

## WOMEN VICTIMS OF THE ARMED CONFLICT IN CORDOBA: THE COMMITMENT TO REPAIR THE IRRETRIEVABLE

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***Abstract-**The purpose of this article is to verify the legal regime developed in Colombia regarding the armed conflict, international treaties and conventions, reports and documents of the national and departmental order on public policies implemented for victims from the ethnic differential approach contained in Law 1448 of 2011 with its corresponding regulatory decrees and finally, to establish the perception of such approach from associations or organizations of women victims in the department of Córdoba, through semi-structured interviews; also taking into account what was expressed in interviews with officials responsible for the care of victims in the territorial entity.*

***Keywords.** Armed conflict, repair, irretrievable, women victims.*

### INTRODUCTION

It has been more than five years since the Victims Law came into force, which was modified by Law # 2078 of 2021, through which measures of attention, assistance and integral reparation to the victims of the internal armed conflict are dictated and other provisions are issued; and based on it, it is being developed in the different territorial entities as a mechanism to guarantee the rights of the victims of the internal armed conflict; being necessary to carry out an analysis in the department of Córdoba through the entities that are instituted for that purpose, verifying whether or not they have complied with the provisions of Arts. 2, 13 and 205 of the Victims Law related to the ethnic differential approach; which are developed in the Regulatory Decrees: 4634, 4635 and 4636 of 2011.

Article 192 of the Victims Law states that: "It is the duty of the State to guarantee the effective participation of the victims in the design, implementation, execution and compliance with the law and the plans, projects and programs created as a result of it. For this purpose, the democratic mechanisms provided for in the Constitution and the law must be used, and it is from there where the semi-structured interview is proposed, which will provide the perception expressed here, of the women's associations of the Department on their real and effective participation in the design, implementation and execution of the plans and programs developed with the different ethnic groups recognized in the Department.

One of the fundamental guarantees of human rights, which the Charter of the United Nations approved in 1945 recognizes, is equality between men and women; in 1948, the Universal Declaration of Human Rights was approved, which affirmed that the rights proclaimed therein apply to men and women without distinction of any kind. The OAS document on women's human rights states: "In political confrontations or armed conflicts, violence against women manifests itself in an aggravated manner. In the last decade, much international attention has been devoted to the relationship between gender-based violence and conflict. Conflict, whether civil and political or economic and social, has a lasting impact on women's enjoyment of their human rights. It goes on to say "The adoption by the Security Council of Resolution 1325 (2000) on women, peace and



security represents another milestone in recognizing and combating gender-based violence in conflict situations. The resolution recognizes the devastating impact of conflict on women and girls and reaffirms the need to fully implement the provisions of international humanitarian and human rights law that protect the rights of women and girls during conflict.

The resolution focuses on four aspects: prevention, participation, protection, and relief and recovery. It urges states to take special measures to protect women and girls from gender-based violence during conflict, and to end impunity by prosecuting perpetrators of crimes during conflict, including gender-related crimes. In addition, the resolution calls for increased representation of women at all levels of decision-making and in all conflict prevention, management and resolution mechanisms, and for gender mainstreaming in peacekeeping operations." And it is then, these international scenarios, which undoubtedly allow the construction of internal regulations that assume the commitment and legal obligation to repair the victims of the Colombian armed conflict. The objective of this article, which contains part of the results of the multi-campus research project of the Universidad Cooperativa de Colombia, entitled "Territoriality and Post-conflict Multidimensional Perspective from the coexistence for peace in Colombia" in which the headquarters of Montería participated, is expressed as follows: Analyze the implementation of the differential approach from the ethnic, in the Department of Córdoba of women victims of Violence in the Armed Conflict.

