

# REPORT 2023

## WOMEN HUMAN RIGHTS DEFENDERS IN COLOMBIA

### *Current Challenges and Necessities*

#### Solidaridad ante el asesinato de María Elena Mendoza y Gloria Mendoza Puliche

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## **Executive Summary**

*Fuimos víctimas y nos mataron porque “somos defensoras de derechos humanos”, “somos mujeres”, “somos indígenas” y porque “no se nos trata en pie de igualdad con el resto”-*

(Translation: We were victims and got killed because “we are human rights defenders,” “we are women,” “we are indigenous,” and because “we are not treated as having equal footing as the rest.”)

This report examines Colombia’s Women Human Rights Defenders (WHRDs) struggles, challenges, and necessities. By reading, hearing, and assessing the current conditions of the WHRDs in Colombia, the report envisioned finding and detecting current challenges and fundamental needs that uniquely deemed sine qua non for the WHRDs in Colombia who are at the forefront, risking their lives in promoting and defending their collective and individual rights.

The report indicates that the WHRDs in Colombia are currently in dire conditions and alarming challenges brought about by the regressive development of democracy of the country’s civil and political landscape that condoned and contained their right to exercise freedom of movement and assembly. The gradual yet effective way of suppressing their freedom of expression and the right to assembly is almost identical to reducing their civil and political space, enclosing it into a tight tunnel cave by restricting WHRDs’ ultimate freedom to use their Constitutional rights as a social room for progress and responsibilities.<sup>1</sup> In other words, the widespread culture of impunity through extra-judicial killings against WHRDs and HRDs was effectively done due to the patent unrecognition of their fundamental rights. Furthermore, the report also avers that WHRDs were not only victims of massive discrimination in the public social sphere but even suffered biases within the discourse of Human Rights Defenders (HRDs) and in the judicial system of the country, which were supposed to be the protective zones for women, making them “the discriminated ones within the anti-discrimination movement and government entities.”

Thus, the report resolves that WHRDs in Colombia, based on the findings of their current challenges and necessities, desperately require immediate attention from international human rights organizations and the national government of Colombia to address the grim conditions they are currently tussling with as human rights defenders of the country.

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<sup>1</sup> Emelie Aho, *Shrinking Space for Civil Society; Challenges in implementing the 2030 Agenda*, (FORUMSYD, 2017) 12. <https://www.forumciv.org/sites/default/files/2018-03/Shrinking-Space%20-%20Challenges%20in%20implementing%20the%202030%20agenda.pdf>

## Glossary

Abbreviation	Term
ADRIP	American Declaration on the Rights of Indigenous Peoples
AIIA	Australian Institute of International Affairs
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
Conpes	El Consejo Nacional De Política Económica y Social (National Council for Economic and Social Policy)
DHColombia	Red de Defensores y Defensoras de Derechos Humanos (Network for Human Rights Defenders)
DHRD	Declaration on Human Rights Defenders
FARC-EP	Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia-People's Army)
HR	Human Rights
HRE	Human Rights Education
HRVs	Human Rights Victims
IACHR	The Inter-American Convention of Human Rights
ICCPED	International Convention for the Protection of all Persons from Enforced Disappearance
ICCPR	The International Covenant on Civil and Political Rights
ICESCR	The International Covenant on Economic, Social, and Cultural Rights
INDEPAZ	Instituto De Estudios para el Desarrollo y la Paz (Institute for Development and Peace Studies)
ISHR	The International Service for Human Rights
IWGIA	International Work Group for Indigenous Affairs
IWHRD	Indigenous Women Human Rights Defenders
Ley	Decretos (Decrees or Enacted Civil Laws by the Colombian Congress)
NGC	The National Government of Colombia
PAO	Comisión del Plan de Acción Oportuna (Commission for the development of the Timely Action Plan)
UN	United Nations
UDHR	The Universal Declaration of Human Rights
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WHRD	Women Human Rights Defenders

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# 1. Prologue

Under close supervision of the University College Stockholm (EHS), this report is a partial description and does not represent the ultimate and entire research about Colombia's current human rights conditions. Instead, this information is just a tiny fraction of what has been dubbed by international and domestic human rights organizations as the world's most critical and unfriendly context against human rights defenders.<sup>2</sup> Furthermore, the readers should not consider this report as an entire map of the struggle and crises that human rights defenders have constantly faced in Colombia. Instead, treat this report, albeit a diminutive one, yet can contribute to underlining the pressing conditions of what has been perceived as the most dangerous place for human rights activists and defenders in the contemporary world.<sup>3</sup>

We want to remind the readers that all our interviewees were women, whether from individuals or organizations; thus, they could be subjected to biases and one-sided opinions. Their answers might affect the male human rights defenders as one fragment of HRDs, which, unfortunately, cannot be addressed in this report. It is also important to note that our report's intended time scope and coverage only covers from 2016 until the end of 2022, when Colombia's political landscape is expected to progress significantly in attaining peace and stability. In 2016, the concluded Peace Pact between the National Government of Colombia (NGC) and the *Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo* (FARC-EP), had signaled the advent of a new age of political history for Colombia when one of the biggest and oldest revolutionary armed groups in the world decided to meet, talk, set down, and agree with the terms and conditions with the national government of Colombia aimed to end the long overdue armed conflict and build a stable and lasting peace.<sup>4</sup>

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<sup>2</sup> Lesley Gill, *A Century of Violence in a Red City; Popular Struggle, Counterinsurgency, and Human Rights in Colombia*, (Duke University Press, U.S.A., 2016), 85. According to this author's record, Colombia gained its notoriety image against Human Rights Violations after the death of four thousand trade unionists in the country from 1983 to 2003.

<sup>3</sup> World Report 2023, *Human Rights Watch 2023 Report*, 164 – 165.  
[https://www.hrw.org/sites/default/files/media\\_2023/01/World\\_Report\\_2023\\_WEBSPREADS\\_0.pdf](https://www.hrw.org/sites/default/files/media_2023/01/World_Report_2023_WEBSPREADS_0.pdf)

<sup>4</sup> Colombia, *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*, 2016.  
<https://www.peaceagreements.org/wgenerateAgreementPDF/1845>

## **2. Aim and Goal**

The report focuses mainly on WHRDs in Colombia, intending to give impetus to highlight the current struggles and unique challenges of women as human rights defenders in the country. One of the report's primary goals is to discover the distinction between WHRDs and general human rights advocates if we can find one. When we say WHRDs in Colombia, we mean all women, including Indigenous women, who are advocates and defenders of human rights. Of course, in some parts of the report, we refer to Indigenous defenders as IWHRD for clarity. However, we must clearly emphasize that IWHRD is an integral part of the WHRDs in Colombia.

It is also on the report's main agenda and goals to uncover the WHRD's contemporary necessities and needs while constantly fighting for their life-changing advocacy, defending their fundamental, specific, and universal rights.

Furthermore, to meet these goals, we must gather data through hybrid interviews with international human rights organizations and reach out to as many as possible from the international organization(s) outside of Colombia and domestic organization(s) working within Colombia to generate a balance data and cohesive overview of the subject matter we intended to achieve. We also need to conduct online interviews with women of all ages, including indigenous, rural-urban HR activists, environmental defenders, human rights lawyers, academic scholars, and community leaders from local human rights organizations. Likewise, we would like to ask the attention of different human rights organizations, international non-government organizations, national and domestic organizations, general readers, and the like to look for possibilities to do their in-depth investigations in order to corroborate our data regarding the grim conditions and reality which the WHRDs of Colombia are constantly tussling with.

## **3. Methodology**

To comprehend the contemporary situation in Colombia for WHRDs, the qualitative method has been applied in this research endeavor to understand concepts, opinions, and experiences for in-depth insight. This method is the most useful for investigating and analyzing our findings from garnered facts "to highlight the emphasis of phenomenal perspective" and to understand

the impact of generated laws and treaties directed towards the rights holders and duty bearers.<sup>5</sup> This method may have its weakness, such as being subjective, because our observations and analysis were mainly based on WHRDs interviews and their answers from questionnaires, in which their individual experience cannot be ruled out as a driving factor. We have gathered secondary data from previous research and studies about human rights defenders to dissect in connection to the primary data we collected through various interviews. So far, we have managed to collate nine (9) interviews. Of the nine (9) interviews, four (4) were conducted on WHRDs in Colombia who are actively part of the organizations and are individual activists currently working as human rights volunteers and advocates. The other four (4) belonged to different indigenous communities, and one (1) was from an international organization based in Geneva, Switzerland, whose primary focus is women human rights defenders.

The process in which interviews were done is semi-structured to arrive at a more comprehensive overview of the situation for WHRDs in Colombia, considering that some individuals may have most likely had different experiences. We used three interview questions—one for the individual human rights defenders, one for organizations in Colombia, and one for international organizations. The three interview questionnaire structures were very similar, modified slightly to suit the individuals and organizations. The interview questions are attached to the appendix of this report.

The materials for this report were gathered between January 2023 and the middle of March 2023, while members of the group simultaneously wrote down part-by-parts for this report. One group member is mainly tasked to conduct the interview and translate it into English due to the language requirement since one of our group members is fluent in Spanish. The interviews were conducted via zoom. Due to a mysterious frequent internet (dis)connection during the interview, one had to go through written interview questions that had to be reconstructed via e-mail, and the interviewee answered the remaining questions by mail. Furthermore, due to the research's ethical standards and the danger of being a human rights defender in Colombia, all interviewees, especially all individuals, are anonymous for the sake of their security as well as to follow the rules of anonymity, except for some international and domestic organizations that allow us to mention their organizations' names. The interviewees were informed of the purpose of this study and their voluntary participation. The interviews were mainly carried out in

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<sup>5</sup> Rhona Smith and Lorna Smith, "Qualitative Methods," In *Research Methods in Human Rights*, Edited by: Lee McConnell and Rhona Smith, (Abingdon, Oxon OX14 4RN, U.K., Routledge, 2018) 70 – 71.

Spanish language and transcribed and translated into English, except for some international organizations that were done in English.

Our data analysis involved, among other things, analyzing the HR discourses and examining existing international and domestic legal frameworks vis-à-vis WHRDs' narrative testimonies and the number of victims of HRVs, including women, in Colombia. We also maximized available data online through reports, annual publications, books, and articles published by international organizations, such as U.N. Women, U.N. Human Rights Rapporteur, ISHR, IWGIA, AIIA, Human Rights Watch Reports (2022 and 2023), IACHR, and the reports published online from domestic organizations in Colombia.

#### **4. Definition “Women Human Rights Defenders”**

According to the definition set forth by the U.N., WHRDs are those “women and girls who act to promote or protect human rights and people of all genders who defend the human rights of women or work to advance rights related to gender equality.”<sup>6</sup> However, the 2010 edition of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, refers to WHRDs in a broader scope and inclusive terms, which does not only refers to women who are promoting and defending women and human rights. According to Sekaggya, WHRDs are “those men and women who, by de facto, are working and promoting the advancement of women’s rights and gender issues.”<sup>7</sup> Furthermore, the International Service for Human Rights carried an all-inclusive and all-encompassing definition of WHRDs. According to them, WHRDs are those ‘women’ and ‘people’ of all ages who promote human rights and defend women’s rights and rights related to gender and sexuality. For ISHR, WHRDs are those people (not only women) working to protect women’s rights and promote gender equality and justice, which includes promoting the education of women and girls, including comprehensive sexuality education; combating sexual harassment, violence, and harmful stereotypes; working

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<sup>6</sup> “Women Human Rights Defenders” *Information Series on Sexual and Reproductive Health and Rights Updated 2020* (UNHCR, 2020), 1.

