

Security Council Resolution 1325:  
Civil Society Monitoring Report  
2011

# Colombia

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A project of the Global Network of Women Peacebuilders

# The Republic of Colombia

## Researchers and Authors:

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## List of Acronyms

AUC	United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia)
'BACRIM'	Abbreviation used by the government for emerging criminal gangs (Bandas Criminales) that use the same methods, targets and individuals as those of demobilized paramilitary groups such as the AUC
CIM	Women's Inter-American Conference (Conferencia Interamericana de Mujeres)
CNRR	National Commission for Reparation and Reconciliation (Comisión Nacional de Reparación)
CNOA	Afro Colombian Women's National Conference (Conferencia Nacional de Mujeres Afro Colombianas)
CIASE	Corporation of Social and Economical Action Research (Corporación de Investigación y Acción Social y Económica) Part of de la National Women's Network (RNM)
ELN	The National Liberation Army (Ejército de Liberación Nacional)
FARC	The Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia)
IMP	Women's Initiative for Peace (Iniciativa de Mujeres por la Paz)
LMD	Displaced Women's League (Liga de Mujeres Desplazadas),
LIMPAL	Women's Peace League for Peace and Liberty (Liga de Mujeres por la Paz y la libertad)
MOE	Mission for Electoral Observation (Misión de Observación Electoral)
NPC	National Peace Council (Consejo Nacional de Paz)
OEA	Organization of American States (Organización de Estados Americanos),
RNM	National Women's Network (Red Nacional de Mujeres)
UNISUR	Unity of integration of the south (Unidad de Integración del Sur)

## I. Women, Peace and Security profile

### A. Nature of the Conflict

The Colombian armed conflict arose because of political exclusion and economic and social inequalities. This conflict has been going on for over 40 years and in the last 20 years the armed actors have multiplied,<sup>1</sup> involving various armed groups that differ in size, means and war tactics. As a result, the conflict has degraded into violence, due to the fact that it has become harmful to the mind, it has permeated culture, ethics and morals of the Colombian society particularly women, children and youth. Human rights violations have increased and there is a lack of application of International Humanitarian Law.<sup>2</sup>

The different forms of human rights violations being committed include homicide; personal injury; forced displacement; forced disappearances; sexual violence against women; use of anti-personnel landmines; and kidnapping and forced recruitment of children and youth to become combatants, messengers, informants, helpers in drug processing and drug couriers.

<sup>1</sup> FARC-EP guerrillas and the National Liberation Army (ELN). New members of group post-demobilization of paramilitaries, common criminals and drug cartels known by the name of BACRIMR Astrojos, ERPA, Urabeños, etc.)

<sup>2</sup> Bejarano, Ana Maria. Lecture: Conflict and Peace in Colombia. Center for Latin American Studies and the Colombia Working Group at the University of California, Berkeley, March 2001

Almost all armed groups are linked to illegal drug trafficking networks and this is one additional variable that makes this phenomenon more complex.

Currently, the two guerilla groups FARC and the ELN<sup>3</sup> continue to argue that armed confrontation is the way to solve the Colombian political, economic and social problems even though they find themselves in a difficult position due to the lack of social support and increasing military defeats. However, paramilitary groups - the illegal groups that collaborate with State security forces and are protected by corrupt politicians and other elites - intimidate and assassinate political and community leaders who demand democracy, peace and social changes. These paramilitary groups particularly target those who defend the rights of those who lost their land and property in the conflict because of forced displacement and land expropriation. Another actor that has appeared in the last three years is the BACRIM (Bandas Criminales). This is a group that is involved in kidnapping, killings, land grabbing and other criminal activities. The BACRIM is composed of former members of the United Self-Defense Forces of Colombia - Autodefensas Unidas de Colombia (AUC) and in some cases former members of guerrilla groups. In the past few years, politicians, drug traffickers and paramilitaries have also formed alliances. They have assumed official positions in many municipalities, public entities, government agencies and Congress. During the second term of former President Alvaro Uribe (2006-2010), over 70 congressmen were investigated by the Supreme Court for alleged connections with paramilitary forces.

The different armed groups demand civilians to support them and when their demands are not met, they declare these civilians as their enemies. Often, civilians are forced out of their lands and properties; women are sexually violated; and all armed actors are responsible for forced recruitment of children and adolescents within the conflict to be used as messengers, informants, cocaine processing assistants and spies. The UN Secretary General's report 2009 stated that an estimated 8,000 children were participating in illegal armed groups. This number could rise to 11,000 if reports from non-governmental entities such as *la coalición contra la vinculacion de niños y niñas al conflicto armada* were taken into account.

In addition, a number of people are threatened and killed and in some cases massacres are committed. Reports during 2002 and 2006 elections showed that some candidates were elected by threatening the voters.

During the period 2009-2010 the following cases of violence were reported:<sup>4</sup>

- 15,817 homicides in 2009 and 15,459 in 2010;
- 42 homicide victims in 2009 were civil society leaders and 3 of them were women;
- 54 homicide victims in 2010 were civil society leaders and 9 of them were women.

The significant number of murders of women leaders shows the intolerance that armed groups have regarding women's participation in social organizations, as well as in the defense of victims' rights.

