



Università
Ca' Foscari
Venezia

Master's Degree
in Comparative International Relations

Final Thesis

**Women, war and peace: a gender perspective
of the Colombian peace process**

Supervisor

Ch. Prof. Luis Fernando BENEDUZI

Assistant supervisor

Ch. Prof. Vanni PETTINÀ

Graduand

Simona SCOTTI
877195

Academic Year

2019 / 2020

TABLE OF CONTENTS

ABSTRACT	p.4
INTRODUCTION	p. 9
FIRST CHAPTER: A FEMINIST PERSPECTIVE OF GENDER AND WAR	p. 15
1.1 Gender and war	p. 16
1.1.1 Women in the military	p. 18
1.1.2 Gender dynamics and impacts in armed conflict	p. 20
1.1.3 Sexual violence as a weapon of war	p. 22
1.1.4 Women and conflict negotiations	p. 25
1.2 Global Commitments and regional perspectives	p. 27
1.2.1 Convention on the Elimination of All Forms of Discrimination Against Women	p. 28
1.2.2 UNSC Resolution 1325 and the Women, Peace and Security Agenda	p. 29
1.2.3 International prosecution of sexual violence	p. 31
1.2.4 Enhancing women’s rights and security in Latin America	p. 33
1.3 Women’s Rights Instruments in Colombia	p. 38
1.3.1 Constitutional Court Auto 092 of 2008	p. 40
1.3.2 Quota Law	p. 41
1.3.3 Law 1257 of 2008	p. 42
1.3.4 Role of the civil society	p. 43
<u>Conclusion</u>	<u>p. 44</u>
SECOND CHAPTER: THE ROLE OF WOMEN IN THE COLOMBIAN ARMED CONFLICT	p. 46
2.1 The Armed Conflict	p. 46
2.1.1 The origins of the conflict: land ownership	p. 47
2.1.2 Armed actors	p. 49

2.1.3 The phases of the conflict	p. 55
2.2 Women in Illegal Armed Groups	p. 62
2.2.1 Women in the FARC-EP	p. 63
2.2.2 Women in the paramilitary	p. 66
2.2.3 Summing up	p. 68
2.3 The Differential Impacts of the War	p. 69
2.3.3 Sexual violence	p. 69
2.3.2 Forced displacement	p. 75
<u>Conclusion</u>	p. 78
THIRD CHAPTER: TOWARDS A FEMINIST PEACE	p. 79
3.1 Overview of the peace negotiations in the Colombian armed conflict	p. 79
3.1.1 Negotiations between the previous governments and the guerrillas	p. 81
3.1.2 Negotiations between Uribe's government and the AUC	p. 88
3.1.3 The Final Agreement	p. 89
3.2 Gender perspective of the Colombian peace negotiations	p. 91
3.2.1 <i>La paz sin las mujeres ;no va!</i> Feminist movements and organizations and the negotiating team	p. 92
3.2.2 Referendum	p. 97
3.3 Gender Provisions of the Final Agreement	p. 99
3.3.1 Provisions of the Final Agreement	p. 99
3.3.2 Gender Perspective of the Final Agreement	p. 102
<u>Conclusion</u>	p. 108
FOURTH CHAPTER: REMARKS ON THE IMPLEMENTATION OF THE FINAL AGREEMENT	p. 110
4.1 Implementation of the Final Agreement	p. 110
4.2 Women's Participation in Politics	p. 121
4.2.1 Infringements to the Quota Law	p. 121
4.3 Gender-based Violence	p. 124

4.3.1 Domestic violence and gender discrimination during the COVID-19 pandemic	p. 125
4.3.2 Non prosecution and non punishment of sexual violence	p. 129
4.4 Disarmament, Demobilization and Reintegration of Female Ex-Combatants	p. 132
4.5 Challenges of gender-related public policies in the framework of the Final Agreement	p. 140
CONCLUSION	p. 146
BIBLIOGRAPHY	p. 151
ANNEXES	p. 169
Interview n. 1	p. 169
Interview n. 2	p. 184
Interview n. 3	p. 195
Interview n. 4	p. 201
Interview n. 5	p. 208
Interview n. 6	p. 217

ABSTRACT

La Colombia è stata afflitta da uno dei conflitti più lunghi e sanguinosi dell'era moderna, nonché il più duraturo nella regione sudamericana. Il conflitto, emerso negli anni Sessanta a seguito della comparsa delle prime formazioni guerrigliere ispirate alla rivoluzione cubana e durato quasi 60 anni, ha logorato profondamente il Paese, provocando la morte di almeno 220.000 persone e determinando conseguenze devastanti sulla popolazione civile. L'appropriazione e l'uso della terra sono stati la forza trainante dell'origine e della continuazione del conflitto. La convergenza tra guerra e problema agrario si è allargata con l'aggiunta di ulteriori fattori che, negli anni, ne hanno modificato le dinamiche: traffico di droga, sfruttamento energetico e alleanze tra paramilitari, spacciatori, politici ed élite locali. L'intreccio di questi fattori ha fatto sì che il conflitto provocasse ferite profonde e non ancora rimarginate nella popolazione civile, che è stata sottoposta a molteplici violenze da parte degli attori armati.

Il conflitto armato interno presenta delle dinamiche molto complesse che traggono le loro origini dalla pluralità di attori coinvolti, appartenenti a una diversità di gruppi e organizzazioni sia ai margini della legge sia facenti parte dell'assetto istituzionale dello stato. Tale complessità risulta evidente quando si esaminano le conseguenze che il conflitto ha avuto su diversi gruppi sociali, colpiti con diversi gradi di intensità a seconda della loro appartenenza identitaria. Ne consegue che qualsiasi analisi del conflitto armato colombiano non possa prescindere dall'esame delle dinamiche determinate dal coinvolgimento dei diversi gruppi nelle varie fasi della confrontazione e del processo di pace. Fra i gruppi che hanno contribuito in maniera sostanziale all'esito del conflitto e del processo di pace figurano le donne, le quali, oltre a rappresentare il maggior numero di vittime civili, in particolare riguardo a crimini di violenza sessuale e sfollamento, hanno ricoperto ruoli chiave nei gruppi armati sia legali che illegali, soprattutto nelle FARC-EP, dove si stima che rappresentassero il 40 per cento dei combattenti e dove hanno assunto posizioni chiave di leadership.

È opportuno menzionare che gli studi sulla sicurezza internazionale hanno a lungo centrato la loro analisi su una prospettiva maschile, ed è solo negli ultimi anni che variabili come sesso, etnia ed età hanno iniziato ad assumere rilevanza per comprendere le conseguenze della guerra. In effetti, il riconoscimento esplicito della violenza differenziata subita dalle donne in contesti di guerra è un fenomeno recente, nonostante la sua natura sistematica che ha permeato tutti i conflitti moderni. Con l'acquisizione della piena cittadinanza, le donne di tutto il mondo hanno iniziato lentamente a rivendicare diritti dai quali erano storicamente escluse, rendendo finalmente giustizia a tutti gli abusi di cui sono state vittime nel corso dei secoli. A livello internazionale sono stati sviluppati numerosi strumenti per contrastare e punire la violenza subita dalle donne nei conflitti armati e per garantire una più ampia partecipazione delle donne ai processi di pace. La Convenzione sull'Eliminazione di ogni Forma di Discriminazione della Donna, la Risoluzione 1325 del Consiglio di Sicurezza delle Nazioni Unite e lo Statuto di Roma della Corte Penale Internazionale sono solo alcuni esempi. Tuttavia, questi strumenti da soli non sono sufficienti per garantire un cambiamento reale, che può avvenire solo attraverso un impegno a tutto campo per sradicare gli stereotipi di genere e creare una società più equa e sostenibile.

In Colombia, gli immensi sforzi che le organizzazioni femministe hanno compiuto per garantire una più equa partecipazione delle donne ai negoziati di pace hanno reso l'Accordo Finale un modello all'avanguardia per la prospettiva di genere. Tuttavia, mentre da un lato si assiste ad una sempre più ampia sensibilizzazione all'importanza di includere una prospettiva di genere in tutte le politiche che si occupano della risoluzione del conflitto armato, dall'altro emerge il rischio di relegare le donne a ruoli di vittime, minimizzando la loro capacità di azione e resistenza. È quindi importante offrire rappresentazioni che vadano oltre il binomio donna-passività, evitando immagini di subordinazione che troppo spesso giustificano la violenza esercitata contro il genere femminile.

I ruoli chiave che le donne hanno ricoperto sia durante il conflitto che nelle negoziazioni dell'Havana richiedono l'adozione di leggi e misure incentrate con una forte componente di genere, soprattutto in relazione alla sicurezza e del reinserimento delle ex guerrigliere. Il corpus legislativo nazionale e internazionale

a cui la Colombia deve fare riferimento in materia di donne e sicurezza risulta denso di strumenti che permettono di raggiungere tali scopi. Tale corpus è stato poi ampliato con l'integrazione delle disposizioni di genere elencate nell'Accordo Finale, che hanno stabilito misure concrete e organi istituzionali destinati a implementare e monitorare la parità di genere nel Paese. Questi risultati sono stati facilitati dalla mobilitazione delle organizzazioni femminili colombiane, il cui impegno è stato fondamentale nello stabilire la dimensione di genere come principio guida per l'attuazione dell'Accordo Finale, nonché nel riconoscere la vittimizzazione delle donne nel conflitto armato colombiano e nell'adozione di azioni differenziate per garantire alle donne parità di accesso ai programmi contenuti nell'accordo di pace.

Tuttavia, l'analisi sviluppata in questa tesi mostra che l'implementazione delle disposizioni di genere previste dall'Accordo Finale è ancora molto scarsa in questioni chiave, soprattutto in relazione al reinserimento delle donne ex combattenti, alla partecipazione politica e all'accesso alla terra per le donne. In effetti, nonostante i progressi, la mancanza di volontà politica e impegno a favore dei diritti delle donne è considerevole e le disposizioni in materia di genere procedono a un ritmo più lento di quelle relative alla generalità dell'accordo. Le interviste realizzate con esponenti del mondo accademico, think tank e ONG confermano quanto finora analizzato. Infatti, è riconosciuto all'unanimità che gli strumenti presenti nel quadro legislativo e istituzionale sono adeguati al superamento di una società patriarcale, all'inclusione delle donne nei più alti vertici politici, alla prevenzione e alla punizione della violenza di genere e, in generale, a garantire un ambiente più favorevole all'uguaglianza di genere. Anche le disposizioni di genere dell'Accordo Finale sono considerate adeguatamente strutturate dagli intervistati. Ciò che non risulta conforme è l'implementazione di tale corpus legislativo, dovuto alla mancanza di sforzi concreti da parte delle istituzioni e della società per superare le dinamiche intrinseche che permettono la reiterazione delle discriminazioni di genere.

In particolare, a seguito dell'elezione di Iván Duque dal Centro Democratico alla Presidenza della Colombia, l'attuazione dell'Accordo ha subito un notevole rallentamento in diverse disposizioni, comprese quelle relative all'uguaglianza di

genere. Il cambio di governo ha avuto un impatto particolare perché, per la prima volta dopo la negoziazione, i responsabili dell'attuazione dell'Accordo non solo non erano presenti al tavolo dei negoziati, ma, soprattutto, non si sentivano rappresentati dall'Accordo. Sin dalla sua approvazione, il Centro Democratico ha sollevato obiezioni al contenuto dell'Accordo, a tal punto che, durante la campagna presidenziale, uno degli emblemi di Iván Duque consisteva nell'apportare modifiche sostanziali a quanto concordato in relazione ad alcune delle sue principali disposizioni. Tuttavia, grazie all'impegno della comunità internazionale e all'influenza delle organizzazioni della società civile, il Governo ha a poco a poco ripreso le questioni relative alla costruzione di una pace stabile e duratura.

Inoltre, la vittoria della coalizione del "No" nel referendum sull'accordo di pace colombiano del 2016 è esplicitiva delle difficoltà incontrate. Questa vittoria è stata determinata in modo sostanziale dalla campagna portata avanti dai settori più conservatori della politica colombiana, il cui cavallo di battaglia è stata l'identificazione del focus di genere trasversale in tutto l'Accordo con un attacco alla famiglia tradizionale. Tale controversia ha reso visibile che tra le principali sfide per l'attuazione figura la trasformazione dell'immaginario sociale circa le questioni di genere, al fine di garantire che la società colombiana nel suo insieme comprenda l'importanza di integrare i principi di equità nella vita quotidiana del paese, ponendo così le basi per il raggiungimento di una pace sostenibile.

Si può concludere che, finora, l'Accordo Finale non abbia contribuito a cambiamenti sostanziali nella struttura della società colombiana in termini di parità di genere e che l'approccio di genere che è stato incorporato nel documento non ha contribuito a un passaggio dalle leggi alla realtà. Sebbene un'analisi dei profondi cambiamenti culturali emersi dopo la firma dell'Accordo Finale sia ancora prematura e debba essere svolta a lungo termine, a breve termine gli effetti sono inferiori a quelli probabilmente attesi e le condizioni delle donne non sono sostanzialmente migliorate. Tuttavia, l'opportunità storica di realizzare profonde trasformazioni nella società colombiana persiste e ciò richiede l'assunzione di una posizione tecnica che circonda e accompagni gli sforzi delle istituzioni per rispettare gli impegni concordati. La precedente esperienza dei processi di pace in tutto il mondo, e anche di tutti quei tentativi riusciti e falliti nella storia della Colombia,

sono un promemoria del rischio permanente di tornare indietro nel processo se c'è una violazione di quanto concordato. Questo accordo comporta una delle maggiori sfide nella storia degli accordi presi nel paese, soprattutto per quanto riguarda l'attuazione, e l'integrazione dell'approccio di genere è una delle maggiori sfide. Precedenti esperienze hanno dimostrato che, senza le necessarie trasformazioni nei diversi ambiti sociali, la transizione alla pace non potrebbe essere finalizzata.

Lo scoppio della pandemia COVID-19 ha inevitabilmente colpito le condizioni generali delle donne. Gli impatti di COVID-19 mostrano e accentuano le disuguaglianze di genere, generando altresì maggiori rischi di violenza contro le donne. Nella congiuntura del coronavirus, la mancanza di iniziative concrete per incorporare la prospettiva di genere nelle politiche statali ha generato un aumento della vulnerabilità e dei rischi per le donne vittime e sopravvissute al conflitto armato colombiano. Le misure di isolamento sociale adottate per mitigare gli effetti del COVID-19 hanno esposto le donne a un aumento delle diverse forme di violenza di genere nei contesti familiari e comunitari, le vite delle donne leader sociali e delle ex combattenti si trovano ad alto rischio e la partecipazione politica femminile si è vista ridotta.

Sarà quindi necessario attuare profonde trasformazioni in ambiti fondamentali come l'educazione alla pace e alla convivenza finalizzata alla riduzione degli stereotipi e della discriminazione, la rassegnazione dei ruoli di genere tradizionali, il rispetto della diversità in tutti i settori, la promozione dell'autonomia, dell'emancipazione e della leadership femminile e la rieducazione e sensibilizzazione degli uomini orientate allo sviluppo di nuove mascolinità più inclusive e meno violente. Da questo nuovo scenario nella realtà colombiana si uniscono nel lavoro quotidiano la partecipazione attiva alla trasformazione e al lavoro investigativo che dal campo accademico permette la comprensione sia di quanto accaduto sia parte di una memoria storicamente necessaria. Ciò è necessario per evitare il ripetersi di uno scenario così sanguinoso nel Paese e per favorire l'individuazione di quelle sfide che rendono possibile la sostenibilità della pace e la metamorfosi della vita quotidiana.

INTRODUCTION

Colombia has been plagued by one of the longest and bloodiest conflicts of the modern era, and the most enduring in the South American region. The conflict, which lasted almost 60 years, has deeply worn the country, causing the deaths of at least 220.000 people and determining serious consequences and impacts on the civilian population. The appropriation and use of land were the driving force behind the origin and continuation of the conflict. The convergence between war and the agrarian problem has widened with the addition of further factors which, over the years, modified the dynamics of the conflict: drug trafficking, energy exploitation, and alliances between paramilitaries, drug dealers, politicians and local elites. The intertwining of these factors led the conflict to leave deep wounds in the civilian population, which was subjected to multiple violence by armed actors.

The conflict began in the 1960s with the emerging of the FARC-EP, born in the 1960s from a division in the Communist Party, which at the time had organized a series of rural militias to protect farming communities from paramilitaries paid by large landowners. The FARCs, along with other far-left oriented militias, have been established following the period known as *La Violencia*, characterized by strong diatribes between the liberal and conservative parties which culminated in the assassination of Jorge Eliécer Gaitán, and which gave way to the *Bogotazo*. For the next five decades, the FARC waged a bloody guerrilla war against the government, starting from their bases on the slopes of the Andes and reaching, with ambushes and attacks, even in the large cities of the country¹.

Unlike the guerrilla movements in other Latin American countries, such as Cuba and Nicaragua, the FARC never had the strength to seize power. Yet, for years the Colombian army, ravaged by corruption and inefficiency, failed to drive them out of the forestry where they had found refuge. Thanks to the revenues from drug trafficking, over which they were in control, during the 1980s the FARC had

¹ Molano, A. (2000). *The Evolution Of The Farc: A Guerrilla Group's Long History*. NACLA Report on the Americas, 34(2), 23–31. doi:10.1080/10714839.2000.11722627

become a semi-regular army, capable of clashing directly with the national army, no longer limited to ambushes and small-scale clashes². On November 24, 2016, the peace agreement between the Colombian government and the FARC was signed in Bogota, marking the end of the conflict. The agreement, strongly supported by the international community, is the first in the world to adopt an effective incorporation of a gender perspective, and continues to be one of the most advanced in terms of recognizing the rights of women and the LGBT community³.

The objective of this thesis is to observe the Colombian conflict through a gender lens, highlighting the role that women have played during the various phases of the conflict and in the process of negotiations, as well as to offer an assessment of how the implementation of the peace accords is impacting the lives of Colombian women. Analyzing the Colombian conflict is a challenging task, both for the fact that it lasted for more than half a century, and for the plurality of the actors involved. The complexity of the dynamics of the conflict come to light when we examine the consequences that this conflict has had on different social groups, which have been more or less affected by the conflict depending on their identity, with degrees of violence that differ according to the armed actors perpetrating it. This feature highlights the importance of collecting data as differentiated as possible, in order to avoid reporting only one of the many realities that are protagonists of this conflict.

