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the Colombian Truth Commission's work on reproductive violence: gendered victimhood and reproductive autonomy

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abstract

While conflict-related sexual violence has gained attention on international transitional justice agendas, conflict-related reproductive violence continues to be overlooked. The Colombian Truth Commission was the first truth-seeking transitional justice body worldwide to directly investigate these forms of conflict-related violence. Based on an ethnographic analysis of the Commission's work on reproductive violence, in this article I engage with the reproductive justice framework to argue that the Commission's work broadened understandings of both gendered victimhood and reproductive autonomy. Regarding gendered victimhood, I show that the Commission's work focused on gaining recognition for conflict-related reproductive violence as distinct from conflict-related sexual violence, identifying conflict-related practices of reproductive violence and offering recommendations for addressing such practices. Secondly, I show that not only was the Commission the first truth-seeking body to directly investigate reproductive violence, but it did so through an understanding of reproductive violence that does not revolve around the notion of autonomy as individual choice. I argue that by doing this, the Commission compelled us to comprehensively consider war as part of the conditions under which reproductive autonomy may be exercised. Following this line, the latter part of the article focuses on the Colombian government's use of glyphosate as a form of conflict-related reproductive violence that claimed ownership over the reproductive futures of entire communities by creating environmental devastation.

keywords

reproductive violence; reproductive justice; transitional justice; Colombia; truth commission

On 17 September 2020, the Colombian Commission for the Clarification of Truth, Coexistence and Non-Repetition (hereafter 'the Commission') held the first ever public hearing devoted to listening to people's experiences of conflict-related reproductive violence. During the hearing, the Centre for Reproductive Rights' (CRR) Regional Director for Latin America and the Caribbean, Catalina Martinez, explained:

Historically, there has been little emphasis on conflict-related reproductive violence, making it difficult to understand its scope and identify those who have suffered it. The truth commissions in Peru and East Timor took the first steps, but there is no doubt that the truth commission in Colombia organising this event today constitutes an unprecedented step forward—not only for Colombia, but also globally in terms of clarifying the truth and building memory with a gendered approach. We trust that these efforts will not stop here, that this truth commission will take the historic opportunity to be the first to make reproductive violence in conflicts visible by recognising it as an autonomous category.¹

The attention that conflict-related sexual violence has gained on international transitional justice agendas since the 1990s has not been extended to conflict-related reproductive violence. Even when forms of reproductive violence in contexts of armed and political violence are considered, it is under the conceptual and policymaking umbrella of conflict-related sexual violence, even if they do not include sexual components such as forced sterilisation, and not in relation to people's reproductive autonomy (Lavery and de Vos, 2021). The Commission was the first truth-seeking transitional justice body worldwide to directly investigate these forms of conflict-related gendered violence, and to include them in their final report. This was largely due to transnational feminist endeavours (Hundle, Szeman and Pares Hoare, 2019) that have argued for conflict-related reproductive violence to be addressed independently of conflict-related sexual violence within transitional justice endeavours of truth, accountability and redress. This would constitute an urgent step towards advancing the interconnected struggles for reproductive freedom and gendered justice globally.

Developments in this regard include the 2019 UN Security Council's recognition of children born of conflict-related sexual violence as marginalised but key actors in survivor-centred peacebuilding initiatives, and the 2021 International Criminal Court's (ICC) first conviction involving forced pregnancy in the case of Dominic Ongwen.² Fuelled by its feminist and women's movements, Colombia is thus contributing significantly to advancing global reproductive justice agendas within transitional justice (see CRR, 2020; Lavery and de Vos, 2021; Giraldo Gartner, 2022). In 2011, for example, Colombia became the first country to include children born of conflict-related sexual violence within its domestic reparations programme (Sanchez Parra, 2018). In 2019, the Colombian Constitutional Court (CCC) made an international landmark decision by granting Helena, a former guerrilla combatant who suffered forced contraception and abortion within the group, victim status with the right to integral reparations (Chinkin and Yoshida, 2019; WLW, 2020). Subsequently, in 2022, the Special Jurisdiction for Peace

¹ 2020 public hearing of the Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición (CEV), 'Violencia reproductiva en el conflicto armado Colombiano: una verdad pendiente', video, https://www.youtube.com/watch?v=G1sHlr7MdVE&ab_channel=ComisióndelaVerdad [last accessed 20 December 2021], 23:37.

² *The Prosecutor v. Dominic Ongwen* (2021) ICC-02/04-01/15, Trial Chamber Judgement, Trial Chamber IX, 4 February (International Criminal Court [ICC]).

announced investigations into patterns of macro-criminality regarding sexual and reproductive violence, and other crimes committed due to prejudice, hatred and discrimination based on gender, sex, diverse gender identity and sexual orientation in the Colombian armed conflict.

