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“The government holds the key of my house, until when?”: feminist contributions to transformative transitional justice

Sonia Garzon-Ramirez

Abstract

This article focuses on women’s leadership contributions in advancing transformative perspectives in the field of transitional justice. It takes account of the recent debate prompted by feminist scholars of security studies concerning the imbrications of transitional justice and human rights, which highlights that when it comes to building durable peace, second-generation human rights should be addressed. More precisely, feminist scholars have directed their attention towards transitional contexts with a view not only to the extent to which they provide justice for past human rights violations, but to their transformative potential to improve gender relations. Taking forward the concept of continuum of violence, they show how economic, social and cultural inequalities lie beneath structural mechanisms through which the violence of war is perpetuated or re-emerges as security threats in the aftermath of armed conflict. Building on this scholarship, I analyze the paradigms and strategies developed by Colombian feminist movements, in particular through their networking with civil society organizations in public political forums. Drawing on ethnographic data, this article examines how they have achieved the positioning of access to sustainable housing among the mechanisms of reparation and as a means of avoiding the re-victimization of victims of armed conflict. A brief overview of feminist politics of home is provided, highlighting the idea of home as a value. I argue that for victims of war, especially for those who have been forcibly displaced, access to sustainable housing might be a condition of possibility for self-affirmation, offering a safe platform from where they can rebuild their lives and develop a political subjectivity.

Introduction

What was the purpose of the public hearing attended by over 500 women at the Colombian Senate in October 2012? What commonality do they share which is reflected in the meeting's slogan "the government holds the key of my house." While most of these women might have a rural background, their geographical origin is not something they have very much in common and neither is their ethnic condition. Some claimed their belonging to the Afro-Colombian community, whereas others seemed to have barely reflected on this aspect of their identity, most likely endorsing the color-blind idea according to which Colombia is a mestizo nation where racial background does not have any relevant impact on people's lives (Mosquera 2009). While for some women participating in political public forums has become a recurrent act they perform since recent years, attending such venues is for others something totally new.

For Chela, the Afro-Colombian woman sitting next to me at this hearing, it is perhaps the starting point from which she realizes that using public political spaces in activities other than casting a ballot is one of

the most effective strategies for making accountable public authorities about her demands and rights. In her experience as a displaced person living in Bogotá, this meeting is a step forward in Chela's process of shared consciousness that locates the individual path she has covered throughout her displacement in a political context. Most likely, this process might take her throughout a path of "nomadic activism" in which, as in the sense suggested by Rosi Braidotti (2006), Chela might become aware that someone else shares a similar experience of exclusion and exploitation.

Chela was invited to this public hearing at the Colombian Senate by Yovana Sáenz, a woman she recently met. Both Chela and Yovana define themselves as Afro-Colombian women and have once inhabited near Tumaco, a small town of Colombia's Pacific region from which they were forced to leave. Such plight of forced displacement foregrounds the reason that brought Chela and Yovana at this meeting. Along with hundreds of women, they came together in order to push forward a petition aimed at compelling the National government to include displaced women among the main beneficiaries of its social program of free housing.



Photo by Sonia Garzón and Carine Middelhuis 2017

This paper is an analysis of the process through which displaced women have engaged in networking forms of resistance and leadership. Leading a struggle that imbricates the effort of Colombian feminist movements and feminist NGOs, they have striven to influence political decision-making processes and have achieved to position access to sustainable housing among the mechanisms of reparation for the victims of internal forced displacement. The correlation between forced displacement and forcibly displaced person's access to public housing is not immediately evident for Colombian public opinion at large. When observed from an outsider's perspective, this might sound surprising, but indeed, it is not distant from concerns raised by Liisa Malkki since the mid-1990s and later echoed in the work of Patricia Tuitt (2004). In her scholarly work,

Malkki sheds light on the implications of categories such as refugees and displaced people, which usually depict them as problematic and uprooted (1992). Based on an economy that metaphorically "links people to place" (1992:27), categories such as refugees and displaced persons work to spatially incarcerate these populations and symbolically deny them the right of mobility that is granted to their fellow citizens. Thus, even in cases of protracted conflict, rather than helping displaced people to rebuild their lives in the places where they have found refuge, this economy takes societies to believe that the best solution for displaced people would be their return.

In this paper, I recall this dimension of space and mobility in order to shed light on how, through their struggle, displaced women have demonstrated that for those subjects living protracted displacement,

this claim is not just a means to actualize a fundamental human right to housing. Their experience illustrates how, while struggling in a climate of denial of the internal armed conflict and despite the lack of recognition of their victims' condition, displaced women have played a role in bridging the gap between transitional justice and human rights in contexts of conflict resolution. Performing feminist activism, they have pushed for the incorporation of the state's obligation to protect more than displaced people's civil rights, but to create conditions in order to meet displaced persons' social economic and cultural rights.