For a long time, international security studies have centered their analysis on a male perspective. It is only in recent years that variables such as gender, ethnicity and age have begun to take on relevance in understanding the consequences of war. Indeed, the explicit recognition of the differentiated violence suffered by women in war contexts is a recent phenomenon, despite its systematic nature in modern conflicts⁴. With the acquisition of full citizenship, women have slowly begun to demand rights from which they have historically

² Molano

³ Boutron, C. (2018). *Engendering Peacebuilding: The International Gender Nomenclature of Peace Politics and Women's Participation in the Colombian Peace Process*. *Journal of Peacebuilding & Development*, 13(2), 116–121. doi:10.1080/15423166.2018.1468799

⁴ Sjoberg, L. (2009) *Introduction to Security Studies: Feminist Contributions*, *Security Studies*, 18:2, 183-213, DOI: 10.1080/09636410902900129

been excluded, finally doing justice to all the abuses they have been victims of. This is how the constitutions began to formally enshrine the rights of women, while historiography started to include the active participation of women in the events that determine the development of society. At the international level, there are now numerous tools available to the international community to address the violence suffered by women in armed conflict, and to ensure a broader participation of women in peace processes. CEDAW, UNSCR 1325 and the Rome Statute of the ICC are just a few examples. However, these tools alone are not sufficient to ensure real change, which can only happen through a full-ranging commitment to eradicate harmful gender stereotypes and create a more equitable and sustainable society.

Colombia is not exempt from this process: the immense efforts that feminist organizations have made to ensure fairer participation of women in peace negotiations have ensured that the Peace Agreement is still a cutting-edge model for gender perspective, and the reports that are constantly published on the role women have played during the nearly sixty years of armed conflict, as well as on the differentiated effects the war has had on Colombian women, are innumerable. However, while on the one hand we are witnessing the proliferation of discourses on the importance of including a gender perspective in all policies dealing with the resolution of the armed conflict, on the other hand we face the risk of relegating women to victim roles, minimizing their capacity for action and resistance. It is therefore important to offer representations that go beyond the binomial woman-passivity, avoiding images of subordination that too often justify the violence exercised against women⁵. The objective of this research work is therefore to contribute to the already existing literature through a comprehensive analysis that begins at the origins of the conflict and reaches the present day, and which, through a gender lens, allows to examine each phase in an unbiased way, bringing to light a more balanced picture and capturing facets that reflect the complexity and diversity of women's experiences in war.

⁵ Siddiqui, S. (2013). *Where Are The Women? A Contemporary Feminist IR Critique Of Security In World Politics*. *Pakistan Journal of Gender Studies*, 7(1), 29–41. <https://doi.org/10.46568/pjgs.v7i1.271>

This thesis will be developed on three levels: one expository/descriptive, one analytical and one of direct testimony. Among the main sources of reference used for the writing of the thesis are publications and reports of Colombian feminist organizations that deal with women, war and peace, such as Sisma Mujer, Ruta Pacífica de las Mujeres, Alianza de Mujeres Colombianas por la Paz, Corporación Humanas, Fundación Ideas para la Paz and Centro Nacional de Memoria Histórica. In addition, essays on feminism and international security by authors such as Ann Ticker and Laura Sjoberg were used. Several articles from Colombian and international newspapers and magazines were also used, such as El Tiempo, Rivista Semana, El Espectador, The New York Times, Foreign Policy, Foreign Affairs, International Feminist Journal of Politics, International Journal of Conflict and Violence, Journal of Peace Research, and Journal of Politics in Latin America.

Part of the research work took place in Colombia. However, given the impossibility of carrying out the interviews on site, they were carried out remotely through a virtual connection. The purpose of the interviews was to highlight the opinion of some activists and workers in the humanitarian sector regarding the implementation of the peace process and the situation of gender equality after the signing of the Final Agreement, as well as some scholars investigating the same issues. Most of the people interviewed belong to different Colombian organizations, which play a fundamental role in documenting the Colombian situation and in denouncing the lack of implementation of key points of the agreement. The interviews took place through the Zoom platform according to the Oral History method. Respondents answered a series of questions by expressing their assessment of issues such as the reintegration of female guerrillas into society, the political participation of women and the major challenges that Colombia faces with regard to gender equality.

The thesis will consist of four chapters. The first chapter deals with the international, regional and national legislative framework regarding the gender perspective. The Women, Peace and Security Agenda has made a fundamental contribution at the international level in the implementation of gender-sensitive policies. In particular, UNSCR 1325 has ushered in a new era of awareness of

gender issues in armed conflicts. Essential instruments are also found at the regional level, such as the Belém do Pará Convention and the Inter-American Commission of Women. Colombia is undeniably characterized by a wide proliferation of legal tools to combat the gender stereotypes that have formed the basis of the violence suffered by women during the armed conflict and their exclusion from the highest political offices. However, implementation of such measures is often poor or even absent.

The next three chapters will be focused on three historical phases: the conflict, the peace agreements and the post-conflict. The second chapter will analyse the different stages of the Colombian armed conflict, and it will describe the role that women have played in it. The Colombian conflict was characterized by the presence of a multiplicity of armed actors, legal and illegal, who were competing for the land. The armed actors were moved by different ideologies, which inevitably influenced the conception of society they aspired to impose once territorial control was obtained, and shaped different approaches towards the feminine. A parallelism between the FARC-EP and the paramilitary groups will be helpful to interpret why in some groups women have been integrated into the ranks of fighters and even into leadership positions, and why different actors have resorted to different types of violence against the community and, above all, against women.

The third chapter presents the various peace agreements between the Colombian government and the armed actors. After several failed attempts to end the violence, in 2016 the FARC-EP guerrilla and the Colombian government, then chaired by Juan Manuel Santos, put an end to a war that had been going on since 1960. Initially, the dialogues to reach a peace agreement, which began in 2012, were characterized by the absence of women at the negotiating table. In the 4 years that followed, feminist civil society organizations mobilized and lobbied the government for female negotiators to be incorporated into the process. The result was that not only women with great training and extensive experience in human rights were included in the negotiations, but a Subcommittee of Gender was also created, the first in the world of its kind,

which was charged with ensuring adequate incorporation of the gender perspective within the agreements.

Finally, the last chapter offers an analysis of the implementation of the Final Agreement and the gender perspective it entails. Each point of the Agreement will be analyzed in detail, in order to offer a precise picture of what are the objectives achieved and what are the remaining challenges. It will try to offer an analysis of the reasons that prevented some measures from being effectively put into practice, highlighting the structural problems and social difficulties. A special focus will be devoted to the re-incorporation of female fighters into society, for whom reincorporation has meant giving up the leadership roles they used to play when they were members of the guerrilla and returning to stereotyped gender roles, such as childcare and housework.

FIRST CHAPTER

A FEMINIST PERSPECTIVE OF GENDER AND WAR

The modern state has traditionally attributed to women a subordinate role in most spheres of society. Women have long been absent from the decision-making field, both private and public, and it is only recently that we have begun to witness an increase, albeit slight and very slow, of women in positions of power. However, even nowadays there is still a very limited number of women working in diplomacy, in politics, in the military and in the science of international politics. Women continue to face an evident discrimination in these fields, especially when they intend to run for high posts, because these sectors continue to be perceived as a men domain. In fact, women are not only discriminated against in warfare and international relations, but also in every working environment that requires them to hold leadership positions. Nevertheless, in the sectors just mentioned this is particularly evident, and society still tends to be surprised, if not disappointed, when it deals with women in military academies, or women peace negotiators, or women in guerrilla.

Being absent from leadership positions does not equate to not having a role to play at all. Women have often played key roles during wars, revolutions, uprisings, terrorism and counterterrorism, but often we tend to underestimate the relevance of their actions, if not completely neglect them. Moreover, despite the countless contributions that women offer in terms of peace and security, they continue to be represented as victims, as a part of the fragile, helpless, vulnerable and passive population, and who constantly protected by their male counterparts, and which is not independent or capable enough to fend for themselves and take any relevant decision. These representations are incorrect and misleading, because they necessarily deny women's agency and they reinforce harmful stereotypes that still shape everyday life of millions of people all around the world. There is an extreme urgency to dismantle these stereotypes and to recognize the efforts women are constantly making in the fields of defense, peace and security, along with every other sphere of human life.

A fundamental aspect to take into consideration is that war exacerbates the imbalance of power in gender relations. These imbalances are already rooted in society, more or less deeply, and conflict contexts by their nature are able to bring them to light and exaggerate their dynamics. In most cases, therefore, society is already highly unbalanced, and women are already subject to discrimination and ill-treatment due to their gender. Thus, war helps to make these discriminations visible, and to make them deteriorate to such an extent that there seems to be no other way to build a society and to define the identity of individuals⁶.

It is often considered that the most immediate solution to fight gender inequality in politics and defence is to increase the number of women who sit at the negotiating table, who are elected to national parliaments, who serve in armies and who participate in peacekeeping missions. However, the most immediate solution does not necessarily equate to the most efficient one. Although these practices are strictly necessary, in order to actually be able to bring about real changes in society it is required that they are accompanied by other equally necessary practices. Among these, the inclusion of a gender perspective in every step of the post-conflict reconstruction, the guarantee of a safe public space for women's organizations for discussion and engagement, the creation of programs aimed at raising awareness of gender-related issues among the younger generations, the certainty that the policies adopted will not have indirect negative effects on women.

1.1 Gender and war

Both the fields of peace studies and security studies have been reluctant to include a feminist perspective in their analyses. These disciplines have been mainly dominated by male scholars, and their theorizations often embed a masculine perspective, linking human nature to masculinity.⁷ However, nowadays scholars can not refrain from including a gender dimension in their analyses of security and war related issues, and there has been a proliferation of investigations and studies

⁶ Puechguirbal, N. (2012). *The Cost of Ignoring Gender in Conflict and Post-Conflict Situations: A Feminist Perspective*, Amsterdam Law Forum, vol. 4, no. 1, pp. 4-19

⁷ Tickner, J., (2014). *A Feminist Voyage Through International Relations*. New York: Oxford University Press.

on women and security. Indeed, women's experiences of war are still largely invisible in the field of international relations, because they are not considered relevant to the debate around peace and security issues. For this reason, international relations should aim to build a feminist perspective that emphasizes gender hierarchies, in order to deconstruct a gender-blind approach that perpetuates the discriminations against women already permeating the society in peace times. Highlighting and documenting the plurality of women's experiences enables a reading devoid of a narrative which takes men's experiences and privileges for granted⁸.

Feminists notice that there is a clear difficulty in matching international theory with feminist theory. This has its most evident manifestation in the almost total absence of the feminist perspective in security studies. However, today there is no doubt an increase in gender studies, which use a bottom-up approach to analyse the impact of war on the micro level. Indeed, while international relations seek to understand the relations between states considered as unitary actors, the application of the gender perspective in war studies and international security allows us to understand the effects that war produces on certain population groups.⁹ One of the clearest examples is the differentiated analysis of women, children and LGBT communities in contexts of conflict. The objective of the differentiated analysis is to understand the deep reasons that lie in the differentiation of the disproportionate effects of war on the categories of individuals under analysis, in order to be able to prevent the establishment of political, economical and social power structures that originate them and to adopt effective policies in the phases following the conflict.

It is necessary to recognize the gender dimension in armed conflict in order to provide a proper lense to policy makers that need to be used to produce sustainable and inclusive policies. After the end of a conflict and the signing of peace agreements, many efforts need to be undertaken to bring peace to a conflict-torn society, and to start a reconstruction process that will affect many sectors of the public and private sphere. Reforms need to involve Disarmament,

⁸ Puechguirbal

⁹ Tickner

Demobilization and Reintegration (DDR) strategies, ceasefire agreements, political, social and economic reconstruction, and transitional justice, among others¹⁰. All these issues, when tackled in policies, need to take into account a gender dimension. When public policies disregard gender dimensions, they risk to have disruptive consequences for society. The implementation of a gender perspective in post-conflict reconstruction is essential to avoid unintentionally undermining women or other marginalized groups, as well as to understand the deep causes that led to the power imbalance between men and women, and to offer accessible and sustainable pathways for the elimination of such discriminations.

1.1.1 Women in the military

Along with the exclusion of women from political debates, women have been excluded from warfare and from the defense of the state. For a long time, men have been considered the only relevant actors in armed conflict. The image of a pure and submissive woman who constantly needs to be protected clashes with the virility attributed to soldiers, and it was - and still is - believed that women were under no circumstances fit to have access to weapons and to discuss war strategies¹¹. In the military, anything that strayed from the image of a manly man was considered a dishonor, and soldiers were required to get rid of any traits that might be associated with the non-masculine. However, women do participate in wars, and their involvement in armed conflict stands at a higher rate than it is usually recognized. Women play several roles in conflicts. Whether they are fighters, providers of support to other armed actors, informants or nurses, women's participation in armed conflict is undoubtedly significant for all of society¹².

Among women who participate in wars as combatants, it is relevant to make a distinction between those who are part of national armies and those who are members of illegal armed groups. Even nowadays, despite some countries

¹⁰ Sharp, D. N. (2012), *Beyond the Post-Conflict Checklist: Linking Peacebuilding and Transitional Justice Through the Lens of Critique*. 14 Chicago Journal of International Law 165 (2013), <http://dx.doi.org/10.2139/ssrn.2029804>

¹¹ Decew, J.W. (1995), *The Combat Exclusion and the Role of Women in the Military*. Hypatia, 10: 56-73. <https://doi.org/10.1111/j.1527-2001.1995.tb01353.x>

¹² : Vogel, L., Porter, L. and Keibell, M. (2014) *The Roles of Women in Contemporary Political and Revolutionary Conflict: A Thematic Model*, Studies in Conflict & Terrorism, 37:1, 91-114, DOI: 10.1080/1057610X.2014.853606

allowing women to serve in the army, military service is compulsory for both genders only in 9 countries, namely Cape Verde, Chad, Eritrea, Israel, Morocco, Norway, North Korea, China and Sweden. However, in some of these countries military service for women is only selective, while in others it has never been arranged.¹³ It follows that in the vast majority of the world, women do not face the same obligations as men in relation to compulsory draft. The compulsory military service for women is however a subject of criticism and debates: while some liberal feminists claim that it leads to an equal citizenship, more radical feminists oppose it because it would endorse a martial citizenship and a cooperation with sexist institutions.¹⁴ As for illegal armed groups, women have been reported to take part in a number of uprisings, and Central and South America provide several examples of women participating in ideology-driven revolution. With respect to women in supportive roles, women can be involved in a variety of activities, such as gathering and sharing of information, nursing, cooking, intelligence services and arms transfer. In many cases, women are attributed such assignments because of preconceptions about femininity, which consider women as natural providers of support and care.¹⁵

When women are involved in the armed struggle, they often face a question that is usually not reserved to men, namely *why?* The lack of agency attributed to women collides with the reality, where women take part in wars and armed conflicts for several reasons. These reasons include believing in a cause, fighting social injustice, defending their homeland, their community or their family. At the same time, they could join the armed struggle because they are forced to, or even because they believe to be forced. Thus, it is strongly needed to collect sex-disaggregated data in order to understand the complexity of women's involvement in armed struggle, to attribute a proper gender dimension of the conflict in analyses and to reveal the

¹³ CIA, Military Service Age and Obligation, World Factbook. Consulted on Dec 12, 2020.

<https://www.cia.gov/library/publications/resources/the-world-factbook/fields/333.html>

¹⁴ Sasson-Levy, O. *Feminism and Military Gender Practices: Israeli Women Soldiers in "Masculine" Roles*. *Sociological Inquiry* 73 (2003): 440-465.

¹⁵ Taylor, S.(2015), *A Better Peace? Including Women in Conflict Negotiations*, Doctoral Dissertation, New School for Social Research

narratives that contributed to the construction of the ideas of feminine and masculine that were used to legitimize war¹⁶.

1.1.2 Gender dynamics and impacts in armed conflicts

Considering that wars affect men and women differently and, often, in a disproportionate way, it is extremely important to investigate the ways war impacts different genders. Over the last few decades, policy makers and researchers have been questioning the idea that there is not a differentiated effect over the experience of war between men and women. On the contrary, there is now wide evidence that gender has a significant impact on both the effects on society and the way war is fought, and the consequences of war are anything but gender-free¹⁷.

Gender stereotypes underlie the inequality experienced by women and men in the armed conflict. Gendered narrative portrays women as mothers, wives and victims, while men are described as warriors, aggressors and protectors of the homeland. Moreover, the same narratives tend to represent foe's women as promiscuous and foe's men as a physical threat, while women and men from one's own society are respectively portrayed as mothers and protectors of the nation. These stereotyped representations inevitably lead to the denial of the existence of far more complex gender relations¹⁸. Women in armed conflicts not only play the role of victims, sex workers and mothers of murdered soldiers, but also they might be combatants, as the case of the FARC guerrillas clearly demonstrates. At the same time, not all men in war-torn societies are soldiers, and although the consequences for the civilian population have disproportionate consequences for women, men can also be civilian victims, or peace activists. Traditional narratives tend not only to deny the existence of these roles, but also to exaggerate the stereotypical representations of woman-victim and man-aggressor. Therefore, it is essential to take into consideration the existence of these dynamics to offer a more truthful and reliable

¹⁶ Eklund, L. and Tellier, S. (2012), *Gender and international crisis response: do we have the data, and does it matter?*. *Disasters*, 36: 589-608. <https://doi.org/10.1111/j.1467-7717.2012.01276.x>

¹⁷ Nordstrom, C. (2005), *(Gendered) War*, *Studies in Conflict & Terrorism*, 28:5, 399-411 <http://dx.doi.org/10.1080/10576100500180410>

¹⁸ DeGroot, G. J. (2001), *A few good women: Gender stereotypes, the military and peacekeeping*, *International Peacekeeping*, 8:2, 23-38, DOI:10.1080/13533310108413893

narrative, to understand the reasons for the pre-existing inequalities unavoidably exacerbated by the armed conflict, and to reflect on the strategies to be adopted to create a more sustainable and gender-balanced society in the post-conflict.

Feminists argue that the relation between man and war derives from deeply patriarchal military structures, which do not stem from biological traits, but rather from social constructions strongly influenced by gender stereotypes. The patriarchal structure of society resulted in military institutions designed by men for men, and no space was allocated to women within such structures. For this reason, we tend to see a strong correlation between men, war and aggression. However, the fact that this is the image of society that emerges through the lens of patriarchy does not mean that this correlation has "biological" bases, or that there are no other lenses through which to analyse the structure of society more deeply.¹⁹ The fact that violence in warfare is mainly perpetrated by men does not reinforce the correlation between man and violence. Indeed, men are not inherently violent, but violence is often perpetrated by those in power, and those in power are generally men because of the stereotypes that see women as unsuitable to be in decision-making positions. Men tend to use violence to complement their expectations as defenders of the homeland and community, and in accordance with the social expectations of manliness, which often describe a proper man as someone capable of using weapons.²⁰

Women and children make up the majority of victims of sexual violence and forced displacement. Women experience forced displacement and relocation in a particular way. Displaced women suffer critical consequences from the dispossession of their lands and properties. Besides being victims of violence from the actors who force them into displacement, and besides having to bear a significant emotional distress, they often face exclusion and discrimination in the community where they are displaced to²¹. The situation is more problematic for widows: in patriarchal societies, women are expected to take care of the children

¹⁹ El Jack, A. 2003. *Gender and Armed Conflict: Overview Report*. Brighton, UK: Institute of Development Studies

²⁰ Jacobs, S., Jacobson, R. and Marchbank, J. (eds), 2000, *States of Conflict: Gender, Violence and Resistance*, London: Zed Books

²¹ Meertens, D. (2010), *Forced displacement and women's security in Colombia*. 34(Supplement s2), 0-0. doi:10.1111/j.1467-7717.2010.01151.x

and of the house, while men are expected to provide for the economic livelihood of their family. Once displaced, besides carrying out childcare and housework, widows have to assume roles and responsibilities that have always been carried out by their husbands, and that in many cases are completely alien to them. In this way, displaced women do not have resources or time to uphold their rights, and they enter a new phase of discrimination and stigmatization which will add new struggles to an already devastated situation.

