

# Human Rights Newsletter

Information on the Work of the  
Swedish NGO Foundation for Human Rights



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## Read About...

### **COLOMBIA: Visibility and Recognition of Women as Victims Missing**

*Isabelle Nilsson*

The Swedish NGO Foundation for Human Rights sent a delegation to Colombia in April to investigate the rights of victims in terms of truth, justice and reparations, and to give safe space for women victims to speak out about their experiences. Page 1...

### **NIGERIA: "Having an Erection Really Does Not Give a Man any Rights"**

*Jesper Hansén*

In co-operation, the Foundation's Nigerian partner WACOL convened a meeting in Abuja with various organisations working on SRHR. The purpose was to receive some initial input into the delegation to the country that the Foundation is going to organise ahead. Page 3

### **HUMAN RIGHTS IN EU/ROPE: A new look in the Turkish Human Rights Movement**

*Turgut Tarhanli*

The Foundation's freshest new member in its International Council shares his view on the role to play for dialogue, confidence-building and restorative justice for the human rights movement's efforts towards the government to be effective in Turkey. Page 4...

### **P.S. The Toughest Job in the World?**

*Anita Klum*

How perilous can it be to work as a human rights defender in Colombia today? The Secretary General shares her impressions. Page 6

## **COLOMBIA: Visibility and Recognition of Women as Victims Missing**

**27 April, Bogotá:** She tells her story in an undertone that puts the interpreter next to me in difficulties in catching the words. Representatives from Colombian human rights organisations, the local ombudsman (Personería) from Medellín and the National Truth and Reconciliation Committee (CNRR) are among the people sitting around the round table. Then, another woman follows on with a more decisive pitch. The woman describes how her son had been taken away by a group of armed men in the neighbourhood and later on been found murdered, how she had then received indirect threats when she started asking questions to the police and at the judicial instances, and how the men who are behind this now walk free and, moreover, they have been offered positions as public order representatives after the officially concluded demobilisation of paramilitaries.

Both women stay in secret places and prefer not to give out their names, nor to be on picture. Their testimonies resemble each other in several ways; one of them is already part of a protection programme, however, while the other has received assistance to bring her case to the Inter-American Commission for her right to protection, and still waiting for an answer. Like many other relatives to victims of the conflict in small communities, they know quite well who the persons behind the crimes are, but feel powerless before the perpetrators who still hold a tight grip on the political, economic and social power structures at the local community level.

The meeting in Bogotá is the closing point of an international delegation whose composition and thematic focus has been developed by the Swedish NGO Foundation for Human Rights with knowledgeable representatives of civil society in the region. The five delegates have travelled to the region of Antioquia where the presence of officially demobilised paramilitaries is poignant. The purpose was to investigate



*The seminar in Bogotá gathered representatives from Colombian authorities and civil society organisations.*

...continued on page 2...

how victims' right to truth, justice and reparations and their demands for recognition are met in the Colombian government's Bill on Justice and Peace (Ley 975), which created the legal framework for the demobilisation and reintegration of former paramilitaries. From the start, the Bill has faced harsh criticism from human rights defenders in and outside Colombia for its flaws in terms of including judicial accountability and the lack of consideration to victims' rights. Human rights defenders have claimed that victims' rights and participation must be integrated into the process if Colombia is to have a chance to reach any lasting peace and reconciliation.



*Relatives to disappeared and murdered civilians victims commemorate their loved ones in the village La Esperanza.*

That 80 percent of the surviving victims in the Colombian armed conflict are women may seem surprising when it is primarily men who take part in armed and violent groups. Still, as is often the case in civil strife, civilians are the worst affected. During the seminar in Bogotá, the delegation makes it clear that the victims, i.e. mostly women, are completely invisible in the Government's Bill on Justice and Peace. It emerges more than once that women's voices have practically been ignored in the formal processes that followed from the Bill.

The type of violence that women in the conflict are subjected to tends to differ from how men and boys are affected. As an example, sexual violence and harassment against women and girls is not even mentioned as part of the violations in the conflict; it is a "non-issue" in the law as well as in the public debate about victims' rights. A complicating factor, according to the delegation, is that women who are subjected to sexual violence by men tend to trivialize these violations compared to the violence that is exerted against their husbands, brothers and sons. The women who have been raped often do not see the sexual violence as a defined crime, and even less do they know that sexual violence against a civilian population is defined as a war crime in the Rome Statutes to the International Criminal Court (ICC). That the Colombian government, without any prior debate in Congress, for a number of years ahead has seen to it that the country is excepted from that paragraph in the Rome statute, does not exclude that the sexual crimes committed in the conflict may be termed as crimes against humanity, provided that it can be established that they

have been perpetrated systematically as a token of war by armed groups.