[https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/SexualHealth/INFO\\_WH RD\\_WEB.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/SexualHealth/INFO_WH RD_WEB.pdf)

<sup>7</sup> Margaret Sekaggya, “Report of the Special Rapporteur on the situation of human rights defenders.” (UN General Assembly, December 2010), p7.

<https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-44.pdf>



in peace processes in conflict and post-conflict situations; promoting women's participation in political circles.<sup>8</sup>

In other words, to simplify it, the definition of WHRDs, according to the narrative of these international bodies and organization mentioned above, WHRDs refers to any individual (men and women) or group of people and organizations who explicitly supports, assists, and promote all aspects connected to women's rights.

Nevertheless, the 2019 edition of the U.N. Special Rapporteur, with the title 'Situation of Women Human Rights Defenders,' expressed total confusion about the normative framework and definitions of WHRDs formerly laid out by the international bodies of the U.N. This time, the report reminded that women defenders refer to "women engaged in the promotion and protection of human rights" [...] and includes "girls and gender non-conforming persons affected by social constructions of women who promote and protect all types of rights."<sup>9</sup> Furthermore, the introduction of the same report of 2019 explained who should be considered WHRDs, to wit:

"Women of diverse backgrounds [who] promote and protect rights in very different contexts. For example, women calling for gender equality, indigenous women fighting for land and environmental rights, women in rural areas pressing for socioeconomic rights, girls campaigning on social issues, trans women speaking up against discrimination, lesbians calling for equality, migrant and refugee women advocating for their rights and security, homeless women demanding the right to housing and shelter, women fighting for justice for the disappeared, gender non-conforming persons resisting gender-based violence, women promoting choice and bodily autonomy, women expanding digital rights, women with disabilities fighting for independent living and women involved in peace processes."<sup>10</sup>

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<sup>8</sup> International Service for Human Rights, "Women's Rights," (<https://ishr.ch/our-priorities/topics/womens-rights/>).

<sup>9</sup> U.N. General Assembly, A/HRC/40/60, "Situation of Human Rights Defenders," *Report of the Special Rapporteur on the situation of human rights defenders*, (2019) 3 – 4.

<sup>10</sup> *Ibid*, 2.

Therefore, in this report, we purely define WHRD as women “who identify themselves as women” who fearlessly carry the slogan and flagship of universal human rights, including the right of men, LGBTIQ+, minorities, and indigenous rights. To avoid confusion, our definition of WHRDs in this report is an exclusive terminology intended for those “women who identify themselves as women,” whether women as their gender identity, women as their gender preference, women from LGBTIQ+, women from minorities, or indigenous women.

## 5. Background and Current Conditions of Women Human Rights Defenders in Colombia

On February 22, 2023, two new victims of extra-judicial killings in Colombia were reported. While we were working on this report, trying to digest and understand all materials we had gathered, as well as while we were still collecting data and information regarding the current conditions of human rights in Colombia, especially concerning women who were brave enough to confront social injustices, we received disturbing news from organizations in Colombia for the death of two human rights defenders who are members of labor organization in the university. Both of whom were WHRDs, which, unfortunately, have joined the list of the victims of human rights violations in the country, recalls Network for Human Rights Defenders (dH Colombia, *Red de Defensores y Defensoras de Derechos Humanos*).<sup>11</sup> The news report says both women victims, María Elena Mendoza and Maria Mendoza Puliche, were killed on the same day, February 22, 2023, in the morning at Sede Meléndez, de la Universidad del Valle. Such killings made the university one of the region’s most dangerous campuses against HRDs, after which the Network of Human Rights Defenders (dH Colombia) organization has already recorded two human rights leader-defenders killed on the same university campus during the last nine (9) months alone, raising the number of victims of human rights violations to nine (9) in total who were gunned down within the same university vicinity since 2021.

The Institute for Development and Peace Studies (Instituto de estudios para el Desarrollo y la Paz, INDEPAZ) already recorded twenty-two (22) extra-judicial killings from January 02 to

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<sup>11</sup> dH Colombia, “Solidaridad ante el asesinato de María Elena Mendoza y Gloria Mendoza Puliche” <https://dhcolombia.com/2023/02/24/solidaridad-ante-el-asesinato-de-maria-elena-mendoza-y-gloria-mendoza-puliche/?fbclid=IwAR1fHYzQZCOPcBOUliAGSKdmXrlC2l2ENomJZWWeYCVIPGR3uQZa3YAaw4I>

March 03, 2023, alone; among the list were four (4) women defenders, two former combatants of the FARC-EP,<sup>12</sup> plus the two women assassinated in university whom the dH Colombia organization just recently reported. Among them were the six (6) women victims, and of the six (6) women, three (3) of them were Indigenous Women Human Rights Defenders (IWHRDs). To show a rough idea of the numbers of the current human rights conditions in Colombia, in just less than two (2) months from January 2023 to February 2023, as testified by two organizations, Human Rights Violations (HRVs) in Colombia have already claimed twenty-four (24) to thirty (30) lives, that is roughly an average of two (2) victims in every three days, where six (6) women are among the unfortunate direct victims of such a culture of impunity.

Furthermore, the U.N. Women and the Colombian Human Rights Ombudsman's Office (*La Defensoría del Pueblo*) has recorded roughly one hundred sixty-five (165) WHRDs as victims of extra-judicial killings and assassinations from 2019 to 2021 alone.<sup>13</sup> In conjunction with the UN-WOMEN and the Colombian Human Rights Ombudsman's Office, among the significant numbers of victims are Indigenous Women Human Rights Defenders (IWHRD) recorded by the INDEPAZ.<sup>14</sup> In the 2022 report alone, for example, INDEPAZ reported forty (40) Indigenous victims of HRVs; among were three (3) IWHRDs.<sup>15</sup>

According to Human Rights Watch (Report 2023), violence against HRDs and other community leaders in Colombia is getting dangerous, riskier, and hopeless in its current nature;

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<sup>12</sup> INDEPAZ initial Report 2023, *Líderes Sociales, Defensores De Dd.Hh Y Firmantes De Acuerdo Asesinados En*, (February 2023), <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2023/>

<sup>13</sup> U.N. Women - Colombia, *International Day of Women Human Rights Defenders: protecting and empowering them is moving towards peace and sustainable development*. <https://colombia.unwomen.org/es/stories/noticia/2022/11/dia-defensoras-derechos-humanos-29n?fbclid=IwAR1tWIDSt4A-cybdepFhmeiZu8k5mtKPoOhcNT3RWNBQ597Amjn2spWom4>

<sup>14</sup> Por Leonardo González P Indepaz, *Líderes indígenas asesinados*, (09 de junio de 2020) <https://indepaz.org.co/wp-content/uploads/2020/06/L%C3%ADderes-ind%C3%ADgenas-asesinados.pdf>

<sup>15</sup> INDEPAZ Report 2022, *Líderes Sociales, Defensores De Dd.Hh Y Firmantes De Acuerdo Asesinados En*, <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2022/>

thus, any efforts of effective measures to eliminate impunity have remained to no avail thus far.<sup>16</sup>

Given the country's hostile context and unfriendly environments toward right defenders and their grim conditions, particularly the WHRDs, it is reasonable to say that they need immediate and swift attention to finding solutions and speedy remedies as it is deemed essential for protecting and preserving their lives and highly urgent for the recognition of WHRDs' fundamental rights in Colombia.

## **6. Legal Framework of Women Human Rights Defenders and its Development**

### **6.1 U.N. treaties and other International Conventions on Human Rights**

Under the principles already stipulated in the Universal Declaration of Human Rights (UDHR), the first seven (7) articles have profoundly determined the duties and functions of individual citizens and the state. Accordingly, all individuals are entitled to equal protection of their dignity of life, fundamental civil rights, and political freedom. They are eligible for all legitimate recognitions to claim and assert their indelible, specific, and universal rights. The states, however, must uphold every human being's existence within the sovereign territory, notwithstanding their origin, color, race, gender, and political opinion.<sup>17</sup> The nation-state and its sovereignty should only function, as stipulated by the UDHR, to ensure and protect the very existence of human beings in all aspects, grounded primarily on the bases of civil, political, social, cultural, and economic considerations.

Furthermore, the International Convention on Civil and Political Rights of 1966 (ICCPR) reiterates the central definitions of humanity's fundamental and indelible rights, strengthening its civil socio-political share and its biopolitical responsibilities. According to the provisions set forth by the ICCPR, it unconditionally asserts every individual's ineradicable rights, that is, the person's civil and political rights which every citizen should enjoy without any restraints

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<sup>16</sup> World Report 2023, Human Rights Watch 2023 Report, 165.

[https://www.hrw.org/sites/default/files/media\\_2023/01/World\\_Report\\_2023\\_WEBSPREADS\\_0.pdf](https://www.hrw.org/sites/default/files/media_2023/01/World_Report_2023_WEBSPREADS_0.pdf)

<sup>17</sup> Universal Declaration of Human Rights, Articles 1 – 7.

[https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf)

from the States. Articles 6, 7, and 8 of the convention strongly reminded all involved parties – the sovereign State and individuals – to abide by such international treaties and agreements to uphold and protect human dignity from cruel practices, dehumanization, degradation, and extra-judicial killings.<sup>18</sup> In other words, recognizing these civil and political rights, as averred by the ICCPR, should be applied to everyone without any exemption or distinction. Therefore, WHRDs in Colombia shall not be excluded nor denied from these primary ethical standards enshrined in international agreements and treaties.

Nevertheless, the locus points of all rights claims stipulated in the UDHR and the *raison d'être* of humanity's civil and political rights defined in the ICCPR are concretely stepped on the tenets intently detailed by the International Covenant on Economic, Social, and Cultural Rights of 1966 (ICESCR). In this sense, every person's civil and political rights claims are completely substantiated by economic, social, and cultural rights principles. The WHRDs in Colombia as an example, who persistently confront injustices, brave enough to challenge the evident inequality within the community as well as exhaust all possible remedies using their limited biopolitical capacity in order to preserve and uphold their humanity and dignity, are all grounded on the assertion and assumption that all of them are entitled to their civil, political, socioeconomic, and cultural rights. According to the provision stated in the covenant (ICESCR), "all peoples have the right of self-determination, and by virtue of that right, they freely determine their political status and freely pursue their economic, social, and cultural development."<sup>19</sup>

## **6.2 Inter-American Convention of Human Rights and Inter-American Court of Human Rights**

Colombia is also part and a signatory of the multilateral–regional human rights cooperation in Latin America. In 1973, the Colombian government finally ratified without reservations adhering to the Inter-American Convention of Human Rights of 1969 (IACHR). One major and significant aspect of the Convention is the establishment of the two competent organs, the Inter-American Commission of Human Rights (The Commission) and the Inter-American Court of

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<sup>18</sup> International Convention on Civil and Political Rights, Articles 6, 7, and 8.  
<https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/ccpr.pdf>

<sup>19</sup> International Covenant on Economic, Social, and Cultural Rights, Article 1.  
<https://www.ohchr.org/sites/default/files/cescr.pdf>

Human Rights (The Court).<sup>20</sup> This document produced by such regional human rights cooperation is remarkably considered a significant landmark for promoting human rights as well as instrumental tools in protecting human rights defenders simply because these two organs – the Commission and the Court, respectively, are competent to receive legal complaints or petition, hear the grievances, and to dispense decisions of cases lodged before the court related to human rights issues. Article 44 of the Convention offers ample space for any individual, group, or organization residing in any country of Latin America to lodge their grievances and petitions before the Commission, especially when the domestic State legislative effort does not afford due process of law for the protection of rights, or any person has been denied access to exhaustion of all remedies of domestic laws.<sup>21</sup>

Furthermore, in June 1994, the Inter-American Commission on Human Rights promulgated a new regional human rights convention, a document aimed at safeguarding women’s rights, called the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (*Belém do Pará Convention*).<sup>22</sup> This convention powerfully delivered a strong signal to all Member States within the Continent to which they are bound to adhere, assert, and affirm the fundamental protection for women in Latin America. Interestingly, Colombia is the only country that fully acceded to the convention. It is the first country in Latin America to recognize with a complete willingness (at least by its gesture) to protect women’s fundamental rights. Accordingly, the document lucidly declares that “every woman has the right to be free from violence in both the public and private spheres,” pronouncing further that “the immediate protection of women against violence and degrading practice lies only in the responsibility of the sovereign State.”<sup>23</sup> Albeit it does not categorically address WHRDs’ challenges and crucial situations, it reminds and summons all Member States to bring forward and put women as the principal subject of national and domestic human rights protection from degradation and violent practices of inhuman behaviors.

