

# A (Feminist) Farewell to Arms:† The Impact of the Peace Process with the FARC-EP on Colombian Feminism

Lina M. Céspedes-Báez††

“No te vayas guerrillera, no te marches compañera, si te vas tras el combate, si te duermes de agonía. No me dejes sin tu esencia, no abandones mi consciencia. Déjame tus esperanzas, tu fusil y tu alegría. Déjame en los sentimientos las alas de tus quimeras, tus olores a montaña, infatigable compañera, en tu lucha por lo firme, por lo digno, por lo justo. Déjame el aliento dulce de tu lucha por el pueblo, para yo juntar tu fuego con mi fuerza en la trinchera, déjame tus ilusiones y tu canto de guerrera.”

Excerpt from a song about FARC-EP's women combatants or *farianas*<sup>1</sup>

---

† The title of this Article is based on the one Ernest Hemingway gave to his novel about a love story in the context of the Great War: ERNEST HEMINGWAY, *A FAREWELL TO ARMS* (1929).

†† Lina M. Céspedes-Báez is a Colombian lawyer who graduated from Universidad del Rosario (Colombia). She obtained a Master's Degree in Gender Studies at Universidad Nacional de Colombia and an LL.M. with a concentration in international law from Cardozo School of Law (Yeshiva University). She was awarded a Fulbright Scholarship to pursue her doctorate degree in law in the United States. From 2014 to 2015, she was a doctoral fellow at the Institute for Global Law and Policy at Harvard University's law school. In 2016, she received her doctorate degree with honors from Temple University. She also holds a specialized degree in Tax Law from Universidad del Rosario. She was the Vice Dean of Universidad del Rosario's Law School since September 2015 until March 2019. Currently, she is a professor at this law school.

1. This song praises the presence and contribution of *guerrilleras* or FARC-EP women combatants, also known as *farianas*, within the guerrilla organization. It is composed as a *joropo*, a music style developed in the Colombian and Venezuelan plains. Its lyrics depict the ideal role of a *fariana*. Even if this image does not match exactly with *farianas*' everyday life and position within FARC-EP, it outlines the message the insurgent group wanted to convey inside and outside its ranks about women's participation in their revolutionary struggle. A free translation reads as follows: “Don't go *guerrillera*, don't go comrade, if you go after combat, if you fall asleep in agony. Don't leave me without your essence, don't abandon my conscience. Leave me with your hopes, your rifle, and your joy. Leave me with your feelings, the wings of your chimeras, your mountain scents, tireless comrade, in your struggle for that which is firm, for that which is worthy, for that which is just. Leave me with your sweet breath of your struggle for the people, so I can couple your fire with my force in the trenches, leave me with your dreams and your fighter's chant.” MB Suroccidente, *Guerrilleras de las Farc Ejército del Pueblo*, YOUTUBE (July 7, 2018), <https://www.youtube.com/watch?v=bHetaemlf7M> [<https://perma.cc/956B-D8MW>].

Introduction .....	40
I. The Colombian Armed Conflict and its Impact on Women .....	43
II. The Road to Havana .....	48
III. Letradas, Farianas, and Victims Get Together in Havana ..	52
IV. A Lettered Peace Agreement? .....	57
V. Feminist Clashes Endangering Lettered Understandings? .	60

## Introduction

The strategic deployment of international law played a key role in introducing a gender-based reading of the Colombian internal armed conflict. During the early 2000s, domestic women's rights NGOs appropriated the language of this body of law to demonstrate that the conflict not only was imposing a heavy toll on women, but also that it was impacting them differentially and disproportionately.<sup>2</sup> To do so, they outlined a narrative using the terminology of international human rights, humanitarian, and criminal law to frame particular wrongs women were enduring as gender-based violence.<sup>3</sup> Following the lines of the international discourse on conflict and women, sexual violence was at the center of their documentation, advocacy, and litigation work.<sup>4</sup> In less than a decade, the most visible Colombian NGOs and activists, along with the collaboration of international and regional organizations and NGOs, hammered out a specific knowledge about the internal conflict, positioned it in the national and international realm, and spurred government action to turn it into legislation, public policy, and judicial decisions.<sup>5</sup>

In August 2012, the Colombian government initiated peace conversations with the Revolutionary Armed Forces of Colombia—People's Army (FARC-EP), the strongest and longest standing guerrilla in the country and Latin America.<sup>6</sup> After the demobilization of paramilitary groups in 2005, reaching an accord with this guerrilla was the step needed to call an end to the internal armed conflict.<sup>7</sup> In a negotiation that lasted for almost four

---

2. See JULIETA LEMAITRE RIPOLL, *EL DERECHO COMO CONJURO: FETICHISMO LEGAL, VIOLENCIA Y MOVIMIENTOS SOCIALES* 214-220, (2009); Lina M. Céspedes-Baéz, *En los Confines de lo Posible: inclusión del enfoque de género en el Acuerdo de la Habana*, in *UTOPIA U OPORTUNIDAD FALLIDA: ANÁLISIS CRÍTICO DEL ACUERDO DE PAZ* 303-08 (Lina M. Céspedes-Báez & Enrique Prieto-Ríos eds., 2017).

3. See Lina M. Céspedes-Báez & Felipe Jaramillo Ruiz, 'Peace without women does not go!' *Women's struggle for inclusion in Colombia's peace process with the FARC*, 94 *COLOMBIA INTERNACIONAL* 83, 87, 90 (2018).

4. See *id.*

5. NINA CHAPARRO GONZÁLEZ & MARGARITA MARTÍNEZ OSORIO, *NEGOCIANDO DESDE LOS MÁRGENES: LA PARTICIPACIÓN POLÍTICA DE LAS MUJERES EN LOS PROCESOS DE PAZ EN COLOMBIA (1982-2016)* 69 (2016).

6. See Céspedes-Báez & Jaramillo Ruiz, *supra* note 3, at 86-87.

7. At the time of writing, the Colombian government of President Juan Manuel Santos was negotiating with the Christian-Marxist guerrilla National Liberation Army ("ELN"). In January 2019, the government of President Iván Duque officially ended the peace dialogues with this guerrilla group. Laura Viviana Guevara Muñoz, *Norway and Cuba demand to comply the Protocol with ELN*, *LATINAMERICAN POST* (Jan. 23, 2019),

years, the government and the guerrilla dealt with their interpretations of the causes, consequences, and solutions of their five-decade confrontation.<sup>8</sup> In August 2016, the guerrilla group and the government reached a comprehensive agreement that paved FARC-EP's way to relinquishing their arms and transitioning to a political party, among other things.<sup>9</sup>

Initially, women and gender were not explicitly listed as issues for discussion.<sup>10</sup> However, after the women's movement exerted pressure on the negotiators, they not only became part of the agenda but also part of the peace table's organizational layout. In the second half of 2014, the Sub-Commission on Gender was established to provide gender input to the parties.<sup>11</sup> The integration of the gender-based dimension of armed conflict to the peace talks implied bringing to the negotiation table the mainstream insights that women's rights NGOs and activists had produced over the last decade on this matter drawing from international law and the transitional justice field, validating their importance to reach a thorough and legitimate agreement.<sup>12</sup> Also, it exposed them to contestation, transformation and/or appropriation from the parties, and all the actors participating in the peace process and in the implementation of the agreement.<sup>13</sup>

---

<https://latinamericanpost.com/25975-norway-and-cuba-demand-to-comply-the-protocol-with-eln> [<https://perma.cc/QXS7-QN5U>]. Although this guerrilla group did not attain the real and symbolic strength FARC-EP had in the last four decades, it is still a disruptive insurgent group whose violent actions impact some regions of Colombia and national public opinion. See David F. Correal et al., *El renacer del ELN: inefectivo en lo militar y costoso en lo político*, CERAC OPINIÓN Y ANÁLISIS BLOG (Mar. 31, 2016), <http://blog.cerac.org.co/el-renacer-del-eln-inefectivo-en-lo-militar-y-costoso-en-lo-politico> [<https://perma.cc/44EF-4WJT>].

8. See Céspedes-Báez & Jaramillo Ruiz, *supra* note 3, at 86-87.

9. *Colombians celebrate as peace deal is reached with Farc rebels*, BBC NEWS (Aug. 25, 2016), <https://www.bbc.com/news/world-latin-america-37180752> [[perma.cc/2J3W-NGEM](https://perma.cc/2J3W-NGEM)].

10. See *Los puntos de la agenda*, REVISTA SEMANA (Sept. 1, 2012), <https://www.semana.com/nacion/articulo/los-puntos-agenda/263987-3> [<https://perma.cc/V857-JPFK>].

11. Virginia M. Bouvier, *Gender and the Role of Women in Colombia's Peace Process* (Prepared for the United Nations Global Study on 15 Years of Implementation of UN Security Council Resolution 1325 (2000), New York, N.Y.), UN WOMEN 21 (Mar. 4, 2016), <https://www.usip.org/sites/default/files/Gender-and-the-Role-of-Women-in-Colombia-s-Peace-Process-English.pdf> [<https://perma.cc/24UA-BAUQ>].

12. See Mónica Acosta et al., *The Colombian Transitional Process: Comparative Perspectives on Violence against Indigenous Women*, 12 INT'L J. TRANSNAT'L JUST. 108, 109 (2018). See also Julieta Lemaitre & Kristin Bergtora Sandvik, *Beyond Sexual Violence in Transitional Justice: Political Insecurity as a Gendered Harm*, 22 FEMINIST LEGAL STUD. 243 (2014); Kate Paarlberg-Kwam, *For women, a contradictory peace in Colombia*, NACLA (Jan. 9, 2019), <https://nacla.org/news/2019/01/10/women-contradictory-peace-colombia> [<https://perma.cc/G8QN-9AJY>].

13. Diverse feminist voices strove to be heard during the negotiation process to pose questions regarding different issues impacting women such as mining and the economic model. However, their efforts were not entirely successful since the agreement's gender perspective did not delve specifically into the economic and social causes of gender-based violence and discrimination. See Juan David Ortiz Franco, *Hablamos con Francia Márquez, la lideresa negra que puso contra la pared al presidente Santos*, ¡PACIFISTA! (Mar. 2, 2016), <http://pacifista.co/hablamos-con-francia-marquez-la-lideresa-negra-que-puso-contra-la-pared-al-presidente-santos/> [[perma.cc/2WVA-DPXR](https://perma.cc/2WVA-DPXR)].