1.1.3 Sexual violence as a weapon of war

Gender-based violence is a constant in armed struggles, and sexual violence is its clearest manifestation. War-related sexual violence denies women's rights, and rape is a core violation of humanitarian law. For a long time, sexual violence in armed conflict has been considered as a natural consequence of war, as something inevitable and intrinsically inscribed in and related to the violence of war²². Even though sexual violence in conflicts has always existed, its use has become systematic in most recent conflicts, and, after the genocides in Rwanda and in former Yugoslavia, the international community started to define sexual violence in armed conflicts as a weapon of war targeting specific categories of people, mainly women and girls²³. This recognition is further enhanced by the Rome Statute of the International Criminal Court.

War-related sexual violence is the result of patriarchal practices discriminating women because of their gender. Sexual violence is used to humiliate, degrade and annihilate victims. Although men can also be victims of sexual violence in armed conflicts, this type of violence disproportionately affects women, causing devastating effects on the victims and on the society as a whole. Among sexual violence, there are some categories of crime that are almost exclusively perpetrated against women. These include forced sex labor and forced pregnancies or abortions²⁴.

²² Wood E. J. (2006), *Variation in Sexual Violence during War*. *Politics & Society*. 2006;34(3):307-342. doi:10.1177/0032329206290426

²³ Buss, D. E. (2009), *Rethinking 'Rape as a Weapon of War'*. *Fem Leg Stud* 17, 145-163. <https://doi.org/10.1007/s10691-009-9118-5>

²⁴ Peltola, L. (2018), *Rape and Sexual Violence Used as a Weapon of War and Genocide*. CMC Senior Theses. 1965. http://scholarship.claremont.edu/cmc_theses/1965

War-related sexual violence can be prosecuted as a war crime or as a crime against humanity - or both. If committed during an armed conflict, sexual violence will be prosecuted as a war crime, while if it is committed as part of a widespread or systemic attack, even in the absence of an armed conflict, it will be prosecuted as a crime against humanity²⁵. Furthermore, sexual violence could be used as a weapon to commit genocide, as it happened in Rwanda, where, besides causing physical and mental harm to the victims, sexual violence was aimed at altering the ethnic composition of the population, as

[i]n patriarchal societies, where membership of a group is determined by the identity of the father, an example of a measure intended to prevent births within a group is the case where, during rape, a woman of the said group is deliberately impregnated by a man of another group, with the intent to have her give birth to a child who will consequently not belong to its mother's group. Furthermore, the Chamber notes that measures intended to prevent births within the group may be physical, but can also be mental. For instance, rape can be a measure intended to prevent births when the person raped refuses subsequently to procreate, in the same way that members of a group can be led, through threats or trauma, not to procreate.²⁶

Sometimes, men can be the indirect targets of sexual violence. This violence is inflicted on women in the community to undermine male power, that is, to question the ability of men belonging to that community, or to the family of the victim, to protect the women who are part of it. It is believed that the "dishonor" inflicted on the victim, generally in front of her husband, inevitably undermines the reliability of his role as protector. This consideration is a typical trait of strongly patriarchal societies, where there is no other way to look at gender relations except from the perspective of the weak and defenseless woman and the man who is in charge of protecting her²⁷.

²⁵ Rome Statute of the International Criminal Court, Articles 7(1)(g), 8(2)(b)(xxii) and 8(2)(e)(vi).

²⁶ The Prosecutor v. Jean-Paul Akayesu (Trial Judgement) 2 September 1998 at paras 507-8

²⁷ DeGroot

Men as victims of armed conflict can directly experience rape and other human rights abuses. The main profiles of the men victims of such violence correspond to prisoners of war, or men who differ from the image of virility, e.g. homosexuals or pacifists. Sexual violence inflicted on men aims to disintegrate male power in the community, with disastrous effects on both individual and community identity levels. The documentation of this type of violence is still quite limited, and more efforts should be made to analyse the causes of this pattern of violence, in order to understand the gendered realities that allow its manifestation²⁸.

Sexual violence has a devastating effect on the life and future of the victims. In addition to all the physical and psychological damages victims face, they find themselves in the position of being stigmatized within the community to which they belong, where they are pointed to as someone else's "possession", and therefore isolated and abandoned. This process can start from the family itself, which instead of providing support to the victim of sexual violence turns into a further executioner, distancing them from the family nucleus and not recognizing the suffering they are experiencing. For this reason, it is particularly challenging to collect testimonies regarding the phenomenon of sexual violence. Women victims of sexual violence feel ashamed of remembering events, and the fear of being stigmatized within their community often causes them to avoid reporting the facts. In this way, the perpetrators of such violence often go unpunished and remain at large. The most detrimental effect of this dynamic is that we avoid adequately addressing the phenomenon of sexual violence as a weapon of war, a violation of human rights and a crime against humanity²⁹.

Another reason why it is difficult for victims to decide to report their abusers derives from the conception of sexual violence as a private issue. Many of the victims are absolutely unaware of their rights, and abusers sometimes refuse to recognize their actions as crimes, because this type of violence is believed to be acceptable in some cases. Sometimes men carry out acts of sexual violence against

²⁸ Lewis, D. A. (2009), *Unrecognized Victims: Sexual Violence Against Men in Conflict Settings Under International Law*, Wisconsin International Law Journal, Vol. 27, No. 1, pp. 1-49, Available at SSRN: <https://ssrn.com/abstract=1404574>

²⁹ Gualdron, O. and Steward, F. (2015), *Victimizacion y Violencia Sexual en el Conflicto Armado en Colombia*. Subjetividad y Procesos Cognitivos, Vol. 19, núm.2, pp.173-186

their wives or partners, frustrated by the undermining of their manhood following the rape of their partners by armed actors. Even institutions are often not designated to recognize sexual violence as a public and not a private assumption, “since legal systems and cultural norms too often treat it not as a crime, but as a family matter, or a normal part of life”³⁰.

1.1.4 Women and conflict negotiations

Ignoring women’s voices is an obstacle to peace. In the past decades, it has been underlined the necessity to include women in peace-building, peace-making and peace-keeping, and to make women’s needs visible and taken into account at every step of each process. These necessities are mutually related, since women’s participation in negotiation processes is required to include their needs in peace-building and post-conflict policies. For a long time, peace negotiations have only been deemed domain of men, which resulted in the lack of consideration for concrete women’s needs, not infrequently starting with the humanitarian aid itself, which in many occasions are not responsive to gendered necessities³¹. The effective inclusion of a gender perspective in negotiated policies should include both short-term and long-term needs. Short-term needs include the provision of food, water and health care, while long-term needs include an expansion of political participation, the guarantee of female leadership, and a restructuring of society that decreases the rigidity of gender roles that they leave women behind.³²

In post-conflict reconstruction, there is usually a clear imbalance in gender relations in peacebuilding and peacekeeping. Peacekeeping is referred to the deployment of military forces to a region to ensure security and peace, while peacebuilding includes non-violent activities aimed at transforming society by eradicating the conditions that have allowed the establishment of a violent and conflictual regime. While peacekeeping, being highly militarized, is considered a male prerogative, peacebuilding, with the exception of its more political

³⁰ World Health Organisation (WHO), Gender-based violence, www.who.int/gender/violence/en/

³¹ Lafrenière, J., Sweetman, C. and Thylin, T. (2019). *Introduction: gender, humanitarian action and crisis response. Gender & Development, 27(2), 187–201.* doi:10.1080/13552074.2019.1634332

³² El Jack

components, has traditionally been awarded to women, due to its perception of being softer than peacekeeping³³. UN peacekeeping missions in 2020 deployed 95,000 peacekeepers, of whom women constitute 4.8% of military contingents and 10.9% of formed police units.³⁴ The numbers are certainly low and there are still many steps to be taken to achieve parity in this sector. Yet, we are constantly witnessing a slight increase in women employed in this sector as well. Since women suffer from the effects of war disproportionately, it is necessary that their participation in all phases of the post-conflict reconstruction is guaranteed. Their participation in peacekeeping operations creates enormous benefits for the quality of life of the community as a whole, as they can help change attitudes and mindsets, and provide a sense of trust in the operations in the eyes of the community.

A key aspect is the inclusion of former combatants in society. For women, this is a major challenge, as they are at high risk of being stigmatized for participating in something deemed male prerogative. This phase is very delicate, and must be carried out with the utmost awareness to ensure its success. The reincorporation of ex-combatants into society must take into account the guarantee of their participation in political processes, through which the ex-combatants can make their voices heard. However, women are often marginalized during reincorporation processes, which contributes to heightening gender differences in political participation, as well as not providing an adequate transition process. In fact, many women who have held the role of fighters, with a more or less sustained level of leadership, find themselves having to return to society, losing the level of autonomy and power they had gained, being relegated to domestic duties and care of the children. Their identity and that of the community are thus strongly affected, and the harmful gender stereotypes that shape everyday life are reinforced³⁵.

³³ Stiehm, J. H. (2001). *Women, peacekeeping and peacemaking: Gender balance and mainstreaming*. International Peacekeeping, 8(2), 39–48. doi:10.1080/13533310108413894

³⁴ United Nations, Women in Peacekeeping. Last accessed: 02/12/2020 <https://peacekeeping.un.org/en/women-peacekeeping#:~:text=In%202020%2C%20out%20of%20approximately,units%20in%20UN%20Peacekeeping%20missions>.

³⁵ Ehasz, A. (2020). *Political Reincorporation of Female FARC-EP Ex-Combatants: The Creation of Victims, Heroes, and Threats*. Cornell International Affairs Review, 13(2), 39-93. <https://doi.org/10.37513/ciar.v13i2.553>

1.2 Global Commitments and Regional Perspectives

In the 1960s, in conjunction with the second wave of feminism³⁶ that swept the world, talks about the struggle against cultural paradigms that led to the delineation of a society where women are clearly reserved a secondary space started to take hold. In this context, it was claimed that the violence to which women were constantly victims, both in public and, especially, in private, did not represent an aleatory phenomenon, but rather it responded to precise dynamics of subjugation of women³⁷. Thus began to develop a line of study of discriminations against women, which will find its focus in the developments of international humanitarian law and of human rights.

In September 1995, in Beijing the Fourth World Conference on Women: Action for Equality, Development and Peace was held, marking a turning point in the agenda of gender equality. In the framework of this conference, governments from all over the world adopted a resolution known as the Beijing Platform for Action, which has been widely recognized as the most progressive blueprint in the enhancement of women's rights. The Beijing Declaration covers a total of 12 areas where gender equality needs to be strengthened³⁸. Since then, remarkable developments have progressed in the expansion of the international normative and policy framework on issues related to women and armed conflict. In addition, issues that were not specifically addressed in the Platform for Action have been introduced to the discourses on gender equality, and global implementation efforts have become centred around a wider agenda on women, peace and security.

Nowadays, the international law offers a wide range of instruments to tackle violence and discrimination against women in every sphere, some of which

³⁶ The second wave feminism was a movement focused on critiquing the patriarchal male-dominated institutions and cultural practices throughout society.

³⁷ Lear, Martha Weinman. *The Second Feminist Wave: What do these women want?*. The New York Times, March 10, 1968.

³⁸ Women and poverty; Education and training of women; Women and health; Violence against women; Women and armed conflict; Women and the economy; Women in power and decision-making; Institutional mechanisms for the advancement of women; Human rights of women; Women and the media; Women and the environment; The girl child. Source: Beijing Declaration and Platform for Action. https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf

specifically address gender issues in war contexts. Although there has been such proliferation of policy instruments with an unquestionably impacting effect on women's rights, there is still a long way to go to truly reach parity and change the status quo. Many disadvantages derive from the nature of international law itself, which does not offer yet suitable and effective instruments to force implementation at national level, sometimes not even for countries that ratified international conventions. Furthermore, cultural differences play a role too in making the implementation of international law challenging. Indeed, women's rights are implicated in deeply ingrained cultural systems that are difficult to change.

1.2.1 Convention on the Elimination of All Forms of Discrimination Against Women

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the first international treaty to tackle women's rights as human rights. Adopted by the UN General Assembly on September 18, 1979, and in force since September 3, 1981, CEDAW is one of the most effective human rights treaties, and one of the major developments in human rights, mandating change in the public sphere, the private sphere, and the minds of individuals. It was drafted by the Commission on the Status of Women (CSW), a permanent body in the UN that was in charge of dealing with women's rights. As stated in article 2, the main scope of CEDAW is "*to condemn discrimination against women in all its forms, to pursue by all appropriate means and without delay a policy of elimination of discrimination against women.*"³⁹ A remarkable aspect of CEDAW is the link it poses between political rights and economic, social and cultural rights⁴⁰. In particular, Article 13 affirms that:

State parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: a. The right to family benefits; b. The right to bank loans, mortgages and other forms

³⁹ CEDAW Article 2

<https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article2>

⁴⁰ Mullins, L. B. (2017). *CEDAW: The Challenges of Enshrining Women's Equality in International Law*. Public Integrity, (), 1–16. doi:10.1080/10999922.2017.1381542

of financial credit; c. The right to participate in recreational activities, sports and all aspects of cultural life⁴¹.

Countries that ratified the Convention are required to enshrine gender equality in their national legislation, to repeal all discriminatory provisions in their laws and to issue new provisions to guard against discrimination against women. They must also establish courts and public institutions to guarantee women effective protection against discrimination and take measures to eliminate all forms of discrimination against women by individuals, organizations and businesses. However, its ambitious goal to end discrimination against women is nonetheless challenged by some difficulties in enforcement. Despite being legally binding, CEDAW does not have the proper instruments to ensure that countries comply with the provisions of the convention and fulfil their obligations. In addition, despite being one of the most broadly endorsed human rights treaties, some countries refused to sign or ratify it⁴². Nevertheless, CEDAW could potentially have an extremely significant impact on international law and women's rights. Indeed, has already shown its potential in creating a clear space for women's rights in the broader category of human rights, and it has established international women's rights standards⁴³.

1.2.2 UNSC Resolution 1325 and the Women, Peace and Security Agenda

One of the most significant events in the field of women and security is the approval, on October 31, 2000, of Resolution 1325 on Women, Peace and Security (shortly UNSCR 1325) by the United Nations Security Council. The UNSCR 1325 is considered a milestone because it ushered a new era in tackling gendered relations in war, inaugurating the Women, Peace and Security Agenda (WPS Agenda). This resolution is fundamental because, for the first time, an international commitment is defined to ensure greater participation of women at the negotiating table, recognizing the relevance of the inclusion of a gender perspective in negotiation agreements, along with endorsing greater attention to the protection of women

⁴¹ CEDAW Article 13

<https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article2>

⁴² The countries that did not ratify CEDAW are Iran, Palau, Somalia, Sudan, Tonga and the United States, while the countries that did not sign it are Niue and Vatican City.

⁴³ Mullins

during conflicts. The innovation lies in the recognition of women and men's different experiences in war, offering a legal framework for addressing gender specificities during conflict and post-conflict processes. Moreover, it recognizes the essential work carried out by women at grassroots level for the rebuilding of their communities after the end of the war, as well as their agency in building peace and granting security⁴⁴.

At the UN level, further resolutions have been adopted to tackle gender-related impacts of war in the framework of the Women, Peace and Security Agenda. The WPS Agenda, formally initiated with the UNSCR 1325, envisions ten resolutions aimed to strengthen women's protection, participation and rights, from conflict prevention to post-conflict reconstruction. These resolutions are:

- Security Council resolution 1820 (2008), recognizing sexual violence as a weapon and a tactic of war;
- Security Council resolution 1888 (2009), mandating peacekeeping missions to protect women, girls from sexual violence in armed conflict.
- Security Council resolution 1889 (2009), fostering an improvement in women's participation in peace processes in post-conflict contexts;
- Security Council resolution 1960 (2010), reiterating a call to end sexual violence in conflicts;
- Security Council resolution 2106 (2013), providing more operational details;
- Security Council resolution 2122 (2013), affirming an "integrated approach" to sustainable peace;
- Security Council resolution 2242 (2015), fostering strategies and resources regarding the implementation of the WPS Agenda;
- Security Council resolution 2467 (2019), enhancing support for survivors and civil society.

⁴⁴ Pratt, N. and Richter-Devroe, S. (2011). *Critically Examining UNSCR 1325 on Women, Peace and Security*. *International Feminist Journal of Politics*, 13(4), 489–503. doi:10.1080/14616742.2011.611658

- Security Council resolution 2493 (2019). urging member states to commit to implementing the nine previously adopted resolutions⁴⁵.

The WPS Agenda recognizes the correlation between gender equality, empowerment of women and sustainable peace, and stresses the importance of integrating a gender perspective at all levels of decision-making. Nowadays, UNSCR 1325 and the following resolutions have been translated into programmes and laws in many countries, and women all over the world are advocating for the protection of their rights framing UNSCR 1325 for their demands. In addition, the WPS Agenda has paved the way for more initiatives aiming at granting a legal framework for issues related to women and war. New measures started to be adopted at international, regional and national level, as well as in non-governmental organizations, to promote an environment sensitive to gender issues. The United Nations Security Council holds annual debates to verify the state of implementation of the UNSCR 1325, and to provide further guidance on how to fully enforce it. However, the number of women involved in formal peacemaking processes is still low, and many peace agreements do not include provisions that sufficiently address women's needs in terms of security and peacebuilding.

1.2.3 International prosecution of sexual violence

The fact that violence against women in wartime has never been considered particularly relevant by the parties involved is demonstrated by the little attention paid to the punishment of crimes of sexual violence against women. In recent decades, the situation has undoubtedly changed. The international community became increasingly aware of the need to punish such crimes, and international laws aimed at combating such violence are increasingly numerous⁴⁶. However, this does not mean that implementation is automatic, and the effectiveness of such provisions continues to be rather poor.