- in 2010 there were 39 massacres that claimed the lives of 183 individuals;
- in 2010 there were 1,150 mine explosions that harmed 167 people (16 of which were women); and
- 87,990 people displaced: 41,879 (48%) were men and 46,111 (52%) were women.

The data illustrates that displacement disproportionately affects women; and while there are more men who become victims of homicides, the number of women victims is also increasing.

<sup>3</sup> FARC and ELN were both founded in the 1960s, after a decade of political violence between the two main political parties (liberal and conservative). FARC was formed in 1965, bringing together communist militants and peasant groups. ELN was formed in 1964 by left-hand intellectuals, students and radical Catholics. Although ELN is more ideological than FARC, the two groups have similar programs: Both, fight for social justice. (Council of Foreign Relations FARC, ELN: Colombia's Left-Wing Guerrillas- Hanson, 2009)

<sup>4</sup> Annual Human Rights Report 2010: <http://www.derechoshumanos.gov.co/Observatorio/Paginas/Observatorio.aspx>

Other gender-based issues that affect women in a particular way is the precarious conditions of women workers and their big responsibilities toward their families. Women workers are also often subjected to domestic violence and discrimination.

## B. Impact of Conflict on Women

Women are the primary victims of the violent actions perpetrated by armed actors. They have suffered physical and psychological violence, sexual violence, forced recruitment as combatants and forced displacement. For displaced people, economic poverty and lack of decent work are a constant denominator. Although the State provides financial packages as part of humanitarian assistance this aid is a welfare approach that barely covers basic needs. 52%<sup>5</sup> of the recipients of financial aid packages distributed by the government are women because they make up majority of surviving victims of armed conflicts. This has led many women to join civil society organizations where many of them also become leaders who are at the forefront of actions to claim their rights.

Armed conflict has also limited the access to social and economic rights leading young people, children and women to take part in illicit and criminal activities such as drug trafficking and forced prostitution.

According to data issued by the National Institute of Forensic Medicine from January to December 2009, there were 114 cases of sexual violence against women related to the armed conflict. In cases where the offender was known, 48% (55 cases) were attributed to government security forces; 4.4 % (5 cases) to paramilitary groups; and 5.3 % (6 cases) to guerrillas. The perpetrators of the remaining 48 cases (42.1 %) are unknown. This is one of the particular dynamics of the Colombian armed conflict.<sup>6</sup> Meanwhile, according to the reports from La Mesa Interinstitucional de Justicia y Paz and the Attorney General's Office, there were 716 cases of sexual violence from 2006 to 2011. Of these, there were 42 admissions of sexual offenses.

These women's rights violations and the continuing threats against women leaders and their organizations profoundly affect women's civil society actions. In recent years, the intimidation of women's organizations has increased. The 2009 report of the Office of the UN High Commissioner for Human Rights in Colombia confirmed that there was "an increase in intimidation and death threats against human rights advocates, social leaders, community and other marginalized groups." Many women's organizations have closed because of this.

As part of the election campaigns of 2001, there were 20 incidents in which 8 women candidates were killed, another 8 were threatened to death and 4 attacked by armed groups in the departments of Arauca, Meta, Antioquia, Cesar, Norte de Santander, Tolima, and Sucre.<sup>7</sup>

In efforts to defend democracy within the internal armed conflict, civil society insists on finding ways through dialogue and negotiation as a means to achieve sustainable and lasting peace. The recognition of the internal armed conflict in Colombia by the government of Juan Manuel Santos and its expressed

<sup>5</sup> Acción Social (1996 - 2010). Report date: July 12, 2010.

<sup>6</sup> Data source SISMA - "Institute of Forensic Medicine: Expert on sexological reports for alleged sexual crimes on fact and circumstance." Page 170.)

<sup>7</sup> MOE Colombia Report March 2010

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commitment to human rights opened the possibility of a political settlement.

At national and regional levels, there are many initiatives for peace-building and development aimed at the reorganization of civil society and strengthening the fragile democracy in the country. This work also aims to defend and guarantee the Rights to Truth, Justice and Reparation, political participation, reconciliation and conflict management, as well as long-term productive projects that empower women and society.

### C. Relevant Policies

Colombia does not have a National Action Plan on SCR 1325. However, several organizations are working to influence the implementation of SCR 1325 and to give visibility to women's roles in the prevention of conflicts, promotion of justice for women victims, and incorporation of a gender perspective in programs at the national level. Laws and policies have been adopted to overcome armed conflict and address human rights violations.<sup>8</sup> The most important are:

- 1 The Justice and Peace Law (Law 975 of 2005) is a legal framework created for the demobilization of illegal armed groups. This law also recognizes the importance of ensuring the rights of victims, although little progress has been made since its implementation;
- 2 The Administrative Reparation Program, set up under Decree 1290 of 2008, is an individual redress program in which all victims of conflict have access. The program has been criticized because it focuses solely on monetary compensation. Moreover, many victims have not been able to seek justice because of the unreasonable requirements to prove that sexual violence has been committed.
- 3 The Law of Victims (Law of 1448 of 2011) includes measures that ensure victims' rights, particularly in the areas of reparation and land restitution including specific measures regarding women victims of gender-based violence;
- 4 The National Commission for Reparation and Reconciliation,<sup>9</sup> created within the framework of the Justice and Peace Law, has developed a process where victims throughout the region produce reports that describe the extent and impact of the Colombian conflict on civil society.

