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**Parallel Report to the Committee on the Elimination of all Forms of Discrimination against
Women – Pre-sessional Working Group**

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1. Acronyms

ARN. Reincorporation and Normalization Agency – *Agencia para la Reincorporación y la Normalización*

ATT. Arms Trade Treaty

CSIVI. Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement - *Comisión de Seguimiento, Impulso y Verificación a la Implementación del Acuerdo Final*

CNP. National Planning Council - *Consejo Nacional de Planeación*

CONPES. National Economic and Social Policy Council - *Consejo Nacional de Política Económica y Social*

CPEM. Office of the Counsellor for Women’s Equity - *Consejería para la Equidad de la Mujer*

CTI. Technical Investigation Unit - *Cuerpo Técnico de Investigación*

DDR. Disarmament, Demobilization and Reintegration – *Desarme, Desmovilización y Reincorporación*

DNP. National Planning Department - *Departamento Nacional de Planeación*

ETCR. Territorial Spaces for Training and Reincorporation (Reintegration) - *Espacios Territoriales de Capacitación y Reincorporación*

FARC – EP. Revolutionary Armed Forces of Colombia – People’s Army - *Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo*

FGN. Office of the Attorney General - *Fiscalía General de la Nación*

GN. National Government - *Gobierno Nacional*

INMLCF. National Institute of Legal Medicine and Forensic Sciences - *Instituto Nacional de Medicina Legal y Ciencias Forenses*

PMI. Framework Plan for the Implementation of the Final Peace Agreement – *Plan Marco de Implementación del Acuerdo Final de Paz*

PND. National Development Plan - *Plan Nacional de Desarrollo*

LIMPAL. Liga Internacional de Mujeres por la Paz y la Libertad

WILPF. Women’s International League for Peace and Freedom

2. Description of the Organisation

The *Liga Internacional de Mujeres por la Paz y la Libertad* (LIMPAL) Colombia - is a feminist, pacifist women’s organisation, which has been present in Colombia since 1998. LIMPAL Colombia is a section of Women’s International League for Peace and Freedom (WILPF),, which is the oldest women pacifist organisation in the world. LIMPAL Colombia supports women’s social and peace-building processes through training, follow-up, development of local leadership, advocacy and

awareness-raising strategies vis-à-vis officials of relevant government institutions, and local political participation. It provides support to women's associations and networks in order to strengthen the community-wider organisational capacities, provides psychosocial and legal assistance, and undertakes advocacy and follow-up at the national and local level with regard to the implementation of the Peace Agreement signed by the National Government and FARC-EP.¹

LIMPAL Colombia works with WILPF sections around the world to achieve peace through the peaceful resolution of conflicts, and the establishment of freedom and social, economic and gender justice for all. In Colombia, LIMPAL is part of a social movement committed to the building of a fair and inclusive society based through the effective promotion and defence of human rights that make possible women's empowerment and gender justice.

3. Guarantee of human rights and fundamental freedoms (Article 3)

3.1. Legal framework

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) states in article 3 that all States parties must adopt all appropriate measures, including legislation, in all fields, in particular in the political, social, economic, cultural and legal fields to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms, on a basis of equality with men.

In its General recommendation No 30 on "Women in Conflict Prevention, Conflict and Post-Conflict Situations",² the Committee reminds States parties to the Convention of their obligations to focus on the prevention of conflicts and of all forms of violence, including, *inter alia*, the "robust and effective regulation of the arms trade, in addition to appropriate control over the circulation of existing and often illicit conventional arms, including small arms, to prevent their use to commit or facilitate serious acts of gender-based violence",³ recognising, therefore, the correlation between the increase in violence, gender-based discrimination and the increase of conflicts.

3.2. Regulation of small arms and light weapons

Colombia is in a transitional period in the aftermath of the signature of the agreement to end a prolonged internal armed conflict. During this period, there has been a proliferation of traditional arms, especially of light weapons, including the arms diverted from legal trade.