In this piece, I explore whether the process of negotiating and implementing the peace accord with FARC has in any way altered the mainstream account of the gender-based dimension of the internal conflict. The peace negotiations and the implementation of the agreement have offered a unique opportunity to test the consensus around the diagnosis put forward by women's rights activist and NGOs about the conflict. Even though the materialization of prosecutions and specific gender-based public policy to address and redress the situation of women in conflict has been difficult, there has been little serious and public objection to their depiction of women in the context of conflict as mainly victims, their emphasis on the disproportionate impact conflict imposes on them, and their focus on sexual violence.<sup>14</sup> Although much of their ideas had been shared and debated in international and national institutional and civil society settings, the negotiation table and the reintegration of FARC-EP ex-combatants to civilian life have implicated the addition of diverse voices to the discussion.<sup>15</sup> The official mandate of mainstreaming gender posed a challenge and represented an opportunity to examine the pertinence and accuracy of this well-established narrative. It not only widened the issues to which gender perspective had to be applied and operationalized, but also invited other interested actors into the conversation: FARC-EP's women combatants, or *farianas*.

While it is early to determine the full extent of the impact the peace process with the FARC-EP will have on the understanding of the situation of women in conflict and peacebuilding, it is already possible to see how the topics of the negotiation and the presence of *farianas* carving out their own version of revolutionary feminism confront certain aspects of the mainstream feminist knowledge about the internal conflict. To explore these sites of tension, I organize this Article in five sections. The first offers a brief overview of the Colombian armed conflict and its genderization through the strategic use of international law. The second examines the legal and feminist landscape against which the peace negotiations with FARC-EP took place. The third identifies and studies the key challenges the mainstream feminist approach to the armed conflict had to face during these negotiations. The fourth analyzes the particular feminist view of the peace agreement and whether it reflects the inclusion of a new actor, *farianas*, in the conversation. The fifth section draws some conclusions highlighting the fact that the peace agreement and its implementation is at the same time an official endorsement of the feminist reading outlined in the last two decades around the conflict and a unique opportunity to confront and redefine it. The presence of *farianas*' voices in the debates about women in conflict might not mean that their feminism would replace the work the women's movement has done in the past, but it could encourage a more diverse and nuanced exploration of their experiences and needs within and outside armed conflict.

---

14. See Acosta et al., *supra* note 12, at 109, 110, 115, 124, 125. See also Lemaitre & Sandvik, *supra* note 12.

15. See Acosta et al., *supra* note 12, at 125. See also Paarlberg-Kwam, *supra* note 12.

## I. The Colombian Armed Conflict and its Impact on Women

The remote origins of the Colombian armed conflict are in the 1940s, with the upsurge of bipartisan violence between the liberal and conservative parties.<sup>16</sup> In the late 1950s, their political leaders halted the wave of violence that was impacting the country, reaching an agreement that lasted until 1974 to share political power by alternating the presidency and establishing parity in bureaucratic posts.<sup>17</sup>

The genesis of the FARC-EP can be traced back to the formation of liberal and communist self-defense groups during that violent period, the unwillingness of some of them to accept the amnesty granted by the government in the 1950s, and the inability of the traditional liberal and conservative parties to include political dissidence in their pacification scheme.<sup>18</sup> Officially, the FARC-EP dates its establishment as a guerrilla group to 1964, the year in which the military began attacking their encampments, commonly known as “independent republics.”<sup>19</sup> In that decade, other communist guerrilla groups were born, such as the National Liberation Army (“ELN”) and the Popular Liberation Army (“EPL”).<sup>20</sup>

During the 1960s and 1970s, guerrilla groups seldom engaged in wide and open armed operations against the government.<sup>21</sup> In the 1980s and 1990s, this situation radically changed. Drug trafficking boomed in the country, attracting money, spurring criminality, and leading to the formation of private armies.<sup>22</sup> The implementation of administrative decentralization and the discovery of significant oil deposits allowed illegal groups to capture rents and gain leverage through the co-optation of regional and

16. See Jim Rochlin, *Plan Colombia and the revolution in military affairs: the demise of the FARC*, 37 REV. INT'L STUD. 715, 717 (2011).

17. Mónica Hurtado, *Proceso de Reforma Constitucional y Resolución de Conflictos en Colombia: el Frente Nacional de 1957 y la Reforma Constitucional de 1991*, 23 REV. DE ESTUDIOS SOCIALES 97, 99-100 (2006); CENTRO NACIONAL DE MEMORIA HISTÓRICA, ¡BASTA YA! COLOMBIA: MEMORIAS DE GUERRA Y DIGNIDAD 115 (2013).

18. See DARIO VILLAMIZAR, *LAS GUERRILLAS EN COLOMBIA: UNA HISTORIA DESDE LOS ORIGENES HASTA LOS CONFINES* 93-227 (2017).

19. See Marc W. Chermick, *Negotiated Settlement to Armed Conflict: Lessons from the Colombian Peace Process*, J. INTERAM. STUD. & WORLD AFF., Winter 1988-89, at 59; CENTRO NACIONAL DE MEMORIA HISTÓRICA, *supra* note 17, at 117-23. See generally Secretariado Nacional de las FARC-EP, *Quiénes somos y por qué luchamos*, FARC-EP, <https://www.farc-ep.co/nosotros.html> [<https://perma.cc/TP86-RRZA>] (last visited July 7, 2018).

20. See *National Liberation Army (Colombia)*, MAPPING MILITANT ORGANIZATIONS, <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/87> [<https://perma.cc/DL69-GBEX>] (last visited Feb. 28, 2019); *Popular Liberation Army*, MAPPING MILITANT ORGANIZATIONS, <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/119> [<https://perma.cc/B3VY-CQV4>] (last visited Feb. 28, 2019).

21. See Lawrence Boudon, *Guerrillas and the State: The Role of the State in the Colombian Peace Process*, 28 J. LATIN AM. STUD. 279, 280-82.

22. See Daniel Pécaut, *Guerra, Proceso de Paz y Polarización Política*, in *VIOLENCIAS Y ESTRATEGIAS COLECTIVAS EN LA REGIÓN ANDINA* 73, 83-84 (Gonzalo Sánchez & Eric Lair eds., 2004); Ariel F. Ávila, *Injerencia Política de los Grupos Armados Ilegales*, in *Y REFUNDARON LA PATRIA . . . DE CÓMO MAFIOSOS Y POLÍTICOS RECONFIGURARON EL ESTADO COLOMBIANO* 79-215 (Claudia López Hernández ed., 2010) (offering a detailed analysis of paramilitary and guerrilla financing strategies).

local governments, attacks to oil infrastructure, kidnapping, and extortion.<sup>23</sup> The strengthening of non-state armed actors fueled the conflict in their quest to control the Colombian territory and its resources, increasing the attacks against the civilian population.<sup>24</sup>

According to the Administrative Unit for the Attention and Reparation of Victims, a government agency, the armed conflict has caused the forced displacement of more than 7 million people, the forced disappearance of 175,153 individuals, the kidnapping of 37,025, the homicide of 1,012,201 people, and the commission of 29,133 crimes against sexual liberty and integrity.<sup>25</sup> The government agency Historic Memory Center reports 1,982 massacres between 1985 and 2012 and 11,751 victims associated with them.<sup>26</sup> Regarding sexual violence, the Center reports 15,076 victims between 1958 and 2016, and 14,309 between 1985 and 2016.<sup>27</sup>

The sex-disaggregation of these figures shows that generally men constitute the most vulnerable group to armed-conflict associated violence, except in relation to land loss and forced displacement, where men and women are similarly impacted, and to threats and sexual violence, where women as victims are a majority. According to the Administrative Unit for the Attention and Reparation of Victims' figures at the time of editing this article, 26,555 women, 2,140 men, and 438 lesbian, gay, bisexual, transsexual, and intersex (LGBTI) individuals were victims of sexual violence.<sup>28</sup> In relation to the Historic Memory Center figures, the sex-disaggregation of victims of sexual violence is 13,810 women and 1,235 men.<sup>29</sup>

23. See Silvia Mantilla Valbuena, *Economía y conflicto armado en Colombia: los efectos de la globalización en la transformación de la guerra*, 55 *LATINOAMÉRICA* 35 (2012).

24. See Max G. Manwaring, *Non-State Actors in Colombia: Threats to the State and to the Hemisphere*, *SMALL WARS & INSURGENCIES*, 2002, at 69–70.

25. To understand properly the Administrative Unit for the Attention and Reparation of Victims' figures it is important to have in mind that its registry is based on individuals' declarations and that there could be either incentives or disincentives to inform a government agency about armed conflict-related crimes. To access administrative reparations, victims have to be included in the Unit's registry with the details of the crime they suffered. However, certain individuals could fear being included into an official database for real or perceived security reasons. These figures include crimes reported that have taken place before 1985 through 2019. They change as more declarations are received and accepted in the Administrative Unit for the Attention and Reparation of Victims. In this sense, the database intends to encompass the entire extent of the Colombian armed conflict. Red Nacional de Información, *Unidad para la Atención y Reparación Integral a las Víctimas*, (Oct. 21, 2019), [https://cifras.unidadvictimas.gov.co/\[https://perma.cc/8S3S-T2DA\]](https://cifras.unidadvictimas.gov.co/[https://perma.cc/8S3S-T2DA]).

26. *Estadísticas del conflicto armado en Colombia*, CENTRO NACIONAL DE MEMORIA HISTÓRICA (Jul. 07, 2018, 12:10 PM), <http://www.centrodehistoria.gov.co/micrositios/informeGeneral/estadisticas.html> [https://perma.cc/R47S-K57V].

27. *La Guerra Inscrita en el Cuerpo: Informe Nacional de Violencia Sexual en el Conflicto Armado*, CENTRO NACIONAL DE MEMORIA HISTÓRICA 474 (2017), <http://www.centrodehistoria.gov.co/informes-2017/la-guerra-inscrita-en-el-cuerpo> [https://perma.cc/PL8S-KTBN].

28. Red Nacional de Información, *Unidad para la Atención y Reparación Integral a las Víctimas* (Oct. 21, 2019), <https://cifras.unidadvictimas.gov.co/> [https://perma.cc/9VN6-Y6DZ].