The guiding theorist of this inquiry is Niklas Luhmann from his theory of systems and specifically addressing the subsystem of law addressed in his text: The law of society, where he states "Many theories of law assume that the norm is constituted from the motivations that lead to its compliance, with this, however, they move very slippery grounds. Without denying the empirical relevance of these questions and their significance for a normative policy, we must insist that the function of the norm is not to guide the motivations (there would come into play so-called coincidences and functional equivalences), but rather the opposite: that the norm stabilizes itself, through assurances, in the face of the facts. The norm does not ensure behavior in conformity with the norm; however, it protects those who have this expectation. At the same time, in the order of interaction, it offers an advantage especially in cases where the norm does not question. The norm favors in many ways its imposition. "

It is then from this subsystem of law, where we state that if there is indeed a norm called Victims Law and that it establishes and sets a differentiated treatment for the attention of victims belonging to indigenous, Rom, black, Afro-Colombian, Raizal and Palenquero peoples and communities, this attention should be provided by the state entities since the norm must be stabilized in the face of the facts, effectively constituting the compliance of the article 13 of the Victims Law, in terms that the populations with special characteristics require the adoption of differential criteria that respond to their particularities.

The purpose of this inquiry is to raise the discourses, actions and achievements of women's organizations in the Department of Córdoba, revealing how women victims of the armed conflict in Córdoba perceive public policies from the application of the ethnic differential approach and what type of actions they initiate before the Administration to claim the rights recognized in Law 1448 of 2011, taking into account what is established and indicated in terms of respecting the culture and material existence of traditional peoples.

#### THEORETICAL REFERENCES

In Colombia, Law 248 of 1995 approved the International Convention to Prevent, Punish and Eradicate Violence against Women, signed in the city of Belem Do Para, Brazil, on June 9, 1994, which became part of our domestic legislation: Violence against women constitutes a violation of human rights and fundamental freedoms and totally or partially limits the recognition, enjoyment and exercise of such rights and freedoms" (OAS, 1994).

Law 294 of 1996, develops Article 42 of the Political Constitution and establishes norms to prevent, remedy and punish domestic violence, which constitutes violence within the family.



It is also important that the Justice and Peace Law (975 of 2005), which is based on truth, justice and reparation for victims, seeks the reconstruction of historical memory as one of the mechanisms to achieve this, by telling or reminding society, among other events, of the degrading forms of violence that women have suffered and continue to suffer in the context of the armed conflict throughout the country. However, in addition to the recognition of their status as victims, women have also been recognized as active agents and key actors in the construction of social peace. For this reason, peace processes are strategic scenarios to include them as active subjects capable of recreating the social fabric". (National Council of Economic and Social Policy CONPES 161, 2013), because it was the one that preceded the victims' law that is the subject of the inquiry.

Law 1257 of 2008, "which establishes rules for awareness, prevention and punishment of forms of violence and discrimination against women, reforms the Criminal and Criminal Procedure Codes, Law 294 of 1996 and establishes other provisions", very important to make visible the issue of violence against women and its protocol of care.

With the issuance of Law 1448 of 2011, amended by Law 2078 of 2021, the Colombian State responds to the victims of the internal armed conflict seeking to guarantee their right to comprehensive reparation by establishing routes or protocols of access to it and it is in this sense that the State proposes that: This is a tool for dissemination, so that individual and collective victims know the access routes, as well as the conditions of prioritization in the access to the measures. In the country, according to statistics of the Unit for the attention and integral reparation of victims as of 30/09/22, the victims total 9,361,995; with the law it is intended to provide attention and reparation to all the registered victims; therefore, we have established, as they state, prioritization factors for the different reparation measures directed to the communities and individuals; which also implies for other victims to have to wait a longer time for the reparation.

The prioritization factors change depending on the measure: in some cases, vulnerability is prioritized; in others, security conditions or progress in socioeconomic stabilization processes (Unit for the attention and comprehensive reparation of victims). It is then, from the vulnerability factor, where the differential approach recognized in Article 13 of the Victims Law must be applied to women victims.

The following regulatory decrees of the Victims' Law contain a differential approach that is established from and based on ethnic groups, as in Decree 4633 "Measures for assistance, attention, comprehensive reparation and restitution of territorial rights to victims belonging to indigenous peoples and communities are issued". Decree 4634 which dictates measures of assistance, attention, integral reparation and restitution of lands to the victims belonging to the Rom or Gypsy people, Decree 4635 ethnic differential approach, specifically for the black, Afro-Colombian, Raizal and Palanquero communities, victims of the armed conflict, which are developed as a consequence of the provisions of Article 205 of the law of victims and in attention to the Constitutional norm of Article 150 # 10.

