



## Q&A with Liliana García Larrotta from LIMPAL Colombia on the Human Rights Situation in Colombia

**Q1: Liliana, you came to Geneva to present the UPR recommendations which clarifies the situation of women's human rights in Colombia. Can you tell us about the situation of women in Colombia?**

Colombia has experienced an increase in levels of violence due to disputes over territorial control and illegal economies between non-state armed groups and criminal organisations, severely affecting leadership and rural community life, with differential impacts on women and the population with Sexual Orientation and Diverse Gender Identities (OSIGD).

Regarding gender-based violence, according to the 2018 UPR evaluation cycle, Colombia must effectively combat gender stereotypes, gender-based sexual violence, impunity and strengthen administrative, legislative and judicial mechanisms to guarantee the right to not suffer violence or discrimination.

However, from 2018 to 2022, 3,106 femicides and transfemicides were recorded in the country. The majority of them were committed with a firearm, the predominant relationship being the victim's romantic partner and the place of the events, the home. As of June 30, 2023, 213 femicides have been recorded. Despite having regulations that contemplate punitive and sanctioning actions for those responsible for said crimes, the level of impunity in Colombia is greater than 90%.

Domestic violence continues to be one of the main sources of risk for women in the country. As of February 12, 2023, the nation's attorney general's office establishes that domestic violence is the second crime with the highest number of active cases within the institution, with a total of 274,062 cases.

In the face of sexual violence, girls and adolescents are the population of women who suffer the most from sexual violence, since in 2019 they represented 85.58% of the women attacked. Within this group, girls who are between 10 and 14 years old are the most affected (48.43%), followed by those between 5 and 9 (25.98%).

On the other hand, the educational incursion of women in the country has not been enough to close labour gaps and the feminisation of poverty. In Colombia, women participate less in the labour market than men, receive less pay for their work and have less access to social protection mechanisms. In rural areas, the probability of not having one's own income is five times greater than that of a man (35.9% and 7.8%, respectively).



Starting in 2017, the Constitutional Court recognised the existence of institutional violence against women and girls who went to judicial authorities, such as Family Police Stations and Prosecutor's Offices, to report acts of violence against them. Thus, through rulings T-735 OF

2017, T-015 of 2018, T-462-2018, the Court found that institutional violence by the Colombian authorities is common, it occurs due to the inefficiency in the effective protection of women victims of violence and contributes to the context of structural violence against women by fostering an environment of impunity and state tolerance of attacks, depriving them of effective judicial resources to counteract the reported aggression. Given this, the Court has made calls for the inclusion of the gender perspective in the actions of the judicial authorities, establishing that they must be especially sensitive to reality and the reinforced protection that victims require.

Due to this increase in violence against women and the OSIGD population, the women's social movement has asked the government to declare a national emergency due to sexist violence, finally declared and in force since May 5 with the approval of the National Development Plan.

**Q2: What is the Final Peace Agreement and do you think it represents the different points of view of Colombian civil society? Why are the different components of this agreement, including gender so important? And could you share any progress or obstacles in the full implementation of the Final Peace Agreement?**

**What is the Final Peace Agreement?**

The Final Peace Agreement is an Agreement between the Colombian government and the then Revolutionary Armed Forces of Colombia - People's Army (FARC-EP) for the termination of the armed conflict. With this agreement, a political and negotiated solution is reached to the largest armed conflict in Colombia, lasting more than 50 years, preventing more victims and creating the conditions for the construction of a stable and lasting peace. It was a previous step for the construction of peace.

The Peace Agreement does not represent the different points of view of Colombian civil society. In fact, the plebiscite for the endorsement of the 6 points of the "Plebiscite for Peace" Agreement resulted in the victory of the opposition, that is, it was not endorsed, as a consequence of the opposition's strong campaign against it. However, since peace is a right enshrined in the Colombian constitution, the government at that time called the opposition to a dialogue to integrate them into the Agreement, so modifications were made and finally on November 24, 2016 it was signed.