29. *La Guerra Inscrita en el Cuerpo*, *supra* note 27, at 500. Perhaps the visibility of sexual violence as a crime associated to womanhood explains the stark contrast between

During the 1990s and early 2000s, the escalation of the armed conflict was mostly felt through forced displacement.<sup>30</sup> Internally displaced people (“IDP”) roaming homeless in cities and towns brought light to its dynamic and sparked a humanitarian emergency.<sup>31</sup> The women’s rights movement had the challenge to become a pertinent voice against this background. The 1980s and 1990s had equipped these women to confront this task. Their experiences participating in regional feminist encounters and international feminist conferences sparked the creation of networks and the appropriation of the language of international law.<sup>32</sup> The availability of international funding for the furtherance of women’s rights paved the way for the creation of women’s rights NGOs in the country.<sup>33</sup> Their participation in the discussion and approval of the 1991 Constitution offered them not only the possibility of including some of their demands in the constitutional text following the lines of the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”), but also of learning how to interact with the State.<sup>34</sup>

By the late 1990s, the Colombian women’s rights movement had already cemented its path towards complete professionalization and consolidation as a relevant national and international actor.<sup>35</sup> Their two decades of training transformed them into *letradas*, or women holding the

---

the numbers of women and men victims in this case, since it encourages reporting events in which women are involved and not so much with men; or the figures are just illustrating an accurate proportion that demonstrates that sexual violence impacts women particularly. In any case, the blatant difference in the figures should not distract us from the fact that women are suffering from other crimes in high proportions and that attention is needed to redress them properly. Also, it is important to note that Administrative Unit for the Attention and Reparation of Victims’ registry of victims was established in 2011, thus before that date it was difficult to assess in numbers the incidence of armed conflict-related sexual violence.

30. See Press Release, Security Council, Effective Protection of Civilians in Armed Conflict Requires Stronger [sic] Partnerships, Security Council Told, U.N. Press Release SC/8575 (Dec. 9, 2005), <https://www.un.org/press/en/2005/sc8575.doc.htm> [<https://perma.cc/7X8U-GGLX>]. See also ROBERTO VIDAL, *DERECHO GLOBAL Y DESPLAZAMIENTO INTERNO: CREACIÓN, USO Y DESAPARICIÓN DEL DESPLAZAMIENTO FORZADO POR LA VIOLENCIA EN EL DERECHO CONTEMPORÁNEO* (Pontificia Universidad Javeriana, Bogotá ed., 2007).

31. See Press Release, World Bank, World Bank Report: Forced Displacement to Cities Demands an Urban Development Approach to the Crisis (Feb. 10, 2018), <https://www.worldbank.org/en/news/press-release/2018/02/10/world-bank-report-forced-displacement-to-cities-demands-an-urban-development-approach-to-the-crisis> [<https://perma.cc/T27Y-U9QV>]. See also Beatriz Londoño Toro, *Bogotá: una ciudad receptora de migrantes y desplazados con graves carencias en materia de recursos y de institucionalidad para garantizarles sus derechos*, ESTUDIOS SOCIO-JURÍDICOS, Apr. 2004.

32. See LEMAITRE RIPOLL, *supra* note 2, at 214-15.

33. See *id.* at 214-20.

34. See Beatriz Quintero, *Las Mujeres Colombianas y la Asamblea Nacional Constituyente de 1991 - Participación e Impactos*, CEPAL, [https://www.cepal.org/mujer/reuniones/Bolivia/Beatriz\\_Quintero.pdf](https://www.cepal.org/mujer/reuniones/Bolivia/Beatriz_Quintero.pdf) [<https://perma.cc/Y3CS-VAZS>]; LEMAITRE RIPOLL, *supra* note 2, at 209.

35. See *Colombia Case Study*, UNITED NATIONS DEVELOPMENT PROGRAMME, at 4, 8 <https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Women-s%20Empowerment/ColombiaFinal%20-%20HiRes.pdf> [<https://perma.cc/VNU5-J8UJ>]. See also LEMAITRE RIPOLL, *supra* note 2, at 214-20.

knowledge of the letter, specifically, the letter of the law.<sup>36</sup> The internal armed conflict became a proper setting to move forward in this direction. To outline a women-based agenda in this context and apply successfully for resources to develop it, they had to identify why it was necessary to approach the issue of women in conflict separately. To do so, they had at hand the narrative of international human rights, humanitarian, and criminal law, which has incorporated recent developments on women and war after the Balkans and Rwanda armed conflicts.<sup>37</sup> Specifically, the debates leading to the 1998 Rome Statute had mainstreamed an account of the predicament of women in this setting structured around victimhood and sexual violence.<sup>38</sup>

Including a women's perspective in the analysis of forced displacement meant coupling it with sexual violence, the notion of continuum of violence, and the insights of the CEDAW. What makes certain violence gender-based? According to this Committee, one of two things: "violence that is directed against a woman because she is a woman or that affects women disproportionately."<sup>39</sup> Is forced displacement gender-based violence? It is, the Colombian women's rights movement sustains, since it impacts them disproportionately.<sup>40</sup> Where does the disproportion lie? Not necessarily in the numbers of men and women IDPs.<sup>41</sup> Their analysis states that women face violence during peace and war times and that the violence they endure in any of these settings is a continuum and varies only in intensity.<sup>42</sup> For them, sexual violence is the paradigmatic gender-based crime, the crime every woman is exposed to no matter the context, since men exert their domination over women mainly through sex and sexuality.<sup>43</sup> During armed conflict, sexual violence gets exacerbated, and it is used not only to dominate women individually but also to wage war.<sup>44</sup> Forced displacement and sexual violence are intertwined. Armed actors, mainly male, embody sexual predators. Women are forced to flee to escape sexual violence only to find more sexual violence on their journey to safety.<sup>45</sup>

---

36. See ÁNGEL RAMA & JOHN C. CHASTEEN, *THE LETTERED CITY* 18-22, 29 (1996); Céspedes-Báez, *supra* note 2, at 304 n.20.

37. See Janet Halley, *Rape at Rome: Feminist Interventions in the Criminalization of Sex-Related Violence in Positive International Criminal Law*, 30 MICH. J. INT'L L. 1, 8 (2008).

38. See *id.* at 62-63.

39. Convention on the Elimination of All Forms of Discrimination Against Women, General Recommendation No. 19, ¶ 6 (1992), [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_3731\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf) [<https://perma.cc/NLG2-BXV3>].

40. See Pilar Rueda, *Documento Marco Conceptual* (2001), [http://pmayobre.webs.uvi.go.es/textos/cecilia/documento\\_marco\\_conceptual.pdf](http://pmayobre.webs.uvi.go.es/textos/cecilia/documento_marco_conceptual.pdf) [<https://perma.cc/2YS3-CWTG>]; INFORME SOBRE VIOLENCIA SOCIOPOLÍTICA CONTRA MUJERES, JOVENES Y NIÑAS EN COLOMBIA: TERCER INFORME -2002, MESA DE TRABAJO MUJER Y CONFLICTO ARMADO (Feb. 2003) [hereinafter, INFORME III].

41. See Rueda, *supra* note 40; INFORME III, *supra* note 40.

42. See Rueda, *supra* note 40; INFORME III, *supra* note 40.

43. See Rueda, *supra* note 40; INFORME III, *supra* note 40.

44. See generally INFORME III, *supra* note 40.

45. See Rueda, *supra* note 40; INFORME III, *supra* note 40.

Even if men and women experience forced displacement, the situation of women is different due to the increased danger of suffering sexual violence.

This gender-based reading of the internal conflict gained traction in the first decade of the 2000s. In 2001, the United Nations Special Rapporteur on Violence Against Women, its Causes and Consequences visited Colombia to examine the situation of women in the internal conflict.<sup>46</sup> Her report on this visit highlighted the incidence of sexual violence against women and used it to distinguish the experience of women from that of men.<sup>47</sup> In 2004, Amnesty International published a report focusing exclusively on sexual violence against women in the Colombian conflict.<sup>48</sup> The international NGO claimed that all legal and illegal armed groups had resorted to sexual violence, turning women's bodies into battlegrounds.<sup>49</sup> In 2005, the Inter-American Commission on Human Rights' Special Rapporteur on the Rights on Women, Susana Villarán, organized a mission to Colombia.<sup>50</sup> Her report identified sexual violence as a paradigmatic crime against women and deployed it as the main device to describe a gender-based narrative of the conflict.<sup>51</sup>

The discussion and approval of Law 975 of 2005, commonly known as the Peace and Justice Law, to facilitate the demobilization of paramilitaries, generated the implementation of transitional justice rhetoric and conceptual tools in Colombia.<sup>52</sup> This legislation offered to illegal armed actors, among other things, expedited prosecutions and reduced sentences in exchange for truth and reparations.<sup>53</sup> The investigation and prosecution of sexual violence within this legal framework became a priority for the women's rights movement and led them to concentrate their efforts on documenting cases and honing the knowledge needed to succeed in this

---

46. *View Country visits of Special Procedures of the Human Rights Council since 1998*, U.N. HUMAN RTS., OFF. HIGH COMMISSIONER, [https://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=COL](https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=COL) [https://perma.cc/7H4K-7MCZ] (last visited Apr. 6, 2019).

47. See Radhika Coomaraswamy (Special Rapporteur on Violence Against Women), *Report of the Special Rapporteur on violence against women, its causes, and consequences, Addendum: Mission to Colombia (1-7 November 2001)*, at 13, U.N. Doc. E/CN.4/2002/83/Add.3 (Mar. 11, 2002).

48. *Colombia: Scarred Bodies, Hidden Crimes: Sexual Violence Against Women in the Armed Conflict*, AMNESTY INTERNATIONAL (Oct. 13, 2004), <https://www.amnesty.org/download/Documents/92000/amr230402004en.pdf> [https://perma.cc/D6HQ-DLKW].

49. See *id.* at 3.

50. *Las Mujeres Frente a la Violencia y la Discriminación Derivadas del Conflicto Armado en Colombia*, O.A.S. COMISIÓN INTERAMERICANA DE DERECHOS HUMANO 9, OEA/Ser.L/V/II. Doc. 67 (Oct. 18, 2006), <http://www.cidh.oas.org/women/Colombia06sp/Women%20Colombia%20Spa%202006.pdf> [https://perma.cc/B4QZ-EZTM].

51. *Id.* at 10.

