

Recommendations on Women, Peace and Security for the Universal Periodic Review (UPR) of Colombia

This advocacy brief draws from two reports "Women for Disarmament" and *Mujeres por el Desarme: Más Vida Menos Armas* (Women for Disarmament: More Life Less Arms) published by the Women's International League for Peace and Freedom (WILPF) in 2017. The reports aimed to bring to light women's experiences and impacts of small arms, guns and light weapons in their lives, in the context of the implementation of the third point of the peace agreement about "End of Conflict." The reports show the necessity for Colombia to strengthen the principles of UN Security Council Resolution (UNSCR) 1325 and to adopt a strict arms control, including through the ratification of the Arms Trade Treaty, for sustainable and feminist peace.

The *Mujeres por el Desarme: Más Vida Menos Armas* report reflects on the experiences of local women from three of the most affected regions in the country: *Meta*, *Bolívar*, and *Caqueta*; it highlights the impact of the 2017 process of laying down of arms by FARC-EP and the proliferation of arms in those regions by other armed actors. LIMPAL Colombia drew those experiences through a series of interviews, the analysis of which helped identify key compliance gaps by Colombia with its obligations under international human rights and humanitarian law.

In 2016, a historic peace agreement was signed between the Colombian government and the Revolutionary Armed Forces of Colombia - People's Army (FARC - EP). The agreement formally brought an end to 52 years of armed conflict between these two parties.

The negotiation itself as well as the end of the armed conflict represent a historic opportunity for the country to transform gender power relations into more equal and representative relations towards women's rights. However, the absence of gender analysis in policy developing and revitalising state institutions and practices, along with the absence of women and women's groups in high-level decision-making significantly hinder the process.

This advocacy brief focuses on two main areas: 1) **Impacts of arms proliferation on women** in Colombia and the need to strengthen the legal framework for disarmament and 2) **National and local implementation of Women, Peace and Security and the Final Peace Agreement** in Colombia.

1) The Impact of Arms Proliferation on Women

Women and children have often been the most affected by the conflict. Despite the fact that after the end of the conflict and the laying down of the arms by the FARC-EP, women witnessed positive changes in dynamics of the conflict, there is still much need for improvement. Following the FARC-EP's laying down of weapons, women experienced significant improvements in daily life, such as increased access to employment opportunities in the countryside, a general reduction of violence, and increase in security for children. However, these changes did not address insecurities for women associated with the existence of other armed groups and the uncontrolled proliferation of arms throughout the country.

The impact of arms on women is substantially higher because they are often used to commit sexual and gender-based violence, in particular femicides. As long as there are other armed actors, as long as arms continue to be circulated, women will continue experience violence in both urban and

rural areas. In the *Meta* region, many women are still experiencing fear generated by the presence of weapons that remain in the hands of armed groups, criminal gangs, and FARC-EP dissidents. The threat of armed violence extends to both rural and urban areas where other forms of violence occur, including sexual violence and violence due to criminal activity. Similarly, in the *Bolívar* region, women are experiencing insecurity due to an increase in criminal activity, trafficking, femicides and other sexual and gender-based violence. Bladed weapons and firearms, both readily available, are the main instruments used for coercion in these cases. Situations such as that in the *Caqueta* region revealed that it is not enough to just set arms aside. After the laying down of weapons by the FARC-EP, violence against women and killings of women in *Caqueta* increased, according to local women.

These experiences exemplify the need for the Colombian government to strengthen its gun control, arms trade and permit policies in order to reduce arms circulation by regulating its monopoly on arms ownership and control with strict norms, not only with the process of laying down of arms with the FARC-EP. This will contribute to changing social structures and guaranteeing strong social institutions that ensure realisation of women's civil, cultural, economic, political and social rights.

Weak legal framework for arms/guns control and the lack of ratification of the Arms Trade Treaty (ATT) and other relevant conventions, such as the Protocol V on Explosive Remnants of War to the 1980 Convention on Certain Conventional Weapons, enable arms proliferation, which has significantly impacted women. The Constitution establishes the State's monopoly on all arms, which is administered by INDUMIL, a Colombian state-owned company and the main supplier of weapons to the Colombian military and police forces. However, civilians may acquire arms permission under three categories.

These permits are issued at the discretion of the military authority, which evaluates individuals' reasoning for gun ownership. This situation allows for a large circulation of illegal arms throughout the territories affected by the armed conflict that has contributed to the increase of killings of women.

RECOMMENDATIONS

- 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 and implement without delay the Arms Trade Treaty (ATT) and the Protocol V on Explosive Remnants of War to the 1980 Convention on Certain Conventional Weapons (CCW);
- 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;
- Sign and Ratify the Treaty on the Prohibition of Nuclear Weapons.

2) National and Local Implementation of Women, Peace and Security and the Final Peace Agreement in Colombia

The Women, Peace and Security (WPS) agenda and UNSCR 1325 call for the protection of women's rights, prevention of conflict and women's meaningful participation at all stages of armed conflict, from prevention to peacebuilding, as well as demanding relevant action on disarmament, demobilisation and reintegration (DDR) process for women. The impact of the UNSCR 1325 on the peace process in Colombia has been significant; using WPS, Colombian women were able to positively impact the

negotiation process, ensuring gender-sensitive peacebuilding approach in the final text of the agreement. An essential element of localising UNSCR 1325 is to develop and implement a UNSCR 1325 National Action Plan (NAP).