The Victims Law is a mechanism that seeks to guarantee the rights of the victim population as a result of the internal armed conflict that for more than 50 years was lived and still is lived in Colombia. From the point of view of the differential approach enshrined in the law, it is necessary to include differentially the rights of the different ethnic groups recognized by the Constitution and the law, taking into account their population peculiarities.

The international conventions, commissions, committees, resolutions, conferences and conventions, which are legally binding for the states that ratify or adhere to them, as in the case of Colombia, have special relevance in the proposed topic and which are listed below:

According to the 2021 annual report of the Inter-American Commission on Human Rights in its chapter V on Colombia, it considers that, during 2021, Colombia continued to present a series of challenges in terms of human rights, highlighting issues related to citizen security, the increase in forced displacement, confinement and violations. In this regard, the IACHR notes the concentration of violence in certain territories of the country characterized by a limited presence of the State, which results in the lack of provision of basic services in health, education, justice, among others;



and especially affecting groups that have historically and structurally suffered the violation of their rights such as indigenous peoples, Afro-descendant population, peasants, LGBTI, women, children and adolescents. An indicator of this situation are the 66 massacres documented by the Office of the United Nations High Commissioner for Human Rights (OHCHR) during the year 2020, a figure that could be increased when the verification procedures on other facts under study are completed. This report shows that the human rights shortcomings suffered by vulnerable populations such as women and ethnic groups, among others, have yet to be overcome.

2015 Annual Report on the follow-up of recommendations made by the Inter-American Commission on Human Rights (IACHR) in the report Truth, Justice and Reparation: Fourth Report on the Situation of Human Rights in Colombia, which has the following relevant elements:

That progress continues to be made in the implementation of Law 1448 and that the Colombian State adopts the necessary measures to adequately address the challenges and challenges verified.

The implementation of the differential approach for women, children, adolescents, persons with disabilities, indigenous peoples, Afro-descendants, lesbian, gay, bisexual, trans and intersex persons, human rights defenders, among others, should be guaranteed in practice.

In the cases of women in the context of the armed conflict, the IACHR recommended:

Implement and strengthen measures to comply with the duty to act with due diligence to prevent, punish and eradicate violence and discrimination against women, exacerbated by the armed conflict, including concrete efforts to comply with its four obligations: Prevention, investigation, punishment and reparation of violations of women's human rights.

Design and adopt policies that take into account the specific needs of indigenous and Afro-Colombian women within the armed conflict in health, education, justice and economic issues. Binational policies aimed at advancing the rights of all women should consider the specific needs of Afro-Colombian and indigenous women and take a comprehensive view of how to address important aspects such as health, education and justice.

The United Nations instrument on Women's Rights are Human Rights states: "The conceptualization of human rights in the past did not take into account either the lives of women or the fact that they faced violence, discrimination and oppression on a daily basis. Consequently, until relatively recently, women's experience was not adequately addressed in the human rights framework. The work of activists, human rights mechanisms and States has been crucial in expanding and adjusting the human rights framework to incorporate the gendered aspects of human rights violations in order to better protect women. The effective guarantee of women's human rights requires a full understanding of the underlying social structures and power relations that define and influence women's ability to enjoy their human rights. These power structures affect all aspects of life, from law and politics to economic and social policies, the family and the community.

Commission on Human Rights. The Commission on Human Rights, Reaffirming that gender discrimination is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts to eliminate violence against women. It also states in one of its paragraphs: "To support the initiatives of women's organizations and non-governmental organizations to eliminate violence against women, and to establish or strengthen at the national level partnerships with relevant non-governmental and community-based organizations and public and private sector institutions aimed at the development and effective implementation of provisions and policies related to violence against women, particularly in the area of victim support services.

Resolution 1325 (2000) Adopted by the UN Security Council at its 4213th meeting, held on October 31, 2000, the Council resolution addressed the disproportionate and unique impact of armed conflict on women. It seeks to establish the importance of women's equal and full participation in conflict prevention and resolution, peacebuilding and peacekeeping, and urges all actors to increase women's representation and mainstream a gender perspective in all areas of peacebuilding.



United Nations Security Council Resolution 1820 of 2008 became the first resolution to recognize sexual violence as a tactic of war, either when it is used systematically to achieve military or political ends or when it is resorted to opportunistically for cultural reasons or under the cover of impunity.