The Commission's efforts to name, investigate and offer recommendations to address conflict-related reproductive violence form part of these struggles. Based on an ethnographic analysis of the Commission's work on reproductive violence, in this article I engage with the reproductive justice framework to argue that the Commission's work contributes to broadening understandings of both gendered victimhood and reproductive autonomy in war contexts and within transitional justice endeavours of truth, justice and redress. Regarding gendered victimhood, I show that the feminist work on reproductive violence within the Commission focused on: gaining recognition for conflict-related reproductive violence as distinct from conflict-related sexual violence, identifying conflict-related practices of reproductive violence and offering recommendations for addressing such practices. Regarding reproductive autonomy, I show that not only is the Commission the first truth-seeking body to directly investigate this form of gendered violence, but it did so through an understanding of reproductive violence that does not revolve around the notion of autonomy as individual choice that has dominated mainstream feminism's quest for reproductive rights.

In this article, I engage with the reproductive justice framework to approach the Commission's work on reproductive violence. This framework is guided by three principles: '(1) the right *not* to have a child, (2) the right to *have* a child and (3) the right to *parent* children in safe and healthy environments' (Ross and Solinger, 2017, p. 9). It can help us pose further questions about how the armed conflict has affected people's reproductive lives. Reproductive justice acknowledges that people's reproductive presents and futures are shaped by entangled racist, sexist, classist and colonial systems (Ross, 2017), and that in order to achieve safe and dignified fertility management, childbirth and parenting, they require access to 'community-based resources including high-quality healthcare, housing and education, a living wage, a healthy environment, and a safety net for times these resources fail' (Ross and Solinger, 2017, p. 9). Reproductive justice also challenges the state, both in its responsibility to guarantee reproductive health, rights and welfare, and as a direct perpetrator of violence by defining who is 'unfit' to reproduce (Roberts, 2015). It opposes the idea of reproductive autonomy as individual choice. Instead, it obliges us to question the conditions under which reproductive autonomy may be exercised (Ross, 2017).

While the Commission did not work with the reproductive justice framework, approaching its work on reproductive violence through it allows us to pose further questions about the profound ways in which armed conflicts have transformed people's reproductive lives. War transcends the actions of armed groups, which respond to war's co-constitutive systems: patriarchy, capitalism, colonialism and militarisation (Enloe, 1987; Cockburn, 2010). It operates through an intricate economic, cultural and social grid which, in the case of Colombia—where conflict has been ongoing for over sixty years—has permeated our language and subjectivities. It has permeated our ideas about what is normal and our ability to imagine a future that is not governed by the logics of the armed conflict (Uribe, 2004). The Commission identified some specific practices through which conflict-related reproductive violence has been perpetrated. However, questioning how the armed conflict has affected people's reproductive lives can also reveal the often-normalised ways in which the social, cultural and economic grid that underlies the armed conflict has claimed ownership over the reproductive futures of entire communities.

Drawing on testimonies shared during the public hearing on reproductive violence, in the latter part of the article I focus on the Colombian government's use of glyphosate as a form of conflict-related reproductive violence that has particularly affected impoverished peasant communities. This practice, which for many years was the government's main strategy for eradicating coca crops, has had severe consequences for the reproductive health of peasant women who live in rural parts of the country that have been targeted with glyphosate. For example, women have suffered miscarriages and endured significant harms to their reproductive systems that can prevent them from having children. But the Colombian government's use of glyphosate has also caused devastating impacts to the ecosystems where communities live, making the reproduction of social and biological life an increasing challenge.

methodology

The research that led to this article was driven by questions about how transitional justice mechanisms understand, implement and transform understandings of gendered victimhood, and in particular the dimensions of victimhood that involve people's reproductive lives. I offer an ethnographic analysis of the Commission's work on reproductive violence. I approached the Commission's Gender Working Group (GWG) in 2019 to find common ground for collaboration. As a Colombian scholar working on issues related to feminist peacebuilding, transitional justice and conflict-related reproductive violence in the context of the armed conflict in the country, my interest when approaching the GWG was twofold. As a researcher, the opportunity to witness the work of the GWG and conduct ethnographic research was a once-in-a-lifetime opportunity. This opportunity, in my case, was only possible due to the overlap of the historic moment defined by the signing of the 2016 peace agreement between the Colombian government and the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP), and my personal circumstances that involved having recently started a position at a university in Colombia after years of being abroad. However, beyond my researcher-self, I also believed in the political project that this truth-seeking body represented, and I wanted to put my very limited resources (time, knowledge, funding) into the service of the GWG's work. Generously, the GWG invited me as an academic voice to take part in some of the groups and spaces they convened, and we agreed that I would submit a co-author report about conflict-related forced motherhood. That said, as a mestiza middle-class Colombian cisgender woman, who is not a victim of the armed conflict, and who does not belong to grassroots organisations or other human rights civil society organisations, I struggled with the tensions between avoiding romanticising this truth-seeking process, recognising its political, conceptual and methodological criticisms, assuming the limitations of academic voices and understanding the scope and potential of the Commission's contributions, beyond its own mandate and report.

