 14.

Gender-Specific Attacks against Women Defenders: Targeting of Children

Perhaps the best documented gender-specific intimidation is the targeting of women activists' children and families as a way to manipulate their roles as mothers and exert additional pressure on them to stop their human rights work. In May 2001, paramilitaries killed the 16-year-old daughter of **Blanca Nubia Diaz** in a move which ANMUCIC believes was intended to deter Ms. Nubia from performing her human rights work.⁷ As a result, Ms. Nubia fled to Bogota, but on August 1, 2003 she was abducted by paramilitary groups.⁸ Finally, on September 2, 2003 ANMUCIC received an anonymous letter stating that Ms. Nubia's son had been abducted. This case exemplifies how paramilitaries intimidate women human rights defenders and demonstrates the additional gender-specific risks they face compared with their male colleagues.

Soraya Gutierrez Arguello is President of one of the oldest human rights organizations in Colombia (*Colectivo de Abogados Jose Alvear Restrepo*, CCAJAR). On May 13, 2005, she received a package containing a decapitated doll whose body had been quartered, burned in several areas, and covered in red nail polish to make it appear bloodied.⁹ An attached handwritten note read: "You have a lovely family. Look after them, don't sacrifice them." **Claudia Duque**, a journalist and human rights defender, has received several death threats because of her work. On November 17, 2004 she received a telephone threat stating: "though it hurts us, we have no other option but to kill your daughter, even if you go around in an armored car, your daughter will suffer, we are going to burn her alive, we are going to scatter her fingers all over the place."¹⁰

Martha Nidia Ascuntar Achicanoy is a human rights lawyer and regional coordinator for the Committee for Solidarity with Political Prisoners (*Fundacion Comite Solidarid de Presos Politics*, FCSPP). Martha, along with other women human rights defenders, was targeted by the infamous "Operation Dragon." An official memo from the Attorney-General's office falsely accused Ms. Ascuntar of being a guerrilla member and involved in drug-trafficking.¹¹ More alarmingly the document contained details about her daughter and listed an accurate schedule of the times Ms. Ascuntar took her daughter to school each day. The inclusion of this information in the memo raises the concern that Ms. Ascuntar's daughter could be in danger.¹²

⁷ Amnesty International, *Colombia: Further information on Fear for safety/Threats*, AI Index: AMR 23/060/2003 (September 9, 2003) <http://web.amnesty.org/library/Index/ENGAMR230602003?open&of=ENG-COL>

⁸ Amnesty International Canada, *Colombia: Women risk their lives to defend human rights*, available at: <http://www.amnesty.ca/stoptheviolence/story3.php>

⁹ Frontline, *Concern for the safety of Colombian Human Rights Defender: Soraya Gutierrez Arguello*, FL Action May 24, 2005 <http://www.frontlinedefenders.org/news/2002>

¹⁰ Amnesty International, *Colombia: Fear for safety/ Death threats*, AI Index: AMR 23/060/2004 (November 23, 2004) <http://web.amnesty.org/library/Index/ENGAMR230602004?open&of=ENG-COL>

¹¹ Human Rights First, *Colombian Activists Targeted by Government Assassination Plot* (October 5, 2006) available at: http://www.humanrightsfirst.org/defenders/hrd_colombia/alert100406_celeyta.htm

¹² Though the authors of the memo are easily identifiable, there has been no investigation into or disciplinary action taken against those who issued the document. See *id.*

Paramilitaries and other actors seem to be using the role of women in the family and as mothers as a way to intimidate women human rights defenders. This demonstrates the additional gender-specific risks that women activists face compared with their male colleagues.

Killing of Women Human Rights Defenders

Women human rights defenders are often extra-judicially executed in Colombia, in circumstances which suggest that their gender was a significant motivation. For example, **Teresa Yarce** was an active member of the Women's Association of Las Independencias (AMI), part of a network of women's organizations. On October 6, 2004, Ms. Yarce was shot three times in the head and killed, reportedly by a young member of a paramilitary group. Shortly after Ms. Yarce was murdered, a known paramilitary approached another AMI member in her family's home and threatened to kill her if she reported the incident. The killing of Ms. Yarce follows a common pattern of killings in Colombia. On November 12, 2002, she was arrested by government authorities and accused of being a guerrilla. Though she was released and no charges filed, the fact that she had been arrested and accused as a guerrilla may have motivated the paramilitary group to follow, intimidate, and finally murder her.¹³

In early February 2004, human rights defender **María Lucero Henao** and her 16-year-old son were gunned down outside their home in the Meta Department of Colombia. Ms. Henao had been the target of vicious threats and a previous assassination attempt as a result of her work to protect the land rights of the inhabitants of Puerto Esperanza, a farmland invaded and occupied by paramilitaries in 2001.¹⁴

Investigations into the killings of Ms. Lucero and Ms. Yarce have not progressed despite the fact that the murderers were identified by witnesses.