In all international instruments that address the issue of violence against women, the basic aim is to exclude all forms of discrimination that make the application of norms or regulations that promote equality, justice and equity for women illusory.

According to the document on the reconstruction of historical memory: "There are three effects of these processes of discrimination against women: exclusion, subordination and invisibilization. As for the first, women are excluded from the active political community: femininity has no place in the public sphere, that of the discussion of everyone's affairs and State issues. Subordination, on the other hand, arises from the hierarchization that surreptitiously occurs between the public and private worlds, and from intimacy: while the former is conceived as the sphere where great deeds take place and heroes weave and unweave the Great History with their actions, the world of intimacy is perceived as a sentimental geography where innocuous routines often marked by tedium unfold, or on the contrary, as an ideal place, a sphere of the realization of affections free of conflicts and harshness. Everything domestic is made invisible (Members of the historical memory group, 2011).

In Colombia, several sentences and orders have been issued by the Constitutional Court on the occasion of the Colombian armed conflict in order to guarantee the fundamental rights enshrined in the Constitution and in accordance with the provisions of binding conventions.

The first decision handed down by the Honorable Constitutional Court was Judgment T-025 of 2004. Through this decision, the plaintiffs (the victims of forced displacement) request assistance from entities that can provide them with support and security based on a system of protection of their inherent fundamental rights.

Among the factors assessed by the Court to define whether there is an unconstitutional state of affairs, the following are worth highlighting: (i) the massive and generalized violation of several constitutional rights affecting a significant number of persons; (ii) the prolonged omission of the authorities in the fulfillment of their obligations to guarantee the rights; (iii) the adoption of unconstitutional practices, such as the incorporation of the tutela action as part of the procedure to guarantee the violated right; (iv) the failure to issue legislative, administrative or budgetary measures necessary to prevent the violation of the rights. (v) the existence of a social problem whose solution involves the intervention of several entities, requires the adoption of a complex and coordinated set of actions and demands a level of resources that requires a significant additional budgetary effort; (v) if all persons affected by the same problem were to resort to the tutela action to obtain the protection of their rights, there would be greater judicial congestion.

Esta sentencia marcó un hito en el reconocimiento de derechos a las personas víctimas del conflicto armado que por el hecho victimizantes del desplazamiento forzoso tuvieron que acudir a la Tutela para reclamar sus derechos fundamentales.

Subsequently, in Auto 218 of 2006, the Constitutional Court noted the persistence of the unconstitutional state of affairs declared in Decision T-025 of 2004, and among the critical areas of the public policy of attention to the displaced population that merited urgent intervention, it included the "lack of specificity of the policy of attention in its various components", highlighting that no significant progress had been demonstrated in the adoption of approaches that respond to the specific needs of the subjects of special constitutional protection, who are acutely affected by the burdens implicit in displacement, since "they differ from the rest [of the displaced population] in terms of the specificity of their vulnerabilities, their needs for protection and care, and the possibilities they have to rebuild their projects for a dignified life. Hence the need to adopt a differential, specific approach that recognizes that displacement has different effects depending on age and gender."

Constitutional Court Order 092 of 2008. Which deals with the adoption of measures for the protection of women victims of forced displacement due to the armed conflict.





Order 004 of 2009 in follow-up of Judgment T-025 of 2004. Protection of the fundamental rights of individuals and indigenous peoples displaced by the armed conflict or at risk of forced displacement, in the framework of overcoming the unconstitutional state of affairs declared in Ruling T-025 of 2004.

Auto 005 of 2009 in follow-up to Judgment T-025 of 2004. Protection of fundamental rights of the Afro-descendant population victim of forced displacement in the framework of overcoming the unconstitutional state of affairs declared in Judgment T-025.

Auto 383 of 2010 of the Constitutional Court deals with the coordination of the public policy of attention to the displaced population of the territorial and national entities in the framework of Ruling T-025 of 2004 and its compliance orders.

In order for the State to comply with its Constitutional and legal obligation, not only judgments were issued but also the orders that the Constitutional Court issued in a systemic manner to enforce its original decision and give each ethnic group under protection the real protection of their rights.