After conversations with Salome Gomez Corrales, head of the GWG, and other group members, I joined the GWG's Technical Assistance Board (TAB): a consulting group convened by the GWG since the beginning of the Commission's mandate that was attended by victims and feminist organisations. Following this, in June 2020 I joined the Reproductive Violence Working Group (RVWG), an *ad hoc* committee created by the GWG with civil society organisations in preparation for the first ever public hearing on reproductive violence. The RVWG's role was to build momentum for the hearing and to plan an agenda for the event that delivered political and conceptual messages, while focusing on victims' testimonies. As the RVWG's role centred on the public hearing, the meetings stopped after that. The

TAB-GWG continued until the end of the Commission's mandate, which originally covered a three-year period, from November 2018 to November 2021. However, the CCC extended it until August 2022. The final report was presented on 28 June 2022 in Bogota and comprises eleven volumes, one of which focuses on the experiences of cisgender women and people of diverse sexual orientations and gender identities, entitled *Mi Cuerpo es la Verdad* (*My Body is the Truth*) (see CEV, 2022b).³

This article is informed by participant observation (Guber, 2004) undertaken during the regular meetings held by the RVWG and the TAB-GWG throughout the Commission's mandate, the planning and delivery of the public hearing on reproductive violence and semi-structured interviews with GWG members, only one of which is included in the article. Ethnographically, my interest was guided by questions about how the category of reproductive violence emerged, the various meanings conferred on it and how that translated into the final report. This article also draws on ethnographic content analysis (Altheide, 1996) of the recording of the hearing on reproductive violence and the Commission's final report.

With regard to the hearing, I focused on descriptions of specific forms of reproductive violence, how people introduced and contextualised those descriptions, the connections they established with other forms of conflict-related experiences and aspects of their lives and how people who experienced reproductive violence and other members of civil society framed the relevance of addressing reproductive violence independently of sexual violence. In relation to the report, I focused on the explicit and non-explicit ways in which reproductive violence was included, the language used to define and describe forms of reproductive violence and the extent to which power relations such as ethnicity, age, class, gender and sexuality formed part of the narratives about reproductive violence. Although most of the information relating to reproductive violence was obtained from the over 600-page volume entitled *My Body is the Truth* (CEV, 2022b), I also found relevant information amongst the other ten volumes, which have similar lengths.

Due to COVID-19, the public hearing was held online. All of the victims' testimonies referred to in this article come from the recording of the public hearing on reproductive violence, which is open access and available through the Commission's YouTube Channel.⁴ The final report can also be freely downloaded from the Commission's website.⁵

expanding gendered victimhood

Gendered victimhood in war contexts gained a place on international agendas in the 1990s (Cespedes-Baez, 2018), permeating the then emerging interdisciplinary field of transitional justice, which is human rights driven and mostly implemented through measures of prosecution, truth-telling, reparations and institutional reform (Arthur, 2009). Based on a binary conception of gender wherein men oppress women through sex, a gendered approach to transitional justice became synonymous with including cisgender women, particularly as victims of sexual violence (Baaz and Stern, 2018). The increased attention paid to women and sexual violence in global politics—as illustrated by UN Security Council Resolution 1820

³ All volumes of the final report are available at Comisión de la Verdad (CEV), 'Hay futuro, si hay verdad', <https://www.comisiondelaverdad.co/hay-futuro-si-hay-verdad> [last accessed 13 October 2023].

⁴ Comisión de la Verdad, <https://www.youtube.com/c/Comisi%C3%B3ndelaVerdad> [last accessed 15 September 2023].

⁵ Comisión de la Verdad, <http://comisiondelaverdad.co/> [last accessed 15 September 2023].

recognising that preventing and addressing sexual violence contributes to international peace and security, becoming essential for transitional justice endeavours of truth, justice and redress—has been accompanied by revisions to the discourse about sexual violence as a weapon of war, which has subsequently become the dominant framework. It has been argued that this discourse can reproduce patriarchal power relations: women are regarded as vulnerable and passive victims of sexual violence and men as either perpetrators or protectors of ‘their’ women (Baaz and Stern, 2013).