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<sup>20</sup> Inter-American Convention of Human Rights of 1969, Article 33.

<https://treaties.un.org/doc/publication/unts/volume%201144/volume-1144-i-17955-english.pdf>

<sup>21</sup> *Ibid.*, Article 44, 46, and 55. See also Article 41 for the duties and functions of the Commission.

<sup>22</sup> Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women of 1994. <https://www.cepal.org/sites/default/files/events/files/belem-do-paraen.pdf>

<sup>23</sup> *Ibid.*, see Articles 3 and 7.

### 6.3 CEDAW, the U.N. Declarations of 1999, and the U.N. Resolution of 2013

The United Nations, during post-World War Two, produced numerous resolutions after significant human rights treaties and conventions, such as UDHR, ICCPR, and the ICESCR.

In December 1979, the U.N. adopted a progressive resolution dedicated to women called the “Convention on the Elimination of All Forms of Discrimination Against Women” (CEDAW).<sup>24</sup> Article 3 of the convention, for example, avers that all Member States are summoned to take necessary measures, including legislation, to ensure full development and capability advancement of women in socioeconomic, cultural, and political fields.<sup>25</sup> However, one can observe that CEDAW is not for WHRDs but is considered a generic U.N. instrument intending to highlight women’s role and their full recognition within the community and their respective society. No exact impulse or notion directly addresses specifically the issues of women as defenders of rights, which have unique experienced and different struggles distinct from the general population of women.

Article 14 of the convention (CEDAW) does specifically mention “rural women”<sup>26</sup> as the subject of the State’s mechanism and strategies for women’s empowerment and protection. Many scholars perceived this provision as the legal framework for women’s rights. But, again, the provision itself is problematic, if not useless. It only discussed rural women in general, not clearly defining what it means to be a “rural woman.” There is no detailed description of what kinds of rural women the U.N. tries to implicate. Because aside from rural women, there are also women from urban communities who share the same problems. Maybe indigenous women cannot just be placed into that general category of rural women, who suffer more than the women in the countryside. Even the “migrant workers women” are not excused or exempted from discrimination but suffer the same discrimination and unequal treatment, albeit in different forms and maybe worse than rural and urban ones. But for this paper’s primary goal, one should observe that Article 14 of CEDAW does not explicitly discuss women as human rights defenders as the means of the exact legal framework of the WHRDs. Instead, Article 14 is

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<sup>24</sup> United Nations Resolution no. 34/180, *Convention on the Elimination of All Forms of Discrimination Against Women*, December 1979. <https://www.ohchr.org/sites/default/files/cedaw.pdf>

<sup>25</sup> *Ibid.*, see Article 3.

<sup>26</sup> *Ibid.*, see Article 14.



particularly or biasedly giving impetus towards women from rural communities, which the States are bound to defend, protect, and provide space for their universal rights. The question then is, what is unique to rural women that is not with the urban, indigenous, and migrant women?

In March 1999, the U.N. adopted a new resolution called “Declaration on Human Rights Defenders (DHRD)”<sup>27</sup> urging all Member States to create policies, formulate guidelines, and generate systematic methods whose “*responsibility and duty [is] to protect, promote and implement all human rights and fundamental freedoms*”<sup>28</sup> with a direction towards comprehensive protection of all human rights defenders. The resolution further stresses that the prime responsibility and duty to promote and protect such human rights and fundamental freedoms lies solely with the State. It further reiterates that every Member State is obliged to secure its citizens, especially those whose vocation is on the frontline of advocating and promoting human rights advancement, regardless of any distinction, whether by gender or racial identity. But again, none of the resolution’s provisions made clear that WHRDs are the exclusive subject of protection, safeguarding, and preservation, considering that they have unique situations and social conditions within the human rights movement. Whereas the U.N. considers the resolution legally binding, many still believe and consider them a toothless human rights instrument unless the conforming Member States within the U.N. has ratified and accepted them without reservations and correspondingly carried out such resolution into the national legal apparatus with concrete action. Since the U.N. adoption of the DHRD declaration in 1999, Colombia has displayed no signs of taking this document into its legislative business as a minimal protective shield, at least for the human rights defenders in the country.

More than a decade after, the U.N. yet again reminded all Member States in the international community to intensify their national and domestic efforts in protecting human rights defenders. This time, the resolution the U.N. adopted in 2013 categorically emphasized the Protection of WHRDs as an explicit subject of international and domestic human rights security

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<sup>17</sup> United Nations Resolution no. 53/144, *Declaration on Human Rights Defenders*, (Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, March 1999). <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/770/89/PDF/N9977089.pdf?OpenElement>

<sup>28</sup> *Ibid.*, Article 2.



and safeguarding.<sup>29</sup> It is also important to note that such a U.N. document of 2013 duplicates the U.N. DHRD of 1999, which displays its recognition and acknowledgment of the grim reality that women whose lives are devoted to defending human rights were uniquely suffered profound and distinctive experiences of discrimination and continuously had to tussle with a higher risk of hostility in the face of an overwhelming vulnerability.

#### **6.4 Colombian Constitution and the State's effort to establish institutional protection for Human Rights Defenders**

Colombian legal structures are unique in themselves, for the Constitution of 1991 and its subsequent amendments in 2015 have profoundly stipulated the significant function of all U.N. human rights instruments, international conventions, covenants, and treaties. Colombia did not purely sign and ratify the UDHR, ICCPR, and ICESCR as a simple gesture of compliance with the U.N.; instead, as a sovereign State, it put forward and genuinely incorporated all U.N. and international treaties on human rights instruments into its current political Constitution. Article 93 of the Colombian Constitution declares,

“International treaties and agreements ratified by Congress that recognize human rights and prohibit their limitation in states of emergency have domestic priority. The rights and duties mentioned in this Charter shall be interpreted in accordance with international treaties on human rights ratified by Colombia.”<sup>30</sup>

Moreover, article 164 sanctioned the Colombian Congress to prioritize passing and approving legislative bills concerning international human rights treaties.<sup>31</sup> To cite as evident manifestations, the following are deemed and presumed Colombia's exertion of integration of major international treaties. First, the concept set forth by the UDHR can be seen in articles 1 – 10. Second, the indelible civil and political rights – ICCPR, provided with all limitations and

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<sup>29</sup> United Nations Resolution no. 68/181, *Declaration on Women Human Rights Defenders* (Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: Protecting Women Human Rights Defenders, December 2013). <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/450/31/PDF/N1345031.pdf?OpenElement>

<sup>30</sup> *Colombia's Constitution of 1991 with Amendments through 2015*, Article 93. [https://www.constituteproject.org/constitution/Colombia\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Colombia_2015.pdf?lang=en)

<sup>31</sup> *Ibid.*, Article 164. See also Article 224.

restraints, can be understood as concretely enshrined in articles 11 – 41. Third, the primary and specific rights of every citizen based on Economic, Social, and Cultural Rights – ICESCR, are also heavily predetermined in articles 42 – 75. It is also important to note that Colombia has affirmed and embedded all legal frameworks and judicial remedies whenever human life and its dignity are at risk of being endangered, placing the right to invoke the “writ of habeas corpus” and the “*Acción de Tutela*”<sup>32</sup> or the Colombian version of the writ of Amparo. These two habeases are legal rights and judicial procedures that can be petitioned and invoked before the Constitutional Court against the duties and command responsibilities of the State to protect its citizens from cruel and degrading treatment or when extra-judicial killings and disappearances are imminent and threaten against an individual’s life. Even in the event of war and a state of exception, the Colombian Constitution categorically reiterates that “*neither human rights nor fundamental freedoms may be suspended*” and further argue that “*in all cases, the rules of the international humanitarian law shall be observed.*”<sup>33</sup> Article 13 of the Colombian Constitution set forth the ultimate “guarantee of protection” as the duty of the State for the civil and political rights of all citizens, including human rights defenders, such as women and indigenous human rights defenders.<sup>34</sup>

Colombia had ratified fourteen (14) major U.N. treaties and protocols. Nine (9) of these were absorbed and powerful legal and paralegal instruments towards protecting human rights defenders, including UDHR, ICCPR, ICESCR, the Migrant Workers Convention of 1990, the International Convention for the Protection of All Persons from Enforced Disappearances (ICCPED), the U.N. Convention Against Torture, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

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<sup>32</sup> *Ibid.*, Article 30. See also Article 86 for the procedure of the writ of Amparo or *Acción de Tutela*. A legal remedy that can be maximized and invoked by any individual seeking protection against human rights violations. It is an immediate protection of any individual whose fundamental Constitutional rights were directly or indirectly violated or threatened by the action or the omission of the public authority.

<sup>33</sup> *Ibid.*, Article 214, paragraph 2.

<sup>34</sup> *Ibid.*, Article 13.

Nevertheless, it is interesting to observe that there has yet to be an official action as a rejoinder or any effort attempted by the Colombian Congress to adopt the U.N. Declaration of 1999 (DHRD) and the WHRDs of 2013, albeit the Constitution summoned them to do so.

Although there were no signs of adopting DHRD in 1999 and the WHRD of 2013, the current structure, legal framework, and remedies of the Colombian justice system directed towards HRDs and WHRDs are more extensive in coverage. Aside from putting it into concrete written law as embedded in the Constitution, almost, if not all, of the human rights treatises ranging from civil-political rights to socioeconomic and cultural rights, Colombia's security and standard legal operation for human rights defenders are presumed to be more comprehensive and across-the-board. For example, they have established government offices such as Human Rights Ombudsman's Office (Defensoría del Pueblo), designed to address and detect human rights violations with an early warning system, and the National Commission on Security Guarantees (Comisión Nacional de Garantías de Seguridad), with the duty to address immediate security concerns on human rights issues including that of the constant challenges faced by the human rights defenders.

Aside from establishing the government and national offices that cater to tackle the necessities and challenges of human rights defenders, including women, Colombia has also enacted a civil law, or the "*Ley 1257 del 2008*,"<sup>35</sup> aspiring to provide a strong shield of protection for upholding fundamental rights of every woman.