52. See generally JUSTICIA TRANSICIONAL, TEORÍA Y PRAXIS (Camila de Gamboa Tapias ed., 2006).

53. See *Colombia: The Justice and Peace Law*, THE CENTER FOR JUSTICE & ACCOUNTABILITY, <https://cja.org/where-we-work/colombia/related-resources/colombia-the-justice-and-peace-law/> [https://perma.cc/W42F-35ME] (last visited Mar. 1, 2019).

endeavor.<sup>54</sup> For doing so, they drafted reports and guides to demonstrate the pervasiveness of the crime and confront the paramilitary members' versions, identify relevant international and national case law and regulation to further litigation, and educate the general public about what had been happening to women in the internal conflict.<sup>55</sup> In 2008, the Colombian Constitutional Court, responding to their insistent advocacy and accrued knowledge on the subject, backed their work appropriating the rationale they had hammered out to sustain a women's rights approach to the conflict.<sup>56</sup> Therefore, the Court stated officially that women in conflict were bearing a disproportionate brunt and placed sexual violence at the center of their experience in this setting.<sup>57</sup> Hence, the Court ordered the government to design tailored measures for women and prevent, investigate, and prosecute sexual violence with no delay.<sup>58</sup>

By the end of the first decade of the 2000s, the women's rights movement had turned into a highly professionalized and legalistic sector. It organized in NGOs and networks, outlined its agenda along the lines of international law, and strategically positioned itself as a legitimate counterpart of the government to monitor, demand action from, and negotiate with it.<sup>59</sup> Their expertise allowed them to word their demands in legal argot, making them readable for initiated audiences, such as international organizations, justices, government agencies, among others, and creating a particular and specialized knowledge about women.<sup>60</sup>

## II. The Road to Havana

At least since 1985, the Colombian government had been trying to put an end to the conflict through a combined strategy of negotiation and confrontation.<sup>61</sup> The 2012 Havana peace talks were part of these efforts.<sup>62</sup> They began during the government of President Juan Manuel Santos, which succeeded that of President Álvaro Uribe Vélez, whose security pol-

54. See WORKING GROUP TO MONITOR COMPLIANCE WITH AUTO 092 OF 2008 OF THE COLOMBIAN CONSTITUTIONAL COURT-CONFIDENTIAL ACCESS. See generally ACCESS TO JUSTICE FOR WOMEN VICTIMS OF SEXUAL VIOLENCE: FIFTH FOLLOW-UP REPORT TO AUTO 092 OF THE COLOMBIAN CONSTITUTIONAL COURT-CONFIDENTIAL ANNEX, 48 (Oct. 2013).

55. See generally CORPORACIÓN SISMA MUJER, VIOLENCIA SEXUAL, CONFLICTO ARMADO Y JUSTICIA EN COLOMBIA (2007); CORPORACIÓN HUMANAS, GUÍA PARA LLEVAR CASOS DE VIOLENCIA SEXUAL: PROPUESTAS DE ARGUMENTACIÓN PARA ENJUICIAR CRÍMENES DE VIOLENCIA SEXUAL COMETIDOS EN EL MARCO DEL CONFLICTO ARMADO COLOMBIANO (2009); INFORME III, *supra* note 40.

56. See Corte Constitucional [Constitutional Court] abril 14, Auto 092/08 (Colom.), <http://www.corteconstitucional.gov.co/relatoria/autos/2008/a092-08.htm>.

57. *Id.*

58. *Id.*

59. See Céspedes-Báez & Jaramillo Ruiz, *supra* note 3, at 87, 90, 94-96.

60. See *id.* at 90, 103.

61. See VIRGINIA M. BOUVIER, COLOMBIA: BUILDING PEACE IN A TIME OF WAR 39 (2009).

62. See *Colombia agrees to hold peace talks with Farc rebels*, BBC NEWS (Aug. 28, 2012), <https://www.bbc.com/news/world-latin-america-19393096> [<https://perma.cc/63P5-UGLZ>].

icy had debilitated the FARC-EP.<sup>63</sup> However, this process was carried out within a very unique legal setting in comparison to the others. In 2002, Colombia ratified the Rome Statute, but invoked its article 124 to delay the application of the jurisdiction of the International Criminal Court for seven years in relation to war crimes.<sup>64</sup> In 2009, this stay came to an end, creating a very different background to negotiate with illegal armed actors in comparison to past endeavors.<sup>65</sup>

Also, the 2000s had meant the gradual installation in Colombia of the transitional justice paradigm to approach armed conflict and peacebuilding.<sup>66</sup> Truth, justice, reparation, and non-repetition defined the legal and political landscape against which the government and FARC-EP had to talk and reach a deal.<sup>67</sup> The successes and failures of the paramilitary demobilization that preceded the Havana conversations, and the legal developments drafted following the Rome Statute as well as transitional justice rhetoric, set out the blueprint the parties to the negotiation had to either pay heed or improve.

The paramilitary demobilization process started in 2005 under Law 975.<sup>68</sup> The entry in force of this law marked the official adoption in the country of the transitional justice scheme to find solutions to the conflict while complying with international law. The judicial processes against paramilitary members shed light on the level of victimization civilians had endured and the violent redistribution of land forced displacement had caused over the years.<sup>69</sup> This evidence contributed to the drafting and approval of a statute to redress armed conflict-related victims through expedited administrative and judicial processes.<sup>70</sup> Law 1448 of 2011, commonly known as the Victims and Land Restitution Law, aimed at compensating victims of breaches of international humanitarian law or grave and manifest breaches of international human rights law that had occurred since January 1, 1985 in the context of the internal armed conflict.<sup>71</sup>

---

63. See Mónica Pachón, *Colombia 2008: éxitos, peligros y desaciertos de la política de seguridad democrática de la administración Uribe*, 29 REV. DE CIENCIA POLÍTICA 327 (2009).

64. See Rome Statute of the International Criminal Court, art. 124, U.N. Doc. A/CONF.183/9 (July 17, 1998); Chandra Lekha Sriram, *ICC hypocrisy over war crimes*, GUARDIAN (June 22, 2010), <https://www.theguardian.com/commentisfree/2010/jun/22/icc-hypocrisy-article-124-war-crimes> [https://perma.cc/7QAS-764K].

65. See Sriram, *supra* note 64.

66. See Lisa J. Laplante & Kimberly Theidon, *Transitional Justice in Times of Conflict: Colombia's Ley de Justicia y Paz*, 28 MICH. J. INT'L. L. 49 (2006).

67. See *id.*

68. See generally Laplante & Theidon, *supra* note 66.

69. See 'Leave Us in Peace': Targeting Civilians in Colombia's Internal Armed Conflict, AMNESTY INTERNATIONAL 19 (Oct. 28, 2008), <https://www.amnesty.org/download/Documents/52000/amr230232008eng.pdf> [https://perma.cc/G8D5-PXLX]. See also COMISIÓN NACIONAL DE REPARACIÓN Y RECONCILIACIÓN - GRUPO DE MEMORIA HISTÓRICA, *LA TIERRA EN DISPUTA: MEMORIAS DEL DESPOJO Y RESISTENCIAS CAMPESINAS EN LA COSTA CARIBE 16 (1960-2010) (2010)*.

70. See *Colombia: The Victims and Land Restitution Law: An Amnesty International Analysis*, AMNESTY INTERNATIONAL 1, 17 (Apr. 17, 2012), <https://www.amnesty.org/download/Documents/20000/amr230182012en.pdf> [https://perma.cc/HXL3-HFMQ].

71. See *id.*

Law 1448 is a legal document that indicates the state of the art in relation to the mainstream knowledge and understanding of conflict by the beginning of the second decade of the 2000s. Thus, this piece of legislation demonstrates the achievements and blind spots of the *letradas'* strategy to genderize the internal conflict. It reveals how the Colombian state and public opinion had adopted the equation between sexual violence and women and foreshadows the importance the topic of land restitution and redistribution would have in the years to come. The Victims and Land Restitution Law included specific provisions along the lines of the Rome Statute to protect sexual violence victims during judicial trials.<sup>72</sup> Also, it established a particular hybrid process consisting of administrative and judicial proceedings to redress land seizure and abandonment.<sup>73</sup> The gender-based measures introduced in its mechanics evidenced that in the last two decades the issue of women and land in the context of conflict had not been at the forefront of the analysis and production of specialized legal knowledge.<sup>74</sup> For that reason, Law 1448 integrated measures to benefit women that either were limited to bureaucratic advantages, such as preference in the processing of their claims, or that replicated already acquired rights, as in the case of joint titling for married couples and domestic partners.<sup>75</sup> Particular provisions to resolve the usual legal problems that affect women's relationship to property were not taken into account in the design

---

72. See Sophie Rähme, *Frictions in Transitional Justice Processes: Colombia's Victims Law, Integral Reparation and the Temporality of Multiple Victimization in Displaced Women*, GOBERNAR: J. LATIN AM. PUB. POL'Y & GOVERNANCE, May 2018, at 33, 38. See also L. 1448/11, junio 10, 2011, DIARIO OFICIAL [D.O.] 48096 Titulo II (Colom.).

73. Jemima García-Godos & Henrik Wig, *The Colombian Land Restitution Program: Process, results and challenges, with special emphasis on women*, NIBR (2014), [http://colombialandgender.org/onewebmedia/Garcia-Godos%20and%20Wiig%20\(2014\)%20Land%20restitution%20in%20Colombia%2C%20NIBR%20report%2014.pdf](http://colombialandgender.org/onewebmedia/Garcia-Godos%20and%20Wiig%20(2014)%20Land%20restitution%20in%20Colombia%2C%20NIBR%20report%2014.pdf) [<https://perma.cc/HV92-6BT5>].

74. Even though the question of women's access, control, and recovery of land in the context of conflict was not at the center of the debate about gender-based violence in this setting, scholars such as Donny Meertens, a Dutch anthropologist based in Colombia since the 1970s, have contributed to the discussion of this topic. See Donny Meertens, *La Tierra, el Despojo y la Reparación: justicia de género para mujeres víctimas en Colombia*, in FONDO DE DESARROLLO DE LAS NACIONES UNIDAS PARA LA MUJER, ¿JUSTICIA DESIGUAL? GÉNERO Y DERECHOS DE LAS VÍCTIMAS EN COLOMBIA 195 (Marcela Giraldo ed., 2009); Donny Meertens & Margarita Zambrano, *Citizenship Deferred: The Politics of Victimhood, Land Restitution and Gender Justice in the Colombia (Post?) Conflict*, 4 INT'L J. TRANSITIONAL JUST. 189, 195-96 (2010). However, this topic did not gain the same traction as sexual violence in the first decade of the 2000s. For instance, to date, the Gender Group of the Center for Historic Memory has not produced a specific report on the subject, while it has done extensive research on sexual violence. The Center's analysis on the question of land and women has been part of broader researches not led by the Gender Group. See generally LA TIERRA EN DISPUTA, *supra* note 69. *Letradas* focused their documentation and study heavily on sexual violence. It seems that this situation is starting to change during the implementation phase of the peace agreement with FARC. I will develop this point further below.