This understanding of gendered victimhood has produced blind spots regarding gendered experiences of armed and political violence, restricting the questions that can be posed and transitional justice’s transformative potential (Schulz, 2020). It has diverted attention away from structural issues of gender inequality and the sexual violence that women experience in their everyday lives (Baaz and Stern, 2018), while leaving aside all their non-sexual conflict-related experiences and their different roles in those contexts (Theidon, 2007), for instance as combatants (see Weber, 2020) or peacemakers (see Zulver, 2022). Meanwhile, a reductionist understanding of sexual violence has produced gaps regarding the interlocking racist, classist, heteronormative imaginaries and experiences of conflict-related sexual violence (Drumond, Mesok and Zalewski, 2020). This has obscured male (see Eichert, 2019) and LGBTQIA+ experiences of conflict-related sexual violence, as well as the roles of masculinities and diverse sexual orientations and gender identities within transitional justice (see Bueno-Hansen, 2018). At the same time, it has reproduced reductive explanatory logics of conflict-related sexual violence as being strategic, based on gender or opportunistic and sex driven (Schulz and Touquet, 2020).

The focus on conflict-related sexual violence within transitional justice agendas has also concealed conflict-related reproductive violence, limiting not only the understanding of experiences such as forced sterilisation or forced parenthood but also how to include them within transitional justice and peacebuilding endeavours (CRR, 2020). Ciara Laverty and Dieneke de Vos (2021, p. 618) note that, in international human rights law, the ‘reproductive’ has historically been masked by the ‘sexual’. For instance, definitions of the crimes of forced pregnancy and forced sterilisation in the Rome Statute were drafted in a way that connected sexual violence to ethnic cleansing, rather than acknowledging women’s autonomy (Grey, 2017). It was not until 2016, during the ICC pre-trial stage in the Dominic Ongwen case, that forced pregnancy was referred to outside of the context of genocide.⁶

Recent interdisciplinary efforts have attempted to gain recognition for conflict-related reproductive violence within the field of transitional justice as a distinct form of violence that causes specific harms to victims, which differ in their various forms from sexual harms (Cocomá Ricaurte and Laguna Trujillo, 2020; Laverty and de Vos, 2021; Giraldo Gartner, 2022). It has been highlighted that reproductive violence is a gender-based form of violence, often directed at cisgender women and girls due to their childbearing capacity, increasing the risk of secondary harms such as a death during childbirth or abortion (Grey, 2017). Additionally, due to patriarchal gender roles, the social impacts of, for instance, raising a child born of conflict-related sexual violence or being unable to bear children due to forced sterilisation could have significant long-term consequences for women’s lives, increasing their marginalisation through social stigma and economic dependence (Baines and Oliveira, 2021). The lack

⁶*The Prosecutor v. Dominic Ongwen* (2016) ICC-02/04-01/15-422-Red, Decision on the confirmation of charges against Dominic Ongwen, Pre-Trial Chamber II, 23 March (International Criminal Court [ICC]).

of recognition of conflict-related reproductive violence within peace and security agendas has contributed to a lack of accountability and of measures to prevent the crime, offer restitution and move towards a future free of reproductive violence.

Truth commissions reflect these developments regarding gendered victimhood. Building on criticisms of the 'gender-neutral' approaches adopted by the first Argentinian and Chilean commissions, and with the intention to produce more inclusive accounts of truth, the South African, Guatemalan and Peruvian commissions marked a shift towards a more gender-sensitive approach to truth-seeking. However, this was not explicit in their mandates, and while they actively sought to increase women's testimonies, they still focused on experiences of sexual violence (Ross, 2002). There have been further developments in terms of implementing gender-sensitive truth-seeking mechanisms. For example, the Sierra Leonean and Liberian commissions included gender and conflict-related sexual violence in their mandates (Sarkin and Ackerman, 2019), and the Colombian Commission sought to produce not only gender-sensitive, sex-centred narratives but intersectional truth narratives (González Villamizar and Buenohansen, 2021; González Villamizar, 2023).

In this regard, the Colombian Commission's final report underscores the differentiated impact of the armed conflict on rural impoverished Afro-Colombian and Indigenous women and people with diverse gender identities and sexual orientations. This shows that cisgender women have been the main victims of sexual violence, but for LGBTIQ+ people in general, who have primarily reported experiencing forced displacement, sexual violence was also perpetrated based on the logic of prejudice and hatred. The report also shows a more comprehensive understanding of gendered victimhood, beyond sexual violence. For example, while armed groups have targeted political organising among the feminist and LGBTIQ+ movements, these movements have continued to develop strong processes of resistance, particularly by creating space for the collective defence of rural territories, life and diversity (CEV, 2022a). The Commission's recognition of the category of reproductive violence represents a significant step forward in expanding the notion of gendered victimhood and seeking accountability and redress within transitional justice endeavours.