Art. 27.2 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, adopted in 1950, contains the first international norm against the

⁴⁵ PeaceWomen, The Resolutions
<http://www.peacewomen.org/why-WPS/solutions/resolutions>

⁴⁶ Haskell. J. D. (2009), *The Complicity and Limits of International Law in Armed Conflict Rape*, 29 B.C. Third World L.J. 35, <http://lawdigitalcommons.bc.edu/twlj/vol29/iss1/2>

practice of rape, stating that “*Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault*”⁴⁷. However, the limits of this rule are evident: by linking the atrocity of sexual violence to a simple attack on the woman's honor, and thus to a social construction shaped in patriarchal societies, it refrain from addressing the real threat that sexual violence in wartime represents for the victims and for all the society. Moreover, the crimes considered as specifically harmful to women are exclusively those of a sexual nature, although the situations that damage the rights of women that occur during armed conflicts are obviously many others.

The Charter of the International Military Tribunal of Nuremberg, issued in 1945, does not tackle gender based sexual violence in war contexts either, and in the trials of the major Nazi war criminals little attention was paid to the numerous evidence of systematic violence against female component of the civilian population perpetrated during war. However, the Nuremberg Charter is of great importance for providing for the category of crimes against humanity, particularly serious violations of the principles of dignity of the person that can also occur outside the war context⁴⁸. Instead, the Statute of the Hague Criminal Court explicitly mentions rape as a crime against humanity, thus overcoming the approach adopted in Nuremberg. Indeed, Article 5 of the Statute affirms that:

*The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population: (a) murder; (b) extermination; (c) enslavement; (d) deportation; (e) imprisonment; (f) torture; (g) rape; (h) persecutions on political, racial and religious grounds; (i) other inhumane acts.*⁴⁹

The International Criminal Tribunal for Rwanda, which was modeled and institutionally linked to that for the former Yugoslavia. In the Statute of the

⁴⁷ Fourth Geneva Convention, art. 27.2.

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AE2D398352C5B028C12563CD002D6B5C&action=openDocument>

⁴⁸ De Stefani, P. (2000) *La normativa penale internazionale per violazione dei diritti umani. Il caso dei crimini contro le donne*. http://dirittiumani.donne.aidos.it/bibl_2_testi/b_patti_conv_protoc/f_diritto_penale_internaz/f_de_stefani_crimini_donne.pdf

⁴⁹ Article 5 of the Statute of the International Criminal Tribunal for the Former Yugoslavia. https://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf

Tribunal, rape is counted among crimes against humanity in Article 3, which affirms that:

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation; (e) Imprisonment; (f) Torture; (g) Rape; (h) Persecutions on political, racial and religious grounds; (i) Other inhumane acts⁵⁰.

Moreover rape is also included in the exemplary list article 4 of the Statute, with reference to the Geneva Conventions and the Second Additional Protocol:

The International Tribunal for Rwanda shall have the power to prosecute persons committing or ordering to be committed serious violations of Article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977. These violations shall include, but shall not be limited to: (a) Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment; (b) Collective punishments; (c) Taking of hostages; (d) Acts of terrorism; (e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault; (f) Pillage; (g) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilised peoples; (h) Threats to commit any of the foregoing acts.⁵¹

The Rome Statute of the International Criminal Court, in force since 2002, largely reflects the practice of ad hoc courts. The crimes for which the International Criminal Court has jurisdiction are the crimes of aggression, genocide, crimes against humanity and war crimes. The Rome Statute of the International Criminal Court is one of the first international treaties to extensively address sexual gender based violence as crimes against humanity, war crimes and, in some cases, genocide, creating a permanent legal framework for victims of gender-based and sexual crimes⁵².

1.2.4 Enhancing women's rights and security in Latin America

⁵⁰ Article 3 of the Statute of the The International Tribunal for Rwanda.

⁵¹ Article 4 of the Statute of the The International Tribunal for Rwanda.

⁵² Bensouda, F. (2014). Gender Justice and the ICC. *International Feminist Journal of Politics*, 16(4), 538–542. doi:10.1080/14616742.2014.952125

Latin America and the Caribbean is the most inequal region on the planet, with discrimination and violence reaching extraordinarily high levels. After more than half a century of regional instability, Latin America is the most violent region in the world for women, and in some regions 96 percent of murders of women go unpunished⁵³. In this context, addressing gender equality and women's empowerment could be even more challenging than in other regions. Overall, Latin American governments are largely ready for gender engagement. In the last decades, progress has been made in several sectors: the region is a global leader in relations to legislative positions held by women, and the legal framework is increasingly suited to women's needs. Moreover, the region has a Regional Gender Agenda that, together with the 2030 Agenda for Sustainable Development, constitutes a frame of reference for proposals and goals related to gender issues⁵⁴.

Nowadays, Latin America possesses several tools aiming to tackle gender inequalities on the continent. Among these, the most effective are the Inter-American Commission of Women, the Belém do Pará Convention and the regional Women, Peace and Security Agenda.

The Organization of American States (OAS) is the world's oldest regional organization, operating since 1948. It was established in order to promote "*an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence*"⁵⁵. Within the OAS framework, fundamental steps have been taken for the creation of regional mechanisms for the protection of women's rights, including the establishment of the Inter-American Commission of Women. The Inter-American Commission of Women, abbreviated CIM, is an organization created in 1928 that represents the first regional organization in the Americas to

⁵³ Sonio Nazario, "Someone Is Always Trying to Kill You", The New York Times, April 04, 2019, <https://www.nytimes.com/interactive/2019/04/05/opinion/honduras-women-murders.html>

⁵⁴ Economic Commission for Latin America and the Caribbean (2019), *Gender equality plans in Latin America and the Caribbean: Road maps for development*, <https://www.cepal.org/en/publications/41015-gender-equality-plans-latin-america-and-caribbean-road-maps-development>

⁵⁵ OAS Charter, Article 1

http://www.oas.org/en/sla/dil/inter_american_treaties_A-41_charter_OAS.asp

specifically address political needs of women. It constitutes an emisphere-wide forum to establish policies related to women's rights and gender equality, and to the present date it is the only inter-governmental agency of this nature in the Americas. CIM mission is to shape the public policy agenda from a rights-based perspective for the full citizenship of women and the elimination of gender-based discrimination and violence, and it is the main instruments in the Americas to generate policies connecting public policy with international legal framework on human rights through dialogue between strategic sectors.⁵⁶

Through its engagement, CIM has assured that the rights of women and gender equality have been firmly placed on the inter-American agenda, and it constantly provides technical and advisory support to the Organization of American States (OAS) on the implementation of conventions and other agreements regarding women's rights in the region, including the Convention on the Nationality of Women, which established the prohibition to make distinctions based on sex with respect to nationality, either in legislation or in practice; the Inter-American Convention on the Granting of Civil Rights to Women, that accorded to women the same civil rights enjoyed by men; the Inter-American Convention on the Granting of Political Rights of Women, that accorded to women the same political rights enjoyed by men; and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, an historic agreement tackling the issue of violence against women⁵⁷.

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, better known as the Belém do Pará Convention, is the first legally binding international treaty that criminalizes violence against women, with a focus on sexual violence, establishing that violence against women is to be considered as a violation of both human rights and fundamental freedoms⁵⁸. By claiming that women have the right to live a life free of violence, it calls for the establishment of mechanisms to protect women's rights and to prevent physical,

⁵⁶ OAM, CIM Mission and Mandate, <http://www.oas.org/en/CIM/about.asp>

⁵⁷ OAS, Legal framework for women's rights and gender equality, <http://www.oas.org/en/CIM/legal.asp>

⁵⁸ Meyer, M. K. (1998), *Negotiating international norms: The Inter-American Commission of Women and the Convention on Violence Against Women.* , 24(2), 135-146. doi:10.1002/(sici)1098-2337(1998)24:2<135::aid-ab4>3.0.co;2-l

sexual or psychological violence against women, both in private and public spheres. It entered into force in 1995, after a decade when in some Latin American countries the use of rape as a tool of war was made visible, and the taboo on domestic violence started to erode, with domestic violence entering into the public discourse⁵⁹. It is one of the most ratified inter-American conventions, with only Cuba, the United States and Canada withholding their ratification deposits.

The Preamble of the Convention states that “*violence against women is an offense against human dignity and a manifestation of the historically unequal power relations between men and women*”⁶⁰. In Article 7 the Convention presents the concept of due diligence, stating that states have the duty to “*prevent, investigate and impose penalties for violence against women.*” In this way, it creates a legally binding provision that obliges them to investigate and make all the possible efforts to prevent the abuses covered by the convention. If states fail to comply with this provision, they will be held accountable and face a trial by the Inter-American Court of Human Rights, and be subjected by a binding judgement⁶¹. In addition, Article 8 is fundamental for the promotion of women’s rights and the eradication of sexual violence, as it states that:

The States Parties agree to undertake progressively specific measures, including programs:

(a) to promote awareness and observance of the right of women to be free from violence, and the right of women to have their human rights respected and protected;

(b) to modify social and cultural patterns of conduct of men and women; including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs and all other practices which are based on the idea of inferiority or superiority of either of the sexes or on the stereotypes roles for men and women which legitimize or exacerbate violence against women;

(c) to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as

⁵⁹Meyer, M. K. and Prügl, E. (1999.), *Gender Politics in Global Governance*, Lanham, MD: Rowman and Littlefield, pp. 65–66.

⁶⁰ Preamble of the Belém do Pará Convention

⁶¹ Gao, W. (2019). *Women’s Rights and the Inter-American System*. doi:10.1007/978-981-10-4550-9_10-1

other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women.⁶²

The full implementation of the UNSCR 1325 and the subsequent resolutions require all countries to integrate them in their regional and national legislation, and to establish programmes and policies where the goals of the WPS Agenda are pursued in a result-driven and sustainable way, through integrated approaches which work across ministries and departments according to their remits and priorities, or through broad promotion of gender equality and empowerment for women within related security and peacebuilding processes. National Action Plans represent an opportunity for states to commit in the establishment of strategic actions and the identification of priorities for the implementation of the Women, Peace, and Security Agenda. After the beginning of the WPS Agenda, there has been a substantial increase in the number of women, women's groups and gender experts who serve as key actors, as well as in gender responsive language in peace agreements. Still, in many contexts, women's official participation faces significant obstacles.

Latin America has a historical record of political violence. In the second half of the twentieth century, a number of countries was ruled by dictatorships, and the region was ravaged by guerrilla movements, civil wars, military interventions, coups d'état, terrorism, and other forms of violent confrontation, all leading to massive human rights abuses⁶³. Countries in the Andean region, such as Peru and Colombia, experienced political and economic instability in the mid-1970s, with internal armed conflict pitting government forces against guerrilla armies. In the late 1980s and 1990s, violence in the region began to wane and democratic processes expanded. Today, the LAC region continues to recover from decades of violent conflict that had an enormous impact on the region's societies, while in some countries the violence is still ongoing⁶⁴.

⁶² Belém do Pará Convention, Article 8

⁶³ Cruz, J. M. (2016), *State and criminal violence in Latin America*. Crime Law Soc Change 66, 375–396. <https://doi.org/10.1007/s10611-016-9631-9>

⁶⁴ The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), The Peace Operations Training Institute (POTI) (2013), *Implementation of the UN Security Council Resolutions on the Women, Peace, and Security Agenda in Latin America and the Caribbean*.

Armed conflict has had a devastating impact on women and girls in Latin America countries. The effects are complex, and need to be analysed in relation to the specific context. Nevertheless, there are some effects that are common in all the region, namely an increasing of gender-based sexual violence during and after armed violence, restrictions to women's livelihoods, threats to women's health, limitations to women's and girls' access to education, and changing gender roles.⁶⁵

Countries in Latin America have addressed substantive efforts to fulfil the provision of the Women, Peace and Security Agenda, and to face the challenges deriving from decades of armed conflict. Several countries have undertaken actions to mainstream gender into prevention efforts, including establishing gender-sensitive early warning mechanisms for disaster and in the prevention of violence against women and girls. An effective implementation of the WPS Agenda requires countries to advance the "3P" paradigm - prevention, participation, protection. This approach provides a framework in which to address challenges related to women and security. An evaluation according to the 3P paradigm in Latin America reveals that, in relation to the mainstreaming of a gender perspective in conflict prevention, women have been quite active, especially at local level, to promote several initiatives of peace; in relations to participation, women's participation in politics in Latin America reflects a broader international trend, where women have increased their participation in the legislative process but not in executive positions; and in relation to protection, protection of women from sexual violence has been a core issue in peace agreements and national legislation, sometimes creating special police units to deal with gender based sexual violence. Moreover, women continue to represent only a small percentage of Latin America's armed forces and security sector, therefore there is a small percentage of women in peacekeeping operations.

1.3 Women's Rights Instruments in Colombia

The Colombian institutions are showing strong political support at the highest levels of government to achieve gender equality and integrate gender perspectives in the nation's foreign, defense and police policies. National police and law

⁶⁵UN Women and POTI

enforcement officials recognize the importance of women's participation at all levels of decision making, as well as the protection from and prevention of gender-based sexual violence through the promotion of women's rights. The mainstreaming of a gender perspective is implemented in foreign, defense and national police policies⁶⁶. Moreover, the country features a Presidential Council for Women's Equity, which is in charge of collecting information and publishing reports related to the situation of women, while orienting the highest political institutions towards the implementation of policies, programmes, plans and projects aiming at enhancing gender equality. However, Colombia has not yet developed a WPS National Action Plan. Still, the 2016 Peace Agreement widely reflects a gender perspective and includes significant gender provisions.

Gender equality is enshrined in Colombia's Constitution of 1991. Article 40 states that *"The authorities will guarantee the adequate and effective participation of women in the decision-making ranks of the public administration"*, while Article 43 affirms that

Women and men have equal rights and opportunities. Women cannot be subjected to any type of discrimination. During their periods of pregnancy and following delivery, women will benefit from the special assistance and protection of the State and will receive from the latter food subsidies if they should thereafter find themselves unemployed or abandoned. The State will support the female head of household in a special way⁶⁷.

Moreover, in the 2018-2022 National Plan of Development, the Colombian government committed to a series of initiatives to concretely enhance gender equality and women empowerment through the destination of the allocation of a part of the national budget to national and regional projects. The National Plan of Development represents the road map for public policy during a presidential term. The gender approach in the 2018-2022 National Plan of Development is relevant in

⁶⁶ Women in International Security (2020), *Enhancing Security in Latin America and the Caribbean. Colombia - Assessment tool*.
<https://www.wiisglobal.org/wp-content/uploads/2020/12/Colombia-WPS-Assessment-Tool.pdf>

⁶⁷ Colombia's Constitution of 1991 with Amendments through 2005. Art. 40 and Art. 43.
https://www.constituteproject.org/constitution/Colombia_2005.pdf

relation to the armed conflict, since it includes specific strategies with respect to women in peacebuilding and to confront violence against women⁶⁸.

1.3.1 Constitutional Court Auto 092 of 2008

The Constitutional Court Auto 092 of 2008 marks a turning point in Colombian jurisprudence, raising important advances in terms of protection of women's rights from a gender differential approach. With the issuance of this Auto, the Constitutional Court made visible, characterized and categorized the effects of forced displacement and the internal armed conflict on the rights of women. It acknowledged that there has been a massive and systematic violation of human rights of the displaced population in Colombia, and that the structural failures of the State's policies contributed to it. According to the Constitutional Court, the invisibility of the disproportionate impact of the armed conflict and forced displacement on women translated into the non-existence of a specific public policy effectively responding to the differential impact exacerbated by the conflict.

In this Auto, the Constitutional Court highlighted the disproportionate and differentiated effects that forced displacement has on women, namely inequality and violation of fundamental rights, lack of guarantees, lack of protection and the difficult access to justice, and it linked the differentiated effects to the systematic discrimination of which women have historically been victims. It further acknowledged that the differentiated impact is one of the consequences of the internal armed conflict that has generated the systematic violation of the rights of many Colombian women. Indeed, 80 percent of displaced people in Colombia are women and children. Auto 092 of 2008 also recognized displaced women's vulnerability, since they are more likely to become victims of violence, and the serious and systematic violence exercised against their fundamental rights. It added that a differential gender approach, sensitive to women's specific needs, is urgently needed in the country's policies⁶⁹.

⁶⁸ Plan Nacional de Desarrollo 2018-2022. "Pacto por Colombia, Pacto por la Equidad". <https://colaboracion.dnp.gov.co/CDT/Prensa/Ley1955-PlanNacionaldeDesarrollo-pacto-por-colombia-pacto-por-la-equidad.pdf>

⁶⁹ Bermeo Mantilla, D. F. (2011), *Análisis del Auto 092 de 2008 de la Corte Constitucional desde la perspectiva de género*, Women's Link Worldwide, <https://www.womenslinkworldwide.org/en/files/1273/analysis-092-2008-act-from-the-constitutional-court-with-a-gender-perspective-only-in-spanish.pdf>

1.3.2 Quotas Law

Gender quotas have been adopted in several countries, and include legislated candidate quotas, reserved seats and political party quotas. Reserved quotas in public offices constitute an instrument widely used to overcome discrimination against certain population groups that are traditionally excluded by political representation. Gender quotas are deemed necessary to realize a de facto equality for women through the granting of political representation. In 2000, the Colombian Congress enacted Law 581, which stipulated that 30 percent of the top-level positions of public offices must be occupied by women. Hence, all political appointments, namely appointments in ministries departments, and government agencies, have to respect the established quota and to be led by women. In addition, in 2011 the Law 147, better known as the Law of Parties, established that the formation of lists or political movements has to be 30 percent.

Currently, the second highest state office, namely that of vice president, is occupied by a woman, Marta Lucía Ramírez, and 7 out of 18 ministerial positions are held by women, which equates to 39 percent. Nonetheless, even though the executive branch at the national level meets the established quota as a whole, there are significant differences among ministries and other high-level institutions. For instance, in the Colombian Congress, in the Senate 23 seats are currently held by women, corresponding to 21.3 percent of the corporation, while the House of Representatives for its part has 32 elected women, obtaining a representation of 18.7 percent. It follows that only 19,2 percent of all the members of the Congress are women, which is below the established quota and it is even 10 points less than the average percentage in the Americas⁷⁰. It is especially noticeable that in senior management positions there are fewer women than the quota established, and in some cases there is none. The worrying factor is the lack of sanction against the departments that do not meet the requirements of the Quota Law⁷¹. For many sectors, both quotas laws marked a fundamental step in the advancement of political equality for women, while for someone they infringed the values of merit

⁷⁰Asuntos Legales, “Participación de las mujeres en el Congreso es inferior al 20%, revela informe”. Mar 04, 2019.