Furthermore, Colombia's President(s) issued a series of Presidential Decrees or *Decretos* to show the government's serious and sincere effort to protect human rights defenders. In 2015, for instance, Decreto 1066 was issued by the President. Decreto 1314 followed in 2016, as well as Decreto 2257 of 2017, with the primary objectives being to prevent as soon as possible the

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<sup>35</sup> *EL Congreso de Colombia*, Ley 1257 del 2008. Article 7 of the said enacted law states that "*In addition to other rights recognized by law or in duly ratified international treaties and conventions, women have the right to a dignified life, to physical, sexual, and psychological integrity, to privacy, and not to be subjected to torture or cruel and degrading treatment., to absolute and effective equality, not to be subjected to any form of discrimination, to freedom and autonomy, to the free development of personality, to health, to sexual and reproductive health, and personal security.*" [https://oig.cepal.org/sites/default/files/2008\\_col\\_ley1257.pdf](https://oig.cepal.org/sites/default/files/2008_col_ley1257.pdf)

critical and woeful conditions suffered by HRDs, including those women who performed as defenders of human rights in the country.<sup>36</sup>

Moreover, in 2018, President Santos, by the power vested upon him by the Constitution, proclaimed a Presidential Decree, ‘*Decreto número 660*’, intending to create Comprehensive Security and Protection Program for Communities and Organizations in the Territories (*Programa Integral de Seguridad y Protección para Comunidades y Organizaciones en los Territorios*).<sup>37</sup> In like manner, President Duque, in the same year, reinforces President Santos’ Decreto 660 by establishing a new Presidential Decree, ‘*Decreto número 2137*’, urging and directing the state’s security forces and judicial system and all concerned citizens to create and establish an intersectoral Commission of Action Plan for Prevention and Protection of Human Rights Defenders, Social and Community Leaders, and Journalists, (*Comisión del Plan de Acción Oportuna (PAO) para defensores de derechos humanos, líderes sociales, comunales, y periodistas*).<sup>38</sup>

In 2021, Decreto 1139 was established to reinforce Decreto 1066 of 2015, with the same goal and objective: to seek comprehensive strategies and methods for protecting human rights defenders, especially WHRDs and women community leaders.<sup>39</sup>

Likewise, in September 2022, the National Council for Economic and Social Policy “*El Consejo Nacional de Política Económica y Sociala (Conpes)*” drafted an emergency plan called

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<sup>36</sup> See Decretos, 1066, 1314, and 2257.

[https://www.funcionpublica.gov.co/eva/gestornormativo/norma\\_pdf.php?i=76835](https://www.funcionpublica.gov.co/eva/gestornormativo/norma_pdf.php?i=76835)

[https://www.funcionpublica.gov.co/eva/gestornormativo/norma\\_pdf.php?i=75234](https://www.funcionpublica.gov.co/eva/gestornormativo/norma_pdf.php?i=75234)

[https://www.funcionpublica.gov.co/eva/gestornormativo/norma\\_pdf.php?i=84839](https://www.funcionpublica.gov.co/eva/gestornormativo/norma_pdf.php?i=84839) This series of issued *Decretos* of the Colombian authorities served as a prologue to the Decreto 660 of 2018, which clearly defines the immediate duty of the States to ensure the establishment of government offices that serve to function as protective shelters and shields for Human Rights Defenders.

<sup>37</sup> *Ministerio del Interior, Decreto 660 de 2018*,

([https://www.icbf.gov.co/cargues/avance/docs/decreto\\_0660\\_2018.htm](https://www.icbf.gov.co/cargues/avance/docs/decreto_0660_2018.htm), April 2018).

<sup>38</sup> *Ministerio del Interior, Decreto 2137 de 2018*,

(<https://comunal.mininterior.gov.co/documentos/NORMATIVIDAD/Seguridad/DECRETO%202137%20DEL%20%202018.pdf>, November 2018).

<sup>39</sup> See Decreto 1139,

<https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=171486&fbclid=IwAR29r2nwjEl7y26o9cIU-unqoP5fxliVQ0X05jP-KFtnJTFGjk2PQmQxSX8>

Conpes 4063 for the protection of social leaders, human rights defenders, and peace signatories or activists. According to the document's objective, they encourage, if not summoned, all intersectoral actors – government institutions and human rights defenders alike – to develop institutional strategies to intervene in unprecedented risk factors that threaten the life or security of individuals exercising and defending human rights. The document also reiterates strengthening institutional capabilities for early prevention and timely protection of human rights defenders, as well as adopting more specific and progressive policies that enhance the stages and strategies of investigation, prosecution, and swift sentence of attacks against HRDs.<sup>40</sup> In other words, to get the bird's eye view, such domestic efforts, national initiatives, and proactive legal remedies and measures mentioned above, whether through Presidential *Decretos* or enacted civil laws from Colombian Congress (*Ley*), can be perceived as good intentions and may help to protect human rights defenders, especially WHRDs in Colombia.

## **7. Current Challenges of Women Human Rights Defenders in Colombia**

Based on the data and rudimentary information we have garnered, there is no doubt that Colombia's WHRDs are constantly tussling with immense risks, presumably at a high level of critical challenges. According to organizations we interviewed, when the peace accord between the National Government of Colombia (NGC) and the *Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo* (FARC-EP) in 2016 and the initially signed agreement was underway and gradually implemented, other armed groups who were not part of the peace deal has vowed to expand their territories. Consequently, it generated new forms of violence. It is also vital to observe that when peace accords delivered no significant change for the demand of former revolutionary groups, some remnants of dissenting units started to rearm themselves. Unfortunately, it produced yet again new high numbers of murders and killings in the field, says one interview respondent. This is irrespective of their associations, whether they are part of prominent human rights organizations or simply enlightened individuals who decided to promote and carry out human rights advocacy in the local community.

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<sup>40</sup> Consejo Nacional de Política Económica y Social, Conpes 4063.  
<https://colaboracion.dnp.gov.co/CDT/Conpes/Economicos/4063.pdf>

In 2016, there was a Peace Agreement. Since then, have you noticed any changes? Is the situation getting worse or getting better?

*“...well, since the peace agreement was signed with implementing guidelines, we noticed that the approach and method of violence and liquidation against human rights advocates are more concentrated and directed toward the community leaders and organizers. So, if you observe the figures of assassinated personalities being reported in the news and different organizations and their platforms, a significant percentage of them from 2016 to the end of 2022 were presumed community leaders whose voices are only used to assert upholding their fundamental rights and who only shouted for genuine social change.”*

Worst, if a woman and a leader were attacked, she would not just be attacked as a woman activist; instead, she would be subjected to all kinds of crimes against her “womanity,” and further, the perpetrators will turn to her family, which, subsequently, all family members will be targeted. If a woman human rights advocate is abducted, the police often discover that they are also sexually violated, aside from being a victim of extra-judicial killings. So, suppose a woman leader and advocate of human rights in the community is a victim of HRV. In that case, there is a high probability that she has been a victim of multiple crimes, the “crimes of rape,” “sexual and physical assault,” and “crime of murder,” in which the first two crimes are uniquely for women and do not exist to men who were victims of HRVs. In other words, as testified by the organization, almost seven (7) years after the peace agreement concluded, it delivered no betterment for the Colombian people. It did not produce what outputs the people expected. Instead, it is getting deleterious for human rights defenders, more deadly to former FARC-EP combatants who laid down their arms, and even more lethal situations, especially against all women who were identified leaders of the communities.

In Colombia today, says one interviewee, we have the so-called integral program of guarantees for women leaders and defenders, with the specific objective of creating comprehensive strategies for protecting women social leaders and community organizers, especially those identified as HRDs. However, when human rights organizations launched their program to monitor such a government-initiated program’s implementation, they realized that the twenty-eight (28) states of Colombia did not fully implement them on the ground and in some territories, albeit they tried their best to carry the program; still, it was insufficient and no proper methods being applied, thus, useless, and incompetent.

The chilling effect is found to be much more dangerous for WHRDs, simply because when women human rights advocates try to seek police assistance, they are instead being questioned and subjected to the police's guilty of association and identification. In other words, according to human rights organizations, WHRDs were victims of the re-victimization process committed mainly by the state forces. In light of this development, all human rights organizations in Colombia perceived and understood such government-initiated program strategies as bogus legal tools with no positive outputs. Instead, it intensified further discrimination against women rather than addressing the problems. Thus, to understand the testimony of the WHRDs, no betterment is happening; instead, it worsens daily.

How would you describe the situation for female human rights defenders in Colombia, and what are the current challenges for WHRDs in Colombia?

Most often than not, women encounter and continue confronting more risks and threats than men when engaging in their advocacy as human rights defenders. This means the WHRDs in Colombia had much more responsibilities than men. As they already mentioned, women are generally more vulnerable because they did not just take the cause of the organization, that is, to defend their fundamental human rights, which primarily costly for their lives, but also had their whole families as an integral part of their biological and natural responsibility that needs to be protected at the same time. As one says,

*“Women need to exert the extra mile to consider in terms of coping burdens than men, simply because, while they are empowering and exercising their duties as human rights educators and defenders in their respective communities, at the same time, they are also expected to exercise their familial work to make sure the safety and security of the entire family. In other words, threats against WHRDs are tantamount to threats and imminent dangers to their whole family.”*

The International Service for Human Rights (ISHR), headquartered in Geneva, Switzerland, also responded to our request for an interview whose focus is the situations of HRDs, including women as human rights defenders in Colombia. The Casa De La Mujer, an organization that works mainly on women's rights, also agreed to our interview and provided an idea of the situations of HRDs, especially the women defenders in Colombia. Interestingly, the responses of these two organizations to the same questions based on their observations of the current challenges of the WHRDs in Colombia did not only corroborate with what the Colombian human rights organization re-collectedly alluded. Instead, they provided a more cohesive and

critical analysis of the legal structure and strategies of the existing Colombian laws. They have proclaimed and promulgated a lot of national Laws and Decretos, says ISHR and Casa De La Mujer, and they have a profound articulation of the idea of protecting human rights advocates that appear to adhere toward protecting HRDs, including women defenders; however, the problem always boils down to the government's effort on reinforcing it into full implementation, maintains the organizations. The main challenge of the WHRDs in Colombia is not the absence of specific laws directed towards defending WHRDs, avers ISHR and Casa De La Mujer, but rather, the lack of sincerity from the government's political will on its implementation, strategies, and method since the government itself have all necessary extensive resources to address and tackle the issue.

In conjunction with the above notion, the INDEPAZ has already recorded twenty-four (24) deaths of extra-judicial killings only in the first quarter of 2023,<sup>41</sup> despite the existence of laws and presidential decrees, which are supposed to be beneficial for WHRDs. For the ISHR and Casa De La Mujer, the lack, if not the absence, of adequate response to protect the WHRDs in Colombia is equal to denying their fundamental human rights to life and dignity.

One of Colombia's prominent human rights organizations currently working in human rights research and education programs also responded to our questionnaire in an interview. As expected, they affirmed, corroborated, and added new factors revealed and discussed by the ISHR and Casa De La Mujer. According to this organization, when asked about the present challenges for WHRDs, they replied that the WHRDs' extant challenges in Colombia are not only the inadequacy of implementing the promulgated laws but also the apparent underdevelopment of human rights education in the country. It is underdeveloped not because the human rights organizations were limited in knowledge in educating them, nor the government lacks resources, but because their staff, volunteers, community leaders, and defenders suffered massive restraints and limitations upon executing human rights education. Such restrictions and confinements come from different obstacles, such as threats and

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<sup>41</sup> INDEPAZ Report, Líderes Sociales, Defensores De Dd.Hh Y Firmantes De Acuerdo Asesinados En 2023, (February 2023), <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2023/>



intimidation from various armed forces, that hinder and cause impediments to freedom of movement within the territory.

What is worst? Recalls the organization.

*“We want to tell you that the apparent challenge now is that our WHRDs’ space and their civil and political venue for educating about the value of people’s rights is no longer available and accessible.”*

An individual activist validated this testimony of the organization. According to one of our questionnaire respondents, when the peace treaty was signed, the supposed strategic construction of lasting peace was attempted to be fulfilled on the conflicting ground and in a particular community. However, the moment they tried to go inside the community to observe the process of implementation of the peace deal, every time they wanted to get in and out of the territory, the government forces and other revolutionary armed groups will confiscate their belongings and subject them to physical inspection and making their body a direct target of physical abuse and harassment. The armed groups demanded that their body be inspected, touching their body parts, even against their will, in front and in the hands of the military to show that they did not carry any dangerous devices. This way, this procedure made towards the WHRDs, the more they are vulnerable to sexual harassment. Thus, they became natural prey because the way inspection was done on their body violated the woman’s will as a dignified one.