recognising reproductive violence: a historic opportunity

From the early stages of the Commission's design during the 2016 peace accords between the Colombian government and the FARC-EP, it was stated that a gendered approach had to be transversal to the investigations of this truth-seeking mechanism (Corporación Humanas and CIESE, 2017). To this end, it was established that the Commission should create a team, the GWG, to achieve that ambitious goal. Among the GWG's first tasks was to fill the categories of gender and gendered victimisation with meaning for the commissioners and the Commission's research teams. In reference to this, the GWG produced a document to guide their investigations on sexual and reproductive violence. Besides categories such as rape and sexual slavery, the guide included forced contraception, sterilisation, pregnancy, abortion and parenting (GWG, 2019). Alejandra Coll, a GWG member at the time, stated in an interview we did in 2020 that the intention behind this guide was to name the filters through which the investigations were going to be conducted, and thus to render them visible for those responsible for taking the testimonies and coding them, but also for the researchers and commissioners.⁷ In relation to forms of reproductive violence, Alejandra explained:

⁷ Interview with Alejandra Coll, former GWG member, conducted by the author, 19 November 2020.

I insisted that it had to be included. It was not easy because it is not expressly described in Colombian law, but then what happened was that we were proved right by listening. When we began to listen to victims, issues of reproductive violence came out on their own, without anything having to be forced. At the beginning the commissioners were like, 'all right, include it so that you'll leave us alone', but then when they went to the events with us, and started to listen, they were surprised. Also, the perpetrators; they have naturalised reproductive violence so much, they talked about it as if it was nothing!⁸

The Commission's recognition of reproductive violence is part of the Colombian feminist movement's historic struggles both to achieve reproductive autonomy and to fight against conflict-related gendered violence (Daigle, Duffy and López-Castañeda, 2022). It is no coincidence that the organisations working with the Commission for the inclusion of conflict-related reproductive violence were also behind the lawsuit that achieved the CCC's 2022 ruling decriminalising abortion⁹ until 24 weeks of pregnancy. Throughout the process that led to conflict-reproductive violence being recognised, the GWG worked closely with victims and feminist organisations in two ways—firstly by gathering information on reproductive violence through the submission of reports to the Commission, and secondly by creating strategic alliances with different sectors of society to start a public conversation about reproductive violence. With reference to the former, the Commission received four reports specifically devoted to practices of conflict-related reproductive violence, which complemented the testimonies taken by the Commission, as well as accounts of reproductive violence found within other reports about gender-based violence.

Given the historic invisibility of reproductive violence, the latter involved underscoring the political message, both within and outside of the institution, that the Commission had a historic opportunity to broaden understandings of gendered victimhood by recognising reproductive violence. Holding a public hearing on reproductive violence was an essential element in this endeavour because it gave wider society the opportunity to listen to the diverse voices of victims. To create momentum for the hearing, the CRR convened the Commission to hold a dialogue about reproductive violence. Organised with the GWG, this event was attended by the then President of the Inter-American Commission of Human Rights (IACHR), Antonia Urrejola, and three organisations who submitted reports, and was chaired by myself, as a representative of the academy. During the event, the Commission was urged to recognise reproductive violence as an independent form of conflict-related gender-based violence and to identify its differentiated impact on cisgender heterosexual women and LGBTIQ+ people. It was emphasised that, without such recognition, it would be impossible to formulate adequate measures of reparation for the harms caused to the victim's reproductive capabilities and autonomy, to guarantee that no one suffers those harms again or to make progress in terms of accountability (CEV, 2020).

Messages about the Commission's historic opportunity to render visible reproductive violence continued to be emphasised during the public hearing. For instance, the CRR regional director, Catalina Martinez, stated at the hearing's commencement: 'The first thing I would like to highlight is that the human rights violations that have been committed during armed conflicts against people with the capacity to conceive have transcended the sphere of sexuality and have also affected their reproduction'.¹⁰ Subsequently, the then Women's Link lawyer Juliana Laguna commented on the invisibility of conflict-related reproductive violence:

⁸ *Ibid.*

⁹ Sentencia C-055 de 2022 (2022) 21 February (Corte Constitucional Colombiana [CCC]).

¹⁰ *Supra* note 1, 17:54.