¹ Final Agreement to end the Armed Conflict and build a Stable and Lasting Peace (2016). English version; <http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf>

² CEDAW/C/GC/30

³ CEDAW/C/GC/30, para.29

The State has the obligation to focus its attention on the prevention of conflicts and of all forms of violence, particularly against women.⁴ To fulfil this task, it is fundamental that legal and juridical means be adopted to prevent gender-based violence, strengthen protection and care for women and girls victims of this form of violence, and that relevant measures to establish a solid and effective regulation of arms trade be adopted in order to prevent its use to perpetrate or facilitate serious forms of gender-based violence, as well as “address factors that heighten the risk to women of exposure to serious forms of gender-based violence, such as the ready accessibility availability of firearms, including their export, high crime rate and pervasive impunity, which may increase in situations of armed conflict or heightened insecurity (...).”⁵

Through the formulation of the *National Public Policy on Gender Equity for Women* enshrined in Articles 177 and 179 of the National Development Plan (PND) 2010-2014 “Prosperity for all”, Colombia committed itself to ensure women’s human rights and gender equality. Similarly, in the PND 2014 – 2018 “All for a new country” and the Law 1753 of 2015, a continuity is given to this *National Public Policy on Gender Equity for Women* to guarantee women’s rights and advance in the promotion and implementation of paths for comprehensive support to victims of gender-based violence in the health and justice sectors.

There seems to be an intention to implement these commitments and strengthen institutions such as the Family Service Agencies (*Comisariás de Familia*), the National Police, the National Institute of Legal Medicine and Forensic Sciences (INMLCF), the Office of the Attorney General (*Fiscalía General de la Nación*, FGN), the Technical Investigation Unit (CTI) among those that work in the prevention, investigation and prosecution of any form of violence against women through guidelines and care protocols.⁶ Yet, there is a deep discontinuity in the policies of prevention of

⁴ See, for instance, CEDAW General recommendation No 30: “the Committee has previously noted that the proliferation of conventional arms, especially small arms, including diverted arms from the legal trade, can have a direct or indirect effect on women as victims of conflict-related gender-based violence, as victims of domestic violence and also as protestors or actors in resistance movements” and has recommended that the States parties:

- (a) Reinforce and support women’s formal and informal conflict prevention efforts;
- (b) Ensure women’s equal participation in national, regional and international organizations, as well as in informal, local or community-based processes charged with preventive diplomacy;
- (c) Establish early warning systems and adopt gender-specific security measures to prevent the escalation of gender-based violence and other violations of women’s rights;
- (d) Include gender-related indicators and benchmarks in the early warning system’s result management framework;
- (e) Address the gendered impact of international transfers of arms, especially small and illicit arms including through the ratification and implementation of the Arms Trade Treaty (2013)” (CEDAW C/GC/30 para.32).

⁵ CEDAW General recommendation No 35, on gender-based violence against women updating general recommendation No. 19 (CEDAW/C/GC/35), para. 31 c

⁶ Hotline for women victims of violence. National Police of Colombia. In Spanish. <https://www.policia.gov.co/noticia/mujer-trabajamos-para-que-conozcas-tus-derechos> Guidelines and protocols for investigation and processes of violence against women and femicide cases.

violence and in treatment of and follow-up to the many complaints and cases of violence against women⁷.

The analysis of the statistics of the National Institute of Legal Medicine⁸ is an example of this, as it confirms the steady increase of cases of violence against women, which in many instances end up in homicide. However, such crimes continue not being classified as femicide despite the enactment of Law 1761 of 2015⁹ that has been highlighted in Colombia's report to the Committee.¹⁰ Although legislative advancements in Colombia are exemplary to identify, recognize and prevent gender-based killings of women and girls, yet big implementation gaps continue.

In the context of the recent Universal Periodic Review of Colombia, the UN country team "noted that there was still underreporting of gender-based violence and a gap between legislation and its effective implementation".¹¹ In October 2017, the Committee on Economic, Social and Cultural Rights expressed concerns "that despite the measures taken, violence against women persists in all environments and that the rates of impunity remain high. The Committee is also concerned that many women victims of violence, including victims of domestic violence, do not have timely access either to health services and shelters or to effective remedies, including means of obtaining reparation and compensation".¹² The Committee made recommendations in relation to this.¹³

Firearm – related murders

According to the National Institute of Legal Medicine, between 2009 and 2015 a total of 8.020 deaths caused by violence against women occurred in the whole country, 62,2% of which were

⁷ Case of domestic violence, complaint, femicide, 2018. In Spanish.

<http://www.elpais.com.co/judicial/mujer-asesinada-en-el-barrio-el-ingenio-habia-denunciado-violencia-intrafamiliar.html>

⁸ The National Institute of Legal Medicine and Forensic Science is a Colombian public institute affiliated to the General Prosecutor's Office of the Nation in charged of exercising forensic activities in the country.

⁹ "Rosa Elvira Cely" Bill (2012).

¹⁰ CEDAW/C/COL/9, para. 9.

