



Global
Justice Center

USING INTERNATIONAL LAW FOR GENDER JUSTICE IN COLOMBIA

**Special Initiative on Gender, Non-Impunity And Law
(SIGNAL)**

November 15, 2007

Special Initiative on Gender, Non-Impunity And Law (SIGNAL)

SIGNAL Objectives

- ❖ To provide the legal expertise to insure the Colombian Justice and Peace Law of 2005 complies with international laws requiring both gender parity in transitional processes and rights to redress for gender crimes.
- ❖ To analyze the JPL, design strategic tools and provide legal training on ways to supplement the law to comply with international gender law mandates contained in human rights treaties.

SIGNAL Strategies

- ❖ To change the dialogue about the JPL to one which puts it in the context of the international laws, applies to victims rights, and universal accountability.
- ❖ To convince all stakeholders that the compliance with international equality laws is not only required but critical to insuring peace and the rule of law in the long term.
- ❖ To publish a detailed analysis of the JPL juxtaposed with ICC and other international standards on gender
- ❖ To provide trainings with NGO's on international law
- ❖ To develop media projects aimed at capturing policy maker's attention.

Training Objectives

1. Discuss JPL – specific provisions on gender and victims
2. International Tribunals – Focused on the ICC and briefly on ICTY, ICTR – ICC has built upon their jurisprudence – Also, brief example of IACHR.
3. SCR 1325

SIGNAL - Why International Law?

- ❖ Substantive law on gender crimes has transformed the rights of women over the last ten years.
- ❖ Provides better protections for women than domestic laws
- ❖ Brings international legitimacy to efforts
- ❖ Provides a “neutral” source for investigating human rights abuses
- ❖ Provides a source for actual enforcement through the Security Council

SIGNAL - Transformation of Gender Rights

Historically there has been impunity for the widespread crimes against women in war.

Until recently, gender-specific abuses committed against women in times of conflict were either treated as natural consequences of war (and therefore not criminal acts) or were considered crimes against a woman's "honor" or "dignity" rather than crimes of gender-based violence.

SIGNAL - Non-Impunity

- ♀ **Impunity weakens the foundation of the post-conflict societies** and prolongs instability and injustice and continues to expose women to the threat of violence.
- ♀ Accountability on the part of states and societies for crimes against women is not just about punishing perpetrators but about **establishing the rule of law and a just social and political order.**
- ♀ **Accountability** means being answerable to women for crimes against them and punishing those responsible.

LJP Presenta oportunidades para avansar los derechos de las mujeres en Colombia

Ley de Justicia y Paz

Derecho a La Verdad, la Justicia y La Reparación y Debido Proceso

Justice and Peace Law (JPL) *Ratified*

July 2005

- Colombia's most recent and ambitious attempt at conflict resolution was the passage of the JPL or Law 975.
- The JPL followed Colombia acceding to the Rome Treaty (ICC) in 2002, which required domestic laws be complementary to ICC standards.
- The JPL is complex and controversial
 1. It seeks to set up a system of demobilization and
 2. It establishes Tribunals to fulfill victims' rights to accountability for crimes covered by the ICC, i.e, crimes against humanity, war crimes, and other serious violations of human rights.
- Not clear if these under ICC not cover genocide but ICC does

Interpretación de la LJP

Art. 2 Interpretación y aplicación normativa.

“La interpretación y aplicación de las disposiciones previstas en esta ley **deberán realizarse de conformidad con las normas constitucionales y los tratados internacionales ratificados por Colombia.** La incorporación de algunas disposiciones internacionales en la presente ley, no debe entenderse como la negación de otras normas internacionales que regulan esta misma materia.

Art. 62. Complementariedad.

Para todo lo no dispuesto en la presente ley se aplicará la Ley 782 de 2002 y el Código de Procedimiento Penal.

Objeto de la Ley

Facilitar:

- Procesos de paz
- La reconciliación nacional

Garantizar:

- Los derechos de las víctimas a la verdad, la justicia y la reparación
- Acceso a la justicia
- Medidas de protección
- Deber de memoria

Derecho de las víctimas a la verdad, la justicia y la reparación

Art. 4

Derecho a la verdad, la justicia y la reparación y debido proceso.

“El proceso de reconciliación nacional al que de lugar la presente ley, **debera promover, en todo caso, el derecho de las víctimas a la verdad, la justicia y la reparación y respetar el derecho al debido proceso y las garantías judiciales de los procesados.**”

Derecho a la Verdad

Art 7.

