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Submission from the Women's International League for Peace and Freedom, national section of Colombia, to the Office of the High Commissioner for Human Rights of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights

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The Liga Internacional de Mujeres para la Paz y la Libertad (LIMPAL Colombia), welcomes the Human Right's Council growing attention on the impact of civilian acquisition of firearms on human rights. LIMPAL is the Colombian national section of the International's League of Women for Peace and Freedom (WILPF), which is the oldest feminist, pacifist organization in the world of its kind. As a pacifist and anti-militarist organization, LIMPAL has long advocated for a complete disarmament of Colombian society in order to guarantee a long and lasting peace in the country, after a war that lasted more than six decades.

- 1. What impact does the civilian acquisition, possession and use of firearms have on human rights (civil, political, social, economic and cultural)? Please identify the ways that both civilian (including private security companies) acquisition, possession and use of firearms impact on each of the categories of human rights, while also identifying those rights that are particularly affected.**
- 2. Are there groups of right-holders particularly affected? Please provide information on the gendered impact on human rights of the civilian acquisition, possession and use of firearms.**

Currently in Colombia we can identify three main impacts that the civilian acquisition of firearms has on human rights. It is important to mention that the following cases are taking place after the signature of the Final Agreement between the Colombian government and the Revolutionary Armed Forces of Colombia- People's Army (FARC-EP), in which the two parties agreed on the disarmament of the guerrilla group, and the official end of the conflict and consequent violence.

The first impact we would like to highlight consists in the relationship between femicides and increase of possession of firearms among the population. According to the data, from 2009 to 2014, 8020 women have lost their life in Colombia under different circumstances. On average, four women were killed in Colombia per day.¹ More recent data comes from 'Red Feminista Antimilitarista' (Anti-militarist and feminist network) which publishes monthly reports on the cases of feminicides in Colombia. The latest report is from October 2018, which states that 62 cases of femicide have been registered throughout the Colombian territory, 19 attempts to femicide, 19 cases of physically mistreated women from their (ex) partner, and 7 cases of mistreated women by unknown perpetrators. ² In the 62 cases of registered femicides 29 women (49 per cent of all cases) were

¹ "Forensis Datos Para la Vida," Instituto Nacional de Medicina Legal y Ciencias Forenses, 2017, page 52.

² "Vivas Nos Queremos Octubre de 2018," Red Feminista Antimilitarista, Boletín Nacional , 2018, page 6

murdered by using a firearm, which constitutes therefore the main method of femicide.³ Also, according to the National Institute of Legal Medicine, in 2016 (in the period January-October), 54 per cent of murders were committed with firearms.⁴ Those numbers are alarming, especially considering that these are only the officially reported cases and that because of social stigmatization, many women do not report cases of abuses. This leads to an extremely dangerous situation for women in Colombia.

The second case we would like to present is the increasing killing of community leaders and human rights defenders. These past years have been particularly dangerous for this group of right-holders. While it is arduous to state an official number on the killings of social leaders, different institutions tried to investigate on the case. According to Centre for Investigation and Popular Education (CINEP in Spanish), the number of killings has increased in these past years. While in 2016, 99 social leaders have been either killed or disappeared, in 2017 the number increased to 144, and in 2018 (in the period January – July), the numbers of victims amounted to 100.⁵ According to the Washington Office on Latin America (WOLA), in 2018 there have been at least 123 killings. In 2019, there are so far 13 registered killings.⁶

Other important facts/data on this situation are the following:

- While women are not the main victims, 38 killings out of registered 343 killings from 2016 to 2018, their deaths are particularly worrisome; some of their corpses showed signs of torture, sexual violence and malformation;⁷
- 82.5 per cent of the total cases of deaths have been committed with firearms, followed by 4.6 per cent with edged and bladed weapons and 1,6 per cent with blunt weapons;⁸
- In some of the municipalities in which the killings took place, the murder of social leaders and human rights' defenders constituted the 25 per cent of the total homicide rate for that municipality, and in others 100 per cent.⁹

While, 84,35 per cent of the Colombian territory is affected by this type of violence, some of the most affected departments of Colombia, are the following: Chocó, Norte de Santander, Guaviare, Cauca, Nariño.¹⁰ Similarly, the WOLA institute mentions as affected departments the following: Norte de

³ Ibid., page 13.