Despite advances in legislation for women in Colombia, not having a NAP hinders the government acting on the principles of conflict prevention, participation and gender-sensitive DDR set out in UNSCR 1325. The lack of resources for implementation of WPS Agenda, both for governmental bodies and civil society, is a critical gap. In the previous UPR cycle, in 2013, Colombia received recommendations to develop “an interinstitutional system for monitoring of the implementation of UNSCR 1325”¹ and to “develop a National Plan of Action for the implementation of UNSCR 1325.”² Both recommendations were only noted by Colombia.

The national legal framework developed on the basis and in support of the Final Peace Agreement has not fully incorporated gender conflict analyses nor has it fully addressed women’s specific needs. This lack of consistent incorporation of gender therein remains is a big creates new risks and challenges for the advancement of women and the fulfillment of their rights in the implementation phase. It also makes monitoring, accountability and analysing of women’s situation in the country difficult and constrains local and high-level advocacy. The legal framework on arms passed via fast track in Congress still poses a challenge for women’s engagement in the implementation process.

Women’s participation at local and national level continues to face big obstacles when it comes to integrating women in policy and decision-making. At the local level, rural women continue to bear the burden of the care of the family and farms, taking away from them the time needed for engagement in discussions, debates or decision making processes. Local

1) UPR II 117.6. (...) create an inter-institutional system for monitoring of the implementation of Security Council resolution 1325 (Ireland).

2) UPR II 117.2. Include women and gender advisors as part of the team of main negotiators and develop a National Plan of Action for the implementation of Security Council resolution 1325 (Portugal).

leaders still see women as second-class citizens without political potential, denying spaces for women’s political participation. If the programmes and projects in the context of the implementation process do not take into account these gaps existing historically for rural women, then successful peacebuilding will remain as promises. Furthermore, the Final Peace Agreement uses generalised versions of gendered language, with “gender perspective,” “differential and gender approach,” and having been replaced with “particularly against women” and “stigma related to sexual orientation and gender identity” with “struggle against stigmatisation.”

Such generalisations contribute to limit opportunities for further integration of Women, Peace, and Security Agenda on the ground, for strengthening gender equality overall. They also affect entitlements of many people, including those of members of the LGBTI community to claim their rights as victims of the conflict. This goes against previous UPR recommendations supported by Colombia to, for example, “enhance the necessary measures for the protection and integration of the LGBT population,”³ and to “conduct public awareness campaigns against social prejudices and for upholding the principle of equality and non-discrimination regardless of sexual orientation and/or gender identity.”⁴

Finally, peace activists and other human rights defenders, including women human rights defenders and LGBTI defenders, continue to face a series of threats to their lives and work. The UN High Commissioner for Human Rights has recently reported that OHCHR is “extremely concerned by the increase in killings of human rights defenders, including social and community leaders.”⁵

3) UPR II 116.43. Consider the possibility of enhancing the necessary measures for the protection and integration of the LGBT population (Argentina).

4) UPR I 80.8. Conduct public awareness campaigns against social prejudices and for upholding the principle of equality and non-discrimination regardless of sexual orientation and/or gender identity (Czech Republic)

5) Paragraph 9, Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia, /HRC/37/3/Add.3, 2 March 2018.

The High Commissioner has further reported that the percentage of women defenders murdered in 2017 was double that of the year before.⁶ The High Commissioner has recommended, *inter alia*, that Colombia “strengthen the gender analysis in the threats to human rights defenders, as well as an analysis of threats in rural settings given the prevalence of killings in these areas.”⁷

RECOMMENDATIONS

- Develop and implement a Women, Peace and Security National Action Plan in consultations with women’s organisations and with clear indicators and timeline, as well as with a sustained and allocated budget;
- Generate local and national plans, programmes and strategies which will prevent and effectively address all forms of violence against women, in particular for rural women living in regions identified for substitution of coca plantations for legal crops;
- Ensure full and meaningful representation and participation of women in social, economic and political spaces and particularly in relation to the implementation of the Final Peace Agreement and at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict;
- Take measures to ensure meaningful participation of ex-combatants in the reintegration planning and processes to civil life, taking into account their specific needs and recommendations;
- Provide specific mechanisms to ensure a gender-sensitive analysis and monitoring throughout the implementation of all points of the Final Peace Agreement;
- Ensure respect, protection and an enabling environment for the work of human rights defenders, with specific and enhanced protection mechanisms for women human rights defenders, LGBTI rights defenders

⁶) Paragraph 8, *Ibid.*

⁷) Paragraph 20, *Ibid.*

and defenders in rural areas. Investigate thoroughly threats, extortion and attacks against them and ensure that perpetrators are brought to justice;

- Invest in strengthening national justice systems to investigate and prosecute sexual and gender-based violence.