In formal terms, a number of existing and newly established Colombian institutions have been accorded the task to apply the Bill on Justice and Peace. During the seminar in Bogotá, the delegates underscore that deficient coordination and insufficient technical and financial capacity in the State institutions in charge of implementing the process results in major difficulties to follow up and evaluate investments and results concerning crime investigations, protection programs and truth and reconciliation processes. The continuously alarming security situation for many people, mostly women, who have been subjected to violations, constitutes an evident serious obstacle, as it cannot be guaranteed that the crime is not repeated, something which, in turn, can be related to the pervasive impunity.

In a country with three million internally displaced people, of which a large number are not even registered, and without existing mechanisms to assess who is a victim in a systematic and non-discriminatory manner, the picture quickly gets blurred. The word victim as such may appear passive and faceless. So long as the surviving victims do not dare stepping forward to participate in the formal processes they remain anonymous and powerless, a representative from the National Truth and Reconciliation Commission points out. Still, as one of the women who bore testimony at the seminar in Bogotá puts it: "Am I to register, give out my name and address on documents that become public or known within the police, to take part in the official process for testimonies? - Without any guarantees for protection? Forget about it."

The reluctance and fear of giving testimony in official processes is based on a widespread view of the system itself as corrupt, and potential victims tend not to trust that public institutions respect the rule of law, nor their capacity to maintain secrecy on personal information and protection of witnesses and surviving victims. A protection program of national reach and with a more systematic approach which takes into consideration all persons who are targeted with death threats, intimidation and human rights violations therefore appears as central to make the victims and witnesses come forward to a larger extent.

Developing an encompassing protection program that reaches out all the way to small communities in the regions is obviously an unwieldy task. All the same, human rights defenders, journalists, union leaders, victims of human rights violations and their relatives remain extremely vulnerable to further attacks as long as it is not realised.

*...continued on page 5...*

## Sexual and Health Rights in NIGERIA

# “Having an Erection Really Does Not Give a Man Any Rights”

“Having an erection really does not give a man any rights.” These words were uttered during a meeting on sexual and reproductive health rights (SRHR) in Abuja, Nigeria. The meeting was organised by WACOL, a partner organisation of the Foundation, and the participants came from various organisations working on SRHR. The Foundation is planning to organise a mission to Nigeria looking at some SRHR questions, and this meeting was one out of two which were organised in May this year with the purpose to provide some initial input into the mission planning process.

The remark above was made in a discussion on rape, and on the responsibilities of women and men respectively. One of the participants thought that women must take a certain responsibility themselves, the way of dressing mentioned as an example. This view was strongly contested by others in the group, who thought that every man has to be responsible for his own actions, no matter what women are doing and how they are dressed. This debate is apparently global; at least I recognise it from the Swedish context, and seems to be a good illustration of how the roles of men and women are perceived. In fact, although our meeting started in the area of health, health care and related medical issues, we soon began talking about the relation between women and men and its strong link to the health situation for women. In Nigerian society, traditional gender roles still is a fundamental, often detrimental, factor in relation to women’s right to health.

This situation is mirrored by the fact that some of the organisations have activities aiming at promoting the self-esteem of girls and that many organisations in some way or another work on the changing of attitudes among both men and women. Some organisations were involved in formal education and for them it was a great step forward when a new curriculum for secondary schools, including education on sex and sexual health issues, was introduced in Nigeria.

Something else that many organisations were hoping for, is a state-level legislation on harmful practices, such as female genital cutting. In Enugu state, where WACOL has its head office, such a law has been passed by the state parliament, but since the governor refuses to sign it, the law will not enter into force.



*WACOL keeps track of Swedish media reports concerning women’s human rights.*

The reason for the governor’s refusal is that, in his opinion, the Nigerian federal constitution already provides sufficient protection. This point of view, however, is not shared by all governors. Hence, some Nigerian states have specific laws against female genital cutting, while others have not.

The organisations who participated in the meetings had – maybe somewhat surprising – not so many critical points to say about the Nigerian HIV/AIDS programme. At least not about how it is run. There are free clinics for people living with HIV/AIDS and when their services do not reach the target groups, it is very much due to people’s unwillingness to go there, the social stigma being an important reason for this.

A problem with ordinary health care, according to the organisations, is that many people far too frequently choose not to use it, often due to the costs involved. Instead, cheap drugs of low quality are on high demand, recommended by people who often lack medical education.

To sum up, the organisations did not present particularly strong criticisms against Nigerian authorities. People’s attitudes were pointed out as a larger problem, not least with regard to men’s attitudes towards women.