75. See, e.g. L. 30/88, marzo 22, 1988, DIARIO OFICIAL [D.O.] 38264, Art. 12 (Colom.); L. 1448/11, junio 10, 2011, DIARIO OFICIAL [D.O.] 48096, Arts. 75, 81, 91 & 114-118 (Colom.). In 1988, joint titling was introduced into the agrarian reform regulation after peasant women, along with the support of women in government, pressured the Colombian state to do so. María Fernanda Sañudo Pazos, *Reforma Agraria:*

of this transitional justice scheme. For example, the Victims and Land Restitution Law did not offer guidance on issues such as polygamy, successive domestic partnerships, pending inheritance processes, loss of connection to their parents' plot due to marriage or the establishment of domestic partnerships and consequent migration to their husband's/partner's plot, lack of recognition of their work to prove possession, etc.<sup>76</sup>

Almost at the same time the negotiations with FARC-EP began, Congress started to discuss a bill that specifically focused on sexual violence against women during armed conflict.<sup>77</sup> It was drafted taking into account the input of *letradas*, UN Women, Human Rights Watch, and Amnesty International, among others.<sup>78</sup> In 2014, Congress passed this bill as Law 1719.<sup>79</sup> It modified the Penal Code to include statutory rape, forced pregnancy, and non-consensual sterilization against protected persons under international humanitarian law, among other provisions.<sup>80</sup> It also introduced into the Colombian legal system an explicit definition of sexual violence as a crime against humanity following the Rome Statute.<sup>81</sup> The bill faced little opposition and illustrates the wide-range acceptance of *letradas*' reading of conflict when the peace talks began.<sup>82</sup> Sexual violence was strongly linked to the understanding of women's experience in conflict and had become the preferred site of intervention for the Colombian state and civil society to respond to the challenges of a gender-based approach to the internal conflict.<sup>83</sup>

Given the traction the topic of women had gotten in the analysis of the Colombian conflict, it was surprising that, at its inception, the talks with the FARC-EP did not have a gender perspective, nor an approach to make women's experience in conflict and peacebuilding visible.<sup>84</sup> The agenda charted five general points of negotiation (agrarian development, political participation, illegal drugs, victims, and end of the conflict).<sup>85</sup> Each party appointed their plenipotentiaries. No woman was selected on either side

---

*Representaciones de género y política de tierras en Colombia*, REV. INTERDISCIPLINARIA DE ESTUDIOS DE GÉNERO DE EL COLEGIO DE MÉXICO, Julio-Diciembre 2016, at 102, 114-15.

76. See L. 1448/11, junio 10, 2011, DIARIO OFICIAL [D.O.] 48096 (Colom.).

77. See Amnesty International, *Public Statement: Colombia new law aims to address impunity for conflict-related crimes of sexual violence*, AMR 23/024/2014 (June 19, 2014).

78. Congreso de la República, GACETA DEL CONGRESO [G. Cong.] 567, 5 (2012).

79. See Press Release, Press Statement by the Special Representative of the Secretary-General on Sexual Violence in Conflict Zainab Hawa Bangura; Colombia: Historic New Law Offers Survivors of Sexual Violence Hope for Justice and Redress (June 24, 2014), <https://www.un.org/sexualviolenceinconflict/press-release/press-statement-by-the-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-zainab-hawa-ban-gura/> [<https://perma.cc/manage/create?folder=27427-55204>].

80. See *id.*

81. See *id.*

82. See *id.*; *Ley 1719 de 2014. Una ley contra la impunidad en casos de violencia sexual*, PAZ CON MUJERES, (Aug. 25, 2014), [http://www.humanas.org.co/pazconmujeres/6\\_39\\_Ley-1719-de-2014.-Una-ley-contra-la-impunidad-en-casos-de-violencia-sexual.html](http://www.humanas.org.co/pazconmujeres/6_39_Ley-1719-de-2014.-Una-ley-contra-la-impunidad-en-casos-de-violencia-sexual.html) [<https://perma.cc/8KW4-UAEL>].

83. Céspedes-Báez & Jaramillo Ruiz, *supra* note 3, at 87.

84. *Id.* at 85.

85. *Id.*

for that position.<sup>86</sup> This situation caused inconformity among *letradas* and the women's right movement in Colombian and prompted their mobilization to pressure the government to include women on its team and their topics in the common agenda.<sup>87</sup> They organized meetings, drafted statements, and engaged the international community in the debate about their exclusion.<sup>88</sup> In October 2013, with the support of UN Women, they celebrated the First National Summit of Women for Peace and reiterated their demand for the effective integration of women and women's issues in the peace talks.<sup>89</sup>

In November 2013, responding to the pressure, the government appointed two women plenipotentiaries, and in September 2014, the parties established the Sub-Commission on Gender.<sup>90</sup> This bipartisan body was created to provide gender-based insights to the peace talks and mainstream gender into the agreements.<sup>91</sup> Although the Sub-Commission did not have decision-making authority, and was not able to change substantially what was agreed before it started its work (agrarian development, political participation, and illegal drugs), it became a strategic platform to advocate for the participation of women in peacebuilding, a scenario to listen to *letradas*, victims, advocates, and activists, and an opportunity to learn about FARC-EP's position on this subject.<sup>92</sup>

### III. Letradas, Farianas, and Victims Get Together in Havana

The dialogues in Havana posed a key challenge to the knowledge *letradas* had produced in the previous years to genderize the internal armed conflict, given the broad scope of the matters being negotiated and the participation of *farianas* in fashioning the necessary insights to make sure gender was mainstreamed throughout the process and documents. Although the Sub-Commission on Gender did not include as members any of the most prominent *letradas*, by the time of its installation there was no doubt their expertise had already become part of the official narrative through judicial decisions and legislation.<sup>93</sup> It was certainly an advantage that the inclusion of a gender-based perspective to the peace conversations

---

86. See Bouvier, *supra* note 11, at 19; Delegados Gobierno de la República de Colombia y Fuerzas Armadas Revolucionarias de Colombia, *Acuerdo General para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera* (2012), [http://www.altcomisionadoparalapaz.gov.co/procesos-y-conversaciones/acuerdo-general/Documentos%20compartidos/Acuerdo\\_General\\_para\\_la\\_terminacion\\_del\\_conflicto.pdf](http://www.altcomisionadoparalapaz.gov.co/procesos-y-conversaciones/acuerdo-general/Documentos%20compartidos/Acuerdo_General_para_la_terminacion_del_conflicto.pdf) [<https://perma.cc/X78Q-VZWW>].

87. See Céspedes-Báez & Jaramillo Ruiz, *supra* note 3, at 85.

88. See *id.*

89. See Margarita Muñoz Pallares & Claudia Cecilia Ramírez, *Cumbre Nacional de Mujeres y Paz: Bogotá, Colombia-October 23 al 25 de 2013, Sistematización*, 16 (2014), [http://www2.unwomen.org/-/media/field%20office%20colombia/documentos/publicaciones/2014/sistematizacumbre\\_mujeres\\_y\\_paz.pdf?la=es&vs=2850](http://www2.unwomen.org/-/media/field%20office%20colombia/documentos/publicaciones/2014/sistematizacumbre_mujeres_y_paz.pdf?la=es&vs=2850) [<https://perma.cc/VHG4-8X3M>].

90. Bouvier, *supra* note 86, at 20-21.

91. *Id.* at 21.

92. *Id.*

93. *Id.*

had a clear point of departure in *letradas*' knowledge to guide the work on this matter. However, its narrowness was undoubtedly its most visible downside to effectively integrate thorough diagnoses and measures for women impacted by conflict. Also, focusing on women as victims and sexual violence as the paradigmatic gender-based crime was not going to necessarily match with the account *farianas* wanted to draft for themselves as women combatants and revolutionaries.<sup>94</sup>

Gutiérrez and Carranza, two experts on the Colombian armed conflict, catalogued the FARC-EP as a *feminized* guerrilla.<sup>95</sup> Estimates of the percentage of women within this guerrilla's ranks fluctuated between 20% to 40%.<sup>96</sup> Starting in the 1980s, this group introduced some structural changes that spurred their enrollment.<sup>97</sup> The most important was its conscious abandonment of the peasant self-defense organization to become an army.<sup>98</sup> This entailed the assumption of "a highly *militaristic model* based on lifelong membership, stiff discipline, strict separation from the civilian population, permanent training and drilling, ideological education, and rigorous control over everyday activities of its members."<sup>99</sup> Isolating the guerrilla from civilians and sustaining the lifelong commitment of its members implied turning the group into a self-sufficient unit able to provide daily life dynamics, such as sentimental and family-like relationships. According to them, the precarious position which women had while living in the countryside could explain women's interest in becoming guerrilla members.<sup>100</sup> Although their chances to climb to the top of the guerrilla's hierarchies were very low, they encountered a more egalitarian environment inside the FARC-EP than in their former social and family circles.<sup>101</sup> There women and men shared basic chores and duties, received the same training, and participated in combat.<sup>102</sup>

Then, *farianas* seemed to have arrived at Havana bringing with them a notion of the contrast between life for countryside women outside and inside the guerrilla's ranks. In this sense, even if they had not elaborated a feminist manifesto before the dialogues started, their experience inside the group equipped them with basic insights that were going to inform their nascent feminist stance that was going to gradually take form during and after the peace conversations. Their vindication of women rights was going to be in direct relation with their life inside the FARC-EP. Thus, it was

---

94. See INFORME III, *supra* note 40. See generally ABColombia, Corporación Sisma Mujer, & U.S. Office on Colombia, *Colombia: Mujeres, Violencia Sexual en el Conflicto y Proceso de Paz*, ABCOLOMBIA, 10-11 (2013) <https://www.abcolombia.org.uk/wp-content/uploads/2017/06/4-Sexual-Violence-Spanish.pdf> [<https://perma.cc/BK43-VGMP>].

95. Francisco Gutiérrez Sanín & Francy Carranza Franco, *Organizing women for combat: The experience of the FARC in the Colombian war*, 17 J. AGRARIAN CHANGE, 770, 770 (2017).

96. *Id.*

97. *Id.*

98. *Id.*

99. *Id.* at 773.

100. *Id.* at 772.

101. *Id.* at 774.

102. *Id.* at 775.

going to give a prominent place to their camaraderie with men, their decision to take up the arms, and their revolutionary ideas. In summary, *farianas*' understanding of women's role promised to clash sooner or later with some points of the *letradas*' agenda.