“La sociedad, y en especial las víctimas, tiene el **derecho inalienable, pleno y efectivo de conocer la verdad** sobre los delitos cometidos por grupos armados organizados al margen de la ley, y sobre el paradero de las víctimas de secuestro y desaparición forzada.”

*Importancia a la verdad sobre el paradero de las víctimas de secuestro y desaparición forzada.

Derecho a la Justicia

Es una obligación del Estado: Investigar, Identificar, Capturar, Sancionar a los responsables!

Es una obligación del Estado: Asegurar a las victimas:

Art. 6 “...el Estado tiene el deber de ...**asegurar a las víctimas de esas conductas el acceso a recursos eficaces que reparen el daño infligido, y tomar todas las medidas destinadas a evitar la repetición de tales violaciones.**”

Proteccion de Víctimas y Testigos

Art. 39

Obligacion del Estado adoptar medida correspondientes en caso de ser necesarias.

Factores que determinan el tipo de medida en particular:

1. Edad
2. **Género**
3. Salud
4. Índole del Delito
 - **Violencia sexual**
 - **Irrespeto a la igualdad de género** - revisten particular impotancia
 - **Violencia contra niñas y ninos**

Derecho a la Justicia Incluye:

1. Trato digno y humano durante el procedimiento
2. Protección del derecho a la intimidad
3. Garantía de su seguridad, la de sus familiares, y testigos
4. Ser oídas
5. Acceso a información
6. Conocimiento de la verdad de los hechos de los que ha sido víctima
7. Asistencia de abogados
8. A protección

Derecho a la Reparación

Art. 8 “ El derecho de las víctimas a la reparación comprende las acciones que propendan por la restitución, indemnización, rehabilitación, satisfacción; y las garantías de no repetición de las conductas.”

“Restitucion es la realizacion de las acciones que propendan por regresar a la victima a la situacion anteriore a la comision del delito.”

Comisión Nacional de Reparación y Reconciliación (CNRR)

Art. 51

Integrada por:

1. Vicepresidente de la República o su delegado
2. Procurador General de la Nación o su delegado
3. Ministro del Interior y de Justicia o su delegado
4. Ministro de Hacienda y Crédito Público o su delegado
5. Defensor del Pueblo
6. Dos Representates de Organizaciones de Víctimas y el Director de la Red de Solidaridad Social
7. Cinco personalidades designadas por el Presidente de la República

CNRR

Art 52. Funciones

1. Garantizar a víctimas su participación en procesos de esclarecimiento judicial y realización de sus derechos
2. Presentar un informe público sobre las razones para el surgimiento y evolución de grupos armados al margen de la ley
3. Hacer seguimiento y evaluación periódica de las reparaciones y dar recomendaciones para su adecuada ejecución
4. Dentro de los dos años siguientes a la vigencia de la ley, presentar ante el Gobierno Nacional y las Comisiones de Paz de Senado y Cámara, un informe sobre el proceso de reparación.

JPL Gender Provisions

CAPITULO VIII Derechos de las víctimas frente a la administración de justicia

Artículo 38. *Protección a víctimas y testigos.*

“...Para ello se tendrán en cuenta todos los factores pertinentes, incluidos la edad, el **género** y la salud, así como la índole del delito, en particular cuando este entrañe **violencia sexual, irrespeto a la igualdad de género o violencia contra niños y niñas.**”

Artículo 39. Excepción a la publicidad en el juicio.

A fin de proteger a las víctimas, los testigos, o a un acusado, podrá ordenar que una parte del juicio se celebre a puerta cerrada.

Podrá ordenar la práctica de testimonio a través del sistema de audiovideo para permitir su contradicción y confrontación por las partes.

En particular, se aplicarán estas medidas respecto de **víctimas de agresión sexual o de niños, niñas y adolescentes que sean víctimas o testigo.**

Art. 41. Atención a necesidades especiales.

Tener en cuenta las necesidades **especiales de las mujeres, de las niñas, niños, personas mayores de edad o con discapacidad que participen en el proceso.**

Pasar del papel al ejercicio real de los derechos

Instrumentos Legalmente Vinculante a Colombia

Domesticos:

1. La Constitucion de Colombia
2. Ley de Justicia y Paz
3. Código de Procedimiento Penal Ley 599
4. Ley 906
5. Ley 782

Regional:

1. The Intern-American Commission of Human Rights
2. The American Convention
3. Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women "Convention of Belem do Para"

Internacionales y Regional

1. The Rome Statute of the International Criminal Court (ICC) [Codification of definitions of crimes of sexual violence]
2. Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW)
3. International Covenant on Civil and Political Rights (ICCPR)
4. Security Council Resolution 1325, on Women, Peace and Security
5. Jurisprudence of International Tribunals (ICTY and ICTR)
6. The Genocide Convention

There is an increasing global consensus that certain atrocities are too onerous to sustain absolute sovereignty.