¹¹ "The country team reported that Colombia had national public policies on gender equity for women, risk prevention and the protection of the rights of female victims of the armed conflict, as well as a comprehensive plan to guarantee women a life free from violence. Progress had been achieved through the laws to combat sexual violence and femicide, as well as the law to eradicate violence against women. However, it noted that there was still underreporting of gender-based violence and a gap between legislation and its effective implementation" A/HRC/WG.6/30/COL/2, para. 78, 12 March 2018.

¹² E/C.12/COL/CO/6, para. 45 19 October 2017.

¹³ The Committee recommends that the State party:

- (a) Thoroughly investigate all cases of femicide and violence against women, including domestic violence, and ensure that the perpetrators are duly punished;
- (b) Take all necessary steps to effectively prevent acts of violence against women;
- (c) Step up efforts to protect all women victims of violence, including victims of domestic violence, ensuring that they have access to justice through effective remedies, including means of obtaining reparation and compensation, and suitable and timely access to shelters where they can receive immediate physical protection, legal advice and physical and mental health care;
- (d) Organize information campaigns to raise public awareness, and provide law enforcement officials and judges with training as to the seriousness and criminal nature of violence against women and domestic violence. E/C.12/COL/CO/6, para.46, 19 October 2017

caused by gun fire.¹⁴ Other categories of analysis allow us to show that to a great extent the perpetrator is either unknown or the partner or ex-partner and that murders are carried out in the context of domestic violence, conflicts within relationships and interpersonal violence. A review of the means used to commit these murders of women and feminicides, shows that firearms take the first place, with 527 cases and seven by an explosive device. In 2016, in relation to interpersonal violence, there were 340 firearms-related murders of women and 16 by an explosive device. By stray bullets, there were 54 cases against women.¹⁵ In addition, the legal and illegal arms trade has increased due to police and military operations, the rise of private surveillance, ordinary crime and criminal structures of armed groups and drug traffickers. These figures demonstrate that the proliferation and the legal and illegal trade of small arms and light weapons perpetuate conflict situations and limit the guarantee of all rights, particularly of the right to live free from violence, facilitating in many cases the murder of women for diverse reasons related to macho and patriarchal structures in which interpersonal relations are built in a society such as the Colombian one.

Investments in combat aircraft

In March 2017, Sweden and Colombia signed a defence cooperation agreement that including the sale of war material and combat aircraft. According to AVIACOL.NET – the aviation portal of Colombia – “ the need of the Colombian Air Force to replace its IAI Kfir frontline aircrafts has led it to analyse proposals by different manufactures, and the Swedish Saab increasingly marking the presence of its products in the country in order to increase the interest in the JAS 39 Gripen combat aircraft” ¹⁶ (*unofficial translation*). Similarly, “ the multi-role features of the Gripen offer the possibility to monitor the territory, undertake air-to-ground missions and secure the country’s sovereignty. It has advanced sensors that allow it to identify objects in the air and on the ground, even under unfavourable weather conditions, with which it can perform surveillance tasks in peace or war missions”¹⁷ (*unofficial translation*). Therefore, one needs to ask: is investing in arms means investing in peace?

For a country like Colombia that begins a post-conflict stage and a decrease of the intensity of internal conflict, investing in the modernisation of its arms and combat aircraft sounds contradictory considering the need for greater investment in development and in the implementation of the Final Agreement with FARC-EP.

¹⁴ Six-year period report (2009-2014) Masatugo. National Institute of Legal Medicine and Forensic Science. In Spanish. <http://www.medicinalegal.gov.co/cifras-estadisticas/masatugo>.

¹⁵ National Institute of Legal Medicine and Forensic Science, 2017, p.116

¹⁶ <http://www.aviacol.net/noticias/pilotos-saab-gripen-colombia.html> Aviacol.net – The aviation portal of Colombia

¹⁷ <http://www.aviacol.net/noticias/pilotos-saab-gripen-colombia.html>

In October 2016, as part of the anniversary of the UN Security Council Resolution 1325 in New York, WILPF launched the campaign “Move the money” from war to peace and gender equality (#MovetheMoney). The campaign highlighted that in 2015, the global military spending reached 1,7 billion USD¹⁸ while only 2% of it was allocated to peace and gender equality (Global study on Resolution 1325, UN Women, 2015).¹⁹

Investing billions in military spending and arms, compared to the cents that are invested in peace, will continue to lead to violence, exclusion and inequality fuelling wars. If the international community wants to work towards peace and human security, it cannot allow or facilitate the continued investment in the war economy. It needs to *move the money* from military spending and arms towards the building of peace, justice and gender equality.