This panorama has been facilitated by the fact that reproductive violence is violence without name [...]. Confining the analysis to sexual violence, no matter how much this category is broadened, would not be sufficient to capture all those practices in which women are deprived of making decisions about their reproductive functions.¹¹

naming reproductive violence

The growing transnational movement that argues for conflict-related reproductive violence to be addressed independently of conflict-related sexual violence within transitional justice endeavours (see Cocomá Ricaurte and Laguna Trujillo, 2020; Laverty and de Vos, 2021; Perez Vazquez, 2022) has broadly understood reproductive violence as 'violence which involves a violation of reproductive autonomy or which is directed at people because of their reproductive capacity' (Grey, 2017, p. 906). Building on this work, reproductive violence was granted a distinct place within the Commission's accounts. However, it is not only a matter of including the category but also about the terms in which victimhood is narrated (Krystalli, 2021). The Commission (CEV, 2022b, p. 110) defined reproductive violence as: 'any action or omission aimed at affecting, on the one hand, women's right to make decisions about their reproductive life and, on the other, their health in relation to their reproductive capacity or the integrity of their reproductive organs'. Although not explicitly, the Commission assumed an approach to reproductive violence that was closer to reproductive justice: its definition did not centre around an understanding of autonomy as individual choice but sought to identify the ways in which the dynamics and logics of the armed conflict, through both actions and omissions, have constrained women's reproductive life, reproductive health and reproductive capacity.

In this regard, the Commission did not follow the international mainstream feminist movement's approach to reproductive autonomy that focuses on individual choice and the transformation of legal frameworks, primarily to include the right to abortion (Olufemi, 2020). This approach, which can also be found in the Colombian feminist journey to achieve women's reproductive freedom,¹² has been criticised for failing to understand that full access to reproductive rights, including information about reproductive health and services, even when those rights have already been legally achieved, is a racialised, class-biased privilege that not everyone can afford (Ross and Solinger, 2017). Diverse feminisms have stated that rights over peoples' bodies are not equal; legal frameworks alone are insufficient to address the systems of oppression that deprive people of autonomy over their bodies, and legal systems often legitimise the hierarchies created by systems of oppression (Rivera Cusicanqui, 2010).

In addition to including the category of reproductive violence, the Commission identified concrete practices of reproductive violence perpetrated by legal and illegal armed groups and showed how they have affected specific bodies in differentiated ways. It documented the FARC-EP's internal policies on reproduction, which included forced contraception and abortions against women inside the group, as well as taking children born within the organisation to be raised by peasant families. In addition to these forced parenting practices, the Commission identified forced motherhood among Afro-Colombian and peasant communities that endured paramilitary occupation. During those periods, women were raped; experienced forced partnerships, prostitution or sexual slavery; became pregnant; and were often

¹¹ *Supra* note 1, 50:45.

¹² See Sánchez Gómez and Olga Amparo, March 2021, 'Cuarta tertulia: entrelazando feminismos en Colombia', video, <https://www.facebook.com/302384689824328/videos/486927452342406> [last accessed 15 September 2023].

deprived of seeking access to safe abortion services and gave birth. Forced parenthood was also identified in cases where left-wing guerrillas and right-wing paramilitaries raped transgender men as part of their explicit or non-explicit punishment policies based on people's non-heteronormative sexual orientations and gender identities (CEV, 2022b).

The Commission also identified the Colombian state as a perpetrator of reproductive violence. This was through what has been termed *enamoramientos*, a practice common among armed groups, in which soldiers are commanded to make young women and girls, mostly Indigenous and Afro-Colombian, fall in love with them (*ibid.*). Through this practice, soldiers are expected to obtain information that could give them military advantages. Often, it results in young women becoming pregnant and giving birth to a child. Not only do soldiers, often from different ethnicities, leave the women and children behind after they are moved to other parts of the country, but they put them at risk of discrimination within their communities and make them a target for other armed groups in the area.

In a different way, the Commission also identified the devastating effects on peasant women's reproductive systems due to the Colombian government's mass-scale aerial fumigations of coca crops using glyphosate. These include miscarriages and infertility (CEV, 2022c). Since the 1980s, and in response to pressure from armed groups and neo-liberal economic policies against peasant economies, cultivation of coca crops has become central to the livelihoods of communities in rural areas of the country as part of the cocaine production chain (Velez-Torres and Lugo-Vivas, 2021). For many years, the government's main strategy for eradicating coca crops involved large-scale aerial fumigation using glyphosate. This strategy has been denounced for its poisonous long-lasting effects on human health and non-human life (Meszaros-Martin, 2018).

The Commission's report also offered recommendations to the Colombian state to address the impacts of conflict-related reproductive violence and to work towards achieving justice and non-repetition. In the recommendations, it urges the state to amend the notion of gendered victimhood within the Victim's Law—the normative framework of the domestic reparations programme—to explicitly acknowledge forms of reproductive violence against both civilians and women inside armed groups (CEV, 2022a). The Commission urged the state to guarantee the availability of and effective access to sexual and reproductive health services across the whole country, including implementing the ruling that decriminalised abortion until the 24th week of pregnancy. Similarly, it urged the state to guarantee access to sexual and reproductive education, as well as maternal and post-natal health services. Finally, the Commission asked the state to stop using glyphosate to carry out aerial fumigations, and to include victims in formulating an adequate measure of reparations for the reproductive harms caused by this practice (*ibid.*).