⁴ "Implementing the Women, Peace and Security Agenda for Sustainable Peace in Colombia," LIMPAL Colombia, Shadow Report to CEDAW, 2019, page 2.

⁵ "¿CUÁLES SON LOS PATRONES? Asesinatos de Líderes Sociales en el Post Acuerdo," CINEP, IEPR etc., 2018, page 15.

⁶ Sánchez-Garzoli, Gimena, "At Least 13 Human Rights, Social Leaders Killed in Colombia So Far in 2019," February 07, 2019. <https://www.wola.org/2019/02/human-rights-social-leaders-killed-colombia-january-2019/> (accessed February 18, 2019).

⁷ "¿CUÁLES SON LOS PATRONES? Asesinatos de Líderes Sociales en el Post Acuerdo," CINEP, IEPR etc., 2018, page 15.

⁸ Ibid. pages 15-16.

⁹ Total murders registered by the Institute of Legal Medicine. Ibid. page 17.

¹⁰ Ibid., page 20.

Santander, defined as the most dangerous one for human rights defenders, Cauca, Putumayo, La Guajira.¹¹

This is a clear violation of their civil and political rights, since social leaders cannot fully carry out their work and live in constant fear. Many of those killed had received previous threats. The rural areas are particularly affected by this type of violence. According to CINEP, the majority of killings took place in community councils (*Juntas de Accion Comunal*).¹² These councils are extremely important in those rural areas where the government's presence is weak. Highly affected are also ethnic leaders, 12,06 per cent of the 343 killings are indigenous leaders, mainly from the Cauca region.¹³ WOLA also highlights how ethnic communities are among the most vulnerable targets, with afro-Colombians, indigenous rights activists and rural farmers being among the highest numbers of victims.¹⁴ This constitutes a problem in terms of their right to assembly, protest and speech. These killings not only constitute a limitation for these communities to raise their voice and advance their proposals with the national government, but represents an obstacle for a sustainable, lasting peace in Colombia. When looking at the areas where most of the killings took place, certain common characteristics emerge: presence of illegal crops (and presence of narco-traffickers), presence of paramilitary groups, presence of extraction activities. among others.¹⁵

There are indications about the identity of the perpetrator. However, this is difficult to confirm. In the majority of cases the perpetrator remains unknown, followed by paramilitary groups, unidentified armed groups, FARC members who did not take part in the peace process, National Army etc....¹⁶ Once again, it is crucial to highlight the fact that paramilitaries should have, by the time of the attacks, been disarmed already.

Finally, the third case we would like to highlight concerning the impact of civilian acquisition of firearms on human rights is the case of stray bullet. Recently in Colombia the number of unintended targets from stray bullets is still very high. In 2017, 114 victims have been registered, with 55 cases being lethal.¹⁷ Furthermore, 46 per cent of victims were women, of which 56 per cent were

¹¹ Sánchez-Garzoli, Gimena, "At Least 13 Human Rights, Social Leaders Killed in Colombia So Far in 2019," February 07, 2019. <https://www.wola.org/2019/02/human-rights-social-leaders-killed-colombia-january-2019/> (accessed February 18, 2019)

¹² Juntas de Accion Comunal (JAC) are groups of people from a certain municipality who reunites voluntarily; they are non-profit and non-governmental groups. Together, they seek to find solutions for the needs of their communities.

¹³ "¿CUÁLES SON LOS PATRONES? Asesinatos de Líderes Sociales en el Post Acuerdo," CINEP, IEPR etc., 2018, page 21.

¹⁴ Sánchez-Garzoli, Gimena, "At Least 13 Human Rights, Social Leaders Killed in Colombia So Far in 2019," February 07, 2019. <https://www.wola.org/2019/02/human-rights-social-leaders-killed-colombia-january-2019/> (accessed February 18, 2019)

¹⁵ "¿CUÁLES SON LOS PATRONES? Asesinatos de Líderes Sociales en el Post Acuerdo," CINEP, IEPR etc., 2018, page 60.

¹⁶ Ibid., page 31.