The need for a strong arms regulatory framework

The CEDAW Committee has emphasized that all States parties should ratify international instruments that allow for protection of women’s rights and contribute to peace.²⁰ Even though Colombia signed the Arms Trade Treaty (ATT) in 2013, it has not ratified yet due to the fact that the Constitutional Court declared the ratification process unconstitutional. The Court concluded that in relation to the issue under review, not all inherent requirements of the legal procedures to adopt an international treaty have been met, and that the claim of procedural irregularity cannot be remedied.²¹ The Protocol against the illicit manufacturing and trafficking in firearms, their parts and components and ammunition (Protocol on Firearms) has not been ratified either.

It is essential that Colombia build a solid legal framework to prevent and combat all forms of violence against women. It is of a vital importance that both in the context of armed violence still operating in the country in the post-agreement context, there be crosscutting element unifying concepts, legal norms, early warnings and specific security measures in all state institutions that work towards addressing and preventing violence against women, while at the same time articulating and reinforcing joint efforts by the different institutions – both national and local - to guarantee that all women and girls enjoy their right to live free from all forms of violence.

Moreover, it is imperative that the Colombia states which legislative measures it is implementing to ratify international instruments, especially the Arms Trade Treaty, and which measures it is taking to strengthen the controls over legal and illegal firearms trade. It is important to know

¹⁸ <https://www.sipri.org/media/press-release/2016/world-military-spending-resumes-upward-course-says-sipri>

¹⁹In Spanish. <http://www.mesadegenerocolombia.org/sites/default/files/unw-global-study-1325-2015-sp.pdf>

²⁰ CEDAW/C/GC/30, para. 87

²¹ Court’s judgment C-047 of 2017

which outreach efforts, reception and processing of complaints are being conducted to increase the control and restrictions on the carrying, owning and trafficking of small arms and light weapons covered by the Decree 1581 of 2017.

(For additional information, please see LIMPAL Colombia document “*Recommendations on Women, Peace and Security for the Universal Periodic Review (UPR) of Colombia (2018)*” pages 2-4, available as an Annex).

Also of concern is the fact that Colombia has become one of the military industry powers, especially in the naval industry, in the Americas. Currently, warships built in the country are exported to several regions of the world. The president of the Science and Technology Corporation for Naval, Maritime and Riverine Industry Development has stated that “we are the leaders in Latin America and in Central America as the most important in the production of goods and services for the military industry; we want countries and foreign companies to come and invest in the Colombian industry”²² (*unofficial translation*). In 2016, Colombian media announced that *Indumil*, a State-owned company, was looking to export to Middle East countries bombs manufactured in Colombia.²³ In November 2017, the *Indumil* CEO stressed that “our products enjoy a high degree of prestige, they have all been tested in combat, and this has resulted in a high level of interest by different armed forces of the [Middle East] region and in other continents. We have developed some commercial approaches for government – to –government sales. Any type of negotiation is conducted with discretion and always with the approval of the Ministry of Defence and the Ministry of Foreign Affairs”²⁴ (*unofficial translation*).

Questions

- **What and is the current state of incorporation and ratification of Arms Trade Treaty in Colombian legislation and its effects related to the regulation of arms imports and risk assessments in relation to gender violence in international arms transfers?**

²²In Spanish. <https://www.rcnradio.com/colombia/colombia-exporta-buques-de-guerra-y-construye-barcos-hospital>

²³ In Spanish. “¿Cuáles son los países latinoamericanos que más armas exportan?” http://www.bbc.com/mundo/america_latina/2016/06/160602_economia_venta_armamentos_america_latina_lf.

“Colombia quiere venderles bombas a países de Oriente Medio” <https://www.elespectador.com/noticias/judicial/colombia-quiere-venderles-bombas-paises-de-oriente-medi-articulo-633593>

²⁴ “Los productos de Indumil han sido probados en combate, esto genera alto interés en otras fuerzas armadas de la región y del mundo” <https://www.defensa.com/expodefensa-2017/productos-indumil-han-sido-probados-combate-esto-genera-alto>

- **In the face of the search for stable and lasting peace in Colombia, how is Colombia preparing to strengthen the mechanisms for regulating permitting and possession of small arms and light weapons?**

4. Political and public life (article 5, item a)

4.1. Legal framework

Article 5 (a) of CEDAW states that that the State needs to take all appropriate measures to modify the socio and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudice and customary and other practices which are based on the idea of inferiority or superiority of either of the sexes or on stereotyped roles for men and women.