According to one testimony, when they are inside the territory, they cannot move as freely as they can. Their movement is always escorted by armed groups that do not serve to protect them but instead post intimidation and limit their freedom of mobility to observe and record the activities in their surroundings. When the government military finds them very engaged and have conversations with the local people in the community, they will automatically put WHRDs as the subject of lengthy interrogations and suspicions, asking them for information about their work, which already constitutes violations against their privacy and psychological fear, as if WHRDs presence as human rights advocates does not mean anything to them. The WHRD’s unrestricted movement and their space for expressing and exercising their freedom to inform the community is shrinking, if not wholly obliterated. In effect, the WHRDs’ voices are less engaging and limitedly heard. Moreover, the WHRDs are susceptible to assaults and human rights violations from all sides, including attacks from the state forces, revolutionary armed groups, and the illegal armed gangs operating within their communities.

*“People who do not know the value of human rights, or those deemed ignorant of human rights values and ethics, are often complicit and the accomplice of the attacks against WHRDs, if not the primary accused themselves.” – WHRD.*

Another organization mainly works with the accompaniment program on helping and debriefing WHRDs regarding their psychological anxieties, especially when WHRDs are deliberately victimized by sexual violence and death threat due to their nature of work as human rights advocates. The organization claims and verifies that the most salient challenges are when the series of Decretos and enacted laws produced by the government, which are supposed to be a security shield for the WHRDs, are not sincerely implemented on the ground. For example, when WHRDs ran to the police station seeking safety after they were harassed, intimidated, and received death threats, on the contrary, women turned to become the subject and victims of police interrogations instead. In effect, WHRDs suffer a high level of psychological distress and mistrust towards the government's justice system, leading to multifarious physical-psychological pain and hopelessness from all trajectories, initially from the state police forces, the armed groups, and other illegal armed gangs operating in the territory. Thus, they become defenseless and vulnerable to becoming easy targets of injustice and further discrimination. Not only were they stigmatized and publicly discriminated against, but they were also denied equal access and representation for the protection of justice when they were immediately ignored by their right to seek security. According to the organization's platform, their psychosocial approach and accompaniment mobility program somehow alleviate the groaning conditions of the WHRDs' psychological aspects by making their organization's presence visible and active together with WHRDs. In other words, when their presence as NGOs was visible to the public and when they went together as an accompaniment with the WHRDs into the police station, in consequence, the police then had to address in a minimal way to listen and accommodate the complaint of the WHRDs.

Other recipients of the questionnaires are individuals who belong to organizations with backgrounds in the legal profession and who work with legal issues and paralegal articulations

for WHRDs. When asked about the current challenges as women deeply engaged in defending the defenders in Colombia, the individuals responded by expressing.

*“We are displaced and, sometimes, forced to flee from the country because of our vocational determination as human rights defenders and because we are women committed to the cause of protecting our human dignity and rights, promoting equality, enlightening, and defending fellow women. We became subject to personal and direct attacks from powerful forces surrounding us because we are powerless women and, simultaneously, protecting the helpless defenders of human rights”* – HR Advocate.

In other words, the protection strategies the State is trying to show by producing a series of national laws and decrees that are supposed to be protective measures seem to no avail as far as their experienced as women are concerned. Other than that, the risks of being attacked as WHRDs are not only because of their advocacy for human rights but also because they are constantly struggling to combat the machismo culture in which women are always understood as a second class of society. Some human rights organizations chanted the same tune as they have detected that the reason women, especially WHRDs, became subjected to sexual violence and physical assault originally comes from the patriarchal culture of the community and the social misconception that women are plain objects and mere tools of men’s pleasures, desires, and consumption. Furthermore, “socio-sexual demarcation” is one of Colombia’s main obstacles and challenges to WHRDs. Unfortunately, it sustains structural patterns of power, oppression, suppression, discrimination, and various forms of injustice against women in Colombia. The same is true of the judicial system of Colombia, remarks one interviewee when certain people and government employees in the justice system employ the “judicialization of discrimination” against women. In Colombia, even the judicial courts were not excluded from this cultural construct against women based on our current struggle, declares one respondent, simply because Judges of the Constitutional Courts still practice misogynistic attitudes toward women. For example, they have cases wherein the Judges of the Courts issued an arrest warrant against women, where the grounds of crimes committed by the women, as stipulated in the information of the prosecution case, is just because they were invoking the right to assembly and because they were women mobilizing the people in their community, to assert and claim the people’s indelible rights. Sadly, even among the human rights defenders, an activist respondent claimed, saying even inside the circle of human rights defenders, women are still experiencing and confronting the hegemony of men, who often think that women defenders are

deemed incapable of doing many things and inept at handling issues that men defenders are capable of.

Thus, as the interviewee concludes, the cultural misconstruction against women, even among human rights activists, still exists and is visible within their community of human rights advocates, which deters their mutual development as human rights defenders.

For the defenders themselves, as most of them have alluded, to alleviate the social-sexual demarcation and misconstructions against women, the Colombian Government must sincerely execute double efforts and even design practical apparatuses and methods to develop educational tools explicitly directed toward protecting women. These include, among other things, integrating human rights laws and their concepts into the educational systems, such as formulating education curricula for human rights in public and private schools and universities to address and reduce the illiteracy of people on the essence of human rights. This is in conjunction with article 5 of the CEDAW that reminds all signatory Parties, including Colombia, to wit:

“Modify the social and cultural patterns of conduct of men and women, to achieve the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”<sup>42</sup>

## **8. The Immediate Necessities of WHRDs in Colombia**

The data collected showed that WHRDs in Colombia significantly needed immediate attention for their necessities, as revealed and expressed in their narratives, while engaged and carrying their vocation as human rights advocates. As an evident state of condition for HR inside Colombia, most of the WHRDs had spoken concerning their security and the safety of their entire family because of their work as human rights defenders. They described their experiences

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<sup>42</sup> United Nations Resolution no. 34/180, *Convention on the Elimination of All Forms of Discrimination Against Women*, December 1979.  
<https://www.ohchr.org/sites/default/files/cedaw.pdf>, Article 5.

of discrimination on multiple grounds, also known as “intersectionality.” Most of them, as women defenders, portrayed the feeling of not being heard simply because they are women. When asked how it is to work with human rights as a woman in Colombia, one of the interviewees responded: *“Dangerous, that is the word and especially dangerous for us, women (defenders).”*

To detect specific answers concerning our objective to find the necessities. We have divided the collected data into four categories of needs for WHRDs. These are protection guarantees, human rights educational training (HRE), resources, and recognition.

## **8.1 Guarantees of protection**

*“The sad thing here is that we have no support. We should have support as a guarantee for us,”* says an interviewee.

On the question of what WHRDs in Colombia needed the most based on their basic demands, their answer was protection and more security. The WHRD specifically clarify that protection and security do not mean militarization of their community, which the government often employs, says one respondent. Instead, security and protection should be in the form of guarantees of their fundamental rights, which were already embedded in their Constitutional, civil, and political rights, so that they can live in peace and should excuse themselves from the crossfire between the State forces and different armed groups and paramilitaries.

For them, as WHRDs, to be able to defend themselves, they need to have a cohesive and comprehensive guarantee of protection. The WHRDs in Colombia have continuously risked being sexually violated and killed. They categorically alluded that they constantly confront immense risks and are also considered very hazardous to the safety of their own families; as one woman said, *“not all women manage to continue this legacy of struggle because of fear.”* This expression displayed the crucial image of the challenges of being a WHRD in Colombia and how it is tempting not to continue working in the field of human rights due to the dangers it coincided with. Most of the WHRD explains that they have no guarantees or assurances of security and that no one has done anything good for them in giving them promises of protection. The WHRDs in Colombia humbly demanded their authorities to provide concrete guarantees of security and safety; as one puts it, *“we need protection because we need to be alive, we want to live, and we need ourselves alive and protected, the communities need us, the people whom*

*we are defending, and of course, because [we believe that] defending rights is the most democratic thing in the world.*” They sincerely expressed demands towards the Colombian State, the current government, so to speak, that once and for all, they can see a fully materialized guarantee of protection as already enshrined in their Constitutional rights for the defense of WHRDs in the country.

One organization discovered that the most urgent that the WHRD needed is not necessarily by creating more strategies, protective rules, and expensive domestic entities but instead by making the existing laws, decrees, rules, and strategic methods adequately implemented into their community and society so that the absolute protection for women leaders and defenders in the territories is wholly realized. Or else, as one interviewee made clear, “we will continue to be the resistance of the social status quo when society, in general, does not protect its women defenders and leaders, as they are more exposed to violence.” It is also essential to note that public officials representing their respective local states should have at least an introduction, familiarity, and awareness of women’s rights as the basic knowledge in understanding WHRDs’ cause and struggle and that they should work on diverse approaches that adhere to the recognition for women human rights.

The guarantees of protection mean, as their ultimate demand, to honor, protect and uphold their fundamental rights, such as civil, political, and socio-economic rights, to avoid what we observe as a reality [and] of the world’s undercurrent crisis in human rights, which are found to be backward. In other words, the demands of the WHRDs are the guarantee of protection and workable strategies for WHRDs protective shield from the present government, security of protection that is functional and working, as their constitutional *de jure*, which ultimately aimed to eliminate the culture of impunity and to avoid joining into the list as victims of HRVs.

As laid out above in the legal framework in this report, the Colombian Constitution already reiterates the fundamental duty of the State concerning the guarantee of protection of every citizen’s civil and political rights. To borrow the word of the interviewee, “we, as WHRDs, do not need any more ornamental creeds, decrees, and domestic laws from the current government

because it is already embedded in our Constitutional right that the Colombian State should protect every citizen.”<sup>43</sup>

## 8.2 Human Rights Educational Training

Education and training in the human rights field are highly requested as among the necessities for WHRDs in Colombia. An interviewee aired the urgency of human rights education as she alluded, “*we need [human rights] training and education to do this advocacy and activism as well as we need more training and knowledge on addressing the institutional issue.*” When the WHRDs are working within the leadership, they need to know how to identify the people who can assist them and how to do so, says another woman. Such a specific appeal is necessary to reinforce and strengthen WHRDs’ knowledge and understanding in applying the concept of human rights, which must be implemented in various organizational aspects. For example, human rights training on a gender-based approach is needed to understand this new world order relative to their context as Colombian people. And that human rights education and training are necessary for getting informative routes between the local communities and government entities to protect human rights defenders.

Aside from these needs that they categorically specify, which serve as tools for empowering the WHRDs, it is also important to note that individuals and organizations of human rights activists also proposed to have Human Rights Education (HRE) initiated by the government. Some women argue that to lessen their burden as women human rights defenders and reduce the threat they constantly face; the Colombian Congress should produce a government-initiated human rights education program embedded in their national secular education system. The State should help us to educate the people about the value and importance of human rights in society because ignorance of human rights sustained the sexual violence against women in general, reminded an activist woman. When they say and demand a government-initiated program of

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<sup>43</sup> Colombia’s Constitution of 1991 with Amendments through 2015, Article 13.