**Why are the different components of this agreement so important, including gender?**

- Compensation for victims: The armed conflict in Colombia "for more than five decades, has caused damage and suffering to the population without equal in history" (Office of the High Commissioner for Peace, sf). It is estimated that, until the signing of the Peace Agreement in 2016, the armed conflict had left 7.9 million victims, a figure

that exceeds the number of people affected in countries such as Sudan, Sierra Leone, Rwanda, Guatemala, Argentina, Peru and El Salvador. That is why compensation for victims is the centre of the Agreement: a point on Victims was included" (Office of the High Commissioner for Peace, sf).

- Overcoming the conditions that have favoured the prolongation of the armed conflict: The Agreement contains an agenda of five substantive points and one of guarantees that, if implemented in the expected terms, will allow the conditions that have favoured the prolongation of the armed conflict to be overcome. However, the Agreement does not have the scope to solve all the country's problems.
- Transitional justice model: From the negotiation process led by Mandela in South Africa and others, the transitional justice model was successful. There would be no negotiation and agreements if the justice model applied, especially for the FARC- EP, had been punitive justice: severe prison sentences as a first measure. This would have closed the possibility of the combatants laying down their weapons, preventing any type of agreement and subsequent reconciliation. Instead, the transitional justice model adopted in Colombia offered, in exchange for amnesty (those responsible for atrocious crimes will have to go to justice and will have sanctions, which are prison for those who do not immediately comply with their duties of truth), demobilisation and reparation), full truth and reparation for victims. However inadmissible it may be, the essence of a negotiation is that all parties involved agree in favour of a greater benefit, in this case the end of armed confrontations (Uprimny, 2015).
- Gender approach: Armed conflicts in the world have left women and girls with a differentiated and disproportionate impact compared to men, associated with the traditional role of women in caring for life and supporting the home. Some of these impacts identified in Colombia are: sexual abuse and exploitation; exploitation or enslavement to perform domestic work; forced recruitment of their sons and daughters; risks derived from contact or family or personal relationships - voluntary, accidental or alleged - with members of any of the illegal armed groups or with members of the Public Force, mainly due to accusations or retaliation from enemy sides; the risk of the murder or disappearance of their economic provider or the disintegration of their family groups and support networks; and impacts on their life plans. Other impacts are associated with their leadership and membership in social, community and political organisations (Auto 092 of 2008).

The Final Agreement between the National Government and the FARC-EP is innovative, among other reasons, because it recognises this impact and has incorporated, for the first time, the gender approach and women's rights in a peace agreement. This was possible thanks to the participation of women and the women's movement in the peace process, the result of which was:

- The presentation to the Negotiating Table of women's proposals and demands.
- The gender subcommittee was created (installed on September 7, 2014, almost two years after the formal installation of the peace process) which received contributions from "the victims who visited the Round Table, 60% of whom were women, of the 18 women's organisations and the LGTBI community, of the 10 Colombian experts on sexual violence, of the international experts and of the former guerrillas from various parts of the world." (Presidential Council for Women's Equality. Joint statement 82).



- Plenipotentiaries of the Government were appointed at the end of November 2013: Nigeria Rentería and María Paulina Riveros.
- The gender approach was mainstreamed through more than 100 measures for women and the sexually diverse population.

### **Obstacles in the full implementation of the gender measures of the Final Peace Agreement**

As of November 2022, 18% of the provisions had not begun their implementation, 52% were in a minimum state, 18% in an intermediate state and 12% had been completed. During the study period, changes in implementation levels with respect to 2021 were limited and occurred only in Point 1.” (Kroc Institute, period between December 2021 and November 2022).

This insufficiency in progress is related, among other things, to the fact that the budget allocations for the implementation of gender indicators are marginal and “do not correspond with the necessary impulse to close the social and economic gaps between men and women, and LGBTBIQ+ population” (CGR, 2022, p.250). The allocation of resources for the transversal incorporation of the gender approach in the periods 2020 and 2021 represented only 3% of the total of the General Budget of the Nation assigned to the implementation (2022, CGR, p. 251) registering “a regressive behaviour”(CGN, 2021, p.102).