In Colombia, there is a high degree of persistence of patriarchal attitudes and the deep-rooted stereotypes regarding the roles and responsibilities of women and men within family and the society in general. This type of attitudes and stereotypes constitute a barrier to the implementation of the Convention, especially in the conflict and post-conflict period that Colombia is going through. These attitudes are the structural causes of the disadvantage faced by women in different social and political spheres, the prevalence of gender-based violence, the segregation in the labour and the educational fields and the near-zero development of women's economic empowerment.

Similarly, the processes of Disarmament, Demobilization and Reintegration (DDR) involve some risks for the security of female ex-combatants and women and girls associated with armed groups like cooks, nurses, workers and relatives. The Committee recommends that the States develop security sector reforms and ensure the participation of women on equal footing in all stages of peace negotiation and of reintegration policies with the aim of guaranteeing the implementation of programs, benefits and actions that enhance a safe transition into society without stigmatisations²⁵ regardless of government transitions.

4.2. Reintegration (reincorporation) process of FARC-EP women

The *Final Agreement to end the armed Conflict and build a stable and lasting Peace* (2016) between the National Government and the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP) established in point 3 on *End of the Conflict*,²⁶ the process of reintegration (reincorporation) of FARC-EP ex-combatants. As of February 2018, 16,875 FARC-EP ex-

²⁵ CEDAW/C/GC/30, para. 69 a, c, d, e

²⁶ Peace Agreement, 2016, p. 57. English Version.

<http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf>

combatants laid down their weapons; of those 5.524 (32.7%) remain active in the process of reintegration.

The Reintegration Roadmap designed by the Reincorporation and Normalization Agency (ARN) – the entity in charge of the process of reintegration – consists of eight elements that correspond to priority areas: Personal Dimension, Productive Dimension, Family Dimension, Habitat Dimension, Health Dimension, Education Dimension, Citizenship and Security..²⁷ According to what agreed in the Peace Agreement, “ the reincorporation process shall have an equity-based approach, with a particular emphasis on women’s rights”;²⁸ i.e. each of these aspects of the reintegration process must include an approach that gives priority to the situation of female ex-combatants, as it recognizes that the reintegration process for men and women is not the same and deserves additional attention in order to deconstruct social and cultural structures that perpetuate violence and discrimination against women.

The census of the FARC conducted by the National University of Colombia²⁹ based on 10.015 people, showed that 23% of them, that is 2.267, are women. Of those, 7,4% were pregnant and 77% of these pregnant women received pre-natal care.³⁰ Yet, at the time of writing, there are no known strategies and mechanisms with a gender approach that should have been implemented in the Territorial Areas for Training and Reincorporation (ETCR) to achieve a comprehensive and sustainable reintegration process to repair the social fabric in the territories and to ensure the security and political, social and economic participation of female ex-combatants. Although the Model of Multidimensional Attention implemented by the ARN in the reintegration process seems to cover multiple areas such as history, context, needs, motivations and ways of living of the individuals, it does not demonstrate clearly the incorporation of a focus on gender and women’s rights. This can lead to the replication of gender stereotypes that limit the social and economic empowerment of women, which would run counter to the recommendations made by the

²⁷ The Final Agreement has determined that a socioeconomic census should be undertaken, with the “purpose of providing the information required to facilitate the process of comprehensive reincorporation of the FARC-EP into civilian life as a community and as individuals. The NRC shall define the content of the census, the way in which it is conducted and the safekeeping and proper use of the information. The National University of Colombia (Universidad Nacional de Colombia) shall be responsible for conducting the census.” The results of this census can be consulted in Spanish in *Informe Final Gestión ARN-2014-2018. Planeación estratégica y de gestión*.

<http://www.reintegracion.gov.co/es/agencia/SiteAssets/20180416%20%20INFORME%20FINAL%20GESTION%20JOSHUA%20MITROTTI%20.pdf>.

²⁸ Peace Agreement, 2016, p.69. English version.

<http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf>

²⁹ This is a 2017 census of people who had recently laid down weapons; it may be consulted at: (in Spanish) https://www.elspectador.com/sites/default/files/pdf-file/presentacion_rueda_de_prensa_julio_6_2017.pdf

³⁰ In Spanish. <http://agenciadenoticias.unal.edu.co/detalle/article/vivienda-y-salud-los-principales-retos-que-muestra-el-censo-a-las-farc-ep.html>

Committee in relation to the particular challenges faced by female ex-combatants in these types of programs.³¹

Therefore, it is important to build a reintegration process for FARC-EP female ex-combatants that uses all the necessary information and ensures that they are fully involved in all the stages of the post-conflict reconstruction process.³² This would enable to count with a more sensitive approach to the individual and collective dimension of these women, the complex roles that they played in wartime and the processes of citizen participation in which they are engaged. It is fundamental to generate reintegration programs in the territories that translate into practice the document recently issued by CONPES³³ and that link the gender perspective and women's rights with the aim of guaranteeing the free exercise of their citizenship in the post-conflict framework and creating the necessary trust to establish and implement a National Action Plan on Women, Peace and Security.