Furthermore, the Constitutional Court has played an important role in guaranteeing women's rights in the context of conflict. It is important to highlight decision T-025 of 2004 and the follow-up directives or orders (autos) that seek to transform the situation of the displaced population. Additionally, Order (auto) 092 of 2008 notes that forced displacement has had a disproportionate impact on women. Finally, Decision T-496 of 2008, orders the government to develop a protection strategy for victims of the conflict, taking into account gender-specific risks.

In all these developments, the women's movement in Colombia has played a key role. Although women's participation in decision-making bodies (legislative, judicial and administrative) is limited, women's voices have been heard in the processes of development and review of relevant regulations and policies on peace and security.

<sup>8</sup> Recently on August 2011, the High Counselor for Women expressed her commitment on incorporating SCR 1325 of UN on the Women's Public Policy in Colombia. However, the National Action Plan (PNA) has not yet been developed.

<sup>9</sup> See further information on The National Commission for Reparation and Reconciliation on <http://www.cnrr.org.co>

## II. Data Presentation and Analysis

### A. Participation

#### Indicator 1 - Index of women's participation in governance (% women in senior positions Cabinet/Council of Ministers, parliament, local governance)

The implementation and monitoring of Law 581 of 2000, known as the "quotas law," was set to guarantee at least 30% women's participation at all levels in the branches of government and other State institutions. Although women are well represented in senior levels of the national government like ministries, their participation is still very limited in popularly elected positions such as mayors or governors. In spite of the limited women's representation in Congress, an assembly of women has been set up by different political movements and parties to promote bills that promote and protect women's rights. Between 2009 -2010, women's political participation increased by 7%. In 2010-2014, there is an increase of 30% (see table 1) in the cabinet of ministers and in the parliament, but the historical performance remains very low with no substantial differences when compared with male participation. Women's leadership is recognized at the local level primarily in departmental assemblies and municipal councils, but men's participation remains higher.

Table 1: Women's representation in government ministries, Senate and House of Representatives

	2009-2010	2010-2011
Government ministries	23% (3 women out of 13 Ministers)	30.7 (4 women out of 13 Ministers)
	2006-2010	2010-2014
Senate	23 % (3 women out of 13 Senators)	16 % (4 women out of 13 Senators)
House of Representatives	0.6% (1 woman out of 166 Representatives)	12 % (20 women out of 165 Representatives)

Source: Registry of Civil Status. Processing Council for Gender Equality

It's important to point out the inclusion of women in the candidates' lists. However, this does not necessarily mean it represents women's interests. For example some women who make it to the candidates' lists represent "para-political" ("parapoliticos") family members (politicians involved with paramilitaries) and do not have any policies regarding women's interests in their plans and programs.

Threats and harassments from armed groups against women candidates and their families is also a major obstacle to women's political participation.

#### Indicator 2 - Percentage of women in peace negotiating teams

Table 2: Women's participation in peace negotiation government-guerrillas

Peace Negotiations	Year	Actors	Women
With FARC	1999-2002	guerrillas and government	0
With ELN	2006-2007	guerrillas and government	0
With AUC- The United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia)	2004	Paramilitaries and government	0

To respond to the gap in representation of women and other important actors, peace facilitation committees were created to ensure participation and substantive contributions to peace negotiations and other peace processes.

As part of the dialogues between the Government and FARC, a Thematic Committee was created to serve as a mechanism for consultation on the topics and methodology of the negotiation. The Thematic Committee consulted civil society, which was represented by the women's peace movement and women from the guerrilla groups. However, civil society did not provide any input to the negotiations.

The women's movement did not achieve consensus regarding women's participation in the peace negotiations. For some women's organizations, the participation of women was essential to influence the agenda and incorporate the interests and needs of women. However, other women's groups felt that the participants in the peace negotiations (both from the armed groups and government) were not the most relevant or appropriate ones and therefore they did not want to negotiate with those who did not represent their interests.

As a result, there were no women in the 2004 negotiation between the Government and the AUC.