Through its work, the Commission formulated a definition of reproductive violence as distinct from sexual violence and made recommendations accordingly. It went beyond understanding it in relation to women's individual choice and sought to identify the ways in which the armed conflict, through concrete practices, has affected people's reproductive lives. However, the work that led to these contributions also invites further questions about the frequently normalised ways in which the armed conflict has also claimed ownership over the reproductive futures of entire communities, particularly impoverished, racialised communities living in militarised parts of the country. Drawing on the testimonies shared

during the public hearing, in the following section I address one of the elements that illuminates this matter: the configuration of landscapes of environmental devastation through the Colombian's government use of glyphosate.

glyphosate, environmental devastation and reproductive violence

On 23 March 1999, Yaneth Valderrama died, after having been sprayed with glyphosate by the Colombian Counter-Narcotics Police during aerial fumigations of coca crops. At the Commission's public hearing on reproductive violence, the CRR shared Yaneth's family's testimony via a video produced as part of the investigations presented to the Commission which concluded that glyphosate was harmful to women's reproductive systems (Ordoñez, Abrahams and Mendez, 2020). The magnitude of this form of reproductive violence in the context of the government's strategies for eradicating coca crops remains unknown. However, between 1999 and 2015 the government carried out aerial spraying of more than 1,800,000 rural hectares of the country, suggesting that the practice was very widespread. In this section of the article, I engage with the notion of environmental reproductive justice. This notion was coined in the context of Native Americans' struggles against the indiscriminate and disproportionate exposure of their communities to environmental contamination (Hoover, 2018). It asserts that struggles for environmental justice and reproductive justice go hand in hand, as environmental devastation affects not only women's reproductive health but also the social reproduction of entire communities (Cook, 2007). Following these ideas, environmental reproductive justice seeks to combat the impact of environmental harms on people's reproductive capabilities, both at the individual and collective level.

In the video, Ivan Medina, Yaneth's husband, recalls that on 28 September 1998 his wife, who was then 27 and in the fourth month of a healthy pregnancy, was doing laundry in the stream near the rural house where this peasant family lived and worked. Ivan explains: 'When she felt that noise she started to run, because it was a loud noise, three planes and helicopters overhead. She got scared and started to run for the house, but she didn't manage to get into the house in time. She got completely wet because they flew over our house'.¹³ That evening Yaneth experienced severe cramps that prevented her from sleeping. In the video, Ivan describes her pain and the fear they felt, not knowing what was happening. As soon as they could, they went to the hospital, where doctors told them that she had had a miscarriage. Yaneth's health continued to deteriorate. After months of visiting doctors, she died with a diagnosis that included pesticide neurotoxicity.¹⁴ After Yaneth's death, Ivan and their 8-year-old and 4-year-old daughters had to leave their home and move to the city, fearing the glyphosate that, they said, 'dries up the soil and kills people'.¹⁵ In 2018, Yaneth's was one of two cases accepted by the IACHR regarding Colombia's responsibility for harms caused to humans by fumigation with glyphosate.

The second case admitted by the IACHR was that of Doris Alape, a peasant woman who after having been sprayed during aerial fumigations went into labour at 28 weeks gestation. The baby died shortly

¹³ *Supra* note 1, 1:38:40.

¹⁴ *Yaneth Valderrama y familia v. Colombia* (2018) Admisibilidad No. 76/18 (Comisión Interamericana de Derechos Humanos [CIDH]).

¹⁵ *Ibid.*, p. 3.

afterwards, and Doris was left with permanent sequelae that prevent her from working (CRR, 2020). Between April and May 1999, the Counter-Narcotics Police conducted a large-scale aerial fumigation in the area where Doris lived. Although legally glyphosate must not be sprayed from higher than ten metres, in this case fumigation took place at 300 metres.¹⁶ The IACHR's admissibility report stated:

[...] as the product was blown by the wind, it indiscriminately fell over hills, houses, domestic and wild animals, crops, barnyards, water sources and schools, damaging crops and people's and animals' health [...]. They [petitioners] claim that twenty-six people ingested the pesticide that was in the water, and that several women had miscarriages.¹⁷