⁷¹ United Nations Development Programme (2012), *Gender Equality and Women’s Empowerment in Public Administration. Colombia Case Study*.

and affected the possibility of men to be equally represented. However, proponents of gender quotas argued that this law has corrected pre-existing mechanisms that discriminate against women's political participation, and has speeded up a process that aims to ensure total equity for both genders in elections of high political office.

1.3.3 Law 1257 of 2008

In the past 20 years, gender-based violence has been one of the core issues of the Colombian public agenda. In 2008, the Congress adopted Law 1257, which set standards of awareness, prevention and punishment of forms of violence and discrimination against women, and which was further reinforced by Decree 4799 of 2011. Law 1257 of 2008 comprises 8 chapters and 39 articles, which specifies provisions to be followed to guarantee women a life free from violence, both in public and in private. It further provides administrative and judicial procedures to guarantee protection and adaptation of public policies for the eradication of violence against women.⁷² Colombia ratified both the CEDAW and the Belem do Pará Convention, consequently the fulfillment of their provisions is mandatory. Law 1257 of 2008 is a further step that liaises with the government commitments in the creation of a more sustainable and equitable society.

After the entry into force of Law 1257 of 2008, progress has been made towards equality and women's rights, and the law is classified as one of the best and most complete regulations to raise awareness, prevent and punish violence against women at the international level. However, as it also happens in other contexts, although Colombian legislation on gender equality and prevention, protection and eradication of gender based sexual violence is remarkable, there is a clear gap between what has been established at the legislative level and what is implemented in reality. Some organizations issued reports that concluded that the law remains unfulfilled, and progress in its implementation is slow. Although guarantees for access to justice for women victims of violence are formally established, in practice women face multiple obstacles, mainly related to the lack of real consideration of these crimes, along with their naturalization and social

⁷² Mesa de Trabajo Mujeres y Conflicto Armado (2015), *XII Informe sobre violencia sociopolítica contra mujeres, jóvenes y niñas en Colombia Mujer y conflicto armado. Violencia sexual en el marco del conflicto armado: una mirada diferencial*. Bogotá

tolerance. These obstacles begin with the complaint processes, where women report crimes committed against them to public officials who, in some cases, are not fully aware of the many facets of gender-based violence. Thus, public officials in many occasions fail to recognize the perpetration of violence as such, which leads to the refraining from effectively preventing crimes and prosecuting perpetrators. This situation is aggravated by the additional risks that women face when reporting, such as the possibility of re-victimization by public officials, as well as of potential reprisals from aggressors⁷³.

1.3.4 Role of Civil Society

In Colombia, civil society has been instrumental in raising awareness of gender related issues among the population, and in leading to the adoption of policies aiming at enhancing women's role in the society. Colombia has a diverse and multisectoral civil society, which for decades has encouraged organizations, movements and policy proposals that promote social change in the country. Colombian civil society groups have consistently monitored and advocated for the creation of better public policies, for transparency in governance, and the search for justice for victims⁷⁴. In particular, civil society has been a key actor in allowing a high rate of women participation in the Havana peace talks between the Colombian government and the FARC-EP, resulting in the Final Agreement. Indeed, civil society in Colombia has significantly reinforced the peace process. In 2002, when peace talks collapsed, women's organizations continued to advocate for political solutions. Women organized national marches to keep their demands for peace visible and at the center of the public agenda, and their commitment has been fundamental in preparing future negotiations. In 2012, when peace talks started again, all the negotiators except the Norwegian moderator were men. However, the

⁷³Hoyos, C. A. and Benjumea, A. M. (2016). *Las medidas de protección a mujeres víctimas de violencia: Análisis de la ley 1257 de 2008 y recomendaciones para su efectividad*, Corporación Humanas Centro Regional de Derechos Humanos y Justicia de Género. https://www.humanas.org.co/alfa/dat_particular/ar/260716_Medidas_proteccion_mujeres_vitimas_Analisis_ley_1257_2008_recomendaciones2016.pdf

⁷⁴Gimena Sánchez-Garzoli, *La sociedad civil: La mejor apuesta de Colombia para la construcción de la paz*. WOLA, Apr 06, 2016. <https://www.wola.org/es/analisis/la-sociedad-civil-la-mejor-apuesta-de-colombia-para-la-construccion-de-la-paz/>

great commitment in mobilization of Colombian women resulted in approximately one third of the delegates of each side of peace talks being women⁷⁵.

Colombia's civil society has faced periods of extreme violence, persecution, and strong stigmatization from different actors. The security of human rights defenders and social movements has seriously deteriorated in recent years. Since the signing of the Peace Agreement, 971 social leaders and human rights defenders have been assassinated in Colombia, 573 of which since the beginning of the mandate of Ivan Duque⁷⁶. However, it has managed to create and implement proposals in the midst of these hostile environments. Despite the various difficulties that Colombian civil society has faced and continues to face, such as insecurity and lack of political and financial support, it has managed to prosper. Women social leaders represent the weakest link in an already particularly vulnerable group. In a country where women leaders are constantly attacked for speaking out about these issues, these leaders have not stopped working intensely to make visible the differentiated experience of women and have emphasized the need to address the structural causes of discrimination against women.

Conclusion

Despite the absence of adequate studies in the field of international relations that have systematically investigated the relation between women and war, women have always played decisive roles in armed conflicts, both on the front and in their communities. Furthermore, in many of the armed conflicts, women account for the largest number of civilian casualties, with particularly disproportionate rates of sexual violence and forced displacement. The invisibility of the presence of women in conflict scenarios has meant that this category, which represents about half of

⁷⁵ UN Women (2015) *Preventing Conflict, Transforming Justice, Securing the Peace. A Global Study on the Implementation of United Nations Security Council Resolution 1325*. Fact sheet: Latin America and the Caribbean Region.

<https://wps.unwomen.org/resources/r-fact-sheets/GS-FactSheet-LAC.pdf>

⁷⁶ Indepaz (2020), *Informe Especial. Registro de líderes y personas defensoras de DDHH asesinadas del 24/11/2016 al 15/07/2020*. <http://www.indepaz.org.co/wp-content/uploads/2020/07/Informe-Especial-Asesinato-lideres-sociales-Nov2016-Jul2020-Indepaz.pdf>

the world population, has often been forgotten even in peacebuilding and peace transition policies.

However, an increasingly high attention has been paid to the issue in recent decades, both academically and institutionally. Scholars have begun to investigate more and more how gender aspects affect the dynamics of warfare, producing an increasingly detailed yet still incomplete literature. Furthermore, both internationally and nationally, countries have begun to have tools available to combat gender-based violence in war contexts. Colombian institutions have also been crossed by this change of direction, and have recently begun to integrate gender perspectives in the nation's foreign, defense and police policies.

SECOND CHAPTER

THE ROLE OF WOMEN IN THE COLOMBIAN ARMED CONFLICT

The armed conflict has led women to assume new roles, leaving their status as victims aside and taking an active part, both in the ranks of illegal armed organizations as combatants and in the political sphere. On the other hand, despite the fact that women have been active members of claims processes and social struggles, throughout the conflict they began to assume more visible roles from which they have previously been neglected. For instance, they began to work as spokespersons or promoters of peace from their closest social spheres, either in their home, their neighborhood or their community. In turn, women have been empowered by recognizing themselves as subjects of rights, which is why they began to lobby and work in previously unattainable spaces, such as politics, social justice and peacebuilding.

2.1 Armed Conflict

The Colombian armed conflict has been one of the bloodiest conflicts of contemporary history. Lasted more than 50 years, it has caused at least 220.000 deaths⁷⁷ and devastating impacts in the country. The geographical extension, the plurality of actors involved, its prolonged character and the intertwining with other violence that struck the country made the conflict difficult to interpret and clarify. Emerged from the problems linked to land ownership and the precariousness of democracy, the conflict was transformed into a struggle for territorial control, where new actors were added to the traditional ones, determining continuously changing dynamics and complexities. While the ways in which the violence unfolded were not homogeneous, what united all the armed actors was the prevalence of violence on the civilian population. Each actor was characterized by the use of certain modes of violence: the paramilitaries distinguished themselves mainly for carrying out massacres, selective

⁷⁷ Grupo de Memoria Histórica (2013), *¡Basta ya! Colombia: memorias de guerra y dignidad*. Bogotá: Imprenta Nacional, CNRR-GMH, p. 31

assassinations, torture and forced disappearances; the guerrillas distinguished themselves for kidnappings, terrorist attacks, forced recruitment and attacks on civilian assets; finally, the Public Force employed arbitrary detentions, torture and enforced disappearances.

2.1.1 The origins of the conflict: land ownership

Colombia is a country whose socio-economic structure is basically agrarian. Accordingly, the origin of the social, economic and political problems experienced within the Colombian territory have their foundation in the agrarian question that dates back to the historical and overwhelming contradictions that are presented in this sphere⁷⁸. As a result, throughout its history, Colombia has preserved aggressive conflicts on the agrarian question with implications in the social, political, economic and cultural spheres of the country. The agrarian question has always been at the center of the origins and developments of the Colombian armed conflict, which was ultimately crossed by the dispute over the land.

In Colombia, the existence and permanence of the landowner structure of land tenure leads to an ancestral problem. Only the landlords, i.e. landowners, agricultural elites and foreign investors, could benefit from the policies and programs related to the land. According to a 2015 OSCE survey, 0.4 percent of the Colombian population owns 46.5 percent of the arable land while 67 percent of the owners own only plots of less than 5 hectares, which represent just over 4 percent of the total⁷⁹. This structure of land ownership has remained virtually unchanged over the last century and a half. In addition, 40 percent of the remaining arable land falls under forms of informal ownership, regularly obtained by force or illegally. During the last century, Colombian peasants worsened their living conditions, and considerable extensions of territories and important ecosystems

⁷⁸Ramírez Arias, C. (2012), *El problema agrario en Colombia: causas y posibles soluciones*. Universidad Nacional de Colombia. Facultad de Ciencias Económicas.

⁷⁹ OCDE (2015), *Revisión de la OCDE de las Políticas Agrícolas: Colombia 2015*. Retrieved from

[Http://www.oecd.org/colombia/Colombia-Revisión-OCDE-Políticas-Agrícolas-2015.pdf](http://www.oecd.org/colombia/Colombia-Revisión-OCDE-Políticas-Agrícolas-2015.pdf)
Accessed 26/12/2020

were destroyed by the colonization processes that propitiated agricultural policies⁸⁰.

The framework of social inequality, violence and total absence of democracy led the peasantry to seek the solution to the agrarian problem through land occupations, confrontations with the State, disputes with landowners and the creation of union-type organizations. Initially, *los campesinos* pursued a solution to the concentration of land, and later they advanced towards the creation of an agrarian program for the development of the countryside to solve the fundamental social causes that gave rise to the conflict in the agrarian sector. Additionally, they promoted a model of agricultural development governed by the principle of raising the quality of life of the Colombian population. However, the response of the economic and political elites of the country to the requests of the peasants was not deemed appropriate, as it did not include the undertaking of an agrarian reform that would solve the problem of land and agriculture from the structural base⁸¹.

The FARC-EP guerrilla group arose with deep peasant roots, and the agrarian question was crucial in its revolution program. Historically, the FARC have put the agrarian issue in the first place on the agenda of their different peace negotiations as the origin of the conflict. Indeed, the founding of the guerrillas resulted from the failure of the agrarian reform that had arisen from the *Revolución en Marcha* and the constitutional reform of 1936. For this reason, in addition to addressing the need for technical assistance, housing, creation of production units and cancellation of the peasants' debts, the Marquetalia program proposed to confiscate the landowner property and deliver it freely to peasants. In its Seventh Conference in 1982, the FARC-EP promulgated the so-called Law 001 of Revolutionary Agrarian Reform, which sought to regulate access to land in its areas, and included, among others, the abolition of all large estates and expropriation of foreign companies and the allocation of rights of use over land⁸².

⁸⁰ Sarmiento Briceño, A. (2018), *El problema agrario de Colombia*, Folhmy, 0(8). Retrieved from <https://revistas.pedagogica.edu.co/index.php/FHP/article/view/8257> , Accessed 21/03/2021

⁸¹ Ramírez Arias

⁸² Sarmiento Briceño

During the definition of the accord of the FARC and the Colombian government in Havana, the agrarian question was a crucial point of the negotiation. As a result, it holds the first point of the agreement. The Agreement was expected to be the beginning of radical transformations of the rural and agricultural reality of Colombia, with equity and democracy. It pursues that the greatest number of inhabitants of the countryside without land or with insufficient land can access it, through the creation of a Fund of Lands for Peace. It further defined an agrarian jurisdiction for the protection of property rights, as well as definition of plans for housing, drinking water, technical assistance, training, education, land adaptation, infrastructure and soil recovery in agricultural areas. Moreover, a crucial point concerned the restitution of land to the victims of forced displacement⁸³.

2.1.2 Armed actors

One of the characteristics of the conflict in Colombia is the plurality of actors that have fueled and transformed the armed conflict in the country. Although the main actors in the conflict have always been, for the most part, traditional political parties and guerrilla movements, the emergence of different revolutionary groups, paramilitaries, and the influence of drug trafficking have had a greater or lesser predominance depending on the period under study. In addition, it should be remembered that, in general terms, Colombia has been characterized by a social gap between a political elite with a strong regional, landowner and monopolizing presence and, on the other hand, minority groups such as indigenous people, Afro-descendants and peasants who have not had access to the same access to property rights and state services. As for the armed actors, they can be divided into four main categories: guerrillas, paramilitaries, Security Forces, and drug dealers⁸⁴

Guerrilla groups started to spread all over Colombia in the 1960s. The origin of contemporary guerrillas in Colombia is attributed, among other aspects, to socioeconomic exclusion and the lack of spaces for free political participation. Among the excluded sectors, the university, intellectual sphere, the peasant, and

⁸³ Gros, C. and Cusminsky, R. (1988). *Reforma agraria y proceso de paz en Colombia*. *Revista Mexicana de Sociología*, 50(1), 287–302. doi:10.2307/3540512

⁸⁴ Moreira, A., Forero M. and Parada, A. M. (2015), *Dossier proceso de paz en Colombia*. Barcelona Center for International Affairs (CIDOB), retrieved from https://www.cidob.org/publicaciones/documentacion/dossiers/dossier_proceso_de_paz_en_colombia/dossier_proceso_de_paz_en_colombia, accessed 31/03/2021

indigenous population stand out⁸⁵. Among the most notorious guerrillas of the second half of the 20th century are the Revolutionary Armed Forces of Colombia - People's Army (FARC-EP), the National Liberation Army (ELN), the Popular Liberation Army (EPL), and the Movement Nineteen of April (M-19). Each movement has responded to a political, ideological and military conception that reflects the entire range of lines along which the Colombian left has been divided. Each of these movements was born in particular historical and regional situations, and they adopted different political ideologies and peculiar ways of operating.

The FARC-EP was formed in 1964 as a peasant self-defense group of Marxist-Leninist ideology, and whose military strategy has been mainly guerrilla struggle. The group emerged in Marquetalia, an area south of Tolima, during a military operation organized by the Colombian state to repress the experiences of peasant agrarian self-organization that had developed in the region. Pedro Antonio Marín Marín, better known with his war name Manuel Marulanda Vélez or its nickname Tirofijo, joined the ranks of the FARC-EP in the 1950s. The main aim was to create the guerrillas to represent the rural population and to constitute a government dedicated to the redistribution of wealth. For this purpose, the FARC-EP planned to subvert the Colombian state order to establish a popular and socialist democracy. In 1982, at the VII Conference in the Meta region, the guerrillas decided to add "People's Army" to the name and clarify the tactical and strategic operational concept. Geographically, this armed group has been more extensive in the southeastern regions of the jungle and in the plains at the base of the Andes Mountains. In 2000, the movement controlled almost 40 percent of the Colombian territory, with about 12,000 combatants and in 2007 with 18,000 according to the organization's statements.⁸⁶

The ELN was born in 1965, under the influence of the Cuban Revolution and the Theology of Liberation. Together with the FARC-EP, they constituted the so-called insurrectionary focus. Since the beginning, it was marked by a strong religious inspiration. Indeed, among its founders there were several priests, including Camilo Torres and Manuel Pérez. Historically, the emergence of this movement was

⁸⁵ Moreira et al.

⁸⁶ García, P. and Nicolás, G. (2009). *Las Farc. Su origen y evolución*. Revista UNISCI, no. 19:154-184. Redalyc, <https://www.redalyc.org/articulo.oa?id=7671140701>.

connected with the radicalization of the class struggle through violence. This process is intertwined with the need for survival and the conviction of the impossibility of giving a solution to the situation in the country through other means.⁸⁷ The ELN has had a presence mainly in the Catatumbo area, in the department of Norte de Santander, the South of the Department of Bolívar, and in the departments of Antioquia, Arauca, Nariño, Cauca, Cesar, Chocó and Valle del Cauca. The main objective of this armed group is to influence local and regional powers. The ELN was characterized by kidnapping workers from multinational mining and oil companies, and by committing attacks against infrastructure in these sectors.⁸⁸

The M-19 entered the scene in 1973 and differed from the other subversive experiences because of its rural character, its democratizing discourse, and because its members defined themselves as an anti-oligarchic, anti-imperialist movement. It was born as a result of the declared electoral fraud in 1970. Some of its main leaders had previously fought in the FARC-EP. It became a political force (Alianza Democrática M-19) after the signing of the Corinto agreement in 1984, an agreement of peace in 1990 and of the demobilization process agreed in 1989 that resulted in a new Constitution in 1991. In this year the EPL, the Revolutionary Workers Party (PRT) and the Quintín Lame Armed Movement (MAQL) were also demobilized.⁸⁹

The People's National Liberation Army was established in 1966 and, unlike the previous ones, was founded upon a Marxist-Leninist-Maoist ideology linked to the Communist Party. This group went through a demobilization process of 2.000 combatants in 1991. Since then, only a fraction of the EPL has survived as such, the

⁸⁷ Trejos Rosero, L. F. . (2013). *Al de una organización insurgente colombiana. El ejército popular de liberación (epi). De China a Cuba vía Albania*. Investigación y Desarrollo, 21(2), 371-394. Retrieved January 07, 2021, from http://www.scielo.org.co/scielo.php?script=sci_arttext&pid=S0121-32612013000200003&lng=en&tlng=es.

⁸⁸ El País, *Conozca la historia del ELN, la guerrilla colombiana fundada por sacerdotes*. Jun 10, 2014. <https://www.elpais.com.co/judicial/conozca-la-historia-del-eln-la-guerrilla-colombiana-fundada-por-sacerdotes.html>

⁸⁹ Luna Benítez, M. (2006), *El M-19 en el contexto de las guerrillas en Colombia*. Revista Sociedad y Economía, n. 10, pp. 157-188. <https://core.ac.uk/reader/11860734> Accessed 07-01-2021

so called Libardo Mora Front, which is operating in the border department of Norte de Santander. Nowadays, the EPL is exclusively committed to drug trafficking, which is why it is considered an Organized Armed Group. Its center of operations is the border region of Catatumbo, where, according to official statistics, it employs about 400 members. Nevertheless, some research indicate that the EPL is still actively adopting guerrilla warfare tactics, and it continues to have the capacity to affect the armed forces, both locally and at a wider level⁹⁰.