Likewise, the way in which the gender and intersectional approach has been understood and its reduction in implementation is of concern. According to the Kroc Institute, beyond the affirmative measures that are difficult to implement, there has been no transversal and comprehensive understanding of the gender approach in implementation, nor an intersectional approach that allows understanding the relationship between gender and identity. ethnic-racial, and its effect on the discrimination and violence faced by indigenous, black, Afro-Colombian, Raizal, Palenquera and Rrom women, which restricts the impacts that the Final Agreement can have on their lives (2023).

Another general alert is the scarce and ineffective citizen participation of women in the implementation. For example, in the action plans for regional transformation (PATR), there is a lack of a system that recognises the contributions, results and impacts of women's participation in participation spaces that allows a constant dialogue between what was established in the collective and institutional scenarios and the forms that have been implemented. Women feel that their contributions have not been fully collected and that the implementation does not reflect the intentions with which they were proposed (LIMPAL, 2022). In the same sense, there is no regulation on the instances of participation in the implementation and monitoring of projects with a gender mark in the Territorial Development Plans (PDET), which prevents the effective participation of women in the monitoring of the plans. and programs. Women interviewed by LIMPAL in the departments of Meta, Bolívar and Guaviare have reported that, in addition, there is no clarity regarding budget allocations, which reflects a lack of information, updating and support in implementation.

Likewise, despite the invaluable contribution to democracy produced after the signing of the Peace Agreement and the laying down of arms, on January 27, 2022, the Colombian Constitutional Court declared the state of affairs unconstitutional due to the low level of compliance in the implementation of the security guarantee component, in favour of the signatory population of the Final Peace Agreement in the process of reintegration, their



families and those who make up the new Comunes political party. Since the signing of the Final Peace Agreement until December 26, 2022, the United Nations Verification Mission in Colombia recorded 355 murders of ex-combatants, of which 11 correspond to women, 48 to people of African descent and 33 to indigenous people. In addition, it recorded 110 attempted homicides, 8 of them involving women and 27 disappearances of men. So far in 2023, Indepaz recorded the murder of 20 male signatories.

Likewise, several of the Former Territorial Training and Reintegration Spaces (AETCR) still do not guarantee the security of the signatory population: In March 2023, the country witnessed the displacement of more than 200 signatory families of the Final Peace Agreement of the AETCR Mariana Páez in Mesetas – Meta and in June of the same year, after the murder of two of their colleagues and multiple threats, the signatories of the AETCR from Vista Hermosa – Meta also moved. This fact, added to the murder of signatories who exercised leadership roles in political processes and community economic ventures, allows us to observe the interest in weakening collective processes, the risk faced by the reincorporation process and the signatories.

### **Q3: Can you tell us more about what is happening with indigenous peoples, including women, in Colombia and how the lack of full implementation of the Final Peace Agreement could particularly affect them?**

“According to a report by the National Indigenous Organization of Colombia (ONIC) in 2018, “39 towns face the risk of extermination and 35 have less than 200 inhabitants.” Furthermore, the Constitutional Court of Colombia has declared that there are 35 indigenous communities at great risk of disappearing due to forced displacement caused by the internal armed conflict” (onic, 2018).

The ONIC points out that the causal factors of the risk of physical and cultural extinction of indigenous peoples in Colombia are: (i) the devastating effects of the internal armed conflict and its multiple consequences, (ii) the imposition of development projects on indigenous territories without due prior, free and informed consent and (iii) state abandonment represented in poverty, lack of access to basic services and structural discrimination.

“According to the Economic Commission for Latin America and the Caribbean, Colombia is the second country with the highest level of inequality in the region. This situation mainly affects women, people in rural areas, indigenous and Afro-descendant peoples, and poor inhabitants of large cities. (The Spectator, 2019)

In 2022, at least 453,018 indigenous people were victims of violent actions such as confinement, forced displacement and harassment according to the most recent human rights report from the National Indigenous Organization of Colombia (ONIC). In 2022, a total of 42 indigenous leaders were murdered. Behind the violent actions against indigenous peoples there are interests of armed and economic groups that oppose their defence of the environment, experts told Mongabay Latam.” (Mongabay, 2023)

The Truth Commission also presented a report on the effects of the conflict on these populations. “The Colombian armed conflict has been nourished by structural violence that

comes from colonial legacies that have not disappeared, and the narrative that has been made of the war has often excluded perspectives on the disproportionate violence that the people have suffered over the decades. ethnic peoples