Yaneth's family testimony, which echoes Doris' story, is about the effect of aerial fumigations using glyphosate on her reproductive health, and the state's responsibility for her miscarriage and death. Seen through the lens of reproductive justice, the testimony is also about families parenting children in toxic landscapes, and glyphosate uprooting communities and destroying rural ways of life. Hannah Meszaros-Martin (2018, p. 232) invites us to view the use of glyphosate within the Colombian armed conflict 'as an "ecocidal" force, operating through various forms of extinction'. Scholars have shown that years of carrying out aerial fumigations with glyphosate in Colombia overlap with colonial legacies of exclusion, neoliberal policies that have impoverished agricultural communities and the militarisation and criminalisation of those communities (see Ciro, 2020; Velez-Torres and Lugo-Vivas, 2021). In these landscapes of environmental devastation, it is often impoverished, racialised women who have caring responsibilities within their families and communities, and whose bodies bear the burden of sustaining life and raising children amidst pollution and scarcity (Berman-Arevalo and Ojeda, 2020).

The Commission showed that the government's use of glyphosate in aerial fumigation has affected women's reproductive health by causing miscarriages and long-term effects on their reproductive systems, particularly affecting peasant women. However, this practice has also created landscapes of environmental devastation where biological and social reproduction constitutes a growing challenge. Yaneth's case and her family's testimony presents another dimension of reproductive violence that unveils how the government's counter-narcotic strategy has forced families to raise their children in polluted landscapes of scarcity and fear, in constant anticipation of having to leave their land and roots. Seeking justice in these cases means addressing its impact on women's reproductive systems but also addressing the ecological devastation that has threatened the reproductive futures of peasant communities, and recognising that reproductive autonomy requires the prioritisation of life and social reproduction over economic profit (Hoover, 2018; Wilson, 2018).

conclusion

The inclusion of reproductive violence in the Commission's work represents an international milestone that contributes to broadening understandings of gendered victimhood and reproductive autonomy in war contexts and within transitional justice. The Commission revealed how, in the context of the Colombian armed conflict, specific groups of people, particularly impoverished racialised women, have endured various conflict-related practices that have affected their reproductive life. Approached

¹⁶ *Henry Torres y Otros v. Colombia* (2017) Admisibilidad No. 125/17 (Comisión Interamericana de Derechos Humanos [CIDH]).

¹⁷ *Ibid.*, p. 2.

through the reproductive justice framework, the Commission's work also has the potential to invite other questions about the ways in which the armed conflict has transformed the reproductive presents and futures of entire communities. This includes destroying the ecosystems that are essential for the reproduction of biological and social life of entire communities of humans and other-than-humans.

During the public hearing, a transgender man who decided to remain anonymous when giving his testimony of rape, forced pregnancy and forced parenthood talked about reparations:

I have often been asked what reparation means to me, and I have always had the same answer [...] I don't care about a house, I don't care about money. All I want is for those responsible for the atrocious acts that we LGBTI people and women have endured to acknowledge it in a sincere way. Not because they are going to benefit from this, but because war must stop. We must be given guarantees that there will be no more child victims of sexual violence, that there will be no more forced displacement. It's not just about displacement and that's it: it uproots you; it makes you forget. My son is now 13 years old. He is from Tumaco and he is growing up in Cali, but he no longer remembers the people of Tumaco.¹⁸

His message to the Commission was about the future: a future not defined by war and the grief that accompanies it. Feminism 'is a political project about what could be. It's always looking forward, invested in futures we can't quite grasp yet' (Olufemi, 2020, p. 1). The transnational feminist movement working towards gendered justice has had to grapple with the constant challenge of thinking beyond transitional justice's past-orientated logics and the language of legal harms (Bueno-Hansen, 2015; Paarlberg-Kvam, 2018). It is not only non-repetition for which we strive but also futures driven by the defence of life where people can fully embrace their reproductive freedom (Davis, 1983); embracing a life where they decide if and when to become pregnant, or the joy of a loved and wanted pregnancy without the terror and pain that comes with war, without worrying about whether their children will be uprooted due to environmental devastation or if they will have clean food and safe water to drink.

To create those futures, we need to liberate our imaginations from the logics of the systems of oppression, including the militarisation of our bodies, relations and the ecosystems we are part of. Truth-seeking mechanisms can contribute to unveiling some of the forms by which armed conflicts have transformed our reproductive life. However, the journey towards a future free from reproductive violence does not end with any individual transitional body. Transnational feminism needs to work with their contributions to build peace projects that are unwavering in their commitment to defending ecosystems and women's reproductive freedom. To achieve this, we must continue questioning heteronormative patriarchal gender roles and persistently reimagine human and other-than-human kinship and care as integral components of transitional justice endeavours of truth, justice and redress.

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¹⁸ *Supra* note 1, 1:14:37.

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