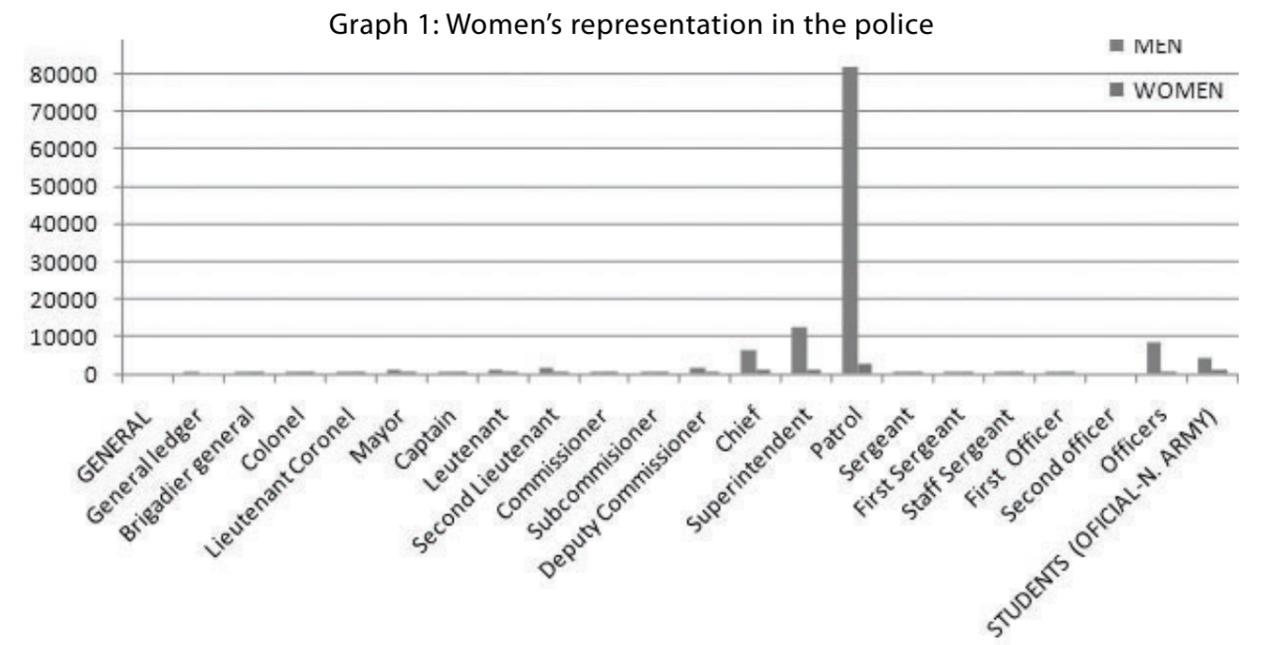
In the eighth round of exploratory conversations between the Government and ELN guerrillas that took place in Habana Cuba in 2007, civil society was involved through the NPC. The women's groups were asked to suggest names of delegates to the negotiation as well as to provide inputs to the methodologies of the negotiation.

To respond to the gap in representation of women and other important actors, peace facilitation committees were created to ensure participation and substantive contributions to peace negotiations and other peace processes. From 2000-2007, high profile women participated in this committee: Patricia Lara (social researcher and academic); Maria Mercedes Gomez (director of communications of the newspaper El Colombiano of Medellin); and female politicians like the presidential candidate Maria Emma Mejia, among others.

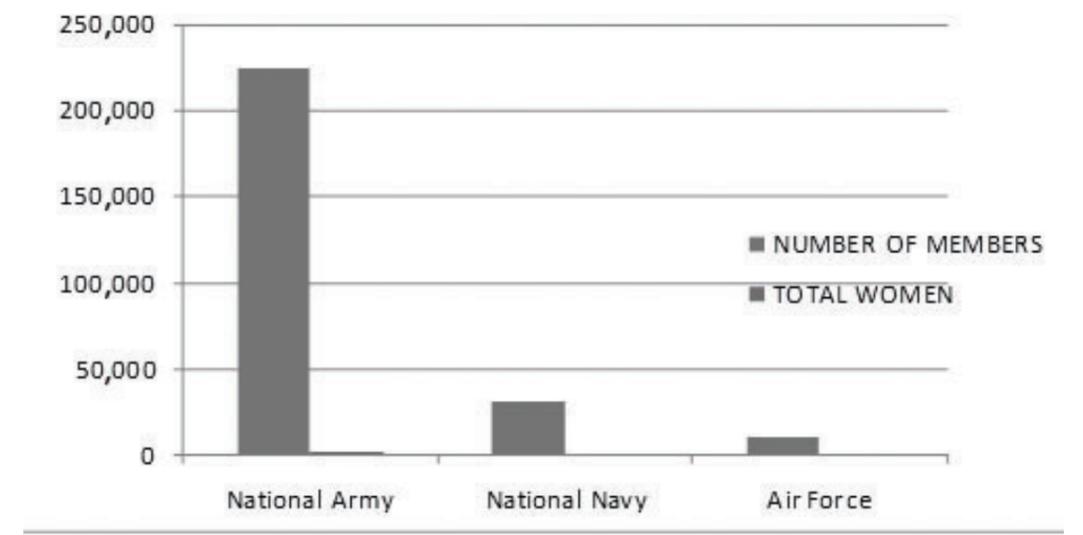
The National Peace Council created under the law 434 of 1998, between the years 1999-2002, involved 3 women and 63 men who were responsible for methodological issues and formulating recommendations for the peace process. Representatives of indigenous people, women, children, demobilized armed actors, farmers, peace organizations, businessmen, human rights advocates, government institutions that guarantee human rights participated in this process and provided policy suggestions.

During the years 2000-2010, multiple women peace initiatives arose. Women's organizations including national and regional networks mobilized for peace. Some of the important initiatives were: Women's Initiative for Peace - Iniciativa de Mujeres por la Paz (IMP), the National Women's Network - Red Nacional de Mujeres (RNM), La Ruta Pacifica de Mujeres who promoted actions for peace building, humanitarian agreements and justice for women survivors of armed conflict. Regional initiatives focused on topics such as mediation and resolution of local and regional conflicts particularly in places where State institutions are weak or absent such as in indigenous communities.