According to Juana Cabezas of Indepaz, illegal armed groups seek to control populations and territories to maintain their income from drug trafficking and the extraction of natural resources. Displacements and confinements are used to protect these illegal economies and intimidate opponents, as in defending the environment against extractive projects. Although indigenous peoples have the right to territorial control and environmental protection, the State has been absent in their communities. These communities consider nature as a living being and see themselves as caretakers of the forests and rivers. The displacement and confinement of indigenous communities is a strategy of capitalism and the Western world to exploit nature. In 2022, the Emberá, Awá and Zenú were the most affected due to their location and the presence of drug trafficking in their territories. The Clan del Golfo, ELN and FARC dissidents are responsible for these actions.” (mongabay, 2023)

Despite this serious humanitarian crisis, the implementation of the 80 provisions included in the Ethnic Chapter is very low and alarming. The CGR and the report of the United Nations High Commissioner for Human Rights (2022) ratify the balance of the Inter-Ethnic Commission: based on the goals established in the PMI, the implementation of the ethnic chapter is below 2.4 %, especially measures related to land use and ownership.

There are no guarantees of effective participation for women and collective reparation measures do not prioritise their needs, such as the delivery, possession and use of land. Likewise, to the extent that indigenous women emerge as leaders, murders against them increase. Although the information systems do not account for unpleasant information based on gender and ethnicity, the increase in murders of indigenous women leaders and human rights defenders is evident: “women and the LGBTIQ+ population experience an upsurge in political persecution.” Murders, threats, accusations, forced disappearances, confinements and forced displacement to deny the right to real and effective participation.

This setback in the protection of the rights to life, mobility, territory and self-government of indigenous peoples in at least 9 territories of the country suggests that the recommendations to intensify efforts to protect indigenous peoples, particularly from armed groups, and establish an effective consultation system, have not yet been implemented.

### **Q5: The militarisation of public spending is also mentioned in the report despite the Total Peace, what are your observations on this and what do feminists recommend to counteract this worrying trend?**

Despite the situation described previously in this report, since the current government has presented a policy called “Total Peace” that includes peace dialogues with political armed groups (guerrillas), such as the National Liberation Army - ELN, and the submission to justice of criminal organisations, organised armed groups or drug traffickers, the budget for the Defence sector for 2023 increased by 9% compared to 2022 and is 23.59% higher than the budget allocated to the implementation of the Final Peace Agreement , and 93.24% higher than that allocated to achieving “women's equity.”





Comparatively, Colombia is the second country in Latin America with the highest budget allocation to the area of Security and Defence, a fact that points out the centrality of militarisation and the use of weapons in security policies.

In this regard, LIMPAL Colombia recommends:

- Progressively reduce the budget allocation for the defence sector and, instead, prioritise peace and gender equality policies
- Carry out a reform to the Security and Defence sector that expands the notion of human security, considering and putting at the centre, the lives of women and their daily experiences of violence, and that recognises and transforms the link between militarism, militarised masculinities and the risks of sexual violence, discrimination and exploitation by state agents. This reform must include sanctions through ordinary justice instead of military criminal justice.

### **Impact, control and trafficking of small arms in Colombia**

According to the Inter-American Development Bank (cited by FIP, 2022), Latin America and the Caribbean has been the most violent region on the planet in the last 20 years, concentrating between 29% and 39% of the homicides recorded in the world, 75% of them related to firearms. Likewise, Colombia has one of the highest rates of homicides with firearms in the region and ranks fifth worldwide in deaths from firearms. It is estimated that between 70% and 80% of homicides have been carried out with firearms, most of them in rural areas, and they are also used in suicide and other crimes such as threats, intimidation and theft (FIP, 2020). Firearms, even legally owned ones, are also used in acts of violence against women. In fact, 7 out of 10 violent deaths of women in the northern part of Central America were committed with firearms.

