

# LESSONS LEARNED FROM ARMED CONFLICTS IN COLOMBIA AND GUATEMALA TO PREVENT VIOLENCE AGAINST GIRLS AND WOMEN

## POLICY PAPER

### INTRODUCTION

In recent conflicts in Colombia and Guatemala, sexual violence was used as a weapon of war for control and intimidation of women and communities – with several forms of sexual violence that remain unpunished today. This policy brief identifies lessons learned from the experiences of both countries in the prevention of sexual violence and violence against women and girls.

### SUMMARY

The conflict in Colombia lasted six decades (1960–2016), involving various armed groups – guerrillas and paramilitaries, several linked to drug trafficking – and the armed forces of the Colombian state. According to the National Center for Historical Memory (El Centro Nacional de Memoria Histórica, or CNMH) 218,094 people died and there were 27,023 victims of kidnapping, 11,751 victims of massacres, 25,007 victims of forced disappearance, 5,712,506 victims of forced displacement, and 1,754 victims of sexual violence (CNMH, 2012). Its Basta Ya! Report characterizes the measurement of the impacts as complex due to the diversity of violent events that occurred, their forms, the profile of the aggressors, and the profile of the victims (age, gender, ethnicity, disability, organizational experience, political and religious affiliations).



GIJTR partner, Asia Justice and Rights (AJAR), documented the stories of women victims of sexual and gender-based violence in Nepal during the civil war (1996–2006) as part of the Consortium's Reintegration and Transitional Justice project. Photo credit: Ngaima Mali

In Guatemala, the Commission for Historical Clarification (Comisión para el Esclarecimiento Histórico, or CEH) established that during its armed conflict (1960–1996) more than 200,000 people died, 45,000 disappeared, and more than 1 million were internally displaced. It estimated that on average 75% of the direct victims of all crimes (arbitrary executions, torture, deprivation of liberty) were men. In the case of forced disappearance, 88% were men. In the case of sexual violence, 99% of the victims were women, 88.7% of which were indigenous Mayan (CEH, 1999:19).

In both countries, the signing of peace accords has meant progress, though violence in general and sexual violence specifically continue to affect the lives of women – particularly indigenous women in the case of Guatemala, and rural women in Colombia. There are still territories with high levels of conflict, and sexual violence continues to be used as a means of exerting control and intimidating women and their communities. Likewise, the justice processes for acts of sexual violence in conflict contexts in both countries have led to important lessons learned and resulted in historic and innovative sentencing. However, impunity levels remain high. As stated by the UN Secretary General in 2020, “Systematic and gross violations of human rights, widespread impunity, hate speech, exclusion and discrimination could increase the risk of atrocity crimes, including war crimes and crimes against humanity” (United Nations, 2021:2).

This policy brief analyzes lessons learned regarding specialized approaches to justice and public policy development and reform, as well as the work in aligning diverse national and international actors. It also identifies recommendations for strengthening justice systems dealing with crimes of sexual violence in conflicts, innovating and adapting prevention alternatives in line with the context of each country, and addressing sexual violence and violence against women in conflict situations, in the transition to peace in post-conflict situations.

## KEY FINDINGS

1. The intersectionality approach – analysis from the feminist and human rights approach on equal gender power relations, generated by the overlapping of racism, patriarchy, and the logic of destruction and accumulation – has made it possible to present the impacts on women, indigenous women, and Afro-descendant women. Sexual violence in conflicts cannot be seen in isolation from other forms of human rights violations. Documenting the facts and building policies from this approach will allow for greater impacts of change.
2. Strategic litigation of emblematic cases allows for a multidisciplinary approach beyond criminal law and places survivors at the center, strengthening them and their search for justice with political, communication, and psychosocial care strategies, among others.
3. In terms of legal reforms and public policy, the search for justice has led to the establishment of jurisprudence and constitutional pronouncements on sexual violence in conflicts. Despite the

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In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth & Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative, and multidisciplinary approaches to issues of truth, justice, and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors, and governments to develop transitional justice approaches that are victim-centered and collaborative and support dignity, respect, inclusion, and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged with people from 76 countries, worked with 760 CSOs, supported over 460 community-driven projects, and supported the collection of over 7,460 survivor and witness narratives of human rights violations.

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challenges, dialogue between the state and civil society is building more relevant mechanisms that respond to the needs and demands of survivors, particularly women.

4. The dissemination, teaching, and enforceability of rights has been fundamental for survivors, the population, and, above all, state officials.
5. The use of international instruments and the women's peace and security agenda have been key to the enforcement of rights and the setting of prevention proposals.
6. Physical and mental healthcare are essential to the healing and recovery of survivors, enabling them to serve as social and political agents of change to support peace building and the prevention of further violence.
7. The construction of alliances and networks among survivors and feminist and human rights organizations at both national and international levels is vital to creating robust and efficient advocacy campaigns around the theme of sexual and gender based violence.

## CASE STUDIES

### GUATEMALA

The impacts on indigenous and Afro-descendant women in both conflicts point to racism and discrimination in Latin American countries, particularly Guatemala, whose indigenous and Afro-descendant population is 44%, according to the 2018 National Census, while in Colombia it is 13%. Sexual and other gender-based violence against racialized women is the result of the intersection of gender, ethnicity, and class. This reveals the pyramidal social structure inherited from colonial culture which determines who has power, access to resources, and guaranteed rights – and who does not. This violence is determined by racist and sexist stereotypes, which are used to excuse the violation of rights. They reveal a continuum between the various forms of violence of structural racism and armed conflict.