In Tutela Ruling # 010 of 2015 the Constitutional Court states that: "The differential approach as a development of the principle of equality, as it treats unequal subjects differently, seeks to protect people who are in circumstances of vulnerability or manifest weakness, so as to achieve a true real and effective equality, with the principles of equity, social participation and inclusion. Within the differential approach, there is the ethnic approach, which has to do with ethnic and cultural diversity, in such a way that taking into account the special particularities that characterize certain ethnic groups and multiculturalism, a differentiated protection is provided based on such specific situations of vulnerability, which in the case of ethnic communities, such as the indigenous, Afro, black, Palanquero, Raizal and Rom communities, can be traced back to historical asymmetries. This principle makes it possible to make visible the specific vulnerabilities and violations of groups and individuals, so that the principles of equality, diversity and equity are intended to be guaranteed based on the focused recognition of the difference". Differential treatment is a Constitutional imperative that guarantees the rights of ethnic groups recognized by the Colombian state.

The National Development Plan 2010-2014 "Prosperity for All", establishes the adoption of a National Public Policy on Gender Equity, to guarantee the integral and interdependent human rights of women and gender equality, taking into account the particularities that affect urban and rural, Afro-Colombian, indigenous, peasant and Ron population groups, ensuring the Colombian State's compliance with international and national standards on women's Human Rights with a multisectoral and cross-cutting approach (see Article 177 of Law 1450 of 2011).

Next, the Conpes Document on Gender Equity for Women states: "This document presents for the consideration of the National Council for Economic and Social Policy (CONPES), the National Public Policy on Gender Equity for Women and the Indicative Action Plan 2013-2016, which includes the Comprehensive Plan to guarantee women a life free of violence. Both, policy and plan, formulated under the constitutional precepts and the block of constitutionality, especially in terms of human rights from a gender perspective and the principles of equality and non-discrimination, interculturality, recognition of diversity from a differential rights approach, autonomy, empowerment, participation, solidarity, co-responsibility and sustainability" (National Council of Economic and Social Policy CONPES 161, 2013).

According to the Development Plan 2016-2019 Unidos por Córdoba, two indigenous ethnic groups are settled in the department; the Embera Katío and the Zenú located in four Resguardos and 14 municipalities distributed as follows:

Zenú Indigenous Resguardo of San Andrés de Sotavento Córdoba - Sucre.

Zenú indigenous reservation of Alto San Jorge,

Embera Katío Indigenous Reservation of Alto Sinú,

Quebrada Cañaberal Indigenous Reservation

The National Department of Statistics (DANE, 2015) reports that, in the Department of Córdoba, 191,797 people recognized as black, multinational or Afro-Colombian have settlement. The Ministry of the Interior has registered 63 Afro-Colombian Community Councils, comprised of a total of



14,785 people distributed among the municipalities of Tierralta, Lorica, Montería, Puerto Escondido, San Antero, Planta Rica, Purísima, and Moñitos, among other municipalities of the Department.

Taking as a source the 2018 Census conducted by the National Department of statistics Dane establish the estimate of the ethnic population in the Department of Córdoba as follows:

Indigenous 202,621 with 93.5% of the census.

Gitano or Rron 142 with 94.7% of the population counted

Raizal 167 with 98.8% of the census.

Palenquero 77 with 53.5% of the population counted

Black, Afro-descendant 102,251 with 55.8% Censored

No Ethnic Group 1,240,617 with 89.6% Census

The decrease in the Black and Afro-descendant population censused is striking, which of course has an impact on inclusion and the implementation and application of public policies for the population.

Based on sources: DANE, Census 2005, General Population Projected to 2014, the following statistics can be observed regarding the population victims of the conflict in the Department of Córdoba.

They are: 186,081 which is equivalent to 3.3% of the national population of victims.

By ethnicity they are discriminated as follows:

Palenqueras 3 victims

Indigenous 3985 victims

Afrodescendants, black 28116 Victims

Raizal 223 victims

Roma 194 Victims

By sex, victims are discriminated as follows:

Women 98,647 equivalent to 53%.

Male 87322 which is equivalent to 47%.

It is observed that the black population is the most affected by the armed conflict and that women are more victims.

Article 13 of Law 1448 of 2011 which states the principle of differential approach recognizes that there are populations with particular characteristics due to their age, gender, sexual orientation and disability status. For this reason, the measures of humanitarian aid, attention, assistance and comprehensive reparation established in this law will take into account this approach.