This was made explicit in both the Genocide Convention and the Convention against Torture

This has also led to other international law developments culminating in the establishment of the International Criminal Court (ICC) in 2002

New opportunities to hold perpetrators responsible for war crimes, including current heads of state or military commanders, arise from parallel legal developments – three of which are:

1. The Security Council's increasing willingness to abandon its longstanding policy of noninterference when faced with systematic state sponsored criminal atrocities.
2. There are new international legal tools and criminal law precedents specifically designed to rectify the historic discrimination denying women access to justice for rape and other forms of sexual violence.
3. The International Criminal Court (ICC) now insures the availability of an international forum to try perpetrators and others responsible for war crimes, crimes against humanity, and genocide.

What is the SC?

Primary responsibility is the maintenance of international peace and security.

- Investigate disputes that might escalate to cause international tension;
- Dispatch peacekeeping operations;
- Impose economic sanctions;
- Mandate arms inspections;
- Deploy human rights and election monitors;
- Refer situations to the International Criminal Court.

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- ♀ Though its ability to exercise these powers was constrained during the years of the Cold War, since 1992 the Security Council has exercised these powers through the creation of special criminal courts.
 - ♀ The horror expressed by the global community in reaction to the atrocities committed in the former Yugoslavia propelled the Security Council in 1992 to equate such “crimes against humanity” with a “threat to international peace and security” under Chapter VII and set up a commission of experts to investigate the crimes.

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- ♀ After some 35 field missions to the former Yugoslavia, undertaking what was then the world's largest rape investigation, and establishing a database of 65,000 documents, the Commission reported back to the Security Council and adopted the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY)
 - ♀ The Security Council in 1994 issued a similar “threat to international peace and security” Resolution 955 on the Rwanda situations and set up a second ad hoc International Criminal Tribunal for Rwanda (ICTR)
 - ♀ Another Security Council development advancing criminal accountability, although it is not usually viewed in those terms, is Resolution 1325 passed in 2000. UN Security Council, Resolution 1325, S/Res/1325, adopted Oct. 13. 2000.

Advances in Gender Justice

- ♀ Women's rights under international law are only rarely enforced by courts, however, in a surprising development, the opposite has become true in the context of the war crimes tribunals. Dr. Kelly Askin, renowned expert on women and war crimes, points out that although the laws of warfare have prohibited the rapes of combatants and noncombatants for centuries it was not until the first ad hoc Tribunals that gender crimes have been prosecuted with some regularity.
- ♀ Both the ICTY and ICTR have over the last decade established strong legal precedents, beginning with the now famous *Akayesu* decision, placing rape and sexual violence firmly under the rubric of war crimes, crimes against humanity and instruments of genocide.
- ♀ Although there is still a long way to go until sexual violence is adequately addressed, these tribunals are a large step forward. Further, military or civilian leaders who should have foreseen the possibility of the criminal acts or who can be shown to have failed to punish criminal acts by soldiers are themselves liable under theories of joint criminal enterprise or superior responsibility.

Finally, the ICC statute in laying out the relationship between the United Nations and the ICC strengthens the Security Council's formal role.

LJP tiene la obligación de observar instrumentos internacionales que demandan paridad de género en procesos de transición y el derecho a la reparación por los crímenes de género.

Colombian women need to be visible and powerful stakeholders both to ensure that the JPL complies with gender guarantees under international law and to establish women as having a great stake in the success of peace and law long-term.

Colombia has a unique opportunity to use international law to render justice for the people of Colombia

Art. 93 de la Constitucion de Colombia

All human rights treaties ratified by Colombia, which refer to constitutional rights, have constitutional status and are part of the *constitutional bundle* and are therefore obligatory in nature and are criteria to be used in interpreting laws.

Colombia ha ratificado tratados internacionales que forman parte del bloque de constitucionalidad y tiene prevalencia sobre leyes - su texto queda incorporado en la ley.

De acuerdo a la Corte Constitucional y según el art. 93 de la Constitución, la jurisprudencia y recomendaciones de los comités de monitoreo hacen parte del bloque de constitucionalidad y son guías para la interpretación de los derechos fundamentales.