The most visible *letradas* made an effort to personally deliver their message and expertise to the Sub-Commission. This body organized the visit of delegations in order to have the opportunity to hear first-hand the proposal of the women's rights movement.<sup>103</sup> Prominent *letradas* were among them and they relayed the message on the urgency of tackling the subject of sexual violence in the context of conflict during the peace conversations.<sup>104</sup> In doing so, *letradas* were making sure that their particular narrative of the conflict based in sexual predation of men against women was infused into the peace conversations. Its soundness stemmed not exclusively from their proficiency in the subject, but also from international law developments and international organizations' endorsements. UN Women was crucial in this endeavor.<sup>105</sup>

Bringing the theme of sexual violence to the table was not exempt from controversies and tensions. Since 2005, the attention on this issue had been concentrated mostly on the paramilitary groups given their demobilization process and their obligation to offer truth in exchange of lenient sentences.<sup>106</sup> Ventilating the knowledge *letradas* had accrued during those years in the context of the Sub-Commission promised to shift the focus of attention to the FARC-EP itself as an organization implicated in those crimes against civilians and its female members.<sup>107</sup> Although the

---

103. *Mujeres colombianas dialogan con negociadores de paz en La Habana*, EL PAÍS (Mar. 6, 2015), <https://www.elpais.com.co/colombia/mujeres-nas-dialogan-con-negociadores-de-paz-en-la-habana.html> [https://perma.cc/7486-US7K].

104. *Id.*

105. See generally Bouvier, *supra* note 86; Jineth Bedoya Lima, 'Colombia sigue sufriendo crimen de violencia sexual': Belén Sanz, EL TIEMPO (Nov. 5, 2017), <http://www.eltiempo.com/justicia/conflicto-y-narcotrafico/entrevista-con-belen-sanz-la-espanola-clave-para-la-participacion-de-las-mujeres-en-proceso-de-paz-148410> [https://perma.cc/2LB3-4GVY].

106. See *Mujeres en Conflicto: violencia sexual y paramilitarismo*, CORPORACIÓN SISMA MUJER 150-51 (2009), <http://www.sismamujer.org/wp-content/uploads/2014/10/2009.Mujeres-en-Conflicto-Violencia-Sexual-y-Paramilitarismo.pdf> [https://perma.cc/WAF2-KQJ4]; Humanas Colombia, *Corporación Humanas - Centro Regional de Derechos Humanos y Justicia de Género*, PEACE INSIGHT, <https://www.peaceinsight.org/es/conflicts/colombia/peacebuilding-organisations/corporacion-humanas/?en=1> [https://perma.cc/BY2U-UPCP] (last updated July 2015); CORPORACIÓN HUMANAS, LA VIOLENCIA SEXUAL: UNA ESTRATEGIA PARAMILITAR EN COLOMBIA-ARGUMENTOS PARA IMPUTARLE RESPONSABILIDAD PENAL A SALVATORE MANCUSO, HERNÁN GIRALDO Y RODRIGO TOVAR 26 (2013); Iris Marín, *Violencia sexual, paramilitarismo e impunidad. Análisis y propuestas desde una mirada de género*, in SISMA MUJER, MAS ALLA DE LAS CIFRAS 37 (2008).

107. See EFE, "Las violaciones sexuales nos dañaron el alma", *exguerrillera de Farc*, PERIÓDICO EL MUNDO (Dec. 6, 2017), <http://www.elmundo.com/noticia/-Las-violaciones-sexuales-nos-danaron-el-almaexguerrillera-de-Farc/363940> [https://perma.cc/V5CA-DWCK]; *Radiografía de la violencia sexual en las Farc*, EL ESPECTADOR (Jul. 16, 2016), <https://www.elspectador.com/noticias/judicial/radiografia-de-violencia-sexual-farc-articulo-643838> [https://perma.cc/9SCK-TWV5]; *Las Farc niegan que empleen la violencia sexual como arma de guerra en Colombia*, EL ESPECTADOR (Aug. 25, 2015), <https://www.elspectador.com/noticias/paz/farc-niegan-empleen-violencia-sexual->

former situation meant acknowledging the commission of heinous actions against women from the populations they supposedly represented and protected, a transitional justice setting such as a peace process is a propitious scenario to address it. However, facing FARC-EP's involvement in crimes against their members endangered its image as a united and disciplined organization, and threatened to undermine *farianas'* agency and narrative about autonomy and recognition within the group.<sup>108</sup>

Since the moment gender mainstreaming became a mandatory directive in the parties' negotiation agenda, sexual violence against women became its epitome and a doubled-edged sword.<sup>109</sup> Its proper recognition and treatment in the talks was turned into a crucial measure of the level of incorporation of the gender perspective in the agreements and the extent of

---

arma-de-guerra-col-articulo-581500 [https://perma.cc/68NN-42CD]; *Fiscalía denuncia que aborto forzado fue política de las FARC*, EL ESPECTADOR (Dec. 11, 2015), https://www.elespectador.com/noticias/judicial/fiscalia-denuncia-aborto-forzado-fue-politica-de-farc-articulo-604919 [https://perma.cc/3JQL-ZPCV]; Maria Camila Rincón Ortega, "Violencia sexual fue una práctica sistemática de Auc y Farc", EL ESPECTADOR (Dec. 3, 2013), https://www.elespectador.com/noticias/judicial/violencia-sexual-fue-una-practica-sistemática-de-auc-y-articulo-461810 [https://perma.cc/7D3U-CXFV]; *Violencia sexual intrafilas en las Farc: el debate apenas comienza*, VERDAD ABIERTA (Aug. 3, 2016), https://verdadabierta.com/violencia-sexual-intrafilas-en-las-farc-el-debate-apenas-comienza/ [https://perma.cc/ZR5G-M24T]; José Miguel Vivanco, *Colombia: La violencia sexual de las FARC queda al descubierto*, HUMAN RIGHTS WATCH (Aug. 11, 2016), https://www.hrw.org/es/news/2016/08/11/colombia-la-violencia-sexual-de-las-farc-queda-al-descubierto [https://perma.cc/BL7S-DVKG].

108. See, e.g., Press Release, *Farianas*, Declaración Pública (Oct. 11, 2013), https://www.mujerfariana.org/vision/declaraciones/75-declaracion.html [https://perma.cc/2CZJ-PS5G]; Press Release, *Farianas*, Por una Nueva Colombia sin discriminación de género (Sept. 7, 2014) https://www.mujerfariana.org/vision/declaraciones/165-por-una-nueva-colombia-sin-discriminacion-de-genero.html [https://perma.cc/7APT-AE3N]; Victoria Sandino & Alexandra Nariño, *Señoras Laura Ardila y Natalia Arenas, hagan honor a la verdad*, FARIANAS (Aug. 23, 2014), https://www.mujerfariana.org/vision/declaraciones/161-senoras-laura-ardila-y-natalia-arenas-hagan-honor-a-la-verdad.html [https://perma.cc/E7F8-E4P2]; Press Release, *Mujer Fariana*, Comunicado: No jueguen con el honor de las *farianas* (Dec. 7, 2017), https://www.farc-ep.co/comunicado/comunicado-no-jueguen-con-el-honor-de-las-farianas.html [https://perma.cc/H25T-VYUJ]. In late 2017, some FARC-EP's women ex-combatants established *Corporación Rosa Blanca*, an NGO to denounce sexual violence within the guerrilla's ranks. The testimonies and information they have gathered and made public have been intensively broadcasted in the media and shared in social networks. This situation demonstrates the controversial nature of this debate and the internal fractures it has caused within the organization. See Press Release, *Oficina de Prensa Margarita Restrepo*, *Corporación Rosa Blanca* (Dec. 12, 2017), http://www.camara.gov.co/corporacion-rosa-blanca [https://perma.cc/7GAU-263X]; *Corporación Rosa Blanca Rechazó Aprobación de Curules para las FARC*, PERIÓDICO EL MUNDO (Feb. 9, 2018), http://www.elmundo.com/noticia/Corporacion-Rosa-Blanca-rechazo-aprobacion-de-curules-para-las-Farc/366820 [https://perma.cc/A8FT-APHL]; Juan Lozano, *Rosa Blanca, Patria Nueva e Iván Duque*, EL TIEMPO (Dec. 10, 2017), http://www.eltiempo.com/opinion/columnistas/juan-lozano/rosa-blanca-patria-nueva-e-ivan-duque-160298 [https://perma.cc/QCB3-KZG2]; "Éramos la carne de los comandantes": *exguerrillera de FARC*, BLU RADIO (Dec. 6, 2017), https://www.bluradio.com/nacion/eramos-la-carne-de-los-comandantes-exguerrillera-de-farc-162409 [https://perma.cc/6MF2-X32D].

109. See *Nueva subcomisión abordará violencia sexual en conflicto colombiano*, EL PAÍS (Dec. 15, 2014), https://www.elpais.com.co/judicial/nueva-subcomision-abordara-violencia-sexual-en-conflicto-colombiano.html [https://perma.cc/B3WZ-ZXC2].

the commitment of the government and FARC-EP with women victims.<sup>110</sup> However, it also exposed a weak spot of the guerrilla group and seemed to limit even more the debate about women in the internal conflict to this crime. During the years of the negotiation, sexual violence dominated the news in relation to gender, conflict, and peace in the context of the Havana conversations.<sup>111</sup> To the contrary, the specific gender-based angle of other issues, such as rural reform and drug crops and trafficking, among others, barely made news or was integrated into the *letradas'* account of and advocacy around the peace process.<sup>112</sup>

The *letradas'* advocacy platform, *Cinco Claves* (Five Keys), was pivotal to situate sexual violence in the transitional justice scheme that was being designed in Havana.<sup>113</sup> This coalition of well-known women's rights NGOs and networks, such as Sisma Mujer, Corporación Humanas, Red Nacional de Mujeres, and the No es Hora de Callar campaign, combined the expertise of *letradas'* lawyers and activists.<sup>114</sup> Its main goal was to require the parties to include a differentiated treatment of sexual violence against women in conflict in the context of the negotiation.<sup>115</sup> They demanded the creation of a truth commission solely devoted to this crime, prohibition of granting amnesties to its perpetrators, prioritization of its investigation and prosecution, establishment of a special chamber within the transitional justice judicial structure exclusively devoted to it, and design of a tailored program to redress its victims, among other measures.<sup>116</sup>

Although certain women's collectives and coalitions had drafted and made public from the beginning of the peace process manifestos making explicit that their conception of peace was also linked to the improvement of their socioeconomic conditions and the recognition of the impact conflict has had on the rural economy, access and control of land, and environment, etc., no *letradas'* platform as strong and visible as *Cinco Claves* took up their message and brought these issues to the table.<sup>117</sup> Although it would not have been far-fetched to expect *farianas* to strongly defend this group of women and advance similar claims, given their Marxist back-

---

110. See *id.*; EL PAÍS, *supra* note 103.

111. See, e.g., Anastasia Moloney, *Colombia must probe sexual violence by state forces: rights groups*, REUTERS (August 27, 2015).

112. See, e.g., June S. Beittel & Liana W. Rosen, *Colombia's Changing Approach to Drug Policy*, CONGRESSIONAL RESEARCH SERVICE (Nov. 30, 2017) (the United States' Congressional Research Service report on drug policy which fails to mention women or gender-based activism).