The paramilitary groups were far right-wing groups, which multiplied in the 1980s and have their origin in the enactment of Law 48 of 1968, through which the Colombian State allowed the privatization of the armed struggle at the hands of civilians protected by interests of regional elites. In the 1980s, the entry into the scene of drug traffickers made the conflict with the guerrillas even more complex. The traffickers began to invest their extraordinary profits in rural properties, as a result of which they became targets for extortion. The paramilitaries spread thanks to the support of rich landowners and small industrialists. An event that decisively marked the formation of paramilitarism in these years was the kidnapping by the M-19 of Martha Nieves Ochoa, a relative of members of the Medellín cartel.⁹¹

In the 1990s, the United Self-Defense Forces of Colombia (AUC) was created, which brought together various paramilitary groups. The AUC was dissolved between 2003 and 2006 in a demobilization process undertaken by the Justice and Peace Law (Law 975 of 2005) promoted by the then President of the Republic, Álvaro Uribe Vélez. In the first two years, 23 groups were demobilized, in which about 14,000 people participated. However, some of the factions did not attached to the demobilization process have formed what is now known as the BACRIM, abbreviation of *bandas criminales*⁹².

The Security Forces include the Military Forces (Army, Navy and Air Forces) and the National Police. These organizations began the fight against insurgent groups

⁹⁰ InSight Crime, *EPL*,
<https://www.insightcrime.org/colombia-organized-crime-news/epl/> Accessed
07-01-2021

⁹¹ Velázquez, E. 2007. *Historia del paramilitarismo en Colombia*. Historia, Sao Paulo 26(1): 134-153

⁹² Ibidem.

with the adoption of the National Security Doctrine, which aimed to eradicate the communist threat through the creation of anti-terrorist security forces and development assistance. In recent years, the security forces have gone through a process of restructuring and modernization through programs such as the controversial Plan Colombia, supported by the United States, which aimed to reaffirm the rule of law and limit the network of drug trafficking and arms trafficking that fuels guerrilla violence and other armed organizations. However, according to the 2015 Human Rights Watch report, as of July 2014 the Human Rights Unit of the Prosecutor's Office has investigated more than 3,500 cases of illegal executions allegedly perpetrated by 785 members of the Army among 2002 and 2008.

In the 1990s, Colombia became the first coca leaf producer on the planet. The black market of drug trafficking in Colombia was born in the late 1960s, when the cultivation of marijuana flourished in the Sierra Nevada de Santa Marta and the Urabá peninsula. However, in the mid-seventies the US market began to request almost exclusively cocaine, a product coming from the coca plant cultivated and initially imported from Bolivia and Peru. In those years, the first groups of Colombian drug traffickers were formed and began to work as cocaine couriers for the most powerful Cuban organizations, which were in charge of distribution in the United States. In a short time, the Colombians began to make direct contact with the Bolivian and Peruvian producers and then went on to promote the cultivation of the plant in their country instead of marijuana. It was then processed in the laboratories installed in the Amazon jungle and the cocaine obtained from this process was redistributed by Colombian groups in the United States. Since the start of the war on drugs, the United States and some European countries have provided the Colombian government with logistical and financial help to activate plans to combat drug trafficking.

The Colombian cartels were made up of independent trafficking organizations that pooled their resources for efficiency purposes. Law enforcement officials believed that many of the independent Colombian-based traffickers, some of whom maintained their own networks in the United States, were affiliated with the cartels. Through this, they coordinated manufacturing and distribution work, for

convenience and efficiency, by combining shipments and jointly recycling drug profits. Thus, according to the DEA, Colombian traffickers managed to monopolize the production and distribution of cocaine around the world⁹³. DEA officials believed that the members who controlled drugs in Colombia usually stayed the same, while the subgroups and affiliates had to change constantly. These were organized in complex infrastructures with thousands of people employed. Many organizations were based on family ties and direct affiliations are likely to have been limited to Colombians. The Colombian traffickers did not have distant organizational assets and often women could hold leadership roles.

According to US Department of State reports, it was not uncommon for Colombian cartels to resort to bribery or threatening government officials in Central and South America and the Caribbean, managing to destabilize governments and influence foreign policies⁹⁴. In Colombia, cartel members were held responsible for the deaths of prosecutors, justice ministers, judges, editors, aviation security chiefs, officers from the Departamento Administrativo de Seguridad, Colombian military, national policemen, public officials, politicians and presidential candidates. Such murders were enough to consider drug traffickers as a real threat to national security⁹⁵.

The DEA identified two main cartels, Medellin and Cali. According to the Justice Department, these cartels controlled about 70 percent of the cocaine processed in Colombia and 80 percent of that distributed in the United States. The Medellin cartel, the largest and most powerful until the early 1990s, was first identified by US law enforcement in the early 1980s. According to the anti-drug drug, the main leaders were Pablo Escobar, Jorge Luis Ochoa-Vasquez, Rodríguez Gacha and Gustavo de Jesus Gaviria-Rivero. According to the authorities, the catalyst for the

⁹³ US, General Accountability Office (US-GAO) (1989), *Nontraditional Organized Crime: Law Enforcement Officials' Perspective on Five Criminal Groups*, GAO, pp. 10-22

⁹⁴ US, Department of State, *Reports and Restriction Concerning Certain Countries*, Country Summaries, May 1, 1988; "Drugs, Law Enforcement and Foreign Policy: Hearings Before the Subcommittee on Terrorism, Narcotics and International Communications and International Economic Policy, Trade, Oceans and Environment of the Senate Committee on Foreign Relations", 100th Congr. 1 st and 2nd Session, pp. 1-4, 1987-1988

⁹⁵ Carchini, L. *Politiche antidroga statunitensi e la "Andean Initiative" in Colombia I documenti del Dipartimento di Stato 1988-1993*, A.A. 2013-2014, Università di Pisa, Dipartimento di Civiltà e Forme del Sapere, Corso di laurea magistrale in Storia e Civiltà, Relatore: Arnaldo Testi, Controrelatore: Arturo Marzano

creation of the Medellin cartel was the kidnapping of Marta Nieves Ochoa-Vásquez, sister of Jorge Ochoa, on November 12, 1981, by a Colombian terrorist group. In response, over 200 traffickers combined their resources and attacked the kidnappers, resulting in the woman's release. Since then, the authorities have found evidence of joint ventures and collaborations between the various traffickers⁹⁶.

Several armed actors were proved to have connections with the drug trafficking. The participation of the FARC-EP in drug trafficking was related to the production process of this drug. The guerrillas were financed by the security charge for illicit crops, the tax on laboratories and the use of clandestine tracks. On the other hand, the joining of the self-defense groups of the illegal business linked to drug trafficking began when drug traffickers started to buy land and finance these private armies. Therefore, in the midst of the armed conflict, drug trafficking has served as a means of financing for both the guerrillas and the self-defense groups.

2.1.3 Phases of the conflict

There was no contemporary conflict that lasted as long as the Colombian conflict without a negotiation⁹⁷. The heterogeneity of the territorial extension, of its actors, of the repertoires of violence and of the different actors involved were related to various factors, including the agrarian problem, the institutional fragmentation and the absence of the state in the most peripheral regions, and the drug trafficking emergency. Taking into account the mutability of the conflict, it can be divided into four distinct phases. The first period, from 1958 to 1982, was characterized by the transition from bipartisan violence to subversive violence, and the proliferation of guerrilla groups. The second phase, from 1982 to 1996, was characterized by the territorial and military expansion of the guerrillas, and the consequent emergence of paramilitary groups, along with the outbreak of drug trafficking. The third period, from 1996 to 2005, was distinguished by a political radicalization of public opinion and the simultaneous expansion of paramilitaries and guerrillas. The fourth period, from 2005 to 2012, was marked by the military

⁹⁶ Carchini

⁹⁷ Vicenç Fisas y Escola de Cultura de Pau (2012), *Anuario de procesos de paz 2012*. Barcelona: Icaria, <http://escolapau.uab.cat/img/programas/procesos/12anuarie.pdf>. Accessed 10/01/2020

offensive of the Colombian state and the failure of the demobilizations⁹⁸. From 2012 to 2016 the peace negotiations between the state and the guerrillas took place in Havana, which will lead to the end of the conflict and the sign of the Final Agreement.

The year 1958 marked the end of the period known as *La Violencia*, a period of armed confrontation between supporters of the Conservative Party and the Liberal Party. Although it never resulted in a civil war, this conflict was characterized by the extreme violence it generated and which spread throughout Colombia. *La Violencia* reached its peak of radicalization on April 9, 1948, when the leader of the Liberal Party Jorge Eliécer Gaitán was assassinated, sparking a strong popular uprising known as Bogotazo⁹⁹. In the 1950s, *La Violencia* was fought among citizens belonging to both political groups. On the one hand there were the conservatives known as "Los Chulavitas" and "Los Pájaros", and on the other the liberal guerrillas and the communist self-defense groups stood¹⁰⁰. During this period, the bipartisan political confrontation was radicalized, and the two armed groups began to commit massacres, brutality and all kinds of crime.

In order to put an end to the bipartisan violence that was threatening the country, General Gustavo Rojas Pinilla assumed power in 1953 through what is generally referred to as an "opinion coup"¹⁰¹. The military government of Rojas Pinilla offered an amnesty to liberal groups and peasant self-defense. However, the amnesty was only accepted by the liberal guerrillas. The government thus began an offensive against the centers of peasant self-defense, which from this moment began their transformation into revolutionary guerrillas. Rojas Pinilla's government lasted until 1957, when he was forced to resign after ten days of

⁹⁸ The division of the conflict into these four phases follows the characterization provided by the report *¡Basta ya! Colombia: memorias de guerra y dignidad*, published by the Grupo de Memoria Histórica in 2013.

⁹⁹ *¡Basta ya! Colombia: memorias de guerra y dignidad*

¹⁰⁰ Rodríguez, G. P. (2013). Chulavitas, Pájaros y Contrachusmeros. *La violencia para-policial como dispositivo antipopular en la Colombia de los 50*. XIV Jornadas Interescuelas/Departamentos de Historia. Departamento de Historia de la Facultad de Filosofía y Letras. Universidad Nacional de Cuyo, Mendoza

¹⁰¹ Atehortúa Cruz, A. L., (2010) *El golpe de Rojas y el poder de los militares*. Revista Folios, no. 31, pp.33-48. Redalyc, <https://www.redalyc.org/articulo.oa?id=345932034003>

strikes. In the same year, the National Front was formed, which would regulate Colombian politics from 1958 to 1974.

The National Front was a political agreement between liberals and conservatives to end the political party of General Rojas Pinilla, to reorganize the country after the period of La Violencia and to promote coexistence between parties¹⁰². The main characteristics of the National Front was the alternation of the presidency during four periods of coalition government, corresponding to 16 years. Parallel to this process, the peasant self-defense groups gradually transformed into the FARC, and there was a proliferation of other armed bands of different political orientation, which were able to exploit the existing tensions and transformed the clashes into a violence with a subversive character. The so-called independent republics, defined as armed peasant areas that escaped state control, started to emerge. The attack of the government in Marquetalia, a territory where many farmers were concentrated, speeded up the transit of the guerrilla organization FARC. Almost parallel to the birth of the FARC, the Ejército de Liberación Nacional - ELN and the Ejército Popular de Liberación - EPL arose.¹⁰³

However, despite the proliferation of armed actors, the intensity of the violence in that period remained relatively low, and the armed struggle did not achieve particular visibility on the national scene. The guerrilla groups continued to remain confined to peripheral areas, which favored the marginalization of political discourse. Furthermore, the government of Lleras Restrepo was committed in solving the increasingly intolerant social protests against the Frente Nacional. Lleras Restrepo was succeeded by Pastrana, who approved a series of reforms that favored capitalist agriculture and landowners. However, those reforms did not solve the agrarian problem. On the contrary, they ended up generating a series of conditions favorable to the appearance of illegal activities, including drug trafficking¹⁰⁴. Meanwhile, the M-19 guerrillas also emerged, which was close to the urban world, unlike the other guerrillas closer to the rural environment. Following the kidnapping by the M-19 group of Martha Nieves Ochoa, sister of drug

¹⁰² Duque Daza, J. (2019), *El Frente Nacional revisitado: el cambio institucional en Colombia y sus efectos no previstos*. Reflexión Política. doi:10.29375/01240781.3466

¹⁰³ ¡Basta ya!

¹⁰⁴ ¡Basta ya!

traffickers of the Medellin cartel, the self-defence group Muerte a los Secuestradores - MAS (Death to the Kidnappers) was born¹⁰⁵. When the hostage was released this group dissolved, but new paramilitary groups began to emerge to counter the leftist militants and social leaders¹⁰⁶.

In the 1980s, the conflict took on a new character. President Belisario Betancourt was open to dialogue and made attempts to initiate a peace process with the guerrillas and to guarantee amnesty for political crimes. However, this project met with various social and institutional resistance. The transformation of the FARC-EP from a defensive guerrilla to an offensive guerrilla, which took place in 1982, was accompanied by the consolidation of the Unión Patriótica (Patriotic Union), a mechanism for integrating the FARC guerrillas into the legal political world. The FARC began to expand into more regions, and so did the self-defense groups, in which some more radical wings of the Armed Forces also took part. The expansion of self-defense groups led to the acquisition of a paramilitary feature, and they started to systematically carry out massacres against the civilian population. The takeover of the Palace of Justice by M-19, which caused 98 deaths and 11 disappearances¹⁰⁷, marked the breakdown of dialogue between the government and this group. The definitive break with the rest of the guerrillas will come in 1987, following the increasingly numerous assassinations against the militants of the Patriotic Union¹⁰⁸. Thus ended the peace and dialogue initiatives of the Betancour government.

The paramilitary groups, especially those of the Magdalena, consolidated more and more and were publicly supported by the Armed Forces. Military support for these groups coincided with the arrival in this region of various drug traffickers,

¹⁰⁵ El Espectador, *1981-Plagio de Martha Ochoa se creó el MAS*, Jul 12, 2008 <https://www.elespectador.com/noticias/politica/1981-plagio-de-martha-ochoa-se-creo-el-mas/> Accessed 10-01-2021

¹⁰⁶ ¡Basta ya!

¹⁰⁷ Infobae, *Toma del Palacio de Justicia: 35 años después se sigue pidiendo justicia*. Nov 6, 2021.

<https://www.infobae.com/america/colombia/2020/11/06/toma-del-palacio-de-justicia-35-anos-despues-se-sigue-pidiendo-justicia/> Accessed 10-01-2021

¹⁰⁸ Pilar Lonzano, *Colombia, semiparalizada por la huelga de protesta tras el asesinato de Pardo Leal*. Oct 14, 1987, In El País. https://elpais.com/diario/1987/10/14/internacional/561164407_850215.html. Accessed 10-01-2021

including Pablo Escobar, Gonzalo Rodríguez Gacha and Jairo Ortega. These groups were supported by their private armies and immediately allied themselves with the paramilitary groups against the common enemy of the guerrilla insurgency¹⁰⁹. The active binding of drug traffickers to the armed conflict, known as *narcoparamilitarismo*, consisted of funding for paramilitary groups and the fomenting of armed organizations, with the aim of expanding illegal activities. Drug trafficking had a devastating impact on Colombian society, and it deeply changed the context of the conflict. Its corrupting power managed to permeate the political class and foreshadowed a mafia co-optation between state and illegal groups. Furthermore, the culture of drug trafficking based on easy access to money exploited and normalized the use of violence, causing a deterioration of the ethical references of society. Finally, the emergence of drug trafficking constituted a further obstacle to the agrarian problem, since the massive purchase of land for illegal cultivation resulted in a concentration of land in the hands of a few.

The relations between the paramilitaries and the state had a dualistic character. On the one hand they were allies against the guerrilla insurgency, on the other they were enemies in the fight against drug trafficking. The State struggle against drug trafficking intensified when the episodes of drug terrorism began, that is, when the drug traffickers started a campaign of terrorist attacks against state institutions. Relations between paramilitaries and drug traffickers broke down when Henry Pérez, paramilitary leader, was assassinated under the order of Pablo Escobar¹¹⁰.

In 1990, the mobilization of the M-19 guerrillas took place¹¹¹, which stood as a symbol of transition to peace. After completing the disarmament, the former militants of M-19 formed a political group, the Alianza Democrática M-19, which participated massively in the National Constituent Assembly taking place in 1991. Indeed, calls for a constituent assembly started to spread following the demobilization of the guerrilla group. The Constituent Assembly, elected during the

¹⁰⁹ *¡Basta ya!*

¹¹⁰ Enrique Santos Calderón, *La Muerte de Henry Pérez*, El Tiempo, Jul 25, 1991. <https://www.eltiempo.com/archivo/documento/MAM-125530> Accessed 05-01-2021

¹¹¹ Indepaz, *Los procesos de paz con el M-19, el EPL, el Quintín Lame y el PRT desde 1989 a 1991*.

http://www.indepaz.org.co/wp-content/uploads/2013/04/Los_procesos_de_paz_con_el_M_19-EPL-Quint%C3%ADn-Lame-1989-1991.pdf. Accessed 02-01-2021

government of César Gaviria, resulted in the new Political Constitution of Colombia, proclaimed on July 4, 1991. The adoption of the new constitution served to offer a historic answer to the question of democratic opening that was at the basis of the armed conflict. The new Constitutional Charter enshrined access to land ownership as a means to advance towards the consolidation of peace and the rights of peasants, giving way to a transformation of the rural world. The rights of indigenous and Afro-descendants were also strengthened. Among the consequences, there was the possibility of dismantling some drug trafficking cartels thanks to the prohibition of the extradition of nationals. However, the FARC continued to perceive a feeling of mistrust of the institutions due to the continuous massacre of the members of Unión Patriótica. The still active guerrilla militants occupied the void left in the territories traditionally managed by the M-19 after their demobilization, and the prospects for peace were shattered.

Between 1996 and 2005, the war reached its peak. In this period, the violence acquired a massive character, and the extremely high number of people forced to flee their homes made Colombia the second country in the world for the number of displaced persons. Paramilitarism was strengthened thanks to the establishment of Convivir, i.e. private cooperatives that were authorized to manage private security¹¹². Although the Constitutional Court declared these cooperatives unconstitutional, their activity did not end and many took refuge in lawlessness, and several military leaders were integrated into their ranks. The paramilitary power extended to such an extent that in 2002 one third of the elected members of Congress were connected to paramilitary groups, which could thus directly affect political life.