Constitutional Court interpretation of Article 93 (2) of the Constitution:

La Corte Internacional Penal

Ratified by Colombia in 2002

The ICC as a tool for women in Colombia

Colombia is positioned to be a leader in creating positive gender jurisprudence to be used in internationalized courts such as the ICC

Colombia debe de cumplir con los requisitos de CPI

Victimas y Testigos: Participación

CPI

Art. 68

LJP

Art. 4, 7, 9, 37

Victimas y Testigos: Protección

CPI

LJP

Mecanismos de Protección

CPI

Art. 69

LJP

Art.38-40

Apoyo Para Victimas y Testigos

CPI

Art. 38; Art 47

LJP

No provision

Reparación a las víctimas

CPI

Art. 75

LJP

Art. 50-51

Fondo Fiduciario

CPI

Art. 75,79

LJP

Art. 54

Integración de Género en el Estatuto de Roma y LJP

CPI

Violación

LJP

Resolution 1325 on Women, Peace and Security

A Legal and Advocacy Tool

Key Decisions of International Courts

IACHR

ICTY

ICTR

International Criminal Tribunal For Rwanda

Prosecutor v. Jean-Paul Akayesu (1998) – Holding rape as an instrument of genocide and a crime against humanity in Rwanda

Facts: A Rwandan bourgmestre [mayor] ordered and witnessed the widespread rape of Tutsi women.

Findings:

- Found that coercion was inherent in the attacks because of the hostile military presence.
- Tutsi women were exclusively targeted based on their ethnicity, so rapes formed part of a widespread and systematic attack on a civilian population because of their ethnicity, therefore punishable as crimes against humanity.
- Failed to find that Akayesu personally raped Tutsi women, but concluded that he ordered, instigated, and aided and abetted multiple acts of rape and attributed individual criminal responsibility to Akayesu for crimes against humanity.
- Recognized rape as a form of genocide, prohibited under Article 2 of the ICTR Statute.

International Criminal Tribunal for the Former Yugoslavia

Prosecutor v. Delalic [et al], (Celebici)(1998)

Facts: Three leaders and workers in a prison camp were found guilty of repeatedly raping two female detainees.

Finding:

- Rapes amounted to torture, in violation of Articles 2 and 3 of the ICTY Statute.
- Article 2(b) identifies "torture or inhumane treatment" as a grave breach of the Geneva Conventions.
- Article 3 of the ICTY Statute prohibits violations of the laws and customs of war, including torture.
- Articulated a standard based on the Torture Convention, which parallels the standard articulated by the IACHR in *Mejía*.
- Court stated, "it is difficult to envisage circumstances in which rape, by or at the instigation of a public official or with the consent or acquiescence of an official, could be considered as occurring for a purpose that does not, in some way, involve punishment, coercion, discrimination, or intimidation."
- Included a conviction of a violation of XX sexual violence against male detainees.

International Criminal Tribunal for the Former Yugoslavia (ICTY)

Prosecutor v. Furundzija (1998)

Facts: Furundzija, a Croatian local commander, verbally interrogated a woman while his colleague raped her in multiple ways.

Forum:

- The ICTY noted that "International case law . . . evinces a momentum towards addressing through the legal process, the use of rape in the course of detention and interrogation as a means of torture." referenced the IACHR's decision of *Mejía* and the ECHR's holding in *Aydín*.
- Although Furundzija did not personally commit the rapes, the ICTY found that "the accused is a co-perpetrator of torture [so] he is individually responsible for torture." As such, he is "guilty of a violation of the law or customs of war (torture)," in violation of Article 3 of the ICTY Statute.
- Recognized that rape crimes include forced oral and anal sex.

International Criminal Tribunal for the Former Yugoslavia

Prosecutor v. Kunarac (2002)

Finding the defendants guilty of rape as crime against humanity as well as a war crime and first decision to find enslavement as a crime against humanity.

Facts:

Three ethnic Serbs sentenced to prison for their abuse of women at a "rape camp" where women were held for months in sexual slavery and subjected to multiple gang rapes by the defendants and others.

Special Protections: The victims were identified by numbers, spoke through voice scramblers and were hidden from public view to protect their privacy.