113. Red Nacional de Mujeres et al., *Cinco claves para un tratamiento diferencial de la violencia sexual en los acuerdos sobre la justicia transicional en el proceso de paz*, [https://www.humanas.org.co/alfa/dat\\_particular/ar/Cinco\\_claves\\_de\\_la\\_violencia\\_sexual\\_en\\_los\\_acuerdos\\_sobre\\_justicia\\_transicional-completo.pdf](https://www.humanas.org.co/alfa/dat_particular/ar/Cinco_claves_de_la_violencia_sexual_en_los_acuerdos_sobre_justicia_transicional-completo.pdf) [<https://perma.cc/3RLT-NKUA>] (last visited Mar. 1, 2019).

114. *Id.*

115. *Id.*

116. *Id.*

117. See, e.g., Press release, *Farianas, Por una Nueva Colombia sin discriminación de género*, *supra* note 108.

ground and proximity to rural women, my investigation has not found evidence in that direction. Even though they made general statements against capitalism and its role in generating patriarchy, in them they did not examine this issue in depth nor proposed detailed lines of action to deactivate the interplay between the economic model and gender-based discrimination and violence.<sup>118</sup> Perhaps the fact that FARC-EP women combatants arrived to the negotiation table with scarce feminist training hindered the identification of their main objectives in gender-based terms and their potential allies.<sup>119</sup>

#### IV. A Lettered Peace Agreement?

The government and FARC-EP reached an agreement in August 2016.<sup>120</sup> In a 297-page document they outlined the conditions to deactivate the longest-standing guerrilla organization in all of Latin America.<sup>121</sup> Its table of contents is an overview of the interpretation each party had about the causes and consequences of conflict. Rural reform, political participation, and illicit crops and drug trafficking had been among the most common subjects associated to the emergence, escalation, and impact of the internal war.<sup>122</sup> Therefore, the agreement laid out the principles and actions to solve what allegedly had kept the guerrilla in arms for so many decades.

The Colombian people rejected the August 2016 agreement by a small margin.<sup>123</sup> Its appropriation of a broader understanding of gender that included the lesbian, gay, bisexual, and transgender (LGBT) population was one of the arguments against it.<sup>124</sup> The far-right and Christian groups in the country alleged that the accord had resorted to “a gender ideology” to subvert the family and traditional values that had defined and sustained the Colombian nation.<sup>125</sup> Responding to the victory of the opposition, the

118. See, e.g., Press Release, *Mujer Fariana*, Comunicado: No jueguen con el honor de las farianas, *supra* note 108.

119. Gloria Castrillón, “*Estamos creando el feminismo en las Farc*”: Victoria Sandino, *EL ESPECTADOR* (Sept. 21, 2016), <https://colombia2020.elespectador.com/politica/estamos-creando-el-feminismo-en-las-farc-victoria-sandino> [<https://perma.cc/QSG8-7U49>].

120. Sibylla Brodzinsky, *Farc peace deal: rebels and Colombian government sign accord to end war*, *GUARDIAN* (Aug. 25, 2016), <https://www.theguardian.com/world/2016/aug/24/colombia-government-farc-rebels-peace-deal-52-year-war> [<https://perma.cc/7V74-3JL2>].

121. *Acuerdo Final Para La Terminación Del Conflicto y La Construcción De Una Paz Estable y Duradera*, (Aug. 24, 2016), <http://www.urnadecristal.gov.co/sites/default/files/acuerdo-final-habana.pdf> [<https://perma.cc/5FPE-CY2R>].

122. *Id.*

123. Roxanne Krystalli & Kimberly Theidon, *Here’s how attention to gender affected Colombia’s peace process*, *WASH. POST* (Oct. 9, 2016), [https://www.washingtonpost.com/news/monkey-cage/wp/2016/10/09/heres-how-attention-to-gender-affected-colombias-peace-process/?noredirect=on&utm\\_term=.d0135f8d533b](https://www.washingtonpost.com/news/monkey-cage/wp/2016/10/09/heres-how-attention-to-gender-affected-colombias-peace-process/?noredirect=on&utm_term=.d0135f8d533b) [<https://perma.cc/K8X4-3NYR>].

124. *Id.*

125. *Id.* See generally Lina M. Céspedes-Báez, *Gender Panic and the Failure of a Peace Agreement*, 110 *AM. J. INT’L L. UNBOUND* 183 (2016); Javier Corrales, *A Perfect Marriage*:

government and FARC-EP modified certain parts of the agreement to win their approbation.<sup>126</sup> For that reason, the definition of gender was reduced to denote women, and references to diverse gender identity or sexual orientation were almost completely expunged from the document.<sup>127</sup> In terms of specific measures for women, they were not significantly altered.<sup>128</sup> In November 2016, the parties to the agreement published this revised version, and the Colombian Congress approved the agreement and began its implementation.<sup>129</sup>

The agreement mostly mirrored the common understanding *letradas* had strategically mainstreamed in the country and the Havana negotiation table.<sup>130</sup> Therefore, this agreement (i) incorporated inclusive language almost only for men and women; (ii) outlined very specific measures for the investigation and prosecution of sexual violence; (iii) prohibited amnesties for this crime; (iv) established a link between drug use and trafficking and sexual violence against women; (v) acknowledged the productive role of rural women, although at the same time underscored that the reproductive role belonged exclusively to them; and (vi) sought to guarantee women access to land using prioritization in programs designed to do so, tailored legal counseling, and granted them participation in the bodies and institutional settings in charge of carrying out the integral rural development.<sup>131</sup>

*Letradas'* interest in integrating their knowledge in this peace agreement could be part of a strategy to reiterate and legitimate their narrative in one of the most important political instruments in recent Colombian history. Also, it could point to the need they have to repeat insistently their demands before a State that has been receptive to adopt their expertise as its own but has failed to turn it into effective public policies and judicial outcomes.<sup>132</sup> For instance, a coalition of *letradas* that has been following

---

*Evangelicals and Conservatives in Latin America*, N.Y. TIMES (Jan. 17, 2018), <https://www.nytimes.com/2018/01/17/opinion/evangelicals-politics-latin-america.html> [<https://perma.cc/6CAF-ERMS>].

126. Lesley Gill, *Another Chance for Peace in Colombia?*, 22 J. LATIN AM. & CARIBBEAN ANTHROPOLOGY 157, 157 (2017).

127. *Acuerdo Final Para La Terminación Del Conflicto y La Construcción De Una Paz Estable y Duradera*, (Nov. 24, 2016.), <http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/Documentos%20compartidos/24-11-2016NuevoAcuerdoFinal.pdf> [<https://perma.cc/H29X-AS67>].

128. Céspedes-Báez & Jaramillo Ruiz, *supra* note 3, at 99-103.

129. *Acuerdo Final*, *supra* note 127.

130. *Id.*

131. *Id.* at 169, 151, 117, 11-18.

132. See generally Comisión Colombiana de Juristas et al., *Primer Informe de Seguimiento al Cumplimiento de la Orden del Auto 092 Referida al Anexo Reservado de 183 Reportes de Violencia Sexual* (Jul. 21, 2018, 11:24 AM) <https://www.womenslinkworldwide.org/en/files/1275/follow-up-report-act-092-2008-only-in-spanish.pdf> [<https://perma.cc/W552-SR45>]; Corporación Casa de la Mujer, et al., *Tercer Informe de Seguimiento al Auto 092 de 2008* (Jul. 21, 2018, 11:28 AM) [https://www.dejusticia.org/wp-content/uploads/2017/04/fi\\_name\\_recurso\\_186.pdf?x54537](https://www.dejusticia.org/wp-content/uploads/2017/04/fi_name_recurso_186.pdf?x54537) [<https://perma.cc/MB8R-LZEU>]; Mesa de Seguimiento al Auto 092 de 2008 - Anexo Reservado, *Acceso a la justicia para mujeres víctimas de violencia sexual. Quinto Informe de Seguimiento al Auto 092 de la Corte Constitucional - Anexo Reservado* (2013), [https://cdn.dejusticia.org/wp-content/uploads/2017/04/fi\\_name\\_recurso\\_335.pdf](https://cdn.dejusticia.org/wp-content/uploads/2017/04/fi_name_recurso_335.pdf) [<https://perma.cc/N24L-RNDT>]; Mesa de

the investigation and prosecution of sexual violence found that out of 178 events of sexual violence identified in 2008 through litigation before the Constitutional Court to protect women's rights in conflict, only 16 have been concluded, 14 with convictions and sentences and 2 with non-guilty findings.<sup>133</sup>

At least since the 1980s, peasant women have been vocal about their rights and have advocated for an effective access and control of property rights over rural land.<sup>134</sup> The alliances they established with women within the government during this decade helped them to win joint titling in the context of rural reforms and participation in key bodies related to these policies.<sup>135</sup> During the 2000s, *letradas* have contributed to their cause, echoing their demands in their advocacy work.<sup>136</sup> However, lack of political will and scarce allocation of money have undermined initiatives to promote peasant women's well-being and productive initiatives.<sup>137</sup> Furthermore, the escalation of the armed conflict in the 1990s impacted grassroots organizations and movements, silencing the vindication of peasants' land rights.<sup>138</sup> The implementation of transitional justice schemes in the country have revived the debate about this topic and brought back demands minted in the last two decades of the twentieth century.<sup>139</sup>

The agreement did not show, at least explicitly, the imprint of *farianas*.<sup>140</sup> Maybe the fact that they did not have an outlined and honed feminist agenda during the peace conversations can explain it. As Victoria Sandino, a *fariana* leader and member of the Sub-Commission on Gender, said in an interview in September 2016, they have just started creating a feminist movement within the nascent political party into which FARC-EP has transitioned.<sup>141</sup> Thus, their exposure to *letradas*' knowledge in the context of the negotiation table impelled them to organize and articulate their feminist vision and plan of action. They have been working on that since almost the beginning of the peace talks. In September 2013, they launched *Farianas*, a website to encourage the exchange of ideas on this

---

Seguimiento al Auto 092 de 2008 - Anexo Reservado, *Acceso a la justicia para mujeres víctimas de violencia sexual. Sexto Informe de Seguimiento al Auto 092 y primer informe de seguimiento al Auto 009 de la Corte Constitucional - Anexos reservados* (2016), [https://www.colectivodeabogados.org/IMG/pdf/auto\\_sexto\\_web.pdf](https://www.colectivodeabogados.org/IMG/pdf/auto_sexto_web.pdf) [<https://perma.cc/6DWQ-NNM4>].