¹⁷ CERAC Conflict Analysis Resource Centre, *Víctimas balas perdidas*, n.d, <http://www.cerac.org.co/es/!%C3%ADneas-de-investigaci%C3%B3n/violencia-armada/victimas/> (accessed February 18, 2019).

underage.¹⁸ Taking into account the fact that the majority of victims has been underage, this is clear violation of economic, social, cultural rights, as victims have been taken away their right to life, education, and work. The problem of stray bullet still persists Colombia. In February, the case of two victims have made it into the news: a fifteen years old girl in the region of Santander, and a young man became also victim in Medellin.¹⁹

While there is not an official number regarding the number of weapons purchased in Colombia, and despite the presence of official measures aimed at regulating the market, it can be stated that there is not enough control on the release of weapons. The three aforementioned cases clearly show that there is a correlation between the circulation of (illegal) firearms and the killings of civilians.

3. How can National regulation of the civilian (including private security companies) acquisition, possession and use of firearms enhance the protection of human rights and prevent violation of human rights? Please provide examples of regulations addressing each of the three modalities that has been effective in protecting human rights and preventing human rights violations. Please also provide examples of regulation that has not been effective.

The Colombian Constitution of 1991 clearly states that it is the national government that runs the monopoly on the issue of weapons and that it is the State that has the authority to decide who is allowed to purchase weapons.²⁰ In December 2018, the newly appointed president, Iván Duque Márquez, extended the pre-existing decree prohibiting the free use of weapons. The decree states that the government has the authority to place a general prohibition on gun ownership, and that it runs a monopoly on the issue of gun licences. However, the decree includes a provision that gives permission to the Ministry of Defence to deliver special authorizations for the carrying of weapons. The guidelines on this special authorization have not been made public yet. However, this could lead to an increase in militarization of the population.²¹ Considering that Colombia has recently entered into a post-conflict stage, it is controversial and unproductive that the National Government may facilitate the purchase of weapons in the country.

It is important to mention that in relation to the situation of social leaders and human rights defenders, there is the need for a committed Government in order to enhance the protection of their human rights. Currently this is an aspect that seems to be lacking in Colombia, considering that the previous

¹⁸ Ibid.

¹⁹ El Tiempo, *Bala perdida causó la muerte de menor de 15 años en Santander*, February 08, 2019. <https://www.eltiempo.com/colombia/otras-ciudades/bala-perdida-causo-la-muerte-de-menor-de-15-anos-en-floridablanca-santander-324452> (accessed February 18, 2019).

El Tiempo, *Crónica de la trágica muerte de Legarda por bala perdida en Medellín*, February 08, 2019. <https://www.eltiempo.com/colombia/medellin/asi-fue-la-muerte-del-cantante-y-youtuber-legarda-324292> (accessed February 18, 2019).

²⁰ "Mujeres por el Desarme: Una Mirada al Desarme desde la Resolucion 1325," LIMPAL Colombia, 2017, page 27.

²¹ "Implementing the Women, Peace and Security Agenda for Sustainable Peace in Colombia," LIMPAL Colombia, Shadow Report to CEDAW, 2019, page 3.

president Álvaro Uribe Vélez publicly stated that human rights defenders belonged to and helped terrorist organizations in the country.²²

At the international level, Colombia has signed and ratified different international treaties. However, most of them are not yet ratified or not properly implemented.

Particularly important to mention are the Arms Trade Treaty (ATT) and the UN Firearms Protocol. Both treaties were signed but not ratified. The ATT is particularly relevant as it recognizes for the first time the negative impact that the circulation of weapons has on gender-based violence, and obliges states parties to stop the selling and transfer of weapons that might lead to serious cases of human rights violations.²³

In a previous report, LIMPAL Colombia made a list of recommendation that the Colombian government should follow in order to protect its citizens and prevent violence, especially against women and human rights defenders. Here are the main points:

- Review, update and strengthen arms control regulations and permits in order to ensure that arms are not used to commit or facilitate human rights violations, including femicides and other acts of gender-based violence, and to address the increase in armed violence against women;
- Ratify without delay the Arms Trade Treaty (ATT) and incorporate its provisions into national legislation, including the requirement to assess, prior to authorization of the export of arms under Colombia's jurisdiction, the risk of conventional arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women;
- Ratify and implement the UN Firearms Protocol and the UN Protocol V on Explosive Remnants of War;
- Decrease military spending and increase investments in peace, justice and gender equality;
- Strengthen the control over the legal and illegal firearms trade, including the procedures of control and restriction on the carrying, owning, and trafficking of small arms and light weapons, covered in the Decree 1581 of 2017 and ensure greater control in the implementation of Decree 2362 of 2018 to prevent the delivery of permits to individuals who have or have had complaints or trials for violence against women, femicide or attempted femicide;
- Develop a robust registry that allows to identify and relate femicides and other killings of women to other multiple acts of violence against women taking place in the country;²⁴

²² "¿CUÁLES SON LOS PATRONES? Asesinatos de Líderes Sociales en el Post Acuerdo," CINEP, IEPR etc., 2018, page 155.