- Under the Statute of the ICTY the defendants were charged with rape as a crime against humanity and as a violation of the laws or customs of war, (Common Article 3(1)(a) of the 1949 Geneva Conventions).
- First trial of the ICTY to focus entirely on wartime crimes of sexual violence. It was also the first decision by the ICTY to issue convictions for rape as a crime against humanity. (including detailed discussion of the elements of rape.)
- First decision by an international tribunal to result in convictions for enslavement as a crime against humanity

Kunarac, continued

- That the accused were low-level soldiers was of no consequence. Judge Mumba made clear that "lawless opportunists should expect no mercy, no matter how low their position in the chain of command may be."
- The Trial Chamber concluded that the definition of torture under international humanitarian law does not comprise the same elements as the definition of torture generally applied under human rights law. In particular, the Trial Chamber was "of the view that the presence of a state official or of any other authority-wielding person in the torture process is not necessary for the offense to be regarded as torture under international humanitarian law."

The Tribunal found that the actions of the three accused "were part of a systematic attack against Muslim civilians." The Tribunal reasoned:

"They knew that one of the main purposes of that campaign was to drive the Muslims out of the region. They knew that one way to achieve this was to terrorize the Muslim civilian population in a manner that would make it impossible for them ever to return. They also knew of the general pattern of crimes, especially of detaining women and girls in different locations where they would be raped. The actions of all three accused...show beyond any doubt their knowledge of the detention centres, and of the practice."

Colombia's Legal Obligation under 1325

- ♀ As a member of the UN, Colombia has affirmative legal obligations under Security Council Resolution 1325 to insure gender parity in transitional processes and equality regarding the criminal prosecutions both in gender sensitive outreach and in the crimes definition.
- ♀ 1325 applies to every aspect of the DDR process in Colombia.

SCR as a legal tool

- ♀ A resolution is an agreement among UN member states on how to act on a particular issue.
- ♀ When a resolution has been adopted it means that the issue will be added to the UN agenda and that the states are bound to comply with it.
- ♀ Citizens have a right to demand that their governments, or other state's governments, comply with the resolution.
- ♀ A SC resolution is legally binding for all member states and all states have an obligation to report on how they are fulfilling the requirements of the resolution.

SCR 1325

- ♀ Unanimously adopted by the UNSC in October 2000
- ♀ Historic resolution: first formal and legal document from the SC that addressed women's issues in relation to peace and security processes and officially endorsed the inclusion of civil society groups
- ♀ Shaped by needs of women in conflict-affected areas and reflects changing international policy

1325

Garantiza la participación de la mujer equitativa y paritaria en el diseño y puesta en marcha de los procesos judiciales, de reparación, búsqueda de la verdad y reforma de las instituciones atendiendo a sus necesidades.

Reconoce a las mujeres como víctimas – garantiza su participación en todos los procesos, la restitución de las pérdidas sufridas, la indemnización, la satisfacción y la no repetición.

Profundiza en el conocimiento del efecto diferenciado del conflicto armado en hombres y mujeres así como los efectos diferenciados que se derivan de la intersección de múltiples discriminaciones por razones de género, edad, clase, etnia, religión, ideología, orientación sexual y discapacidad, entre otras.

Why gender matters to peace and security?

- Gender equality and women's rights are pre-requisites for sustainable peace, justice and development
- Women, girls, men and boys play different roles and are affected differently by conflict and peace building
- Women and girls are a vital (but often unrecognized and unsupported) resource to conflict prevention and resolution, peace building and post-conflict reconstruction efforts
- Women adopt a more inclusive approach toward security and address key social and economic issues that would otherwise be ignored.

What does SCR 1325 address?

Participation - Prevention - Protection

Women's **participation** must be ensured in all policy and decision-making processes; the resulting policies must account for the **prevention** of crimes against women and include special **protection** for women in times of conflict.

1325 Calls for

- Increased **representation** of women at all decision-making levels in conflict prevention, management and resolution
Attention to the specific **protection** needs of women in conflict, including refugees
- Increased **support** for women peace-builders
- **No impunity** for war crimes against women, including gender-based violence

Who is responsible for implementation?

Everyone! Including:

1. Security Council
2. Secretary general
3. UN Agencies
4. Member States
5. Armed Groups - national militaries, Rebel Groups etc
6. Those involved in DDR Planning
7. Mediators & Negotiators in Peace Processes

Key Articles:

Article 2 requires countries to increase participation of women at the decision-making levels in conflict resolution and peace processes.

Article 8 requires countries to adopt a gender perspective when negotiating and implementing peace agreements

Article 10 requires countries to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse and violence in situations of armed conflict.

Article 11 Emphasizes the responsibility of all States to put an **end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls,** and in this regard, stresses the need to exclude these crimes, where the feasible from amnesty provisions.