In this regard, we recognize the progress of setting-up the Gender Technical Agency of the National Reincorporation Council that will have to develop inputs, mechanisms and instruments to promote the effective inclusion of a gender approach in policies, reintegration programs and plans, as well as the mainstreaming of it. The great challenge is to provide this agency with the necessary resources to be effective in its work.

The reintegration process and the commitment to implementing peace are unique opportunities to change the structures of inequality, stigmatization and stereotypes so deeply rooted within the Colombian society and to overcome the conditions of vulnerability of work in the reintegration process. It is critical to strengthen the work undertaken in the territories with ex-combatants, communities and both local and regional governments so that there is a real link that can successfully address these social changes and with this contribute to the reduction of structural inequalities of women in the reintegration process.

Questions

- **What are the methodologies developed by the Colombian State in the Territorial Areas of Training and Reincorporation (ECTR) to address reintegration with a gender and**

³¹ CEDAW/C/GC/30, para.67 and 68

³² CEDAW/C/LKA/CO/8 report on the post-conflict situation in Sri Lanka

³³ The National Economic and Social Policy Council (CONPES) was created by Law 19 of 1958. It is the highest national planning authority and functions as an advisory body for the Government in all matters relating to Colombia's economic and social development. To do so, it coordinates and guides the agencies in charge of the economic and social management of the Government through the study and the adoption of documents on the development of general policies that are presented during sessions.

women's rights approach; and what activities has it implemented to strengthen the empowerment female ex-combatants in view of their effective reintegration?

- **How has it been guaranteed the integration the Integral Plans of Prevention and Protection (PIPP) in the ETCR to address the prevention of violations of the human rights, freedom, security and integrity of female ex-combatants in the reintegration process?**

5. Special chapter on women and Peace Agreement

The Peace Agreement includes more than 100 provisions on the issue of women's rights, which should be incorporated into the proposed Gender Approach of the Framework Plan for the Implementation of the Agreement (PMI) in order to realize concrete actions of public policies, programs and reforms which women would benefit from.³⁴ Therefore, this sought to recognize the specific needs and different roles of women during the armed conflict and to implement a cross-cutting gender approach in the post-conflict that would allow to boost the closing of the gender gap and the transformation of unequal power relations between men and women. Furthermore, it sought to strengthen the principle of gender equality in the State's institutional structures, policies, programs, processes and projects that would be promoted in framework of the implementation of the Final Agreement.³⁵

The Peace Agreement envisages that the PMI should be established four months after the creation of the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CSIVI), which was to be established the day after the signature of the Agreement. It further envisaged that it should be an open space for citizen participation to formulate proposals and warn about any potential biases in the elaboration of the Plan, similarly to what happened in the case of the PND 2014-2018 adopted in the Law 1753 9 June 2015, in which participated representatives of women of the National Planning Council (CNP), social organisations of women and rural women, the Office of the Presidential Advisor for Women's Equality, the Gender Sub-Division of the National Planning Department and the Congressional Women's Caucus.

The *Framework Plan of the Implementation of the Agreement* (PMI) envisage the building of peace from an effective rights-based approach, yet the deadlines for its delivery for the timely review were not met and the final version of the PMI was released about a year later. This undermined citizen participation and the discussions with territorial entities in an exercise of legal complementary with Law 152 of 1994 and the economic and social policy document CONPES, as

³⁴ Peace Agreement, 2016, p.208.

³⁵ In Spanish. PMI, 2017, p.145 <http://www.equidadmujer.gov.co/oag/Documents/Plan-Marco-Implementacion-Acuerdo-Final-Paz.pdf>

established in the Agreement. Similarly, according to the Final Agreement, the National Government, in order to guarantee the implementation of the first measures as from the entry into force of the Final Agreement, should draw up a list of early implementation measures (D+1 to D+180) which it would submit to the Commission for Monitoring, Promoting and Verifying of the Implementation of the Final Agreement (CSIVI) within the 15 days following the signing of the Final Agreement.