²³ "Mujeres por el Desarme: Una Mirada al Desarme desde la Resolución 1325," LIMPAL Colombia, 2017, page 29.

²⁴ There is currently not an official classification of 'femicide', many of the murders of women are classified as 'homicides'. See "Implementing the Women, Peace and Security Agenda for Sustainable Peace in Colombia," LIMPAL Colombia, Shadow Report to CEDAW, 2019, page 1.

- Develop proactive strategies to address root causes of violence and to promote social transformation that address exclusions, violent masculinities and create conditions for achieving disarmament and gender equality.²⁵
- 4. How can legislative, administrative, policy, educational and other non-regulatory measures enhance the protection of human rights and prevent violations of human rights? Please provide examples of such measures taken by States and other relevant actors that address the three modalities and have been effective in protecting human rights and preventing human right violation. Please also provide examples of non-regulatory measures that have not been effective.**

A strategy developed in order to prevent the killing of social leaders and human rights defenders is the Early Warning System²⁶ from the Ombudsman's Office of Colombia, the national agency in charge of supervising the protection of civil and human rights in Colombia. The Early Warning System is a mechanism through which the Ombudsman's office investigates and collects information on vulnerable, dangerous situations for the civil population, and when needed, compiles a report and sends it to the authorities so that they can ensure the protection of the population.²⁷ Nonetheless, this mechanism has proven to be inefficient. In fact, 162 of the leaders killed in the period from March 2018 to January 2019 were part of a list of 740 leaders who received threats, and which had been already documented by the Ombudsman's office in 70 early warning system's documents.²⁸

An initiative to prevent human rights abuses comes from the Nasa community, in the region of Cauca, who created the concept of indigenous guards. These guards are elected by their community and their task consists in the protection of their community without the use of arms. While indigenous guards have been killed by different actors during and after the conflict, they have also succeeded in bringing to justice armed opponents. Indigenous guards fight especially for the protection of their territory, since the community is very attached to Mother Earth. This represents an innovative way of preventing human rights abuses, especially in an area where the presence of the state is weak.²⁹ Their initiative can be seen in the documentary "They are killing us"³⁰, by two North American directors and a Colombian producer who followed for one year two social leaders of the region of Cauca. Even

²⁵ All the recommendations mentioned are taken from the previous report "Implementing the Women, Peace and Security Agenda for Sustainable Peace in Colombia," LIMPAL Colombia, Shadow Report to CEDAW, 2019, page 4-5.

²⁶ In Spanish Called 'Sistema de Alerta Temprana'.

²⁷ Defensoria del Pueblo Colombia. *Sistema de alertas tempranas - SAT*. n.d. <http://www.defensoria.gov.co/es/public/atencionciudadanoa/1469/Sistema-de-alertas-tempranas---SAT.htm> (accessed February 18, 2019).

²⁸ El Tiempo. *Alertas tempranas no lograron evitar muerte de 162 líderes en 2018*. February 06, 2019. <https://www.eltiempo.com/justicia/investigacion/alertas-tempranas-no-lograron-evitar-muerte-de-162-lideres-sociales-en-2018-323894> (accessed February 18, 2019).

²⁹ Llewellyn, Robin, An Inside Look at Colombia's Indigenous Guards. December 11, 2017. <https://intercontinentalcry.org/inside-look-colombias-indigenous-guards/> (accessed February 18, 2019).

³⁰ 'Nos estan matando'

though the documentary focused on the two leaders of the Cauca region, the objective was to shed light on the dangerous situation in the whole of Colombia.³¹

³¹ El Espectador, "*Nos están matando*", *un documental sobre el asesinato de líderes sociales*, May 18, 2018. <https://colombia2020.elespectador.com/territorio/nos-estan-matando-un-documental-sobre-el-asesinato-de-lideres-sociales> (accessed February 18, 2019).