The State shall offer special guarantees and protection measures to the groups exposed to greater risk of the violations contemplated in Article 3 of this Law, such as women, young people, children, the elderly, persons with disabilities, peasants, social leaders, members of trade union organizations, human rights defenders and victims of forced displacement.

For this purpose, in the implementation and adoption by the National Government of assistance and reparation policies in the development of this law, differential criteria shall be adopted that respond to the particularities and degree of vulnerability of each of these population groups. Likewise, the State shall make efforts to ensure that the measures of attention, assistance and reparation contained in this law contribute to the elimination of discrimination and marginalization schemes that may have been the cause of the victimizing events.

Likewise, the territorial entities must comply with the postulates of the Constitution which in its article 7 ° states that "the state recognizes and protects the ethnic and cultural diversity of the Colombian nation" and the law of victims regarding the application of the ethnic differential approach referred in this case to women victims of the internal armed conflict, so that knowing their responsibility towards the process they can fully incorporate it to their development plans and territorial action plans (PAT) with the purpose of guaranteeing the rights of women victims from the inclusion and non-discrimination.



The Differential Approach is the ideal legal instrument to reverse or avoid the processes and acts that generate the current or historical conditions of discrimination and prevent the effective enjoyment of rights.

The ethnic differential approach is that which identifies and acts on the differential needs of attention and protection that public policies and state action as a whole must have for the protection of individual and collective rights of the ethnic groups that inhabit our country, and those included in Decrees 4633 to 4635 of 2011. The ethnic differential approach contemplates three human groups: 1) Indigenous peoples, 2) Afro-Colombians, blacks, palanqueros and raizales and 3) Rrom.

It is important to establish whether the violation of human rights of women victims of the armed conflict in the Department of Córdoba still persists; special protection is therefore required for them, since being neglected prevents the end of the reparative and comprehensive process of a just and inclusive society that recognizes the effective enjoyment of rights to all equally, which is particularly indicated in the law of victims such as:

The concept of victims of armed conflict enshrined in Article 3 reads as follows: For the purposes of this law, victims are considered to be those persons who individually or collectively have suffered harm as a result of events occurring on or after January 1, 1985, as a consequence of breaches of International Humanitarian Law or serious and gross violations of international human rights law, which occurred on the occasion of the internal armed conflict.

The law of victims is accompanied by some actions on the part of the state which are, among others:

The attention that is the action of providing information, orientation and legal and psychosocial accompaniment to the victim, with a view to facilitate access and qualify the exercise of the rights to truth, justice and comprehensive reparation.

Assistance, which is the integrated set of measures, programs and resources of a political, economic, social and fiscal nature, among others, provided by the State, aimed at reestablishing the effective enforcement of the rights of the victims, providing them with conditions to lead a dignified life and guaranteeing their incorporation into social, economic and political life.

Comprehensive reparation: Measures aimed at restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition in their individual, collective, material and symbolic dimensions.

Conpes document 3726 of 2012 states that 9.6% of the displaced victim population is Afro, concentrated in the Pacific, Caribbean, Antioquia and Bogotá regions; 2.7% is indigenous population in the Orinoquia, South Pacific, Caribbean and Bogotá regions; the same document establishes that 50% of victims are women and 49.8% are men. The victimizing event with the highest percentage is forced displacement, 53%, and it falls on women, and it is in the Caribbean region where the Department of Córdoba is located.

The following are the aspects that on differential approach were evidenced in the 2014-2015 and 2016 regional reports, on accountability that are indicated in Art 192 of the Victims Law; in which the Victims Unit of the Department of Córdoba exposes the fulfillment of the plans, projects and programs that are designed and executed within the framework of the law also complying with Article 209 of the National Constitution.

In the 2015 Regional Report. Of the Department of Córdoba of the Unit for the attention and comprehensive reparation to victims shows three results as follows:

Train of Rights Day. Attended by 27 children, adolescents and young people with their companions. First intergenerational meeting of senior citizens. Young adolescent victims in Córdoba. Led by the territorial management, attended by 53 representatives of the effective table of victims from the different municipalities of the Department.

Accompaniment in the socialization of the call for access to the higher education fund, thanks to which 28 young people accessed the quotas offered for the victim population of the armed conflict in Colombia.