**Jesper Hansén**

# Human Rights in EU/rope

## A new look in the Turkish human rights movement

In Turkey, the human rights movement is mainly based on non-governmental organizations which are established in the form of associations or foundations. The leading ones are large organizations and similar to their international well-known international counterparts, i.e. Amnesty International, Human Rights Watch, the Helsinki Federation for Human Rights. They are dealing with different aspects of human rights violations, covering the whole list of rights and freedoms internationally recognized. On the other hand, since the mid-1990s, relatively small, local or national and single-issue NGOs have been spreading out in the country.



*Prof. Turgut Tarhanli makes the case for restorative justice.*

What I would like to touch upon is one of these new generation of NGOs which is called "Civil Society Association for the Penitentiary System" (in Turkish, Ceza İnfaz Sisteminde Sivil Toplum Derneği - CISST). It was established last year. But, in practice, they have been working for more than two years for prisoners' rights and also for better conditions in the Turkish penitentiary system. Legal reforms enacted in recent years have certainly encouraged to building links between the governmental institutions and the NGOs.

In its statute, it is declared that CISST aims to mobilize the contribution of the civil society in Turkey to reach international standards in the penitentiary institutions; to strengthen the connections between the penitentiary institutions and the civil society in order to have transparency in institutional policies and practice; also, by taking into account the rights of the victims, it aims to initiate alternative, restorative and socially integrative means and methods in cooperation with the related public agencies.

CISST is planning to become a coordinating body among the NGOs which are dealing with the issues pertaining

to the prison system even though their main activities are not directly related to penitentiary problems. So, CISST's stand deserves attention regarding its policies towards capacity building and good governance in the justice system directed towards both the governmental agencies and the other human rights NGOs.

This year in March, CISST organized its first international conference, "Conference on Penitentiary System and Civil Society", in Ankara. This was a three-day long, joint event hosted and supported by the Ministry of Justice and the agenda was formed by both stakeholders. During the inaugural session, it was amazing to see the new approach toward the justice system defended by the representatives of the Ministry at the same level with the chairperson of the CISST. This may be an indication of a cooperative attitude, and I would even claim it was beyond that, evidently the outcome of the confidence building process encouraged by both sides. In Turkey, in almost any activity pursued regarding human rights, the very first step should be a confidence-building process between the parties concerned. It is beyond the aim of this short note to scrutinize the roots of this social - as well as political - behavior widely seen among the different sectors of the society.

In his welcoming speech, the chairperson of the CISST, Mr. Zafer Kirac, underlined the new approach in Turkish penitentiary system by explaining its problems as part of the Turkish society. So, according to him, developing civic methods and looking through the walls of the prisons should be the final outcome. Nobody can ignore the efforts of building bridges between the two sides of the society with a strong reference to the fact that the insiders someday will be released. And then, a crucially important question follows: what will be the reaction of the society on that day? This question should be asked while taking into account the rights of the victim and of the offender, and also the benefits of the society as a whole.

So, in criminal justice, a discipline differing from the widely applied 'distributive justice' approach which is focused on the stigma of crime and punishment without effectively considering, or even protecting, the rights of the victim and the benefit of the social relations in society as a whole, the 'restorative justice' approach presents itself as mainly focused on repentance and reparation. It does not concentrate only on blaming and punishing but puts problem-solving as a priority. Punishment and its structural element, the prison, does not by itself lead to any 'problem-solving'. The starting

*cont. A new look in the Turkish...*

point of the CISST is stressing the awareness of this new holistic approach in justice matters and presents a new prospect for the Turkish human rights movement beyond naming and shaming.

### **Turgut Tarhanli**

Professor of International Law and Human Rights Law;  
Member of the International Council in the Swedish NGO Foundation for Human Rights;  
Director of the Human Rights Law Research Center, Istanbul Bilgi University, Turkey

### **FACTS IN BRIEF ABOUT RESTORATIVE JUSTICE**

Restorative justice is a theory on justice which puts emphasis on crime as an act against another individual or community rather than the state. The focus lies on repairing the damage caused by criminal acts. Restorative justice is achieved most successfully through cooperative processes which include all relevant actors where the victims have the possibility to tell the perpetrator about the real effects of the crime in order to receive an answer and an apology. The method can also be used as an alternative to trials for less serious crimes, and be applied also outside the penitentiary system, as in schools, workplaces, the healthcare sector or other communities.

Links: <http://www.restorativejustice.org/>

*cont. Colombia: Visibility and Recognition of...*

Officially recognizing the rights of the victims would also make it easier for these already exposed persons to demand access to relevant information, to bear testimony against perpetrators, to demand judicial accountability and thereby obtaining reparations. None of this happens on a wider scale for the time being. Human rights organisations are dismayed that the free versions of former paramilitaries receive both space and partial precedence of interpretation, in court rooms as well as in the mass media.