In parallel, the FARC guerrillas refused to transition into civilian life, and expanded their army to such an extent that, in the 1990s, the FARC and ELN approximately accounted 30,000 fighters¹¹³. The year 1997 definitively marked the transition from local and regional disputes to a national struggle, since most of the Colombian territory was under the sphere of influence of armed actors. In particular, the paramilitary advance occupied the Northwestern part of the country, while the

¹¹² IdeasPaz, *Convivir eran fachada del paramilitarismo en Urabá* <http://www.ideaspaz.org/tools/download/52368> Accessed 04-01-2021

¹¹³ ¡Basta ya!

FARC settled in the South. During this period, the FARC raised the issue of *cocaleros* peasants, demanding that the government recognize the need to consider such peasants as social and political actors, and to provide crop replacement strategies that went beyond fumigation of illegal crops¹¹⁴. Relations between the FARC and the State further cracked following the publication of Plan Colombia, through which the emphasis was placed on the relations between armed groups and drug money, effectively adopting a policy of zero tolerance towards the guerrilla. In 2000, the peace process with the FARC thus definitively entered into crisis.

In 2002, following the failure of negotiations between FARC and the government of Andrés Pastrana, Álvaro Uribe triumphed in the elections. His policy was characterized by a strict fight against the guerrillas, manifested in his policies of military recovery of the territories under their domination and by political and legal offensives. However, the Uribist offensive was not effective in dismantling the guerrilla group, which continued its struggle adapting to the new modalities and dynamics of the conflict, albeit with a reduced war capacity due to the elimination of some of its highest commanders. One of the most critical aspects of the Uribist policy was the appearance of the so-called false positives, i.e. the assassinations of civilians identified as guerrillas by the Armed Forces in order to enhance the repressive capabilities of the Colombian Army and obtain recognition and benefits. The assassinations of civilians knowingly mistaken for guerrillas amounted to about 4,000¹¹⁵.

During Uribe's mandate, paramilitary groups were demobilized and partially disarmed. However, the process did not prove effective, as some paramilitaries retook arms, especially between 2008 and 2010. Furthermore, the process of demobilization did not include particularly severe penalties for the crimes committed, and many of the victims never received justice. The demobilization of some of the most important paramilitary leaders allowed a reduction in the number of massacres, but in general the process did not succeed. As a result, the

¹¹⁴ Ramírez, M. C. (2001), *Entre Estado y guerrilla: identidad y ciudadanía. El movimiento de los campesinos cocaleros del Putumayo*. Bogotá: ICANH/ Colciencias.

¹¹⁵ Ariel Ávila, *Falsos positivos en Colombia*, El Espectador, May 29, 2019 https://elpais.com/internacional/2019/05/28/colombia/1559060232_419756.html Accessed 09-01-2021

Northern part of the country remained under paramilitary control, and they continued to carry out their political, social and economic project. The Southern area of the country was instead converted into the real battle territory, and the FARC proved capable of great resilience against the military attempts of the State to recover these territories. The government of Juan Manuel Santos, who succeeded Uribe, while on the one hand continued the military offensive against the guerrillas, on the other hand initiated peace negotiations with the FARC in Havana, through a process that would lead to definitive end of the conflict through the signing of the Final Agreement on November 24, 2016¹¹⁶.

2.2 Women in Illegal Armed Groups

The incorporation of women into the FARC and AUC happened distinctly. The difference in which gender was perceived and experienced by the two groups is considerable. Although both armed groups were characterized by the participation of women among their ranks, the percentage of women was significantly higher in the FARC than in the AUC. According to the most confirmed estimates, 25 percent of the FARC members were women, while in the AUC the presence of women only amounted to 1.5 percent.¹¹⁷ This marked difference is related to the different ideologies of the illegal armed groups under consideration. Indeed, on the one hand the FARC-EP adopted an egalitarian posture, which was related to the Marxist ideology, where the inclusion of women in the ranks was justified in that the class struggle had to involve the greatest number of popular sectors, which was also in line with the policies of the Communist Party that advocated a more proletarian program¹¹⁸. On the other hand, the AUC maintained a more traditional patriarchal structure with a sharp differentiation of gender roles, thus excluding women from the ranks of the fighters. It follows that the overwhelming majority of Colombian women active in the armed struggle were part of guerrilla groups belonging to the

¹¹⁶ Nicholas Casey, *El gobierno de Colombia y las FARC firman un nuevo acuerdo que no será sometido a votación*, NY Times, Nov 24, 2016 <https://www.nytimes.com/es/2016/11/24/espanol/el-gobierno-de-colombia-y-las-farc-firman-un-nuevo-acuerdo-que-no-sera-sometido-a-votacion.html> Accessed 23-12-2020

¹¹⁷ Gutierrez Sanin, F. (2008). *Telling the Difference: Guerrillas and Paramilitaries in the Colombian War. Politics & Society*, 36(1), 3–34. doi:10.1177/0032329207312181

¹¹⁸ Salazar, M. and Buitrago, P. (2019), *Mujeres en Farc: Feminismo insurgente como una apuesta a la reintegración en Colombia* (Women in FARC: Insurgent Feminism as a Bet for Reintegration in Colombia). <http://dx.doi.org/10.2139/ssrn.3422580>

left wing. Moreover, in the FARC, women were also found in roles of average command, and were typically requested to relinquish the gender roles to which they have been subjected in the course of their entire lives, and to accustom to a new order where gender differences were substantially canceled. Instead, the women who were part of the AUC were a negligible number, and the roles they held were strictly linked to the stereotyping of femininity. The ideology underlying the two different organizations has certainly played a decisive role in the diversification of the experiences of women in their respective ranks.

Unlike men who joined illegal armed groups, women had to reconfigure their identity. When they joined the armed struggle, women had to deal with organizations where a male identity prevails, where typically male roles are played and male principles are pursued. This is essential given the militaristic structure of the armed groups. However, this reconfiguration does not simply translate into the transformation of female identity into male identity. On the contrary, this process tends to further reinforce some traditional gender roles, while other roles are redefined in relation to the needs of the organization¹¹⁹.

2.2.1 Women in the FARC-EP

Women represented a large percentage of the members of the far-left guerrillas that have spread through Colombia since the 1960s. Women provided a major contribution to the FARC-EP, both in relation to its military efficiency and its organizational, tactical and social structure. A core strength of the FARC-EP was its ability to successfully incorporate women into its ranks, while securing their maximum loyalty through a mechanism that has increased the military efficiency of the organization. Indeed, women are thought to have accounted for an amount ranging between 20% and 40% of the FARC *guerrilleros*. The incorporation of a significant percentage of women was coherent with the ideology of the organization, which aimed at extending the armed struggle to the entire community, thus including women. From the beginning, the FARC presented itself as an organization where women and men were equal, where gender equality

¹¹⁹ Scott, Joan W. (1988). *Deconstructing Equality-versus-Difference; or, The Uses of Poststructuralist Theory for Feminism*. In *Feminist Theory: A Reader*, edited by Wendy K. Kolmar and Frances Bartkowski, 446–454. New York, McGraw–Hill, 2005

existed and where the fight against gender discrimination was one of the main targets of the armed struggle. Indeed, the FARC portrayed itself as a way to escape from everyday discrimination faced by women, and they described their political project as a means for women to fight against gender inequality and for the protection of their rights.

There are various reasons for women to join the armed struggle. Both armed groups included women driven by unemployment, lack of opportunities, the desire to escape from complex family situations as well as from the violence of the right-wing groups, ideology, and fascination with militarism. The combination of these factors contributed to make the young *campesinas* more vulnerable and more likely to enlist to the FARC-EP. Furthermore, women who decided to join the FARC were often driven by an additional motivation, namely gender-specific. The gender motivation, which also has implications in the internal organization of the armed group, includes a series of factors linked to episodes of social disadvantage that traditionally affect women, who feel empowered by their participation in the armed group. The main gender-specific motivation concerns the attempt to escape the gender roles attributed to women in their respective families and in society, as well as the sense of boredom and abandonment suffered as a result of the lifestyle imposed by the same gender stereotypes. Indeed, the patriarchal structure of society left many women relegated to housework and childcare, even at an age when the assignment of such responsibility was premature. Other gender-specific motivations concern having been a victim of sexual violence, including domestic violence and undesired pregnancies. This may result in a desire for revenge that will seek to be addressed through joining the armed group¹²⁰.

Most of the fighters joining the FARC come from rural Colombia, where gender-based violence prevails and often goes unreported. The Colombian state has long remained passive towards these issues, making little or no effort to address the issue concretely. Signing the UN Convention on the Elimination of All Forms of Discrimination against Women was not enough, as the lack of effective resources and coordination resulted in the inadequacy of measures to prevent and

¹²⁰ Grupo de Memoria Histórica (2011), *Mujeres y guerra. Víctimas y resistentes en el Caribe colombiano*. Bogotá: Taurus, Semana, CNRR-GMH

eradicate gender-based violence and to punish perpetrators, especially in rural Colombia. On the contrary, the FARC allowed women to enjoy a certain degree of autonomy - even sexual - over their lives that was unimaginable in the environments they came from. Indeed, the armed group represented a way out from the physical, verbal and sexual abuse they were subjected to in their previous civilian life, along with a concrete empowerment through the allocation of tasks that granted them to obtain the control over their lives - also through arms¹²¹. The contrast with the subordination and lack of independence and that characterized their previous ordinariness was thus considerable.

Sometimes, the process of enrolment and incorporation was traumatic for women. Besides having to adjust to the rules of the organization, they found themselves having to perform traditionally masculine roles in line with the group's military structure, such as learning to use firing weapons, undertaking long marches while carrying heavy loads, preparing ambushes, and digging trenches and latrines.¹²² One of the strengths of the FARC-EP was precisely having created a gender-neutral organization, where equal tasks were attributed to members regardless of their gender and women were considered equal partners. Women in the FARC held a variety of duties. Many women were employed in intelligence, an area where women traditionally excelled. In other cases, women worked as nurses, radio operators, explosives experts, specialists in logistics and finance, propaganda and 'public order', that is, interacting with local communities to persuade as many people as possible to join the cause of the FARC. The presence of women among the ranks of the FARC-EP helped to soften the image of the organization. Women were often engaged in the mediation with the communities living in guerrilla-controlled areas, because they were deemed capable of creating empathic ties with the local population by showing that they cared about the interests of other women and children. This strategy proved particularly effective in broadening the local consensus base. Women were also assigned to leadership positions, although in

¹²¹ Herrera, Natalia; Porch, Douglas (2008). *'Like going to a fiesta' - the role of female fighters in Colombia's FARC-EP. Small Wars & Insurgencies, 19(4), 609-634.*

doi:10.1080/09592310802462547

¹²²Herrera

this case the number was significantly lower than that of men holding the same positions.

The process of including women in the FARC armed group and enlisting them in their ranks is explained by what was agreed in 1982, the year in which the Seventh Conference was held. The key changes within the armed group that had an impact over gender arrangements were several. First, the transition from a self-defense strategy to an attack strategy was pivotal. Indeed, since this implied reformulating the structures and organizational frameworks of the guerrillas, it was necessary to integrate into the ranks more people who could replace the losses and help in the combat. Second, the creation of a Strategic Plan to take power within eight years, a project that required the largest number of combatants in its ranks for planning, organization and execution. Third, the reaffirmation of the importance and equality of women in the armed group was at the center of the debates¹²³.

2.2.2 Women in the paramilitary

In contrast to the organization of the FARC the far-right paramilitary group of the AUC accounted for a significantly lower proportion of women in their ranks, especially in the military, where just a few women were employed. On the contrary, there were various women in military intelligence, informant networks, public relations and finance. Some women were actively incorporated into the AUC, and their contribution was fundamental in consolidating the links between the paramilitary group and some politicians in the regions where they had extended control. At the same time, other women climbed the ascent to the highest positions and exercised their authority vertically. Some women were also employed in politics. For example Eleonora Pineda and Rocío Arias were pinned to the Congress of the Republic. The decision to assign them such a position in Congress was the product of a mentality according to which a female figure is better suited to present herself to the public, as she conveys an image of "amiability" in stark contrast to the paramilitary political project.

Sometimes, women themselves contributed to the spread of stereotypes about femininity, and to reinforce vertical and violent practices of social regulation.

¹²³ Salazar and Buitrago

Carmen Rincón was one of the women who got a role of some importance within the AUC, in the Tayrona Resistance Block led by Hernán Giraldo, known as 'El Patrón'. Carmen Rincón was known not only for her authoritarian methods used to extort money at the public market, but also for her repertoires of domain through which she inculcated very restrictive norms regarding which behaviors and conducts were acceptable for men and women.¹²⁴

The AUC were characterized by the implementation of borderline events to subjugate the population. Massacres, public torture and exemplary punishments were regularly committed in communities that had fallen under the authority of paramilitary groups. In this context, women were victims of several acts of violence, especially torture and sexual violence. Unlike other repertoires of violence, the victims were not affected in a discriminatory way. Instead, torture and sexual violence provided for a precise selection of victims, and it appears that, in many occasions, women have been punished through this type of violence because of their gender identity¹²⁵. Indeed, although women were not the only victims of sexual violence and torture by paramilitaries, the disproportion between men and women victims of such violence indicates that belonging to the female gender posed the risk of suffering such crimes to women. In particular, it was evident the victimization of emblematic female figures, namely those who played a representative or symbolic role within their communities. These women were selected as a military target because, through their leadership activity, they threatened the supremacy of the paramilitary male figure¹²⁶.

The paramilitary groups tried to reconfigure society according to strong representations of masculine and feminine. In the occupation zones, the paramilitary commanders imposed behavioral patterns and regulated the social, emotional and sexual life of the population. This has gone unnoticed for a long time, because the analyzes of the Colombian armed conflict have focused on the

¹²⁴ Grupo de Memoria Histórica (2011), *Mujeres y guerra. Víctimas y resistentes en el Caribe colombiano*. Bogotá: Taurus, Semana, CNRR-GMH, p. 41

¹²⁵ Calvo Camargo, A. M., Conde Murcia, M. C., and Salcedo Camargo, V. M. (2018). *Mujer y guerra : una caracterización de los roles femeninos al interior de las filas armadas del paramilitarismo en Colombia*. Retrieved from https://ciencia.lasalle.edu.co/negocios_relaciones/116, accessed 13/01/2021

¹²⁶ Ivi p. 52

visibility of events capable of disintegrating the social order, such as massacres and assassinations, by passing in the second place the events that were instead capable of modifying that order. The reconfiguration of the daily life of the population was developed through a homogeneous order that exacerbated the gender distinctions of patriarchal society. In that order, specific ways of being a woman and a man were established, and overall women were relegated to housework. This is because the paramilitary commanders sought to achieve an orderly society, where anything that deviated from maintaining balance was regarded as a transgressor and, as such, stigmatized and punished. For women, the punishments were strongly correlated with gender identity, and ranged from the imparting of tasks considered feminine, such as cleaning common areas of the community, to punishments applied directly over their bodies, through sexual violence also carried out in public, in order to add further humiliation to the victim. These actions were meticulously inscribed in the gender of the victims.¹²⁷

2.2.3 Summing up

It can be seen that the idea of society that the two illegal armed groups aspired to establish strongly influenced the way in which women were treated by both groups. On the one hand, the guerrilla group of the FARC waged an armed struggle that aimed to include the whole population, and the incorporation of women into the ranks of the fighters and, occasionally, into the leadership positions, was natural for the achievement of this end. . On the other hand, the AUC were characterized by a strongly hierarchical and patriarchal structure, where women were almost totally absent both in the armed struggle and in leadership positions. The ideal society for paramilitary groups was an orderly society, where men and women strictly respected the roles that tradition attributed to them, as only in this way the paramilitary commanders could ensure that the orders given were punctually respected and the offenders easily identified.

However, this analysis does not mean that there is an automatic correlation between belonging to a particular illegal group, or the occupation of the territory by one of these actors, and the quality of life of women. Indeed, both armed groups

¹²⁷ibidem

have committed crimes such as sexual violence, murder and torture of women, as well as both feature women in positions such as informants and intelligence. Furthermore, it is ambiguous to believe that the structure of the FARC concretely made it possible to cancel the gender differences between men and women. On the contrary, it can be assumed that women should take on roles and follow traditionally masculine patterns of behavior, so what was defined as gender equality is instead to be considered as a standardization of behavior towards a male horizon.

2.3 The Differential Impacts of the War

The violence of the conflict abruptly changed the lives of the Colombian population, and left distinct legacies to women and men. This differential impact corresponded mainly to their unique historical and social conditions, as well as to the roles they traditionally hold within society. While men were the category with the most deaths in the fighting, women were the most affected civilian victims. The impacts of the war on Colombian women stemmed essentially from the traditional gender role of care and affective support of the home assigned to it by society. In cases where they remained widows, women had to add financial responsibilities as well as those of looking after the home and raising children, many times without having the right training¹²⁸.

Women testified that the violence cut off their life plans and deconstructed their families. Women were the main victims of two types of violence, namely sexual violence and forced displacement. Indeed, although these violence affected men and women, women were disproportionately affected by it. Sexual violence and forced displacement were sometimes correlated. For instance, women were forced to displacement due to the sexual violence they have suffered. Community stigmatization, threats from armed actors and a lack of justice from institutions are among the causes that push women to leave their community and seek refuge elsewhere.

2.3.1 Sexual violence

¹²⁸ *¡Basta ya!*

Sexual violence constitutes a mode of violence that is specifically established in the victims' body to convey a message of subordination and territorial subjugation. Its emergence is made possible by the binary hierarchies present in society, which assign women a subordinate position with respect to men¹²⁹. Sexual violence is probably the most forgotten violence of all the repertoires of violence used by armed actors during the Colombian armed conflict. All the armed actors of the conflict have committed this crime. However, perpetrators of violence have proved reluctant to confess the crime, both because of the social taboo that covers sexual violence and because it denotes the inhumanity of the perpetrators. Sexual violence can be defined as one of the ways in which territorial control of armed actors is manifested. Indeed, it responds to a precise logic of subjugation of the enemy population through the violation of women who are part of that population. In fact, sexual violence cannot be considered as a mere male instinct, ascribable to individual conduct. On the contrary, in the Colombian conflict sexual violence was often used as a war strategy by various actors, who aspired to sanction their territorial supremacy through the control of the female body, as this practice helped to strengthen their authority in the territories they controlled¹³⁰.