**Indicator 3 - Index of women's participation rate in the Justice and Security Sector (% of women in the military, police, and judiciary system at all levels)**



Graph 2: Women's representation in the national army, navy and air force



Source: Ministry of National Defense, 2010

2010 statistics indicate that women's participation in the armed forces is very low. The Army has a total of 224,373 members, out of which 1,379 or 0.61% are women; the Navy has 31,552 members of which 572 or 1.81% are women; and the Air Force has 10,273 members of which 642 or 6.25% are women. In all three branches of the armed forces, most of the women are in the lower levels of the hierarchy. There are no women in top positions.<sup>10</sup>

Since 2010, administrative officers in the Armed Forces have been given the opportunity to rise up to the rank of General, but so far no woman has been selected. Given this opportunity, there is a possibility that 57 women from the batch who will study intelligence, communications and logistics and who will graduate in December 2012 could rise to the rank of General 27 years later.

Women's participation in the National Police generally has a similar trend. However, some possibility of women reaching higher levels of power in this institution is more evident. One female officer has reached the ranks of General and Brigadier General.

In the military and police forces, women's participation is very low and it is even lower in senior positions. In the judiciary, even though women's representation has increased, women remain in lower level positions.

At other levels of the judiciary branch, there were 22,321 women judicial workers: 10,979 (49%) are women and 11,342 (51%) are men. These numbers include judges and employees.<sup>11</sup> The proportion of men and women is more or less equal, but as hierarchy ascends, women's representation decreases.

**Indicator 4 - Percentage of women in peacekeeping missions, disaggregated at all levels**

According to the United Nations, on December 2008, Colombia sent seven men officers to support the Stabilization Mission in Haiti (MINUSTAH). In this period, Colombia ranked 103rd out of the 120 troop/police contributing countries.

As of December 2010, Colombia supported MINUSTAH with 33 police officers (2 of these are women), which brings its ranking among troop/police contributing countries to 84. During the same period, no records were found on military women participating. By July 2011, Colombia sent 20 police officers, 2 of them women. There was no data or information found on the roles women held in these missions carried out in 2008-2011.

Even though the Security Council recognizes the important role that women have in the implementation of Resolution 1325, in prevention, conflict resolution and in peace building, comparing the number of troops and police sent by Colombia, women constitute less than 1% of the Colombian troop contributions. This probably has to do with the fact that women's presence in the military and police force is a phenomenon that has happened only in recent years. It wasn't until 1976 that female officers entered the ground force and in 1982-1984 in the navy and air force. It is important to mention the impact women can have in peace building and it becomes interesting to do further research on the changes women have brought with their presence in these sectors. It is also important to note that based on the data from the periods mentioned, women's presence in the Colombia military and in the UN peacekeeping missions are emerging.

**Indicator 5 - Number and percentage of women in each type of constitutional or legislative review**

The organ that carries out the review of the constitutionality of laws is the Constitutional Court, which has only 1 female judge - which represents 11%. In the State Council that performs the review of the legality of decrees and other regulations of lower rank, 25% of the judges are women.

Even though there is only one woman in the Constitutional Court, this institution has been significant in the defense of women's rights and has increased the visibility of discrimination and violence against women.

In recent years, Congress has made progress in putting forth laws that impact on women. The "Women's Bench" has been fundamental. It was established in 2006 as an "accidental bicameral commission" on the rights of women. In this commission all women that make up Congress seek to promote bills in favor of women. There are three issues on the agenda of the

Women's Bench: violence against women; women's participation in political parties; and the consolidation of the Commission. One of the Bench's most important achievements was the passing of the law 1257(of 2008) on violence against women (Humana's Corporation, 2008). This has been important for promoting the inclusion of provisions of women's rights in the bills such as the recently passed law of victims (Law 1448 de 2008).

**Indicator 6 - Percentage of Civil Society Organizations in Task Forces on SCR 1325 and 1820 (out of total TF members)**

In Colombia there have been peacebuilding initiatives that respect and guarantee the rights of women in the context of armed conflict, and that are associated with SCR 1325. National networks and community based organizations (about 17 NGOs in total assume their processes as part of SCR1325. Of these, three NGOs are national, three regional networks and eleven women civil society based NGOs.) However, there are a number of NGOs that do not adopt the framework of SCR 1325 nor perform actions under it.

The promotion of peace, negotiation and participation of women are issues on which all organizations agree, and also a large part of the organizations support women victims of armed conflict, especially their protection and the pursuit of justice.

It is however, a challenge for women's organizations and networks to advocate and promote the development and implementation of a national action plan. It is important to lobby the national Government to honor its obligation and coordinate State institutions responsible for the implementation of a national action plan on SCR 1325.

**B. Prevention and Protection**

**Indicator 7 - Number of SGBV cases reported and percentage investigated, referred, prosecuted and penalized (out of total reported)**

In September 2010, data from the Attorney General's Office revealed that progress in the prosecution of sexual and gender-based violence was very limited. The few developments are concentrated on those cases that are part of the Annex Act reserved 092 of 2008, by which the Constitutional Court urged the Attorney General's Office to promote investigation and give it the highest priority.