Protracted displacement in Colombia in brief

In humanitarian law, the nexus between forced displacement and the right to sustainable housing has been established in international treaties, being one of the most important Pinheiro Principles for refugees and IDPs. According to these Principles, all refugees and displaced persons have "the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal" (COHRE 2005:9). Reasonable as this norm is, prior to the endorsement of these Principles by the United Nations in 2005, Colombian domestic laws fell short of these legal framework as they stated that the cessation of the condition

of displacement was declared once the displaced person achieved stabilization and economic sustainability whether through their return to the places of origin or through their relocation.¹

Therefore, the adoption of the Pinheiro Principles set a standard particularly challenging for the Colombian government. All the more so since, during the first decade of the 2000s, Colombia came to be known as one of the countries with the biggest number of internally displaced persons. From an estimated 3 million in 2005 (Ibid.:22), Colombia reached a total of 6,5 million displaced persons in 2017.² However, during the first decade of 2000, there was also a sense of reluctance to protect and provide reparation to the victims. Illustrative of such political stance was Colombia's official denial of the existence of an armed conflict, along with a discourse according to which most of those who claimed to be displaced were in fact economic migrants (Idler and Paladini-Adell 2015:130). Therefore, rather than a focus on the rights of the victims, the approach of the then government of ex-president Alvaro Uribe with respect to building peace was essentially devoted to achieve a cease-fire by means of a military escalation. This strategy was seen as conducive to the demobilization, disarmament and reintegration of the members of insurgent groups.

1 <https://colectivodeabogados.org/CORTE-CONSTITUCIONAL-DECIDE-ACABAR> (Accessed October 5, 2017)

2 <http://www.internal-displacement.org/countries/colombia> (Accessed October 5, 2017)



Photo by Sónia Garzón and Carine Middelbos 2017

The Colombian armed conflict has been lasting more than 50 years, and it follows from this that living in protracted displacement is a common feature of internally displaced people's experiences. The longevity of the conflict has undermined their possibilities of return, and to a large extent it also explains why many displaced people are unwilling to come back to their places of origin. With no displaced camps, and the almost complete inexistence of provisional shelters, most displaced persons have found refuge and are scattered throughout urban areas. By 2017, only an estimated 452,000 persons had returned, but no data were available about the success of such returns. Nevertheless, it is not only security constraints, but also an enormous gap between urban and rural areas, with respect to social

infrastructure, job opportunities and social services available, what have played a significant role in undermining displaced persons' possibilities to return. In this landscape, it is reasonable that many women heading households prefer to remain in cities due to the better access to education and health services for their children rather than to endure the uncertainty of an unsafe or unsustainable return.

Although it is often argued that war is experienced differently by women and men, available figures on forced displacement explain, to a certain extent, why women are disproportionately affected by forced displacement. Nonetheless, far from being a numbers game, the substance behind these affirmations and the struggle they have carried out to voice their own experiences are also place-specific.

Itineraries of displacement: from victimization to political representation

In Colombia, the content of such statement was laid down in a ruling so-called Auto 092 issued in 2008 by the Constitutional Court (Meertens 2012). Osana Medina, feminist researcher at the Woman House and who took part in this process, recalls that this gender-sensitive norm was the result of a collective advocacy effort undertaken by a coalition of displaced women, feminist organizations and human rights defenders: “We documented to the Court that cultural pre-existing patterns of discrimination against women are exacerbated amidst armed conflict.” With these words, Medina illustrates how this coalition of women from various backgrounds worked hand in hand to collect and present before the Court sufficient evidence about the risks and vulnerabilities faced by Colombian women in the context of the armed conflict.

The resulting ruling, known as Auto 092, established the obligation of the state to set specific programs to provide differential protection to the women victims of forced displacement, placing its emphasis on ensuring their non-revictimization. Therefore, along with the state’s responsibility to provide humanitarian aid, Auto 092 compels the Colombian State to implement 13 specific programs aimed at meeting displaced women’s specific needs regarding access

to justice, education, health services, income-generating activities, housing and political participation (Meertens 2012).

Auto 092 has been depicted as being both a gender-sensitive and a transformative mechanism of justice (e.g., Meertens). This assessment is based on its differential approach that brings concerns for gender equality to the center, but it too touches upon its comprehensive scope as Auto 092 was a pioneer in Colombia in seeking to target the causes of gender- and conflict-related violence. This norm establishes that the responsibility of the state is not limited to the restoration of the victims’ living conditions before forced displacement, but more than that, it asserts that in order to guarantee the non-repetition, the state must address pre-existing socio-economic and cultural inequalities that allowed the violence that caused their forced displacement to occur. Thus, although Auto 092 was not the first transitional justice mechanism approved in Colombia, its significance lies in having introduced a transformative approach, as it is not limited to addressing the large-scale past abuses of civil and political rights. Echoing Cynthia Cockburn’s concern about the continuum on violence (2010), Auto 092 also sought to tackle the economic, social and cultural inequalities and structures that allowed violence against women to occur before and during displacement, and to counteract the re-emergence of new forms of violence and economic exploitation displaced women might face after displacement.