In Guatemala, the CEH has affirmed that sexual violence was used as a weapon of war and that it constituted genocide. “The cases of massive or indiscriminate and public rapes were registered in areas of high indigenous concentration, as a common practice after the installation of military detachments and Patrulleros de Autodefensa Civil (self-defense patrollers), prior to massacres or as part of scorched earth operations.” (CEH, 1999:13). It further explains that “rape was a widespread and systematic practice that, as part of the counterinsurgency strategy, became a true weapon of terror and a serious violation of human rights and international humanitarian law. The direct victims were mainly women and girls.” (CEH, 1999:13). This was confirmed by the judgment in the Ixil Genocide case.<sup>1</sup> There were at least six ways in



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which sexual violence was used as a weapon of war during the internal armed conflict:

- As a counterinsurgency policy (territorial control, in massacres, to dismantle guerrilla support and bases, in selective repression, during forced displacement, and as sexual slavery)
- As a form of torture to obtain information
- As a strategy of terror to punish in contexts of selective repression
- As part of genocide to exterminate the group
- As femicide
- As form of abuse among guerrillas due to gender power relations (Fulchiron, Paz, & López, 2009)

## COLOMBIA

In Colombia, the racist stereotype of inferiority prevails over indigenous women, which leads to the idea of the “absolute availability of the bodies of girls and women, based on the deepening of the human/non-human dichotomy, which in this case corresponds to bodies perceived as ‘animalized, savage’” (CNMH, 2017:305-306). In the case of Afro-Colombian and Black women in Colombia, these images were configured from the time of the slave trade and trafficking when stereotypes were produced that represent Black women as sexual objects and sexualized bodies available to be accessed and subjugated by men who are seen as “owners” (CNMH, 2017:297). The Colombian Registry of Records (el Registro Único de Víctimas, or RUV) shows that 19.5% (5,263) of the victims of crimes against sexual integrity are Black or Afro-Colombian, 5% (1,372) are indigenous, and 0.3% belong to other ethnic identities.

The signing of the two peace agreements has not meant a decrease in violence against women; rather, women continue to experience exacerbated forms of violence. In Colombia, there continues to be serious human rights violations committed by law enforcement and others associated with the armed actors who reorganized after the FARC-EP disarmed, largely due to the Colombian government failing to create the necessary conditions to guarantee security in the territories previously occupied by this guerrilla group.



Image from *Mi Cuerpo dice la Verdad* (My Body tells the Truth), the first meeting hosted by the Colombian Truth of the Commission to dignify women and LGBTI people victims of sexual violence in the framework of the Colombian armed conflict. Image courtesy: Ruta Pacífica de las Mujeres

# RECOMMENDATIONS

- A. The preventive nature of justice lies in its ability to punish and sanction those responsible and to reduce levels of impunity. Reinforcing justice requires action at various levels in the training of justice operatives and public officials, and reforms and protective measures against initiatives that seek amnesty. Although investments have been made in the education and training of justice operatives and officials, there is little systematized information on the changes that have been achieved. The justice system needs to understand the origins of sexual and gender-based violence against women – particularly indigenous women – and commit to attacking its root causes, including the power dynamic of patriarchal and colonial domination.
- B. It is necessary to explore deeply the patriarchal and racist structures that allow sexual violence and violence against women to continue. The state must develop a model for the prevention of sexual violence and other forms of violence against women both in conflicts and in peace processes, whether internal or territorial. In both countries, the peace agreements outline a model that must be concretized as a prevention model. These models must be given the necessary resources for their implementation.
- C. Create and strengthen systems for monitoring sexual violence and accountability of prevention programs and policies. The analysis of sexual violence and new forms should provide elements for prevention, investigation, justice, and reparations to victims, as the creation of regulations, programs, and policies has not resulted in a decrease in sexual violence or violence against women. The context of armed conflict intensified the war against the bodies of women and LGBTI people, so it is necessary to understand and address in a more specialized and rigorous way the forms of violence. Likewise, the state must be accountable for its programs and policies, and their technical and financial execution.
- D. The prevention of sexual violence does not follow a unique form applicable in all contexts. Therefore, it is necessary to design prevention plans and programs within and according to the realities of each country. There are situations of greater insecurity within countries (e.g., border areas, military bases, territories) where the state's armed actions are deployed and areas where goods and natural resources are extracted. It is also important to continue promoting processes of dialogue and the construction of horizontal alliances between survivors and women's organizations, so as to protect and promote the voices and perspectives of survivors in order to develop preventive measures. Another important, albeit incipient, area of work is with men on the demilitarization of masculinity, and more specifically the deconstruction of hegemonic masculinity.

## FURTHER READING

- The country case studies
- “Prevention of Sexual Violence Against Indigenous Women in Guatemala”
- The Impunity Watch website
- “Lessons Learned from Armed Conflict in Latin America for the Prevention of Sexual Violence”
- Case Study Colombia
- The Corporación Humanas Colombia website
- “Lessons Learned from Armed Conflicts in Colombia and Guatemala to Prevent Violence Against Girls and Women” (available on the websites of the three organizations)

<sup>1</sup> On May 10, 2013, a national court convicted the former de facto head of state, General José Efraín Ríos Montt, for genocide and crimes against humanity committed between March 1982 and October 1983 against the Maya Ixil People. It was the first time a head of state had been tried and convicted by the justice system of his own country. Twenty days later, due to opposition campaigns by the country's economic and military elites, the Constitutional Court annulled the conviction, until a new trial was initiated three years later. Ríos Montt died during the trial.



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