Adding to this challenge is the fact that the programming of the road map of the PMI and women's participation has not been established yet, despite the fact that the Final Agreement envisaged gender approach as a cross-cutting component to be guaranteed in the whole implementation. Therefore, the gender approach was supposed to be at the heart of the PMI and should take into account the "practical and strategic needs of women, identifying the multiple discriminations that must be addressed for the execution of the agreements [...] including impact indicators that make it possible to identify the progress of implementation in that regard".³⁶

Finally, the gender approach in the PMI was established under six guiding principles which are: parity, which guarantees equal conditions and opportunities; integrity, in the improvement of the life conditions of women; participation, which must promote measures for a real and effective participation in decision-making and policy design; security, in the physical integrity, life and visibility of women's rights; intersectionality, recognizing the convergence of different discriminatory circumstances that a woman may experience; and joint responsibility, which establishes the collaboration of different levels of government in the implementation of the gender policies. Moreover, 51 gender indicators were established that would allow for quantitative information to advance in the quantification of gaps in gender equality.

The PMI and the CONPES' economic and social policy document, the latter not formulated yet, establish in their content the sources of funding, which will have a validity of ten years and an initial priority implementation phase to be extended until 20 May 2019; and it will need to be reviewed on a yearly basis by the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CSIVI). Article 129 of the Law embodies the State's obligation to develop the public management tools, like the evaluation and adjustments of current public policies on women's gender equality and risk prevention, protection and guarantee of rights for women victims of the armed conflict, as well as the design of a mechanism that allows the entities of the National Government to include a gender perspective in their planning and budgeting processes, in addition the inclusion of rural and Indigenous women, political

³⁶ Final Agreement, 2016, p.208. English version.
<http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf>

participation, violence against women, sexual violence, reduction the rate of female unemployment, care economy, sexual and reproductive health.

In terms of territories, the balance between the PMI and the local budget is equally important as these will be sounding boards to reach the implementation of the Final Agreement in terms of territorial approach and guarantee of the gender and differential approaches recognized by it and in line with the budgets that will be allocated to enforce important laws for the exercise of women's rights, such as Law 1257 of 2008 and Law 1719 of 2014, and linked with the national and territorial development plans.

Questions

- **What are the goals and priorities (paragraph 6.1.1. of the Final Agreement) that will be implemented through the PMI to close the gaps and guarantee the right to equality and affirmative actions for women and members of LGBTI community?**
- **What are the affirmative, indicative or instrumental measures contemplated in the PMI to guarantee the compliance with the 100 measures for women agreed in the Peace Agreement and what are the entities responsible for them and what is their implementation timeline?**
- **What is the budgetary mechanism through which the implementation of the agreed measures for women will be guaranteed? And what is the budget designated for the continuity of the Women's Special Forum (*Instancia Especial*) to contribute to the ensuring of a gender approach of the Final Agreement implementation?**

6. Discrimination against women (Article 2), political and public life (Article 7) in the peace-building process

6.1 National Action Plan and 1325 Resolution

UN Security Council Resolution 1325 (2000) along with the Women, Peace and Security Agenda have been a cornerstone in women's political advocacy in the peace-building process in Colombia, which made it possible, among others, the incorporation in the Agreement of a gender approach and of women as political actors with more than a hundred specific provisions.. Among those that include a few that until today they have been not implemented yet as the creation of the *Special Women Instance* ³⁷, for the monitoring and verification of the Agreement Implementation and other that are in implementation process.

³⁷ Outcome of the Final Agreement. This agency is charged with guaranteeing the women's rights approach in the implementation of the Final Agreement; composed of six grass-roots organisations of Colombian

Along the same lines, a progress is noticeable in the appointment of about 35% of women in leadership positions in the peace institutional framework that is part of Comprehensive System for Truth, Justice and Reparation, as well as in the high number of women in the chambers of Special Peace Jurisdiction, and two seats of the FARC political party occupied by women and 23% of women in its National Policy Committee.. However, despite all these progress, Colombia does not have a National Action Plan 1325.

UN Security Council Resolution 1325 has been brought to the territories of the country thanks to efforts by women's organisations and women's social movement promoting within various Departments and Municipalities the inclusion of Local Action Plans in the Mayors' and Governors' Plans. However, to date no Municipal or Department has developed a Local Action Plan.

Action Plans, whether national or local, would allow to progress in the specific follow-up to indicators of commitments that as State are made for the implementation of the resolution and on which State policies in this area can monitored, in collaboration with government actors, civil society organisations, UN organisations and multilateral agencies and the private sector. Similarly, having Action Plans for this Resolution would allow to demonstrate the budget specifically allocated to women in strategic priorities. The adoption of these Plans would allow that, when initiating processes relating to security and peace-building, either in the view of the implementation of Agreement or in subsequent processes, the gender and women's rights approaches cannot be disregarded nor can be the differentiated and exacerbated impacts on them.