In the 2016 Regional Report of the Department of Córdoba, the Victims Unit, in its annual accountability process, refers to four aspects and they were as follows:

A day called the Train of Rights was held, which was attended by 30 children, adolescents and young people with their companions.

The Strategy for Women Victims of Sexual Violence was implemented, with the participation of 18 women victims.

The Territorial Directorate led the Second Intergenerational Meeting of Older Persons - Young Adolescent Victims in Córdoba, with the participation of 34 representatives of the Effective Victims' Tables of the different municipalities of the department.

The Emotional Recovery Strategy has contributed to dignify and mitigate the suffering of the victims, but also to restore their physical and psychosocial conditions. The Cordoba TD has provided psychosocial care to 590 victims of the armed conflict.

It could be observed in the strategies carried out by the Victims and Reparation Unit of the Department that it does not identify the percentage by ethnicity of the people who received training or benefited from the action developed, which is a constant in the interventions that the unit makes in relation to the victims of the armed conflict in Cordoba.

Based on a semi-structural interview conducted with a group of women belonging to women's associations and/or associations of women in the Department, it gives as a result their perception of the applicability of the differential approach, specifically in the ethnic area, as expressed by its protagonists.

Carmen Núñez, Nelson Mandela Organization and representative of women victims in the Departmental and Municipal table of victims, which brings together more than 300 women in the Department. Francisca Sánchez, Community women's social organizations of the Department of Córdoba, with more than 300 members. Mirna Lloreda, Organizations of Afro-Colombian ethnic groups in Córdoba, with more than 859 members. Piedad Julio, Women's Association of Valle Encantado, with 15 active members. A group of six (6) members belonging to each of these associations or organizations were also interviewed.

The semi-structured interview was based on the perception of the organized women, with the understanding of conducting an inquiry on whether or not the Institutionality applied the differential approach to women victims of the armed conflict in the Department in public policies, development plans, action plans and strategies, taking into account the ethnic population factor and each of the particularities that are recognized to their ancestral peoples.

Here are some of their appreciations:

The concept of gender equality is still not understood, assimilated and put into social practice, much less could one think of the applicability of the differential approach from the ethnic and cultural point of view, by any of the actors of the Cordovan society.

The victims of sexual violence have not yet been able to heal our emotional wounds due to the little action that the state entities give to this victimizing fact.

Regarding the differential approach, they believe that it lacks effectiveness in the application in each concrete case, because it is believed from the institutionalism that all victims are equal and should receive the same treatment, ignoring that we are not equal because each one of us has our own ethnic particularities and our own and autochthonous forces depending on the group we belong to. Women victims receive sporadic training, which delays the emotional recovery processes that we must go through in order to continue building our lives.

From the implementation of public policy there should be a differential approach, so when working on a housing, health, education project, it should be contemplated to which ethnic group it is directed, how many people it benefits and adapt to their population culture.

The differential approach has to do not only with the treatment that should be different for each ethnic group in the management of the victim population, but also with the state and in relation to the quota law, establishing how many indigenous, black or Rrom women should be represented in it. What is currently happening is that and constitutes a form of marginalization, exclusion and discrimination from the state structure.



The black race has no mourners and we continue to suffer discrimination, even more in the case of being women and lacking economic resources. The institutions deny us the corresponding advice and leave us to our own devices.

Women's organizations are left alone and are only called to sign a document that the law requires the institutions in charge of implementing public policy and where the different organizations have a seat.

Although it is true that through the Ministry of the Interior and with the accompaniment of the entities of the department, sporadic meetings of women are held to process the victimizing facts and they are overcome; without the legal actions of the prosecutor's office to receive the justice that is requested and expected for the sanction imposed on the perpetrator, and a follow-up of the psychological process, all this measure is useless.

#### METHODOLOGY

The officials in charge of applying the differential approach in many occasions are not hired or in others they do not apply it by mere negligence or ignorance of this and also they do not have who verifies its applicability and follow-up.

The lack of economic opportunities means that public policies, development plans and action plans remain mere expectations and no progress is made in achieving the real and effective enjoyment of women's rights, because in the collective imagination, women only produce outside the home and no money is produced in the home.