[https://www.constituteproject.org/constitution/Colombia\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Colombia_2015.pdf?lang=en)

Article 13 of the Colombian Constitution avers, “*All individuals are born free and equal before the law, shall receive equal protection and treatment from the authorities, and shall enjoy the same rights, freedoms, and opportunities without any discrimination on account of gender, race, national or family origin, language, religion, political opinion, or philosophy, [...], and “the State shall especially protect those individuals who on account of their economic, physical, or mental condition are in obviously vulnerable circumstances and shall sanction the abuses or ill-treatment perpetrated against them.”*

HRE, this implies that human rights should be integrated into their national educational systems. For them, human rights education should not only be available to lawyers, scholars, and local and international activists. Instead, it should be integrated into their primary curriculum as part of the foundation of their education system, which can be perceived as a “social construct” method to combat the sexual biases WHRDs have suffered from the misconception of women. In other words, when human rights are instilled into young minds and hearts from the foundation stage of the children’s knowledge development, they may have better and more friendly surroundings where women are no longer treated as dregs. Thus, we encourage the international community to challenge governments like Colombia to help modify the current society progressively and consider implementing human rights customary rules directed towards modifying or changing unfriendly social norms that often bring women into unfavorable consideration.

Furthermore, the problem of human rights education and its discourse is also the problem of communications between sovereign domestic laws and international human rights discourse. And because of the distorted communication between sovereign laws and international human rights entities, the local people were the most susceptible and severely affected. Though the government provided Police stations, Prosecutor’s Office, and Ombudsman’s Office, unfortunately, these offices and entities were not functioning as they should be. Instead, they were superseded by corruption, a massive problem in all government entities in Colombia. One interviewee, with a legal background, reiterated that she wishes all WHRDs could get training and knowledge about legal and paralegal guidance in case of violations, such as how to act and where to go in times of imminent danger because the current Colombian institutions do not provide this kind of guidance and assistance.

Thus, WHRDs, as a precondition of their knowledge and enhanced capabilities, HRE is the main agenda and necessity they needed to strengthen their understanding of their capacities, especially in their educational competencies in discerning their human dignity.

### **8.3 Resources**

Human rights work is one of the most expensive and logistically demanding, ranging from legal-paralegal to transport mobility. Most organizations have categorically mentioned that one of the costly works to get involved with is promoting human rights. However, due to their financial limitations, they frequently suffer economic predicaments; as they put it, “*No one has*



*resources, nor does the State provide resources. So, most of the time, we need, even if it is just a peso, to be able to move, to be able to leave the dangerous territories, to be able to denounce or to be able to accompany and empower communities. We do not have anything*". They depend entirely on financial assistance, donations, and pledges from different public and private institutions, domestic or abroad. This is because people who are victims of violations need more financial resources. Colombian WHRDs are limited in their ability to do their work as well as they would want to without financial assistance. One woman explained that she would like to get a camera to be able to take photos to strengthen her evidence of what is going on in some territories. She explains, "now, I simply narrate and describe what was going on in certain situations; however, it would be more powerful to have photographs as evidence to support and strengthen my arguments in court cases." Their limitations on resources often brought them into deadlock circumstances, and *"they thought this aspect limits their works to do more as WHRDs, the fact that they do not have sustainable resources financially and have no definite training process; they need funds at least to fuel their mobility and program reaching out and mobilizing people."*

However, even all interviewees have argued that financial support is necessary, they also explain that it is not primary. Such financial aid should be more inclusive and progressive, upholding their advocacy as human rights defenders and not pose as compromises that hinder their tasks from being effective. The purpose of their financial needs, support, and necessities should only serve as fuel to their basic human necessities as defenders of rights.

#### **8.4 Recognition**

When we talk about recognition, this implies the significance of the legal framework that is supposed to be the precondition for acknowledging the work and effort of the WHRDs in contributing to social change. As we have observed from the WHRDs legal framework, even the DHRD of 1999 was not acted upon nor given priority to the Colombian Congress as a gesture of recognition by the Colombian government for their existence. So much so that the WHRDs declaration of 2013 has no space in the Colombian legal framework.

In line with this, our general respondents of interviewees shared the same views that WHRDs have already and must continue to endure threats and violence, even extra-judicial killings, due to the absence of total recognition—the lack of recognition as a woman and as capable of being a defender for both men and women. As WHRDs, they should be protected from the sovereign

law as the government's distinct manifestations of recognizing their existence as human rights advocates. What they wanted as prime necessity is unconditional recognition as the ultimate precondition for their protection, avers one lawyer and leader advocate.

WHRD simply want to be able to have a voice, to be seen and heard in their work. They want their own voices to be heard instead of having other people who speaks on their behalf. Therefore, to end violence against women and those considered defenders, they need full recognition as the prerequisite of their existence as women and as human rights defenders.

## **9. The Case of the Indigenous Women Human Rights Defenders in Colombia and Their Current Challenges**

So far, Colombia's current struggle and challenges for WHRDs have revealed clear pictures portraying different arrays of challenges and have exposed distinctive situations, coming from individual testimonies of women to collective communal organized institutions' observations. We have heard the actual conditions, as most of the women interviewees have testified and shared with us, which are deemed precarious and found to have needed an immediate response and attention.

Likewise, we intended to allocate enough and ample space to discuss the current struggles and challenges faced by the women human rights defenders whose locus communities and origins are Indigenous. We decided to give them a particular part of our reports because while receiving and reading data and information about the prevalent human rights situations in Colombia, unknowingly, we met apparent and essential issues that have frequently resurfaced and came to our realization through their testimony that deserve our keen attention, observations, and upfront analysis. Our nomenclature will shift from WHRDs to IWHRDs, which stands for Indigenous Women Human Rights Defenders. Furthermore, we want to remind our readers again that this portion does not constitute the whole of IWHRDs' current human rights crises in Colombia but a small fraction we discovered from what transpired in our research interviews.

## 9.1 The Legal Framework of Indigenous Women Human Rights Defenders

Since this section will discuss the Indigenous Women Human Rights Defenders (IWHRD), it is also reasonable to understand their legal framework in view of the international treaties for Indigenous peoples – the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP),<sup>44</sup> which the Colombian Government had ratified the same year the U.N. General Assembly approved in 2007.

Furthermore, Colombia is also a signatory with reservations of the American Declaration on the Rights of Indigenous Peoples (ADRIP),<sup>45</sup> reiterating the fundamental rights of every Indigenous people and their community set forth by the UNDRIP.

Article 14 of the CEDAW can be used to IWHRDs legal frameworks claiming that the “States Parties shall consider the problems faced by “rural women” and the significant roles which rural women play in the economic survival of their families”<sup>46</sup> [...]. In these expressions, one can identify the Indigenous Women Human Rights Defenders as belonging to the “rural women”; however, a debatable terminology since many Indigenous women no longer belong to the rural communities but have already settled and adapted to the urbanized outlook and metropolitan lifestyle settings.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) can also be maximized for the Indigenous people’s legal framework, especially for the Indigenous Women Human Rights Defenders (IWHRD). Though the convention does not explicitly mention the Indigenous as the subject of such international anti-discrimination law,

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<sup>44</sup> United Nations Declaration on the Rights of Indigenous Peoples of 2007.

[https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

<sup>45</sup> The Government of Colombia rejected some of the provisions of ADRIP, especially those concerning free, prior, and informed consent in Articles 23, para.2; and 29, para.4) and military activities in Article 30, para. 5.

<sup>46</sup> United Nations Resolution no. 34/180, *Convention on the Elimination of All Forms of Discrimination Against Women*, December 1979. <https://www.ohchr.org/sites/default/files/cedaw.pdf>, Article 14. The convention categorically mentions “rural women” as the primary and principal subject of the State’s development program and women empowerment, which the State(s) are bound to execute. Article 14, par. 2.

it is necessary to discern that the notion of “racial discrimination” described in Article 1 of the convention can classify Indigenous people as belonging to a national minority who shared with various ethnic origins and cultures that need proper protection and safeguarding against State laws and actions that hinders them (Indigenous people) from doing and improving their humanity.<sup>47</sup>

## **9.2 Current Challenges and Necessities of the Indigenous Women Human Rights Defenders in Colombia**

The IWHRDs in Colombia have faced multiple layers of challenges, struggles, and necessities that need attention, whether from international, regional, or domestic considerations.

When asked about the current challenges and struggles as IWHRDs in Colombia, the Indigenous women respondents, in unison, said they suffered not only with threefold scheme discrimination but multiple. we were victims, and most of us got killed because of the following causes, “*we are human rights defenders,*” “*we are women,*” “*we are indigenous,*” and because “*we are treated as not having equal footing as the rest,*” expressed by indigenous defenders. Furthermore, what made them more vulnerable is not only because of the four factors mentioned above but because the ground foundation of their identity as Indigenous has been continuously subjected to subjugation and extinction. Therefore, asserting their ancestral lands as the basic foundations of rights claims is the primary challenge they constantly fighting as communities. As one indigenous affirms,

*“Denying our fundamental right to possession of our lands and territories is tantamount to denying our children’s right to life and the next generation the opportunity to live in a peaceful community.”*

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<sup>47</sup>Article 1. UN Resolution 2106, *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), 1965. According to the definition, the term “racial discrimination” shall mean any distinction, exclusion, restriction, or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. (Article 1).

In other words, they demanded as their immediate need that the source of their life, the lands, so to speak, be fully protected, honored, and respected by the Government and by the people who are not Indigenous surrounding them. As one interviewee lamented,

*“People surrounding us should respect our existence as human beings without any conditions,”* says one interviewee.

IWHRDs alluded that they, as indigenous women become human rights activists and defenders, even willing to sacrifice their single breath to defend what was left to them by their ancestors, not merely because of their high educational knowledge of human rights theories conveyed by lawyers, scholars, and Human Rights experts into their communities but due to the experiences they constantly suffered and faced every day as communities. Their primary source of living, the land, the soil, the forest, and territory which is connected to their identity and to their humanity, has been exploited by different powerful forces, whether government-initiated projects or illegal activities from armed groups, extracting and generating economic gains that do not deliver benefit to their communities but instead annihilate them. And because it does not give them any reasonable and decent impact, it gradually kills their whole existence as unique communities and Indigenous people. In other words, such one-sided modern development initiatives that obviously deny their “right to consent” completely violate their fundamental element of existence as human beings and openly ignore their cultural legitimacy as a community. As a result, they need to fight using all kinds of legal and paralegal remedies, even their own lives. And therefore, as Indigenous women, they hope and think that engaging in human rights advocacy, driven by the desire and intention to protect and preserve their territories from destruction, would help their current challenges in bringing these issues not only at the national level but to the international arena.

Furthermore, IWHRDs suffer more discrimination, from sexual violence and cultural biases, are deprived of equal opportunity and are denied their indelible rights claims. They have had so many lives already sacrificed for the cause of protecting and defending their communities even before the 2016 peace deal, and getting worse from 2016 to 2022, most of whom were indigenous community leaders, including Indigenous women, who fought against exploiting their primary source of living and fighting against eliminating their very own existence. This countless and endless challenge includes their desire for full recognition of their ancestral domain and identity and making them the main subject of protection not only for women from Indigenous but for the whole family, people, and community.

In conjunction with the testimony of the IWHRDs in Colombia, the 2022 report of the International Work Group for Indigenous Affairs (IWGIA) has detected that the biggest challenge and struggle for Indigenous peoples in Colombia is the lack of full recognition of their ancestral domain as fundamental rights and sincere protection against repression and persecution from other armed forces surrounding them. In effect, in 2021 alone, forty-eight (48) Indigenous leaders had been murdered and received no justice or signs of prosecution for the accused. Thousands of Indigenous communities have been displaced and denied access to due process of law and social services, especially during Covid-19. The Colombian Government, avers IWGIA, provides no decisive response for adequate protection to the increasing gruesome violence against Indigenous people in their territories.<sup>48</sup>

What are the threats to being woman human rights defenders in Colombia and as an Indigenous?