133. Mesa de Seguimiento al Auto 092 de 2008 (2016), *supra* note 132, at 14-15.

134. See Sañudo Pazos, *supra* note 75.

135. See *id.* at 115, 121-22.

136. See INFORME III, *supra* note 40.

137. See *La política agraria y los derechos de las mujeres en Colombia*, COMISIÓN COLOMBIANA DE JURISTAS 28, 61 (Oct. 31, 2011), [http://www.coljuristas.org/documentos/libros\\_e\\_informes/la\\_politica\\_agraria\\_y\\_los\\_derechos\\_de\\_las\\_mujeres.pdf](http://www.coljuristas.org/documentos/libros_e_informes/la_politica_agraria_y_los_derechos_de_las_mujeres.pdf) [<https://perma.cc/UKY7-ZC5T>].

138. COMISIÓN NACIONAL DE REPARACIÓN Y RECONCILIACIÓN, *supra* note 69, at 259-60.

139. See Gabriela De Cicco, *Women's Rights and the Armed Conflict in Colombia*, AWID (Apr. 7, 2011), <https://www.awid.org/news-and-analysis/womens-rights-and-armed-conflict-colombia> [<https://perma.cc/LT7H-9ESU>]. See also LA TIERRA EN DISPUTA, *supra* note 69.

140. See *Acuerdo Final*, *supra* note 121.

141. Castrillón, *supra* note 119.

subject and provide a space for women combatants to express their vision and experiences of war, peace, and transition.<sup>142</sup> This webpage has contributed to building a narrative around women, revolution, and combat. It offers a very different picture of women than the one *letradas* had coined to genderize the conflict.<sup>143</sup> *Farianas* resist the identification of women in conflict as victims, defend their participation in the war, ask for revolution against capitalism, root patriarchy in that economic model, and vindicate their camaraderie with men combatants opposing their depiction as perpetrators of sexual violence.<sup>144</sup> Nowhere in the agreement it is possible to track such a position, even less a direct challenge to the economic model as a mandatory step to dismantle patriarchy.<sup>145</sup>

## V. Feminist Clashes Endangering Lettered Understandings?

The peace agreement has simultaneously reinforced the *letradas*' reading of the armed conflict and opened the door to its defiance. Initially, the accords have reiterated the Colombian will to comply with international law standards.<sup>146</sup> Therefore, they endorse its particular way of framing women in war as victims and agents of peacebuilding. Echoing this body of law as well, *farianas* are included in this vision as long as they follow this script. The debate about sexual violence incidence within FARC-EP and how the official *farianas*' narrative has tried to counteract it illustrates the conditions this discourse has imposed on demobilized women and their unwillingness to accommodate it. It is too soon to determine the outcome of this clash of visions, but it is possible to observe that *letradas* and *farianas* have changed during this peace process and tried to outline an agenda that foreshadows the challenges to come.

During the implementation process, *letradas* have had to diversify their traditional proposals in order to contribute meaningfully to the translation of the political agreement into public policy and regulation.<sup>147</sup> To do so, some of them have formed a coalition called GPaz, comprising scholars, activists, victims, and women human rights defenders.<sup>148</sup> For example, with respect to the issue of women and land, their propositions reflect the lessons they have learned in the implementation of the 2011 Victims and Land Restitution Law.<sup>149</sup> Therefore, they have coupled their requirement for effective access to programs to distribute land and partici-

---

142. See FARIANAS, <http://www.mujerfariana.org/> [<https://perma.cc/2YWF-9GEY>] (last visited Jul. 21, 2018).

143. See *id.*

144. See *id.*

145. See *Acuerdo Final*, *supra* note 121.

146. *Id.*, Preamble.

147. See Céspedes-Báez & Jaramillo Ruiz, *supra* note 3, at 85.

148. See generally Bouvier, *supra* note 86; *Gpaz and Dejusticia recommend the application of a gender based approach in criminal policy bill*, DEJUSTICIA (May 23, 2017), <https://www.dejusticia.org/en/gpaz-and-dejusticia-recommend-the-application-of-a-gender-based-approach-in-criminal-policy-bill/> [<https://perma.cc/6DSX-JCAX>].

149. See *Restitución de tierras para las mujeres en el marco de la Ley 1448 de 2011: Revisión desde la perspectiva del derecho sustantivo privado*, CASA DE LA MUJER 2 (Oct. 31,

pation in the institutional instances in charge of the integral rural reform with demands for the recognition of reproductive and care work as the basis for occupation and possession of land.<sup>150</sup> Also, they have advocated for the establishment of effective measures to solve family related litigation over the plots in the context of the formalization process included in the agreement.<sup>151</sup> Furthermore, they have asked for the specific design of gender-sensitive budgets to implement the integral rural reform and proposed a change in budgeting coding to make it visible.<sup>152</sup> Moreover, they have called for the integration of technology in rural areas and households to reduce and redistribute care work.<sup>153</sup>

*Farianas'* exposure to the peace process impelled them to draw an explicit feminist stance. Even though the peace agreement did not embrace their nascent agenda, their blogs and declarations could be read as an aspiration to sketch out their own approach to feminist issues and oppose part of the *letradas'* legacy. *Farianas* do not fit very well into a version of womanhood in the context of conflict tied exclusively to victimization and peaceful mobilization. Their challenge is to position a feminist reading of their experience and aspirations that supports equally their years in arms and their willingness to demobilize and participate actively in politics. In June 2017, they published a six-page document outlining their main feminist thesis that will inform their actions and activities within the recently created FARC-EP political party.<sup>154</sup> In this document, they criticize the false liberties women have acquired within the context of capitalism, and call for a *fariana* feminist movement based on class struggle and aimed at dismantling capitalism and imperialism.<sup>155</sup>

The traction of *farianas'* feminist agenda depends on many variables, such as the ability they have to position it at the forefront of FARC-EP political party and dispel the resistance the Colombian public opinion has against anything that resembles far-left political positions. The degradation of the political and economic situation in Venezuela during the leftist government of president Nicolás Maduro has strengthened far-right discourses in Colombia.<sup>156</sup> The election of Iván Duque, a right-wing conservative, to succeed President Santos, is just one of the most visible

---

2017), [https://www.casmujer.com/wp-content/uploads/2017/10/ff58cd\\_95e2f366d9784cccbeef414be3391b6b.pdf](https://www.casmujer.com/wp-content/uploads/2017/10/ff58cd_95e2f366d9784cccbeef414be3391b6b.pdf) [https://perma.cc/3TH5-N3TG].

150. Grupo de Trabajo de Activistas Feministas, LGBTI, Académicas, Víctimas y Defensoras de Derechos Humanos, Para la Implementación del Enfoque de Género en la Construcción de la Paz, *Aportes al Punto 1 Sobre Reforma Rural Integral* (Mar. 17, 2017), at 1-6.

151. *Id.* at 3.

152. *Id.* at 8-9.

153. *Id.* at 13-14.

154. *Tesis de mujer y género FARC-EP: Feminismo Insurgente*, CONGRESO CONSTITUTIVO DEL PARTIDO 1, <https://www.mujeffariana.org/images/pdf/TESIS-DE-GENERO.pdf> [https://perma.cc/TT6G-ZUK8 ] (last visited July 21, 2018).

155. *Id.* at 3.

156. See Miguel Salazar, *Once Again, the Right Wing Wins in Colombia, Amid Divisions on the Left*, NATION (June 20, 2018), <https://www.thenation.com/article/right-wing-wins-colombia-amid-divisions-left/> [https://perma.cc/6655-E6DA].

consequences of the impact the situation of Venezuela is having in the country and the anxieties FARC's political party is igniting within Colombian society.<sup>157</sup> *Farianas'* feminism could get trapped and dismantled in this adverse context even before it is introduced in the formal political arena.<sup>158</sup> So far, even if their feminism could constitute a bottom-up contribution to the renaissance Marxist feminism is experiencing throughout the world<sup>159</sup> and a diverse voice to counteract the hegemony of *letradas'* feminism that could force them to grapple with social and economic issues more seriously, their chances of succeeding in becoming a valid voice in the feminist debate depend on how they grapple with and respond to the crimes that were committed against women and girls inside and outside the guerrilla organization.

*Letradas* should keep in mind that, perhaps, in the future, *farianas'* feminism could be more appealing to peasant and working-class women in the aftermath of conflict, when the incidence of massacres, selective killings, and armed conflict-related sexual violence will decrease, opening room for grassroots mobilizations and identification of local priorities and issues. Therefore, it is important for *letradas* to reflect on the significance of *farianas'* feminism, especially on what it would mean for the Colombian women's rights movement in terms of its supporters and dissenters around their approach to violence and discrimination against women. Also, if *farianas'* feminism is able to beat all the conditions that play against it and become a contesting voice in relation to *letradas*, it will pose a challenge for international donors and organizations, since they have mostly endorsed an advocacy in which the economic model is not under systematic criticism. The potential for clashes and tensions depends on the level of radicalization of *farianas'* agenda.

Even if revolution is not the word of choice for mainstream Colombian feminism and for Colombian women, it is important to acknowledge that the very existence of *farianas* points to some missing analyses and goals in *letradas'* expertise. Therefore, *letradas* could take advantage of the very existence of feminist *farianas* to redefine and prepare their agenda for the post-conflict era. That would mean the inclusion and in-depth study of pressing socioeconomic issues, such as housing, pay gaps, access to credit, social mobility, poverty, and work-related discrimination, among others. So far, they have been the dominant voice, but that may be changing. The manner in which the demobilization of FARC-EP was negotiated means not only its members' inclusion into civilian life, but also ensuring their political participation through the establishment of a political party and

---

157. See *id.*

158. *El fantasma del castrochavismo*, SEMANA (Oct. 6, 2017), <https://www.semana.com/nacion/articulo/colombianos-creen-que-el-pais-se-puede-converter-en-venezuela/528035>.

159. See generally Silvia Federici, *Marx and Feminism*, 16 TRIPLE C 468 (2018); SHAHRZAD MOJAB, *MARXISM AND FEMINISM* (2015).

ten fixed seats in Congress for two consecutive terms starting in 2018.<sup>160</sup> It is likely that *farianas* will have a visible platform to deliver their feminist message, offering a diverse narrative of discrimination and violence against women. In this light, *letradas* must recognize that transitional justice for FARC-EP means the inclusion of diverse feminist voices. It is their decision whether to stay relevant after the arms have been laid down.

---

160. See Maria Cartaya, *FARC members join Colombia's Congress*, CNN (July 21, 2018), <https://www.cnn.com/2018/07/21/americas/farc-members-join-colombias-congress/index.html> [<https://perma.cc/X7E3-F9XC>].