In Colombia, during 2019, 56.8% of homicides of women were committed with small and light weapons, 55.6% by firearm projectile and 1.1% by explosive agents and mechanisms (Colombia Diversa et al, 2020). The dynamic report of the Femicide Observatory in Colombia contains similar information for the year 2022: 336 femicides of the 614 registered cases were committed with firearms and 157 with sharp weapons. These figures reflect the link between the patriarchal system, the militarisation of society and violence against women, explained clearly by the Truth Commission in its final report: “military training instilled values that included male superiority, use of violence as an ideal means to exercise power, weapons as a banner and sexualised, denigrating, misogynistic and prejudiced representations based on gender roles” (2022). In the context of armed violence and outside it, weapons represent the maximum expression of military power, which has shaped social relations, including gender relations, and the mechanisms for resolving social conflicts in the country.

During recent years, the illegal arms market in Colombia has grown, which facilitates access to them: the proportion of weapons in the hands of Colombians - legal and illegal - is similar to what it was 24 years ago: 9,497 weapons per 100 thousand inhabitants in 1994 versus 10,091 in 2017 (FIP, 2020). These figures show that the control carried out on circulation by the State is very low and ineffective. In general, “national and local security policies have focused on a single segment of the firearms market chain—the end consumer—particularly on alleged criminals and criminal gangs, leaving aside effective control over their local and international

marketing and on the management given to it by other types of consumers, such as the military sector, private security and ordinary citizens, who have carrying and possession permits” (FIP, 2020). Another shortcoming is the concentration of supervision and sanction in a single body without technical or budgetary capacity, which of course impacts the capacity to register and update information systems.

It is necessary, then, that the actions and strategies developed within the framework of the Arms Trade Treaty incorporate the gender approach and ensure the full and equitable participation of women. Specifically, a disarmament policy is urgent, the effective control of the use, possession and circulation of weapons by the civilian population, including “less lethal” weapons, which articulates local, regional and national initiatives, as well as the improvement of information registration systems. Likewise, it is necessary to regulate the high level of arms marketing in the country, over which little or no control is exercised, a fact that facilitates the illegal arms market, due to expiration of safe conduct or smuggling, and which affects the current process of search for peace (LIMPAL, 2016). Another necessary element is to re-evaluate to what extent the concentration of production, international marketing, national purchase and sale, surveillance and control of legal weapons in a single actor, the military forces, is useful to exercise effective control in the marketing and use of firearms in the country (FIP, 2020).

**Q6: Although the Court decriminalised abortion up to the 24th week of gestation in 2006, access to safe abortion remains inaccessible and punishable by the Penal Code in Colombia. Can you describe the existing barriers to women's sexual and reproductive rights and their impact in Colombia?**

The most important advances since 2018 in access to voluntary termination of pregnancy are: the ratification by the Constitutional Court that the right to IVE belongs to the category of reproductive rights (2018); the decriminalisation of IVE until the 24th week of gestation, classified by article 122 of the Penal Code as a crime, maintaining the 3 causes already introduced in 2006 without gestational age limit; and the adoption by the Ministry of Health and Social Protection in January 2023 of a single regulation for comprehensive IVE health care establishing that compliance is mandatory for all entities responsible for the provision of health services. However, abortion continues to exist as a crime punishable in the Penal Code and the possibility remains latent that women and people with the capacity to become pregnant are reported, investigated and convicted for having an abortion. Likewise, the Just Cause Movement (Causa Justa) has identified a series of barriers between February 22, 2022 and February 21, 2023 that differentially affect women who are in regions other than the capital of the country and those who are in vulnerable situations. : lack of knowledge of the new legal framework on the part of health personnel; lack of attention to the right to information by health entities; request for unnecessary requirements to access the IVE; lack of response or late response to IVE requests; unconstitutional use of conscientious objection; restrictive interpretations of the new legal framework; lack of adequacy in internal care protocols in health institutions; failures in the medical referral system and violence or discriminatory treatment in health services. Faced with restrictive interpretations, in particular, there were two rulings of the Colombian Constitutional Court that caused confusion and





misinformation about the provision of abortion services and the current legal framework, which were taken advantage of by the media and anti-rights movements to delegitimise the advance regulations in this matter.

**Source:**

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PDF available in [English](#) and [Spanish](#) (April 2023)