Table 3: Number of SGBV cases reported and investigated under the order 092/2008 of the Constitutional Court

STAGE OF PROCESS	Cases of the constitutional order 092 2008	Reported cases out of the Order 092	Total cases
Preliminary investigation	140	65	205
Under Investigation	16	1	17
Trial	17	2	19
Sentence	4	0	4
Dropped cases	14	0	14
Total	201	68	269

Source: Attorney General's Office, right of petition in September 2010

The 2005 Justice and Peace Law (Ley de Justicia y Paz, 975/2005) mandated implementation of a reintegration process for former combatants and offered a framework for ensuring justice and reconciliation. Victims were promised reparations, while former combatants were offered incentives to abandon violence. The government established the National Commission for Reparation and Reconciliation - Comisión Nacional de Reparación (CNRR), a transitional justice mechanism effectively structured for involving women and addressing their priorities and needs. The government gave it eight years to complete work. The CNRR's overall mission is to help ensure that all victims of the armed conflict have access to truth, justice, and full reparations as well as guarantees against future harm so as to promote peaceful coexistence and reconciliation. In carrying out its mandate, the CNRR seeks to ensure the success of national and local reintegration efforts in demobilizing guerillas and paramilitaries as well as transitional justice efforts in promoting victims' rights, reparations, and reconciliation. The 13 commissioners represent key State agencies, government institutions, civil society, and victims.

The Institute for Inclusive Security worked intensively with commissioners, commission staff, government representatives, and various civil society organizations to facilitate and aid the CNRR in addressing gender in its operations. Mainstreaming gender involved advocacy for particular women to serve as commissioners, support for the creation of a gender unit within the commission, close collaboration with women's civil society organizations, capacity building for prosecutors and magistrates, and technical assistance to commissioners and staff.<sup>12</sup>

From 2006 to March 2011, under the Justice and Peace law process there were 716 victims of sexual crimes reported. According to the Attorney General's Office, on April 2011, 66 cases were investigated, 11 were judged and no cases were sentenced.<sup>13</sup>

In Colombia there is a huge under-reporting of crimes related to sexual violence. This is due to many causes that include the lack of guarantees that the complaint will be duly processed; lack of trust in State institutions; the security problems faced by victims seeking justice; and the discriminatory treatment against women victims. There are many other obstacles that women victims of sexual crimes face, such as the absence of an efficient registration system; excessive emphasis on the testimony and physical evidence; absence of differential gender-based approaches in investigation; and lack of protection programs and proper physical, mental and social-psychological assistance with a health and gender approach.<sup>14</sup>

Despite the orders issued by the Constitutional Court under the Order 092 of 2008, there has not been a policy designed to adequately prevent sexual violence, protect victims or punish perpetrators.

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12 The Institute for Inclusive Security Hunt Alternatives Fund, Initiative for Inclusive Security Colombia March 2011)  
 13 Attorney General's Office, Right of Petition Response, April 2011  
 14 Bureau of Justice and Peace Agency, March 2011

**Indicator 8 - Number and quality of gender-responsive laws and policies**

Table 4: Gender-responsive laws and policies

Laws / Policies	Law	Description
Equality and Violence	Law 51 of 1981	Adopts the CEDAW (Convention on the Elimination of All Forms of Discrimination against Women).
	Law 35 of 1986	Adopts the UN Convention on women's political rights
	Law 248 of 1995	Adopts the Convention Belém do Pará (Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women)
	Act 581 of 2000 (30% quota for women's participation)	Fees for women's participation in the public sector (in administrative responsibilities)
	Law Act 1257 of 2008	GBV prevention and punishment
	Law 823 of 2003	Promotes equality of opportunities for women.
	Law 1009 of 2006	Creates a permanent Observatory of Gender Issues
Armed conflict / Transitional Justice	Order 092 of 2008	On Forced displaced population, focusing on women's rights
	Law 599 of 2000	Criminal code: it includes penalties relating sexual violence and crimes against IHL
	Law 742/2002	Adopts the Rome Statute of the International Criminal Court.
	Law 975 of 2005	Justice and peace law. Adopts transitional justice mechanisms
	Victim Act of 2011	Creates the legal framework relating reparation and land restitution for victims of the Colombian armed conflict
Other Laws	Law 82 of 1993	Provides special support for female heads of households
	Act 731 of 2002	Protects Rural Women
	Political Reform Law-Statutory of 2011	Creates a 30% quota in the electoral lists
	CONPES 91 of 2005	Targets and strategies for achieving the Millennium Development Goals-UN 2015
	Law 509 of 1999	Social security for community mothers (women who take care of children and are paid by local government)

Source: Congress of the Republic and Ministry for Women's Equality

**Quality of laws:**

There are no defined parameters for measuring the quality of these laws. The working group responsible for this section of the report selected them based on their intersection with SCR 1325.