Women's organizations have no response from state institutions, they fail in their commitments and obligations, but we keep knocking on doors of each territorial entity or NGO to take advantage of the few possibilities that are open to women in the Department.

There is a mismatch between the norm that speaks of a differential approach that must be applied and the institutional reality plagued by officials who are unaware of it or are not interested in the recognition of differences in order to impart justice that is objectively recognized.

The implementation of public policies regarding women victims of the armed conflict in the Department of Córdoba has not fulfilled the mission that the law speaks of, they have been empty, for an essential reason every action plan must have a budget to carry out the activities that are indicated and in many occasions the budget is insufficient or there is none.

The importance of women's organizations has not been recognized by state entities at all levels.

The public policy only appears on paper; there is no effort to train women victims, most of whom are rural and have not had access to even a technical education, which makes it impossible to achieve the minimum degree of satisfaction in the context of a victimizing event.

Women's organizations are invited to coordinate public policies and action plans, but once the meetings are concluded and the corresponding minutes are drawn up, they are completely changed and everything that was worked on is forgotten, and when it is included in the development plan, it lacks a budget.

From the organization, there is no evidence of the applicability of the differential approach in the regional victims' unit or in the departmental attention unit, the so-called differential approach has become one of the biggest obstacles of the victims' law, since it must have a coordinator, an action plan, and a budget that makes it visible, and unfortunately this does not occur in the Department of Córdoba.

The control entities of the Department do not comply with their supervisory work and therefore, without follow-up or vigilance, it becomes null to achieve the application of this approach, from the ethnic point of view.

In the end, the institutions do not have the political will to enforce the law, since everything becomes a political fortress without any interest in the rights of women victims. We are the organizations that must raise awareness and defend what is not ours with the state actions that we have at hand.



## CONCLUSIONS

The recovery of the inclusive and representative role of women victims of the armed conflict through women's organizations represents a priority that must be achieved in order to mitigate the devastating impact they have historically suffered and needs to be implemented as soon as possible with the participation of all social sectors, recognizing their preponderance for the materialization of the differential approach.

Officials in charge of assisting women victims of the armed conflict and belonging to an ethnic group have weaknesses in the knowledge of the applicability of the differential approach and therefore it is difficult to make a difference in each special case.

Women's organizations work precariously to ensure that the differential approach is applied, without having greater support from the institutions in charge.

Only as of the second quarter of 2017 was an official assigned in the Department's Victims Unit to be in charge of coordinating ethnic affairs and differential approach.

That the differential approach goes from its merely formal aspect to its material phase, becoming a reality, approached from the institutionalism that allows women to be attended and compensated taking into account their ethnic particularities according to their population cosmovision.

Establish adequate mechanisms for prior consultation as harmonized in the Departmental development plan in taking actions and interventions in their different territories to ensure the satisfaction of their basic and fundamental needs.

That the public policies designed and adopted by the Department take into account the ethnic differences, from an integral vision according to their population differences, addressing issues related to health, education and justice among others.

Finally, I suggest that the territorial entity of the Departmental order and the Unit for the attention and reparation of Victims at regional level, should take the necessary actions to guarantee the application of the differential approach to women victims of the armed conflict in order not to continue violating their Constitutional and legal rights that have been recognized, taking into account the following:

1. **The measures not taken taking into account the differential approach, translate into acts of re-victimization, which impose an internal reflection to the entities that provide care to victims, in order to be efficient in the provision of the service and not to continue ostensibly limiting the guarantee of women's rights.**
2. **Implement strategies that seek to help women victims of the armed conflict to manage their economic part supported by the agencies in charge to achieve the reestablishment of their empowerment and representation in society.**
3. **Joint, coordinated and co-responsible work of each and every one of the entities involved in the application of the public policy for women victims of the armed conflict with a differential approach.**
4. **Support the achievement of a greater number of legally constituted women's organizations to jointly develop policies, plans and programs aimed at achieving their ethnic and cultural rights.**
5. **Follow up on the action plans taking into account the differential approach and that serve as input and strength in the enjoyment and exercise of rights of women victims of the armed conflict in the Department.**

With all of the above, it is evident that in the Department of Córdoba the achievement and materialization of the so-called differential approach is still in its infancy and that if the state entities do not move decisively from inclusion to representation, it will be difficult for it to materialize and comply with the law that enshrines it.

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