So, despite the fact that Colombia is a rich country with formally well developed institutions, international and bilateral donors clearly have an important role to play to engender a legitimate and inclusive peace process in the country. Sweden is an important EU donor to Colombia with several support measures of varying scope. In 2006, Sweden gave fully 1 800 000 USD (130 million Swedish kronor) for development assistance in Colombia, out of which 40 percent were channelled to promotion of human rights and democratic governance. Strengthening weak elements of the judicial apparatus to ensure that crimes are really investigated and brought as cases into legal processes completed with verdicts in full respect of the principles of rule of law, is one central area of investment for development cooperation. By its delegation, the Foundation aims to suggest how the Swedish government's development cooperation and political dialogue with Colombia, informed by an explicit gender perspective, may strengthen the real possibilities for victims to demand their rights and participate, also as a means to contribute to a democratically legitimate process for justice and peace. Therefore, the Foundation has initiated talks with representatives of the Swedish government in charge of human rights and development cooperation with Colombia.

In concrete terms, it means, e.g., that the woman who almost did not dare speak up about her trauma at the seminar in Bogotá, is not forgotten in the heavily procedural processes of the Justice and Peace Bill, a law that has predominantly focussed on the interests of armed groups and existing structures of power. In a long term perspective, Colombia as a democracy has all to gain from an inclusive process with all the courage and leadership it takes to set about the power structures which exert violence against the poor, women and human rights defenders.

### **Isabelle Nilsson**

# The Toughest Job in the World?

She is a well-known profile in Colombia, connected to the struggle against the paramilitary violence that has ravaged the country for decades. Used to living under constant threat of being killed and with great pressure, she still reacts when people in her surroundings make the sign of the cross to ward off the threat against security that her presence is believed to bring.

Jahel Quiroga is the Director of one of the Foundation's partner organisations in Colombia that strives for those affected by the conflict and their rights. On our way to visit her office in central Bogotá, we take a cab that has been ordered from a so to speak safe source. We have been warned about the so called "Millionaire's Tour", where a cab randomly taken in the street may result in robbery of credit cards and cash – a reason for credit card holder to bring a card for an additional account to which as little money as possible are transferred regularly.

At the point of destination I walk out of the cab, open my bag to pay for the trip, but then I am quickly pulled towards the entrance of the building by a representative of the organisation we are about to visit who came down to meet us. Somewhat safe, I am then allowed to bring out the purse to pay the taxi driver, who is patiently waiting in the car, probably familiar with this routine. An on-the-spot account which illustrates what

kind of precautions repeated robberies in similar situations lead to.

Two "strong men" are seated outside Jahel Quiroga's office. They are bodyguards, I am told. The death threats that she has received are so serious that the authorities have accorded her day and night protection, including escorts in steel-plated cars. In April 2006, one of her bodyguards was murdered. The relatedness to his connection to her was inevitable, even if not crystal clear.

## P.S.

An armed struggle has ravaged Colombia for almost five decades and claimed hundreds of thousands of victims and brought a situation with more than 3 million internally displaced people, by now an established truth. The respect for human rights and the democratic institutions is weak, and both paramilitary groups and the guerrillas commit massacres and serious violations on the civilian population.

The women constitute 80 percent of the surviving victims in the conflict, but are invisible in the ongoing process for truth, justice and reparations. Among the civilian population there is an enormous fatigue in front of the violence and the constant violations. The reaction is not only seen in re-

signation, however. Organisations for the rights of victims in Colombia are growing and receive greater support every day. In this context, it is important to underline that women are not only victims, but are also among the actors behind peace initiatives and peace education with prominent positions in peace movements and in human rights organisations. On the other hand, there are very few women in leading positions in the military just as on the side of the paramilitary. By simplifying the picture a bit, you could say that men represent the violence while women and children constitute the victims who are affected by the violence.

A few weeks after our seminar in Colombia, Jahel Quiroga visits our office in Stockholm. Her first reaction at the sight of my room at the ground floor level and with generous windows facing the street is touching. This would be an unthinkable setting for her in Colombia considering the threats she lives with daily.

To be a human rights defender in Colombia – is that the toughest job in the world? At least, it reminds us about the responsibility we should all feel to continue the struggle for human rights even when it is more than complicated. We, who still are able to do so.

**Anita Klum**

Translation by **Isabelle Nilsson**

### The Swedish NGO Foundation for Human Rights

was founded on July 1, 1991. Its principals are the Church of Sweden, Diakonia, the Swedish Red Cross and the Raoul Wallenberg Institute. The Foundation cooperates and supports grassroots organizations and human rights activists in Africa, Latin America and the Caribbeans. The work in Sweden consists primarily of information, education and opinion making activities on human rights issues.

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