



Strengthening access to justice for rural women: a key point in advancing the implementation of the peace agreements in Colombia

Lines of action:
**ACCESS TO JUSTICE,
ECONOMIC AUTONOMY AND
PHYSICAL AUTONOMY**

Areas:
**GOVERNANCE AND GENDER
EQUALITY POLICIES**

Scope:
COLOMBIA

EUROSociAL+ is accompanying the process of democratising access to land, for the benefit of small landowners and especially the landless or those with insufficient land and the rural communities most affected by the conflict. This action is working to recognise the role of women, respect their land rights and to resolve conflicts over land use and possession. The forms of land tenure and production are embodied in legal and practical precepts in community and family models that have consecrated the male as the lord and owner, specifically in the rural environment. It is mostly men who own the land, and/or exercise culturally recognised control over the decisions on the plot, its transactions, production and the market.



THE PEACE AGREEMENTS AND COMPREHENSIVE RURAL REFORM AS A POINT OF DEPARTURE

The Final Agreement to End the Conflict and Build a Stable and Lasting Peace, signed between the Colombian National Government and the Revolutionary Armed Forces of

Colombia-People's Army (FARC-EP), on 24 November 2016, was the first international agreement to incorporate the gender approach, thanks to the action taken in the negotiations by the "gender subcommission" and the monitoring of its implementation by the "Special Body to Help Guarantee the Gender Approach in the Final Agreement".

The action is aimed at designing, putting into operation and offering the players (authorities, individuals, rural women, women's organisations) involved in implementing the new agrarian justice scheme established in Point I (Integral Rural Reform) of the Peace Agreement the tools that allow the role of women to be recognised. It counts on their active participation in all the scenarios in which such situations arise and with a correction of the asymmetries derived from the socio-economic status of this population group.

CREATING A MECHANISM FOR EFFECTIVE ACCESS TO JUSTICE, LAND AND OTHER CONNECTED RIGHTS

EUROSociAL+ is accompanying this process by defining a methodology that will be applied in three phases (2018-2020). The first phase has allowed the formulation of a participatory diagnosis on the situation regarding access to justice and land for rural women in Colombia

and the design of a strategy capable of overcoming socio-cultural and institutional obstacles. Phase II, which is being implemented, seeks to implement the proposals and recommendations suggested in the diagnosis by the Region-Based Development Programme (PDET), taking the municipality of Planadas-Tolima, in the Sub-South Region of Tolima, as a pilot. Phase III will evaluate the intervention and the presentation of a mechanism that incorporates the lessons from the experimental phase.

In order to complete the diagnosis, an "ad hoc Working Roundtable" was formed, comprising representatives from the Ministry of Justice and Law, the Ministry of Agriculture Directorate for Rural Women, the Presidential Ministry for Gender Equality, the National Land Agency and the Superintendence of Notaries, among others. It also incorporated Rural Women organisations from the different regions of Colombia, who provided input and validation of the diagnosis and the design of the mechanism.

THE IMPLEMENTATION PILOT PHASE IN PLANADAS-TOLIMA

Conducting the pilot within the framework of technical assistance seeks to identify the main obstacles that rural women experience in accessing justice, land, and other related rights. Two types of obstacles were identified. The first are those that result from the functioning of institutions that do not adequately inform women of their rights or apply regulations such as the "double signature" law, which allows housing and property deeds to name the two family members, and not just the head of the family. The other obstacles are those resulting from long-term socio-cultural factors and the political context, such as a lack of education, the failure to recognise the care economy or that relating to specific productions, inheritance discrimination or losses due to forced displacement, armed conflict, social and family violence.

The proposed answers are grouped into two areas: on the one hand, institutional development and strengthening through training justice operators incorporating the gender perspective and, on the other, developing and strengthening the role played by rural women's organisations as channels both to advise and to disseminate information on existing rights, particularly in the new processes drawing up land titles, legalisation, or the return of land to displaced women.

This action has had a team of advisers including a local expert, who has knowledge regarding the social and cultural reality of the country and who has been responsible for incorporating the gender perspective, and a European expert with experience in access to justice for groups in vulnerable conditions. Their contrasting and complementary views have been a success factor.

EUROSOCIAL SUPPORT ITINERARY

Phase I 2018. Diagnosis and formulation of the mechanism	Phase II 2019-2020. Implementation Mechanism
<ul style="list-style-type: none"> Proposal for the creation and operation of an ad hoc Working Roundtable. Diagnosis on the situation regarding access to justice for rural women in Colombia as part of the implementation of the peace agreement. Report on good practices in Latin America on differentiated measures of attention measures and women in vulnerable groups to improve their access to justice. Methodological proposal/mechanism on access to justice for rural women and their organisations. 	<p>Institutional Strengthening 2019</p> <ul style="list-style-type: none"> Protocol on care for rural women regarding access to justice and land Programme on rural women, aimed at national and regional land justice and gender architecture operators. Methodology to validate the proposed training and protocol programmes in each region and to construct a baseline in Planadas Definition of a baseline in Planadas considering the progress on processes for reaching agreement regarding PDET <p>Strengthening rural women 2020</p> <ul style="list-style-type: none"> Training content for women's organisations Guidelines on access to justice for rural women Toolbox to provide guidance for rural women Education strategy for the dissemination of rural women's rights Methodology to validate the training content and the Guide and the proposed guidance Training women's organisations in Planadas that subsequently pass the training on to rural women.

Testimony



Focus group with rural women. Planadas Tolima. October 2019

“Progress has to be made on land, even though the land title is not in my name”

The story of a young woman, a rural worker who has set up an association for women coffee producers in Tolima, demonstrates the need to have the tools to claim rights related to land where the title was not in her name, but which she tends everyday. Sharing the excitement of participating in the pilot group implementing the mechanism, the participant mentioned the fact that she works full time on land which is not in her name and she commented —by way of example— that when her husband calculates the farm profits, he does not subtract an amount that would equate to the expenses for her salary. This has led her to complain “this is not pure income because her salary should be deducted”. Despite being aware of the invisibility of her work, she said that “progress has to be made on land,” saying this despite the fact that the land is not hers.

Reasons for success and next steps

- The commitment from the Colombian Ministry of Justice and Law to a new issue.
- The commitment of the Ministry of Agriculture Directorate for Rural Women, the National Land Agency, the Presidential Ministry for Women's Equality and other institutions that contributed to the diagnosis and mechanism proposals.
- Teamwork between a national expert and an international expert.
- Intersectoral work between the EUROsociAL+ governance and gender areas.
- The agreement made during the February 2019 country table to carry out the pilot in Planadas Tolima where another activity in the area of governance with the Victims Agency had already been carried out.
- The participatory methodology used in the work of the ad hoc table, with women from the territories and from different cultural contexts: indigenous and Afro-Colombian.
- The experiences of El Salvador and Guatemala demonstrating the specific difficulties experienced by women in accessing post-conflict programmes, and the comparative progress of Colombia regarding the inclusion of the gender approach in Point I of the Agreement.



Ad hoc working work table validating the mechanism, March 2019