Failure to Adequately Investigate Discrimination against Women Human Rights Defenders

Colombian authorities do not make an effort to adequately investigate formal complaints of violence or threats of violence against women human rights defenders, even when non-state actors are responsible for the abuse of the rights of women activists. This amounts to a failure to uphold Colombia's obligations under Articles 1 and 7 of CEDAW and the Declaration on Human Rights Defenders.

The Popular Women's Organization (*Organización Femenina Popular*, OFP) is an organization which mobilizes and empowers women to resist all forms of discrimination (economic, social, cultural, civil and political). Its leaders have endured a series of attacks and threats. On January 19, 2002 paramilitary members reportedly abducted OFP member **Patricia Ramírez** in Barrancabermeja holding her hostage for hours.¹⁵ In May 2002, OFP's President **Yolanda Becerra** uncovered a plot to kill her, allegedly

¹³ Amnesty International, *Urgent Action Colombia: Further information on Fear for Safety: Killed: Teresa Yarce*, AI Index: 23/042/2004 (October 26, 2004).

¹⁴ Human Rights First, "Colombian Human Rights Defenders Should Be Supported, Not Threatened," available at: http://www.humanrightsfirst.org/defenders/hrd_colombia/alert052505_arguello.htm.

¹⁵ Colombia Human Rights Network, *Urgent Action Appeal* (May 3, 2002), available at: http://colhrnet.igc.org/newitems/may02/ai_urgent_appeal_3may02.htm.

devised by paramilitary groups.¹⁶ On June 12, 2006 in Barrancabermeja, one of the leaders of the OFP, **Gloria Amparo Suárez**, received a death threat from paramilitary groups delivered to her through her husband.¹⁷ And on June 21, 2006 **María Jackeline Rojas Castañeda**, another leader within OFP, was threatened with death by a telephone caller during her daily presentation on local radio in Barrancabermeja.¹⁸ The attacks and threats against OFP and its leaders appear designed to deter the women defenders from promoting and protecting the rights of women. We understand that no one has been prosecuted in relation to these attacks.

Effect of Broader Societal Discrimination on Women Activists

Women defenders function in a society that discriminates against women and is unfavorable to their participation in public and political life. While societal discrimination in Colombia takes many forms, the inadequate response by the government to violence against women is especially noticeable and contributes to an environment in which women are not accorded sufficient protection from the state.

For example, over the last decade legislation providing for the punishment of domestic violence has become so weak that impunity for violence against women has been exacerbated. In conflict zones, the official response to the use of sexual violence against women by all parties, including guerrillas, paramilitaries, and government armed forces, has failed to adequately protect women's rights. Those women defenders who seek to end violence against women are at particular risk.

This has created a climate wherein women who speak out against human rights violations do so with an understanding that if they fall victim to threats or a physical attack they will not enjoy the protection of the state, both because they are women and because they are human rights defenders.

Conclusion

Women human rights defenders in Colombia suffer threats and attacks that are meant to intimidate them and force them into silence. While they may face similar forms of persecution as their male colleagues, the impact is often different for women as they are perceived in society as the primary caretakers of children and family. In addition, impunity for frequent acts of violence against women creates an environment which threatens any woman who speaks out for her rights and the rights of others.

Human Rights First urges the Committee to carefully consider the effect that intimidation of women defenders has on the implementation of women's rights in Colombia, and to recommend to the government of Colombia that it take steps immediately to protect the rights of women defenders.

¹⁶ Amnesty International, *Urgent Action Colombia: Further information on Fear for Safety, Yolanda Becerra*, AI Index: AMR 23/127/2001 (December 19, 2001).

¹⁷ Acompaz, *Urgent Action: Women's Voices (Threats against OFP)* (June 15 2006).

¹⁸ Amnesty International, *Urgent Action: Colombia: Women Human Rights Defenders at Risk* (November 29, 2006).