Colombia has developed comprehensive legislation in favor of women's rights. These groups of laws and regulations have made an important advancement on gender issues as part of the international Latin American Convention System of Women and Human Rights. The law 1257 of 2008 on violence against women, the Law of Parties and the quota law of 581 of 2000 guarantee women's participation, power and decision making; and oblige political parties to ensure that at least 30 percent women make up their candidates' list.

There is another group of laws and regulations related to victims of armed conflict. The Auto 092 of 2008 of the Colombian Constitutional Court requires government programs for protection and care for women victims of conflict. The Act 2011, (Law of Victims and Land) guarantees that the State and society work together in order to repair and return the lands taken away from victims. This represents an important development for women survivors of the armed conflict. Other laws contain chapters that have reference to international humanitarian law, which define sexual violence as a crime of war and against humanity. Law 742 is in line with the Rome Statute of the International Criminal Court.

The third group of laws encompasses laws that contribute to equality and counter gender discrimination. However, many of these laws have not been properly implemented due to lack of political awareness, among other things. It is important to develop an ongoing advocacy to implement public policies. It is also crucial to use a comprehensive gender and diversity approach that reflects the needs and situations of conflict survivors and enforce the orders of the Constitutional Court. 51,073; 42,213; 5,142; 333,970; 56,215

**Indicator 9 - Number and nature of provisions/recommendations in the TRC and other transitional justice reports on women's rights**

Table 5: Percentage of men and women in reparation processes

Reparation Management	MEN		WOMEN		Total	
	Requested	Delivered	Requested	Delivered	Requested	Delivered
For all crimes	291,650	51,073	42,213	5,142	333,970	56,215
For crimes against sexual freedom	239	3	593	27	832	30

Colombia does not have a Truth Commission. However, there are other transitional justice mechanisms aimed to guarantee the rights of victims. However, none of them focus specifically on women's rights. Some mechanisms deal with some forms of violence that specifically affect women (please see response to indicator 7). The Government established an individual administrative reparation program under the Decree 1290 of 2008 wherein half of the compensations were awarded to people who managed to prove their status as victims.

The violations referred to in the Decree are: forced disappearance, kidnapping, injury and psychological violence (whether they resulted in permanent disability or not), torture, crimes against sexual freedom and integrity, illegal recruitment of children and forced displacement. This program has received criticism from civil society and particularly from women for the following reasons: 1) The very low amounts of compensation; and 2) The stringent requirements, which leave out many victims that seek justice, especially women who are affected by sexual violence.

**Indicator 10 - Extent to which gender and peace education are integrated in the curriculum of formal and informal education**

The Ten-Year Education Plan (2006-2015) includes a chapter on peace education, coexistence and citizenship. It also includes the importance of educating on values, conflict resolution and anti-corruption. The Plan mentions the importance of mainstreaming gender in educational strategies. The Ministry of Education is implementing three cross-cutting programs called "Eduderechos." These programs provide a differentiated approach to gender and sexual health based on the criteria of equality, which signals an important advancement in the inclusion of diversity in formal education. It is important to implement a program that specializes in peace and human rights education with a differentiated approach that addresses and promotes a culture of peace, knowledge development, equity, inclusion and respect for diversity and human rights.

**Indicator 11 - Percentage of women (versus men) who receive economic packages in conflict resolution and reconstruction processes**

Table 6: Percentage of women (versus men) who receive humanitarian aid

% Men who received humanitarian aid	% Women who received humanitarian aid
48%	52%

Source: (Acción Social 2010)

Women make up a slight majority of the beneficiaries of economic packages due to the fact that most of the surviving victims are female heads of households. It is important to mention that most of these women are receiving benefits because homicides and forced disappearances have been directed mostly against men, leaving women alone and widowed. It is important to note that humanitarian aid packages do not address the specific needs and interests of women. The packages are distributed as welfare assistance leaving out important social processes like education, training, psychological assistance, etc. that empower people, especially indigenous and peasant women who are victims of violence and poverty. Indigenous leaders have pointed out that the policies behind humanitarian aid sometimes reinforce women's reproductive role and add to their many responsibilities to their families and communities. They do not contribute to women's economic and social empowerment and processes of autonomy. These policies make them dependent on the State and other institutions. It is crucial to provide psychosocial care for female victims of conflict. However despite an order from the Constitutional Court (Order 092 of 2008), such service has not been provided.

**C. Promotion of a gender perspective**

**Indicator 12 - Detailed breakdown of gender issues addressed in peace agreements**

No gender issues were incorporated in peace dialogues or in any peace agreements during the years 2000-2007.

Civil society had an active role in the construction of the thematic, methodological proposals and advocacy as a third party in these dialogues. As a result of civil society advocacy, a women's hearing on the economy in the context of the peace negotiations with FARC was held in 2000. Women's participation was not decisive, but contributed in the facilitation of the process. In the eighth round of negotiation with the National Liberation Army - Ejército de Liberación Nacional (ELN), 4 women participated, 2 of them from the women's movement. The women raised the importance of the application of SCR 1325 and the inclusion of women in peace negotiations.