*“We are more defenseless and exposed to risky environments because we received no protection from the Government, no laws explicitly invoking and respecting our ancestral domain as ours, and no effort to give us what we claimed as legally owned originally by our ancestors, says one interviewee.”*

At the same time, their communities are directly susceptible to armed groups’ paramilitary recruitment and more HR violations because these armed groups are the ones that are mobile and visible in their communities and often ignore their unique identity and distinct community. According to them, sometimes their communities suffer profound bewilderment because, most of the time, they don’t know who among the rebel groups deemed legitimate that concretely took their cause and seriously mind their struggle as minorities, or they are just used as mere instruments of the revolutionary group’s power struggle agenda. They learn to defend their fundamental human rights because they have been victims of massive and multiple discrimination. According to one indigenous human rights activist,

*“When we start protesting destructive projects toward our lands and move to protect our territories for our survival and preservation, the government forces*

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<sup>48</sup> Colombia, *IWGIA Report 2022*. 371 – 381. [https://www.iwgia.org/doclink/iwgia-book-the-indigenous-world-2022-eng/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWUiOiJpd2dpYS1ib29rLXRoZS1pbmRpZ2VuY3VzLXZvcmxkLTIwMjltZW5nliwiaWF0IjoxNjUxMTM5NTg1LCJleHAiOiJlE2NTEyMjU5ODV9.jRnv3PeantfRZtJg4jph8xdshK5Mh25Z3hlcPs9As\\_U](https://www.iwgia.org/doclink/iwgia-book-the-indigenous-world-2022-eng/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWUiOiJpd2dpYS1ib29rLXRoZS1pbmRpZ2VuY3VzLXZvcmxkLTIwMjltZW5nliwiaWF0IjoxNjUxMTM5NTg1LCJleHAiOiJlE2NTEyMjU5ODV9.jRnv3PeantfRZtJg4jph8xdshK5Mh25Z3hlcPs9As_U)

*are guilty of association by accusing us of being collaborators of revolutionary groups. When we are timid to speak of our fundamental rights as minorities, different armed groups, including drug syndicates, will subjugate our small communities. Worse, if we do nothing to defend what is ours, then the government and their multinational corporation, business cronies, and giant industries will quickly take over our lands, homes, and properties and consume them all, leaving with nothing but destruction and division among our communities.”*

In other words, these threats from all sides vehemently deny their community the right to live in peace. And as a woman of Indigenous origin who fought for her collective fundamental rights, these hazards from all sides always, only, and everywhere constantly disturbed her right to life, dignity, and tranquility.

According to one Indigenous woman, those who choose to defend human rights and lead to educate their communities are frequently subjected to prejudiced notions and prone to discrimination by both – from the urban and the rural populations. She claimed,

*“We are discriminated against from all routes of social misconstruction and misconception of who we are.”*

In this sense, people surrounding them often have the classic incorrect perception that Indigenous women should not be involved in any civil and political activity and the perception of the rural-urban people that women from Indigenous are not equipped to bring change to their communities.

*“When we go out from our communities, trying to get the attention of our requests and demands to the elected officials, the moment we step on the ground of the rural-urban city areas, urban people often think our presence as Indigenous only brings noise and disturbance to their community. Most of the time, “they thought we were merely beggars,” adds one IWHRD.*

Moreover, it is frustrating when the elected people in the government need more ears to listen to their demands, especially when they see an Indigenous woman who leads the crowds begging for their rights to be upheld. And when they return to their home communities, they must continue to tussle, struggle, and confront their ancient-obsolete social structures within their backyard that often silences Indigenous women. These are the continuous challenges of Indigenous women, say the IWHRD interviewees.

What necessities do you currently need in your work situation to improve your ability to (continuously) promote human rights?

As we mentioned above, we have detected plenty of challenges of IWHRDs, and because of those challenges, they need to be equally addressed, asserts an IWHRD. But regarding IWHRDs experiences, the Colombian government must employ a long-term, sustainable, viable options and feasible inclusive approach. That is recognizing the Indigenous community as equal to all other communities. There are only adequate strategies for protecting Indigenous women when there is full recognition to respect and protect their entire existence as Indigenous communities. Therefore, the primary necessity they need before anything else is the government's full recognition that they, as Indigenous, are indeed equal claimants of the same indelible rights the government is trying to impose on them.

*“We know little about human rights; however, it is better than nothing,”* says one IWHRD.

In like manner, IWHRDs, including all HR defenders, need “inclusive-constructive human rights education” implemented in all community schools and other social and educational outlets. They learned to defend human rights from their unpleasant experiences as an Indigenous community with the help of many organizations. But such learnings were not acquired through government-initiated programs about human rights. Instead, people from local NGOs and international organizations, lawyers, and scholars were kind enough to give them time to teach, provide ample human rights education training, and empower them with tools for what human rights mean to their naked experiences.

Moreover, the general populations still need to learn about human rights and should not only manage to understand them but also access equipment and tools to internalize the human rights ideas, concepts, and doctrines. In other words, human rights knowledge should not be available only to expert organizations, lawyers, and select leaders; instead, it should be accessible to all people through the government's educational program in the community. Suppose human rights education is part of the national policy embedded in the country's education system. In that case, it will lessen the burdens and probably reduce imminent threats against defenders. In effect, IWHRDs can redirect their energy and focus on other programs for women's development. Financial support is sometimes needed, but such monetary help should be shifted towards mature, concrete, and coherent formulations of educational techniques that carry the



human rights project. In that sense, they will be given more civil and political space to share, inform, and educate others about their fundamental human rights.

Another urgent necessity we detected as deemed necessary is the endless ethical and moral support from international and local organizations. Without them, they may not survive against all odds and oppressions committed by all-powerful forces. As one IWHRD requested,

*“We want your university institution and your government to help us convince our Colombian government to create strategies and construct efforts that genuinely address our demands and legitimate calls as Indigenous people.”*

Furthermore, she adds,

*“We want Colombia’s government to address the root causes of armed conflicts with profound sincerity and include the Indigenous peoples in any peace negotiations for national, social, and economic programs, mainly when it affects our lives and communities. Because there is no peace when we, as the central and the locus point affected communities, and our fundamental and defined rights are not included and considered in the negotiations.”*

And finally, end the killings of innocent people! Adhere to the due process of law to avoid unnecessary casualties. Protect every defender of human rights. Justice must be given to all innocents who have been victims of extra-judicial killings and a culture of impunity. And let the democratic process of the country works by allowing Indigenous people to be heard and be part of the decision-making to realize what everyone is aspiring for –long-lasting peace and reconciliation.

## **10. Analysis and Observations**

In this report, our primary sources were initially transmitted from WHRDs’ direct testimonies; thus, our analysis has employed the narrative analysis method, the discourse analysis method, and the thematic analysis method, which relies entirely on hearing, reading, and understanding their narrative as well as the existing human rights discourse which might be exposed to biased opinions and interpretations. However, a significant portion of our inquiry, analysis, and observations will also discuss the relationship between the existing legal frameworks (domestic

and international) and the challenges and necessities of the WHRDs in Colombia, including the Indigenous.

Based on the data we have garnered and accessed, the results indicate that WHRDs in Colombia still comprised a significantly lower number of victims than male HRDs who were assassinated, concerning the percentage of the total number of victimized HRVs by extra-judicial killings.

Our biased observations on WHRDs in Colombia, including the Indigenous, depict the country's partial yet prevalent conditions and current state of human rights defenders, especially for women. We observed that WHRDs are easy prey and victims of various harassments, from sexual-physical misdemeanors to psychological assaults. They continue combating society's patriarchal culture that often limits their capability and discriminations against their ability to execute their social share and responsibilities. For example, the problem of "socio-sexual demarcation" and the "judicialization of discrimination," which are always connected to the culture of patriarchal hierarchy, as most of their narrative reveals, clearly shows the incompetence of the current human rights discourse, concept, and instruments (legal) to influence and make Colombian society more receptive to their cause as human rights defenders. Articles 2 and 5 of the CEDAW, which the government of Colombia signified its total adherents, clearly reminded the duty and functions of the sovereign State, even encouraging the Member States, including Colombia, "to take appropriate measures to modify social norms and cultural patterns that operate as unfavorable and discriminatory customary rules against women."<sup>49</sup> CEDAW is the international bill of rights for women, primarily focusing on eliminating discrimination against all women (including for the WHRDs). This includes eradicating cultural biases and social constructs which vehemently obstruct women's universal human rights. It endeavors to remove barriers that prevent women from being equally treated the same as men.<sup>50</sup> However, in the case of Colombia, CEDAW lost its grip on eliminating existing social norms and societal patterns of stereotypes that are subjective against women. For Sally Engle Merry, this is a concrete example of what she calls "the disjuncture between global law and local justice," in which the failure of the global law of human rights mechanism

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<sup>49</sup> *Convention on the Elimination of All Forms of Discrimination Against Women*, (December 1979), Articles 2 and 5. <https://www.ohchr.org/sites/default/files/cedaw.pdf>

<sup>50</sup> Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (University of Chicago Press; New edition, 2006), 74-75.

seems inevitable when local social norms, standards, and cultures are maximized and exploited as an excuse for continuing violence against women.<sup>51</sup> The series of *Decretos* produced by the President of the country and all enacted laws from the Congress that were supposed to be the domestic legal frameworks for WHRDs, displayed no significant impact with the issues of prosecuting perpetrators in favor of the human rights defenders and delivered no efforts in building equality for women in the country. The challenges which caused suffering for the WHRDs originate from the absence of concrete initiatives and progressive strategies for making women the prime and general subject of equality and human rights in the country. The number of violated human rights defenders, including women defenders, versus the judicial criminal court cases resolved, depicts the considerable gap and ineffectiveness of the legal mechanisms and the human rights discourse's failure to reduce casualties of injustice.<sup>52</sup>

Our analysis also found provocative and considered alarming trends in the civil and political regions and space for WHRDs. Aside from being mistreated or discriminated against in their capacity, caused mainly by the sustained patriarchal hierarchy and cultural identity, their civil and political space at the same time has been endangered to massive redaction, if not bound to total elimination. Their public space to exercise freedom of expression and the right to assembly as human rights defenders were no longer safe ground. If they are identified as human rights defenders or community leaders aspiring to defend human rights, they are often subjected to persecution and intimidation and, worse, get killed. According to the Australian Institute of International Affairs (AIIA), the primary reason which contributes to the factor why extra-judicial killings of HRDs continuously occur in Colombia is obviously due to a “lack of sincerity and failed security guarantees” as the duty-bound of the State.<sup>53</sup> These alarming developments against the WHRDs' civil and political space and their right to assembly ultimately displayed profound contravention against the provision of their own Colombian

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<sup>51</sup> Ibid, 103 – 109.

<sup>52</sup> INDEPAZ has recorded hundreds of Victims of Human Rights Extra-Judicial Killings against HRDs from 2016 to 2022. Nevertheless, no significant number has been reported as being considered judicially resolved and has given justice in favor of the victims.

<sup>53</sup> Alexandra Phelan, *Human Rights Defenders Assassinated in Colombia*, (Australian Institute of International Affairs, 2018), <https://www.internationalaffairs.org.au/australianoutlook/assassination-colombia/>

Constitution and the ICCPR.<sup>54</sup> In union with the AIIA, this report also observed that the current Constitution had lost its grip on making its article thirteen (13) concretely realized. The Colombian amended Constitution of 2015 reiterates the “guarantee of protection” of every individual, which has already been placed as the brain, heart, and liver of its sovereign law, recognizing every citizen’s fundamental civil and political rights.<sup>55</sup> However, this provision delivered no decisive and definitive impact vis-à-vis the current struggle, suffering, and crisis of the WHRDs and the rest of the HRDs in Colombia, simply because, in a span of only three (3) years from 2020 to 2022, respectively, number of HRVs in Colombia, has skyrocketed into unbelievable records of death with a total of two hundred eighty-one (281) plus twenty-two in the recent year of 2023 whose lives confirmed victims of extra-judicial killings and assassinations.<sup>56</sup>

The report also discovered that the understanding of women’s rights of the Indigenous is founded and grounded on territorial sovereignty. They assert that women’s rights as defenders could not be feasible or realized without recognizing their territorial lands and cultural identity. Thus, the reports indicated further that the IWHRDs suffered far more than non-indigenous WHRDs due to the absence of full recognition. They were subjected to violence and harassment because they were not recognized as a community. As one interviewee claims, “we suffered not only with threefold scheme discrimination but rather multiple. We were victims and got killed because we are human rights defenders, we are women, we are indigenous, and because we are not treated as having equal footing (recognition) as the rest.” Thus, their primary demand as their urgent need is to fully acknowledge their right to possess their ancestral lands and domains as the preconditions of equal rights as the rest.