Assessments of whether or not Auto 092 has been applied by the Colombian government are far from being optimistic. A commission to follow up its implementation, and in which displaced women play a leading role, was set up under the name Group for the Advocacy and Monitoring of Auto 092. Since 2009, the Group's reports have pointed to obstacles to the implementation of the norm, and especially to the absence of an intersectional approach that takes into account ethnic origin, disability, sexual orientation and gender, since they are power dimensions which are likely to increase women's risks of facing violence after displacement. In addition, with respect to 183 cases of sexual violence exerted on displaced women and which the Constitutional Court ordered to investigate, there is a consensus on an institutional reluctance where gender biases persist. The report issued by the monitoring Group in 2016 asserted that the level of impunity on these cases reached 97% (Vélez 2016).

Despite this assessment, what must be also grasped is the extent to which Auto 092 and the networking of women that built this norm became a starting point in the history of displaced women's political participation. Indeed, it is not uncommon to hear displaced women leaders asserting that despite the hurdles they have endured, it is through their itinerary of displacement that they have become political subjects. As suggested in the introduction, many of them have developed a sense of awareness of their shared experience of mourning and survival. But in so doing, their struggle to push for the inclusion of gender-sensitive

policies has taken them to participate in public political venues, which might be interpreted through the lens of Iris Marion Young on political representation. As Young asserts, "the inclusion and participation of everyone in social and political institutions sometimes requires the articulation of special rights that attend to group differences in order to undermine oppression and disadvantage" (1989:251).

In fact, after the issue of the Auto 092, the monitoring Group—in which Yovana Sáenz, one of the women I mention in the introduction of this paper, participates—has provided input for public policies reaching some advances at local levels. Indeed, the meeting at the Colombian Senate of hundreds of displaced women was also achieved through the agency of the women of the monitoring Group. The slogan "The Government Hold the Key of my House, Until When?" expressed their claim to be included in a program of free houses prompted by President Santos, and came after the realization that the existing mechanisms of subsidies did not fit the needs and living conditions of displaced people. Indeed, as it has been argued by different authors, the difficulties of the displaced population to secure a regular and sufficient income and their lack of social references render them not creditworthy to qualify for a housing loan. Therefore, in most cases, those subsidies are not crystallized in the effective purchase of a house (Maldonado 2010). However, it is worth asking: has access to housing always been understood as a feminist claim?

As Iris Marion Young recalls, home and housing have been linked to the idea of confinement, to a place where women were deprived of a place of their own. Therefore, it is not surprising that some feminists have opposed “the idea of home as a value” (Young 1997:134). Indeed, feminist thinkers such as Beauvoir, Irigaray and de Lauretis have questioned the promotion of a “bourgeois-dominated meaning of home” whose values, such a “search for certainty and attachment to privilege,” have become hegemonic in Western societies (Ibid.:159). Such ideas seem to render women’s relation to home antithetical to the notion of women’s leadership, as in fact, in those readings the notion of home is likely to encourage a withdrawal from the public world and an identity attached to the status of owning property (Ibid.:131)

However, crucial in feminist analysis is also the realization that the idea of home as a place restricted to the private is not universal, and neither are its connections with an imaginary of class status fostered by Western societies. As the works of Black feminist thinkers such as Patricia Hill Collins and Bell Hooks suggest, the notion of home is not always restricted to a house but stretches out to include a series of interstitial spaces where activities related to “preservation” and “to sustaining life” take place (Young 1997:155). Thus, feminist politics of housing and home have been keen to shed light on the limitations of considering home through the binary and narrow lens of private vs. public. In such frame, home is often devaluated by

restricting it to terms such as confinement, immanence and reproduction, and therefore opposed to freedom, creativity and transcendence. The values of building, preservation, passing on memories that feminist thinkers invite us to reflect on open a window from which to see home as a place where we keep the objects, symbols and experiences of what has brought us here. And all of them, along with social relations we build, are sources of self-affirmation, agency and political resistance.

By way of conclusion, the struggles of displaced women point to the indivisibility of human rights, and to the need not to overlook economic, social and cultural rights in the building of transitional justice measures. In so doing they provide us a window from which to consider that, for those who have been forcibly “uprooted” (Malkki 1992), home could be a place for rebuilding their lives and from where to reaffirm their legitimacy to inhabit the place in which they have found refuge.

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