**Indicator 13 - Number and percentage of pre and post-deployment programmes for military and police incorporating SCR 1325, SCR 1820, international human rights instruments and international humanitarian law**

Table 7: Programmes for military and police incorporating SCR 1325, SCR 1820, international human rights instruments and international humanitarian law

Program	Objectives	Beneficiaries
Training	Implement measures for training and internalizing human right-mainstreaming and promoting International Humanitarian Law and International Human Rights Instruments	Police and military forces
Strategic Plan for the educational system	Implement gender equality	Police and Military Forces
Single Teaching Model MUP (Modelo Único Pedagógico)(A single teaching model is a teaching program with a Human Rights and International Humanitarian law perspective, implemented by the military forces.)	Prevention of sexual violence against women, children and adolescents in the context of armed conflict	Police and Military Forces
Attention to victims	Strengthen links between police and military forces and civilians	Afro-Colombians indigenous, women and children

Source: Right to petition in August 2011

In November 2010, the Ministry of Defense approved a policy on sexual and reproductive rights with emphasis on HIV/AIDS prevention. The objective of this program is to promote and guarantee the sexual rights of members of the security forces as well as promote gender equality. These actions also promote compliance with public policy and women's participation in decision-making regarding sexual rights in all units of the defense sector. The Ministry of Defense also approved and implemented Decree 11, 2010, which highlights prevention of sexual violence; protection of women and girls from gender-based violence; the need to inform competent authorities of all incidents regarding sexual acts; and to investigate and prosecute all cases of harassment, abuse, rape and any act of physical or psychological violence against women.

It is very important to fully implement this program and request compliance reports and monitor the behavior of the military sector in territories where armed conflict takes place.

**Indicator 14 - Allocated and disbursed funding to CSOs (including women's groups) marked for women, peace and security projects and programs**

There was no access to recent information and reports on this indicator. Information was requested from the institutions that monitor gender issues in Colombia and also from international organizations. However, accurate analysis requires more time to organize recent

data as well as more gender focused research.

**Indicator 15 - Allocated and disbursed funding to governments marked for women, peace and security projects and programs**

The percentage of aid disbursed by the donor community for programs aimed to promote gender equality and women's empowerment range from 1% to 11%<sup>15</sup> of the total ODA, and it hardly contributes to promote gender capacities in government institutions or in women's organizations. The humanitarian aid in 2007 amounted to almost 11% of total ODA.

**Indicator 16 - Percentage of women's representation as peace-builders and decision-makers in media content**

The researchers decided not to work with this indicator because there was no access to complete information and more time for systematic research would have been required.

### III. Conclusions and Recommendations

Women's participation in decision-making scenarios in Colombia is weak, especially in high courts and in the security sector. The same could be said in peace-building processes, indicating that we are far from political parity. Women's participation is essential. However, there has been criticism from a feminist perspective regarding women's participation in the security sector. This is because there is no agreement on what security means and some argue that the security forces are focused on the protection of the State and not the people. Feminists also say that the military should always protect life. Despite all this it is important to point out that affirmative action for reaching gender equality has been raising awareness on discrimination.

Sexual violence against women in armed conflict is one of the most invisible types of violence against women. It is underreported because of fear, distrust in justice, and cultural barriers. The women's movement has been important because it has positioned itself and carried out important debates for the formulation of laws and mainstreaming gender in institutions.

Womens' achievements in the legislative and regulatory system are an opportunity to strengthen legal and political redress for survivors of the conflict and particularly victims of sexual violence. Gender justice has advanced on ending impunity against women victims of sexual violence. However, it has been a difficult process due to the lack of political awareness among the public. It is a challenge for institutions, social organizations and international community to raise awareness on the importance of the implementation of SCR 1325, specially in communities where there is a weak presence of government institutions like in indigenous and peasant communities who are the ones more affected by armed conflict.

Strengthening the role and capacity of women and respect for their rights are priority areas for the Government of Colombia. Colombia is a member of the Security Council. It is important for the Colombian government to reaffirm its commitment on implementing policies, plans and programmes that broaden and strengthen the role of women in peacebuilding.

#### Recommendations:

##### *To the Colombian Government:*

Implementing SCR 1325 is fundamental in public peace and security policies:

- It is necessary to design an action plan for its implementation.
- Strengthen the justice institutions at all levels.
- Facilitate training and education on gender and provide technical and financial resources to ensure gender justice.
- Formalize a security plan to protect human rights advocates, including women in leadership roles.
- Ensure a secure environment for women victims, organizations and institutions.
- Strengthen capacities of women's organizations to increase women's political participation.

##### *To the United Nations Security Council:*

- Report on the ongoing situation of women victims of conflict.
- Demand the Colombian government to honor its obligation under SCR 1325 and its supporting resolutions by formulating an action plan for its implementation.

##### *To NGOs and women's networks:*

- Strengthen partnerships with the government in order to implement SCR 1325 and its supporting resolutions.
- Lobby the Gender Congress Commission regarding SCR 1325 and other laws and policies related to the issue of women and peace and security.

##### *To GNWP and other international networks:*

- Coordinate advocacy: with OEA, and UNISUR as well as the CIM. Follow the development in Colombia regarding the National Action Plan on SCR 1325 and its follow-ups and monitoring.
- Develop approaches and coordination mechanisms in relation to the process regarding SCR 1325 in the Latin American context with Peru, Guatemala, Salvador, Brazil, Argentina and Venezuela.

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