In addition, having a National Action Plan that radiates into other governance levels of the country would provide a tool to facilitate women's participation in all decision-making levels of this area and to guarantee specific gender and women's rights approach in the implementation of viable peace actions in conflict and post-conflict zones.

Women Human Rights Defenders

Finally, it is noteworthy that the implementation of the Peace Agreement with women as active participants requires security conditions for them to be able to develop the exercise of leadership and to defence of human rights. In Colombia, women defenders continue being under threat with a high increase in areas where there are coca growers and livestock breeders, areas where armed conflict has traditionally been present, and where through pamphlets, women defenders are associated with ideological components relating to communism and with high sexual contents towards them and their families.

women that would have permanent dialogue with the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CSIVI)

According to the Ombudsman's Office, between January 2016 and February 2018, 40 women were murdered. Of those, it has been reported that 23 women social leaders women and women human rights defenders were assassinated during the period 1 January 2017 to 27 February 2018 alone, two of them were transsexual women (Defensoría del Pueblo, 2018). In the view of this situation, the Colombian State recently presented, after six years of perseverance and pressure by civil society and women's organisations, a National Program for the Guarantee of Security of Human Rights Defenders, which it is hoped will receive a prompt regulation and allocation of effective resources for its implementation.

Questions

- **Has the Colombian State incorporated the Women, Peace and Security Agenda in its legislation and in the Constitutional Corpus?³⁸**
- **What are the mechanisms for the sustainability of the guarantees achieved in the area of the inclusion of women and of a gender approach in the peace-building processes, which also involve the implementation of the components of truth, justice and reparation?**
- **Why to date the Colombian State has not promoted the formulation of a National Action Plan 1325?**
- **How does the Colombian State envisage guaranteeing the life and integrity of human rights defenders in the post-agreement period?**

7. Normative framework

Law 1753/2015 (Congress of the Republic). It is issued from the National Development Plan 2014-2018 "All for a new Country".

Article 129, requests the National Planning Department and the Office of the Counsellor for Women's Equity to suggest to the Intersectoral Commission for the National Public Policy Implementation of Gender Equity the mechanism for the participation of organisations of women and of women victims in the evaluation and follow-up to the policies which this article makes reference to.

³⁸ It refers to the incorporation of these norms y principles without formally appearing in the constitutional text, which are used as parameters in the review of the constitutionality of laws since they have been normatively integrated into the Constitution

Decree 1581/2017 (Presidency of the Republic). Adds Part 3 *“Prevention of violations of the rights to life, integrity, freedom and security of persons, groups and communities”* to section 4 of Volume 2 of Decree 1066 of 2015.

Law 152/1994 (Congress of the Republic). Establishes the procedures and mechanisms for the elaboration, adoption, execution, monitoring, evaluation and control of the development plans.

Law 1257/2008 (Congress of the Republic). Establishes norms for awareness-raising, prevention and punishment of forms of violence and discrimination against women, through it the Penal Code, the Criminal Procedure Code and Law 294 of 1996 were reformed.

Law 1719/2014 (Congress of the Republic). Modifies a few articles of the Laws 599 of 2000 and 906 of 2004 and establishes measures to ensure access to justice for victims of sexual violence, particularly sexual violence in connection with the armed conflict.

Law 1761/2015 (Congress of the Republic). Establishes the criminal offence of femicide as autonomous crime.

National Development Plan (NDP) 2010-2014 “Prosperity for All”. Had the objective to consolidate security with the aim to achieve peace, move forward in social progress, achieve a regional economic boost that would allow a sustainable development and sustained growth, more formal employment and less poverty and, ultimately, more prosperity for the whole population.

National Development Plan (NDP) 2014-2019 “All for a new country” (Presidency of the Republic). Has the objective to build a peaceful, equitable and educated Colombia in line with the goals of the National Government, with best practises and international standards, and with the long-term planning vision envisaged the Sustainable Development Goals.

Draft Law 059/2014. Approves the ratification of the Arms Trade Treaty adopted by the General Assembly of the United Nations through the Resolution 67/234 B, 2 April 2013 and signed in New York on 24 September 2013.

Judgement C-047/2017 (Constitutional Court). Concludes that in the ratification of the Arms Trade Treaty there was a procedural irregularity cannot be remedied because the adoption of the Law in Senate plenary did not take place with the statutory quorum and the simple majority required by the Constitution.