Furthermore, our report observes that WHRDs in Colombia urgently have collective needs and necessities relative to their contemporary struggles and evident challenges. For the Indigenous,

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<sup>54</sup> The National Constitution of Colombia, in conjunction with international conventions such as UDHR and ICCPR, ultimately guarantees the protection of all citizens from their civil and political rights. See ICCPR and Articles 12 and 20 of the National Constitution of Colombia.

<sup>55</sup> Colombia’s Constitution of 1991 with Amendments through 2015, Article 13.  
[https://www.constituteproject.org/constitution/Colombia\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Colombia_2015.pdf?lang=en)

<sup>56</sup> INDEPAZ, *Masacres En Colombia Durante El 2020, 2021, 2022, Y 2023*.  
<https://indepaz.org.co/informe-de-masacres-en-colombia-durante-el-2020-2021/>

the central and prime condition they collectively aspired is the unconditional recognition of their existence as Indigenous peoples as the pre-requisite of the so-called WHRDs' protection. The sub-condition and necessity the WHRDs need in present-day situations can also be realized through collaborative human rights discourse, educational strategies, and methods. However, the condition we have detected and found necessary is none but the sincerity of the Colombian government and its political will to respect and protect WHRDs' fundamental rights. In other words, the full implementation of promulgated Decretos and enacted laws for WHRDs and the Government-sponsored human rights education (HRE) were among the most vital necessities and needs for both sectors – the WHRDs and the general populace. Danielle Celermajer argues that the subject of human rights should be redirected and focus on State forces, such as the police and the military personnel, making them recipients and disciples of human rights discourse through HRE since they are the implementing forces on preserving human rights.<sup>57</sup> However, we will argue that such methods Celermajer proposes may not be enough in Colombia, simply because the armed forces of Colombia were not only coming from the State but also coming from different armed and revolutionary groups who often suspect and are accused of many violations of human rights in the country. Therefore, we propose that the government should also adopt the HRE, which does not only apply to government forces but to all educational entities in Colombia. This proposal ultimately aimed to treat the WHRDs as fellow travelers in promoting social change instead of regarding them as enemies of the States or an adversary of society's ambition for genuine development. The U.N. Special Rapporteur of Human Rights Defenders has celebrated the civil and political share of HRDs in shaping the world order towards a humane one and reminded the significant role of human rights defenders, including those WHRDs who have progressively contributed to advancing social changes in our modern age, whether in a distressful ground of dictatorships environments or in the context where democracies are seemingly customary.<sup>58</sup>

The inability of the sovereign State to assist and establish concrete and sensible strategies that absorb towards protecting them (WHRDS) still needs proper attention, and the apparent efforts

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<sup>57</sup> Danielle Celermajer, "Training Subjects for Human Rights," *The Subject of Human Rights*, Edited by Danielle Celermajer and Alexandre Lefebvre, (Sandford University Press, 2020) 121 – ff.

<sup>58</sup> Mary Lawlor, [Rappler Opinion], "*Human Rights Defenders [is] not the Enemy.*" <https://www.rappler.com/voices/thought-leaders/opinion-human-rights-defenders-not-enemy/?fbclid=IwAR3ogWgeLpQ3gorHgy7LgSvTGaKSiUPfDSC1M81shG6Q4lhBMTSEoZypN70>

being undertaken need to be given more appropriate methods to be fitted to the patent demands and necessities of the WHRDs. In other words, based on the narrative and the available data of HRVs being recorded, the signs of improvements for the genuine protection of WHRDs continue to appear as an invisible and impossible endeavor in Colombia despite the production of a series of Decretos and enacted laws portraying and pretending to be protective measures for WHRDs.

## **11. Recommendations**

The reports of the Human Rights Watch of 2023 aver that the condition of human rights violations in Colombia seems to have yet to display any improvements even amidst domestic efforts, such as promulgating Decretos and enacted laws intended for protecting human rights defenders. The record of human rights violations and assassinations was also higher, thus poised as a dangerous land field and context for human rights defenders.

Given these findings above and based on the results set forth by the challenges and necessities of this report, we humbly write down the following recommendations.

- The government of Colombia must intensify its domestic effort to guarantee protection for the right to life, dignity, and freedom of assembly and expression is fully protected.
- Provide, ensure, protect, and promote a safer environment for all citizens exercising their right to freedom of expression and assembly. This is to ensure that their civil and political rights are adequately protected and respected.
- The Colombian Congress should consider promulgating and enacting laws that integrate human rights education enshrined into the curriculum of the country's current public and private education system.
- We encourage the Government of Colombia to reconsider making law enforcement, military, and national police officers subject to human rights input and education to avoid qualms from human rights defenders and its citizens.

- We encourage the Government of Colombia to recognize the Women Human Rights Defenders as a civilian and social institution as the precondition of their security and guarantees of protection.
- Include Indigenous Communities in dialogues and peace negotiations to avoid vacuum and discrepancy in attaining peace and reconciliation.
- We encourage the Government of Colombia to appreciate the demands of different human rights individuals, sectors, communities, and organizations, including the Indigenous peoples, to protect their rights and dignity and be free from harm.
- Furthermore, the government and domestic human rights organizations should employ proper venues for dialogical channels addressing and enhancing comprehensive cooperation that promotes human rights advocacy and freedom of expression in the country.
- We encourage the international community, the U.N., and other international human rights organizations to continue to act as a watchdog and be willing to condemn the government of Colombia, especially when gruesome violations against the right to life and dignity have been violated and have given no value at all.

## **12. Conclusions**

Based on our analysis and observations, this research concluded that WHRDs in Colombia are currently struggling and undoubtedly suffering an immeasurable high level of distress and challenges. They are more prone and vulnerable to harassment and sexual violence, as well as socio-political, civil, and judicial discrimination, and continuously face unequal treatment than men. Worse, they are living under imminent dangers in a shrinking space for civil and political rights.

The report concluded that WHRDs as individuals are more discriminated against for their “humanity” than men. Their struggles and challenges appear very high and are immeasurable. They suffered more sexual violence and physical assaults than those sustained by men. Of course, there is no place for comparison regarding human rights violations between men and

women, especially when most victims ended the same fates – assassinated and killed. As the results of our inquiries revealed, WHRDs in Colombia faced considerable and multiple discrimination coming from all angles and trajectories. For example, the machismo and patriarchal culture, which permeates all social strata, from their families to the country’s judicial system, viciously affects WHRDs in all aspects of their life. In addition, the so-called “socio-sexual demarcation” and the “judicialization of discrimination” undoubtedly limit WHRDs’ capability, often obstructing their work from being more effective and productive.

Furthermore, IWHRDs suffer far higher than urbanized and non-Indigenous human rights defenders. As revealed in our observations, IWHRDs’ fundamental necessity is more on a communal-collective demand. Originally came from their desire to be acknowledged as Indigenous before women’s rights could be fully understood.

Therefore, WHRD and IWHRDs in Colombia desperately needed proper attention from their political, social, legal, and civil protection, which can only be possible through intersectoral and governmental-initiated program strategies since the government and other HR organizations are viable institutions that profoundly possess extensive authority and resources to address them. In these critical times, WHRDs in Colombia, including Indigenous, must be given comprehensive gender-based equality protection programs in collaboration with the State, NGOs, and domestic and international organizations. Our observations also concluded that the progressive community-based human rights education, through or in cooperation with a national-initiated policy education program so far, is the common urgent necessity, aside from the comprehensive and genuine implementation of the legal frameworks set forth by the international bodies, regional conventions, and the nationally enacted laws of Colombia. The channel and venue of freedom of movement as WHRDs’ *de jure* must be protected, respected, and preserved at all costs to restore the rightful owner of the space and liberty.

### **13. Acknowledgment**

This report and endeavor will only be possible through the distinct and active participation of several individuals from Colombia, Colombian domestic organizations, and international human rights networks. Our group is grateful to all nameless yet brave Colombian individual human rights activists and defenders, as well as all local human rights organizations who are currently working to advance human rights advocacy in Colombia. We want to thank all international organizations, such as the International Service for Human Rights based in



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## **14. Appendix**

### *Interview questions for Individual Women Human Rights Defenders:*

1. Would you consider yourself a Human rights defender? If yes/no, please explain/ describe what it means.
  - a. Why do you work as a Human Rights defender?
2. How is it to work with human rights in Colombia?
  - a. Is it different for you as a woman?
3. What kind of human rights defending are you doing?
4. How would you describe the situation in Colombia for women defending human rights?
5. What are the strengths of your work? (As a human rights defender?)
6. What are the challenges or issues in your work? (As a human rights defender?)
7. What are the threats or risks of being a woman human rights defender in Colombia?
  - a. What are the main problems?
8. What is most needed in your current work situation to improve your ability to fight human rights issues?
  - a. What are the government's efforts to protect human rights defenders?
  - b. How can international human rights organizations support addressing your needs?

9. How important is it for you as a woman to be engaged in fighting for human rights in Colombia? (Extra question when the time permits)

***Interview questions for Local-Colombian Human Rights Organizations:***

1. What kind of human rights work is (organization name) doing?
2. How would you describe the situation in Colombia for female human rights defenders?
3. Are there some current issues/challenges for female human rights defenders in Colombia?
  - a. What are the issues/challenges?
4. Are there different problems for male and female human rights defenders?
  - a. Do you have any research on the difference between men and women human rights defenders?
5. Does the government in Colombia protect human rights defenders?
  - a. How?
  - b. Do you have concrete examples of how the Colombian government protects human rights defenders? (For example, in the legal aspect?)
6. In 2016 there was the Peace Agreement. Since then, have you noticed any changes? Is the situation getting worse or better?
7. What are women human rights defenders' essential (most important) needs now?
8. Is your organization providing any support for female human rights defenders in Colombia?
  - a. Do you have some concrete examples of how to protect human rights defenders? (For example, in the legal aspect?)
9. Is Colombia the focus of some future work? (Extra question)

***Interview questions for International Human Rights Organizations:***

1. What kind of human rights work is (organization name) doing?
2. How would you describe the situation in Colombia for female human rights defenders?
3. Are there some current issues/challenges for female human rights defenders in Colombia?
  - a. What are the issues/challenges?
4. Are there different problems for male and female human rights defenders?

- a. Do you have any research on the difference between men and women human rights defenders?
5. Does the government in Colombia protect human rights defenders?
  - a. Do you have some concrete examples of how Colombia protects human rights defenders? (For example, in the legal aspect?)
6. Is your organization providing any support for female human rights defenders in Colombia?
  - a. Do you have some concrete examples of how to protect human rights defenders? (For example, legally?)
7. In 2016 and 2017, two significant developments were produced by two different bodies - the Truth Commission and the Inter-American Court's opinion aiming to address the human rights issues in Colombia. Have you seen any changes since then? Is it getting worse? Is it getting better since the observation laid out by the Inter-American Court?
8. Is Colombia the focus of some future work?