Resolution 1325 Requires Affirmative Measures to Ensure:

- No impunity for crimes against women, including gender-based violence
- Increased representation of women at all decision-making levels in conflict prevention, management and resolution
- Attention to the specific protection needs of women in conflict and transition

1325 as an Advocacy Tool

- The 1325 **network** is strong and growing
- Governments are creating 1325 working groups and action plans, giving NGOs **access to information and advocacy platforms** for action
- There is a growing **window of opportunity** for women based in increased interest in the implementation of UNSCR 1325

1325 as a Legal Tool

1325 is international law - as a Security Council Resolution it is binding on all UN Member States

Rule of Law means adhering to 1325 and “democracy” means all people are represented

Goal: CEDAW has become a powerful tool in domestic litigation and legislation, 1325 can be the same!

Implementation Examples

United Nations:

- There is a system-wide United Nations Action Plan and various UN agencies have adopted specific policies and programmes, i.e.:
 1. DPKO: Gender advisors in peacekeeping missions and in HQ; staff training in 2005; gender policy directive
 2. DPA: Training across department; gender is 2d priority within DPA's strategic plan; improved gender-sensitive reporting
 3. UNIFEM: Work on women's political participation and GBV
- Despite advances, progress has not been systematic and insufficient for the full implementation of SCR 1325

National Level:

Several countries have adopted National Action Plans (UK, Norway, Denmark, Fiji, Sweden) and others have incorporated 1325 into their gender equality policies.

The Network Action in Fiji

Immediately after the coup in 2000, women's groups came together and sent a statement to the SC to request that they act on the situation

Established the Women, Peace and Security Fiji - Coordinating Committee on 1325:

- Chaired by the Ministry of Women
- Along with UNIFEM, brings together NGOs to work on:
 1. Data collection and analysis on root causes of conflict, impact on women
 2. Strengthening capacity of women's groups
 3. Promoting gender perspective in peace-building initiatives
 4. Advocacy in the community

FemLINK pacific: Media initiative for women advocates on 1325 in Fiji with a magazine, radio program, trainings and more.

Joint government/NGO workshops provide skill-building for women

Source: From Local to Global: Making Peace Work for Women

Inter-American Court of Human Rights

JPL Tribunal Use of International Law for Gender-Based Crimes

- Human rights treaties ratified by Colombia have constitutional status
- The Tribunal Statute should comply with international law
- *Required* as signatory to ICC, CEDAW, ICCPR, and as UN Member States by Security Council Resolution 1325

Colombia should render justice for its people

- 1) **Create an historical record that recognizes women's experiences and suffering during the armed conflict**
- 2) **Give women in Colombia a voice and a place in the criminal justice system**
- 3) **Mainstream gender as an integral part of the rule of law and governance**
- 4) **Create precedents on gender crimes which will help women globally.**

Colombia no puede negar sus obligaciones internacionales

Colombian women need to be visible and powerful stakeholders both to ensure that the JPL complies with gender guarantees under international law and to establish women as having a great stake in the success of peace and law long-term.

The structure of the Demobilization, Disarmament and Reintegration processes under the JPL fails to facilitate victim participation and reparations, specifically for women who are traditionally more vulnerable.

Criticisms

- El contexto de aplicación de la ley 975 sigue siendo de intimidación e inseguridad para las víctimas toda vez que el proceso se desarma y desmovilización adolece de problemas.
- JPL violates the Colombia Constitutional Court' decision already indicated at variance with international and domestic legal guarantees.
(Constitutional Court, Case D-6032, Judgement C-370/06, made public on July 13, 2006.)
- The Inter America Commission of Human Rights (IACHR) in a report on the JPL and international law, found that the JPL does not comply with the gender equality guarantees of ICC

Criticisms

- JPL is a de facto amnesty decree
- Offers a comprehensive reintegration package and
- Thousands of fighters and leaders alleged to have committed serious crimes are expected to stand trial at special courts, with the promise of receiving drastically reduced sentences in exchange for full disclosure of their crimes.
- The hearing have become a source of controversy as the offenders are not forced to repent, confess to their crimes, or disclose the truth about who supported their structure.
- Victims are and their representatives have very limited access to hearings and are hindered from participating in the proceedings.

**Colombia has a unique opportunity to
use international law to render justice
for the people of Colombia:**

Legal Strategy

1. Analysis of previous decisions citing to international human rights law
2. Analysis of domestic legal code
3. Use of international human rights arguments
4. Strategic use of amicus briefs

National/ International Complementary Strategies

- Media Strategy
- Academic conferences
- Development of educational materials