Although all armed actors have committed the crime of sexual violence, not all have done so in the same way or with the same magnitude. The variants depended on the ways in which the armed actors established links with the civilian population in certain territorial and temporal contexts. This strategy was mainly determined by the ideology underlying the different groups and the strategy they used to settle in the territory, in addition to the social, historical and economic conditions of the civilian population¹³¹. According to the data collected by the Memory and Conflict Observatory of the National Center for Historical Memory, 15,076 people were victims of sexual violence in the framework of the armed conflict¹³². According to the same study, from 1997 to 2005 most of the sexual violence was carried out by paramilitaries, while in the following period, from

¹²⁹ Piosiadlo Macedo, L. C., Fonseca Godoy, R. M., and Gessner, R. (2014). *Subordination of gender: reflecting on the vulnerability to domestic violence against women*. *Escola Anna Nery*, 18(4), 728-733. <https://doi.org/10.5935/1414-8145.20140104>

¹³⁰ Centro Nacional de Memoria Histórica (2017), *La guerra inscrita en el cuerpo. Informe nacional de violencia sexual en el conflicto armado*, Bogotá, CNMH, p. 40

¹³¹ ¡Basta ya!

¹³² ¡Basta ya!

2006 to 2016, the guerrillas became the main armed actor to commit this crime. It is also noted that the paramilitaries committed sexual violence in a concentrated way and with high intensity, while the guerrillas committed it in a more dispersed way and with low intensity.

Sexual violence is not a phenomenon strictly related to armed conflict, but it is a form of violence intrinsic to the patterns of conduct and gender roles of Colombian society. The economic, social, cultural and political dimensions of society have provided a favorable context for the perpetration of sexual violence during armed conflict. The patriarchal and hierarchical character of Colombian society, especially in rural areas, relegates women to a subordinate and oppressive position, in which their bodies are often reduced to objects that men can appropriate to exhibit their virile power and their fighting skills in front of other men. Gender stereotypes rooted in Colombian society are the driving force behind the perpetration of sexual violence, and media, politicians and religious figures constantly contribute to reinforce them. Even the State is ultimately responsible for the propagation of the objectified and submissive image of women that allows the naturalization of this practice, as the efforts made to undertake educational and cultural processes for social transformation are not sufficient. Furthermore, the taboo traditionally imposed on sexual violence means that in countless cases it is not reported to the competent authorities, and that the perpetrators remain unpunished and free to repeat the action.

Overall, sexual violence appears tolerated in various communities, and sometimes they even fail to recognize sexual violence as such. This is due to a common conception of sexual violence as a minor and private violence, which should not be talked about and for which the victim has partial responsibility. All this tends to naturalize sexual violence and increase the tolerance of society. Finally, socio-economic conditions are also to be counted among the factors that favor the emergence of sexual violence¹³³. Most of the victims of sexual violence were women living in rural areas of the country, characterized by high rates of socio-political violence, structural poverty, and almost total abandonment by the state. The lack of education and job opportunities, coupled with the rigid

¹³³ Mujeres y guerra

reproduction of a hierarchical structure of son-in-law, have placed women at a disadvantage that has contributed to making them more vulnerable to sexual violence.¹³⁴

The scenarios through which sexual violence was perpetrated in the Colombian armed conflict are mainly three: territorial dispute, territorial control and internal violence within the groups¹³⁵. In the scenarios of armed dispute, sexual violence was mainly a weapon used by paramilitary groups and the public force, while in the territorial control scenarios it was committed by all armed actors as a consequence of the submissive relations established with the civilian population, as well as a form of humiliating victims in response to a logic of violence that promotes punishment, coercion and terror among the population. Finally, with regard to internal violence within armed groups, it is a violence that mainly affects women who are part of such organizations, and responds to the affirmation of the gender characteristics that armed actors want to establish or defend in the social orders.

The mechanisms within the groups allow the perpetration of such violence. In fact, all the groups in question have a hierarchical structure, where the difference in roles, ages and hierarchies allows the emergence of sexual violence. Furthermore, the process of building the identity of a fighter for women corresponds to a renunciation of their autonomy with regard to sexual and reproductive rights, and, also in this case, it differs according to the armed group of reference: in guerrilla groups the regulation of reproductive life fell on both women and men, so both were subjected to planning to prevent pregnancy and constant checks on sexual relations and menstrual cycles. Instead, in paramilitary groups the responsibility was attributed only to female combatants, who often had to take responsibility for contraception in conditions of difficult access to medical services. Pregnancy was not accepted because it was not considered compatible with the situation caused

¹³⁴ *Mujeres y guerra*

¹³⁵ *La guerra inscrita en el cuerpo*

by the war, so it was common to carry out forced abortions in the event that a woman became pregnant¹³⁶.

The perpetration of sexual violence in the Colombian conflict was not homogeneous. Some victims have experienced sexual violence by virtue of their gender, sexual orientation, ethnicity, age or disability. It follows that the victims were chosen in very specific samples according to the message that the armed actors wanted to send to the community. According to the Observatory of Memory and Conflict, 91.6 percent of the victims of sexual violence are women, girls and children, and almost all of the perpetrators are men¹³⁷. In addition, some categories of women have shown themselves to be particularly vulnerable. In particular, women belonging to the indigenous community, peasant women and women social leaders were the most affected categories. Consequently, sexual violence is not inscribed as a fortuitous event, but an act that responds to precise logics. The social hierarchies inherent in the areas affected by the armed conflict formed the basis on which the categorizations of the victims by the armed actors were carried out, and were strongly influenced by the patriarchy, racism and classism that laid the foundations for the discrimination of the choice of victims. . In particular, Afro-descendant and indigenous women have historically been victims of sexual violence since long before the conflict began. The violence exercised against these women dates back to the years of the colonization, violence already constituted a practice of domination against their bodies and their territories. Armed conflict developed in many of the territories inhabited by these communities, and the logic of violence against Afro and indigenous women was repeated. Racial and class stereotypes fell upon the women of such communities and made the perpetration of violence possible.¹³⁸ People belonging to the LGBT community were also heavily discriminated against and subjected to sexual violence. On the one hand, their bodies were considered by the armed actors as anomalous, and therefore subjects of correction, punishment and annihilation. On the other hand, their bodies were considered hypersexualized and at the disposal of armed actors. Sexual violence

¹³⁶ Laura Machias, *El aborto forzado como crimen de guerra*, El Espectador, Sept 02, 2020 <https://www.elespectador.com/colombia2020/opinion/el-aborto-forzado-como-crimen-de-guerra/> Accessed 04-01-2020

¹³⁷ *La guerra inscrita en el cuerpo*

¹³⁸ *La guerra inscrita en el cuerpo*

exercised against members of the LGBT community therefore had a double purpose: that of correcting behaviors considered inappropriate, and that of appropriating bodies considered available because of the stereotypes that consider homosexuals as hypersexualized¹³⁹.

Sexual violence left deep scars on the victims, their communities and their families. These consequences can be alleviated or exacerbated by the response of the family, community and institutions. Sexual violence primarily affects the physical and mental health of the victims. The armed actors used coercion and physical violence to perpetrate this crime, and the victims suffered severe physical harm related to the mistreatment, mutilation, and torture they suffered. Some victims were infected with sexually transmitted diseases, other victims became pregnant and found themselves in a situation of forced pregnancy (and in this case the extremely strict Colombian laws regarding the termination of pregnancy played a fundamental role), and other victims were murdered or died as a result of such acts. On an emotional level, the damage was equally severe. Sexual violence greatly affected the autonomy, dignity and freedom of the victims, which generated pain and suffering that sometimes led to suicide. In general, the feeling of contempt and repugnance towards what happened led many women to feel deep feelings of abandonment, loneliness and lack of protection. As far as family relationships are concerned, sexual violence also had a strong impact on couple relationships. Many women preferred not to tell their partner what happened to avoid abandonment and rejection. In fact, the responsibility for the event often falls on the victims, who are found guilty of causing the violence through their behavior or lack of attention, and are stigmatized within their communities. The stigmatization also occurred from other family members, and the victims found themselves having to deal with the pain. Loneliness, the anger that arose towards men as a single category, the adverse attitude of family members produce changes in the victims, who began to lose the feeling of connection with their community. At times, this turned into a larger social and community conflict¹⁴⁰.

¹³⁹ Centro Nacional de Memoria Histórica (2015). *Aniquilar la Diferencia. Lesbianas, gays, bisexuales y transgeneristas en el marco del conflicto armado colombiano*. Bogotá, CNMH - UARIV - USAID - OIM

¹⁴⁰ *La guerra inscrita en el cuerpo*

In many cases, the institutional response is not sufficient to address the event, which prevents non-repetition and punishment of the guilty. Access to justice is not an easy process for many women due to a number of factors. Many victims decide not to report the fact for fear of the armed group due to the threats received at the time of the violation. In many situations, confidentiality and privacy are not guaranteed, and victims are forced to live in fear of retaliation against them and their families. Many times the complaint is expensive and ineffective, which prevents victims from completing the process. Additionally, many officials proved unable to take allegations of sexual violence seriously. This is all the more problematic when complaints are directed to members of the public force. All these situations are an obstacle to respect for the rights of victims and their access to justice, and contributed to generating a feeling of mistrust towards the institutions¹⁴¹.

2.3.2 Forced displacement

In addition to the enormous damage caused by the conflict, displacement produced additional suffering, as it constituted a damage to life projects and a drastic cut in ties with the roots of the victim¹⁴². The experience of displacement did not begin or end with forced departure. It was a rather long process that began with exposure to different forms of violence such as threats, intimidation and massacres. The tragedy of forced displacement was therefore preceded by moments of strong tension and fear, which led to the final decision to leave the victims' homeland. Once settled in their new place of residence, internally displaced people tried to stabilize their lives by finding new employment and integrating into the new community. However, most of these experiences were characterized by economic scarcity, stigmatization and mistreatment¹⁴³. In the Colombian armed conflict, most of the victims are displaced people. Among them, women represented the highest percentage. With the Auto 092 de 2008, the Constitutional Court recognized the differentiated impact of the armed conflict on women, in particular with regard to

¹⁴¹ *La guerra inscrita en el cuerpo*

¹⁴² Grupo de Memoria Histórica (2010), *La masacre de Bahía Portete. Mujeres Wayuu en la mira*. Bogotá: Taurus, Semana, CNRR-GMH, p.2012

¹⁴³ *¡Basta ya!*

forced displacement, and the consequences that women have to face once displaced due to factors related to their gender.

There are four main risks for women relating to displacement: the risk of sexual violence, the risk of exploitation or domestic slavery, the risk of forced recruitment of children (especially in cases where the woman is the only parent), and obstacles to access to land ownership and the protection of their assets. The last point is related to the fact that traditionally in Colombian society it is man who takes on the task of carrying out the bureaucratic matters related to possessions and assets. The disproportionate impact of displacement on women is framed within structural patterns of violence and gender discrimination already present in Colombian society, which are intensified by the condition of displacement and materialize into problems to respond to their specific needs for assistance and psychosocial support, access to the assistance system for the displaced population, emergency humanitarian assistance and prevention and assistance to victims of sexual and gender-based violence, among others¹⁴⁴.

Especially in rural Colombia, women used to be engaged in household and childcare, while men were responsible for providing financially for the family. This relative balance was broken by dispossession and exodus. At the critical moment of the exodus after a massacre or other threatening scenes, terror performed very effective intimidation functions. Dispossession, death and expulsion produced intense emotional suffering compounded by uncertainty about the future. This suffering was projected in the shelters where the family must assume the adjustments required by the abrupt changes demanded by the new challenges of an unknown environment. In this context, adult women were forced to redefine their social roles and identities. Most of them assumed the heads of household, along with all the commitments that were derived, such as financial provision and the exercise of authority, either temporarily or permanently when they become widowed or their spouse disappeared in the conflict¹⁴⁵. Specialization in domestic

¹⁴⁴ UNHCR (2009), *Violencia de género y mujeres desplazadas*. https://www.acnur.org/fileadmin/Documentos/RefugiadosAmericas/Colombia/Violencia_de_genero_y_mujeres_desplazadas.pdf?view=1 Accessed 09-01-2021

¹⁴⁵ Ramírez, M. H. (2001), *El impacto del desplazamiento forzado sobre las mujeres en Colombia*. Amérique Latine, Histoire & Mémoire. <https://doi.org/10.4000/alhim.531>

work allowed them, even in urban settings, to perform paid domestic service or to venture into small businesses as sellers of prepared food, activities that allow them to generate their own income. However, all these activities did not allow women to survive with an adequate income, since most of these jobs belonged to the informal economy. Most of the work activities carried out by these women were concentrated in domestic service, in the textile sector, in highly diversified street commerce, or in collection and recycling tasks (cans, plastics, etc.). All of these activities constitute precarious and unstable jobs, inserted in the informal market and that very seldom provided the essential economic resources to support their families. These activities were considered to have little or no social value. Moreover, on occasions, they were carried out under conditions of exploitation. Other sources of income derived from public charity and, sporadically, from subsidies established by the public authorities for the displaced population¹⁴⁶. On the other hand, men from rural areas were also affected by displacement. Indeed, they faced the lack of paid employment since their knowledge in urban areas was not applicable. The loss of the function of providentes entailed the detriment of their image as a figure of authority¹⁴⁷.

Regarding their location in the city, the vast majority of displaced women reside in peripheral neighborhoods, inhabited in a high percentage by the displaced population and characterized by poverty, scarcity of resources and services, and social exclusion. One of the most significant shortcomings of this population is found in relation to formal education. Their rural origin, their condition as women and their work since childhood, were, among others, the circumstances that prevented them from accessing school or led to their early abandonment of it. Some have attended different courses to validate their basic primary education, and the youngest have tried to follow the same process with their high school studies¹⁴⁸.

¹⁴⁶Pareja Amador A. J. and Iañez Domínguez, A. (2014), *Violencia contra la mujer y desplazamiento forzado. Análisis de las estrategias de vida de jefas de hogar en Medellín*, Acta Sociológica, Volume 65, Pages 151-171, ISSN 0186-6028, [https://doi.org/10.1016/S0186-6028\(14\)70240-3](https://doi.org/10.1016/S0186-6028(14)70240-3).

¹⁴⁷ Ramírez, M. H. (2001), *El impacto del desplazamiento forzado sobre las mujeres en Colombia*. Amérique Latine, Histoire & Mémoire. <https://doi.org/10.4000/alhim.531>

¹⁴⁸ Ibidem

Conclusion

The Colombian conflict has left deep wounds on the whole of society. The plurality of armed actors presented a different internal structure, different interests and different intentions towards society. This was reflected in the role women played within these armed groups, which left more or less room for women in leadership positions and in the front row in the battlefield. Furthermore, the lives of women within communities controlled by armed actors changed profoundly following the assumption of control by paramilitaries and guerrillas. If on the one hand the armed conflict has increased gender differences, on the other hand the strong stereotyping present in Colombian society regarding gender roles has constituted a fertile ground to allow the exacerbation of these differences, which resulted in violence devastating to women, particularly to Afro-descendant and indigenous women. With regard to the impacts of the conflict, despite the fact that the entire population has been seriously affected, these impacts are to be considered differentiated as different social categories have suffered different impacts. In this context, women appeared to be the most affected category as regards sexual violence and forced displacement. Colombian institutions have proved to be inadequate and inefficient in addressing the problems upstream of gender hierarchy in society, and have not provided the right tools to give a concrete response to the effects it creates.

TOWARDS A FEMINIST PEACE

Historically, the absence of women in the peace negotiations, along with the persistence of harmful gender stereotypes, has led to the creation of reintegration programs that ignored the needs, capacities, and realities of women. Indeed, the exclusion of women from peace processes triggers an underestimation of women's rights and of the role of women in war and peace¹⁴⁹. While the peace talks conducted by the previous governments reflected this propensity, the 2016 peace agreements between the government of Juan Manuel Santos and the FARC could be considered the most progressive in history with regards to the inclusion of a gender perspective.

The Final Agreement features a transversal gender approach in each of its provisions, paying special attention to violence suffered by women in the armed conflict, encouraging women's political participation, and using a gender-inclusive language. This accomplishment would have not been possible without the advocacy of feminist and women's organizations preceding the peace talks, which pushed both sides to appoint more women to their negotiating teams, institute a Gender Subcommission, and eventually draft a groundbreaking document. During this process, the Colombian government acknowledged the importance of addressing gender asymmetries and inequities; recognizing and guaranteeing women's rights and the rights of the victims; and improving political participation of women. However, while women's activism did eventually succeed in enabling higher levels of women's involvement than other peace negotiations, the Final Agreement left intact several of the underlying causes of conflict.

3.1 Overview of the peace negotiations in the Colombian armed conflict

While on the one hand Colombia has been through one of the longest armed conflicts in modern history, on the other hand it has also experienced the longest

¹⁴⁹ Mackenzie, M. H. (2012). *Female Soldiers in Sierra Leone: Sex, Security, and Post-conflict Development*. New York: New York University Press.

negotiation process in the Latin American region. Since the beginning of the 1980s, Colombia has embarked on various peace processes with different insurgent organizations. The first negotiations started in 1982, and, since then, several Colombian governments have carried out rounds of negotiations with the FARC-EP, the ELN and other insurgent groups. However, until the Santos government's negotiations with the FARC-EP started in 2014, none of such meetings produced substantial progress, nor were they successful in ending the armed conflict. Indeed, while some of them only managed to develop a stage of pre-negotiation, others could agree on a stage of pre-negotiation and negotiation, while only a few were successful in developing also the stage of post-conflict. Nevertheless, overall each peace negotiation process has obtained some achievements: some of them placed the peace negotiations in public policy, as an alternative for the peaceful solution of this conflict, and others reached agreements with some insurgent movements, within partial peace negotiations¹⁵⁰.

When the first peace process began in Colombia, there were no international models for resolving a civil war through negotiations. There were winners or losers, but there were no cases of successful negotiations within the history of civil conflict terminations. Since then, especially with the end of the Cold War, numerous cases of negotiated solutions have emerged in Central America, Africa and the Middle East¹⁵¹.

The peace negotiations that arose within the internal armed conflict have focused on truces, ceasefires, demobilization, reintegration of armed groups, and the search for alternatives to transform this conflict. In the first five years of the 1990s, peace negotiations reached final agreements with five insurgent movements: the M-19, the Popular Liberation Army (EPL), the Socialist Renewal Current, the Partido Revolutionary of the Workers and the Armed Movement Quintín Lame.

¹⁵⁰ Hernández Delgado, E. (2017). *Negociaciones de paz en Colombia: una mirada en perspectiva de construcción de paz*. *Papel Político*, 21(1), 35-56. <https://doi.org/10.11144/Javeriana.papo21-1.npcm>

¹⁵¹ Chernick, M. W. (1996), *Introducción. Aprender del pasado: breve historia de los procesos de paz en Colombia (1982-1996)*. *Colombia Internacional*, no. 36: 4-8. <https://doi.org/10.7440/colombiaint36.1996.02>

The predominant negotiation model for the negotiations has had a traditional character: it has been developed among the leaders of the actors involved in the armed conflict, it has focused on the national level, on some occasions with the accompaniment of guarantor countries or facilitators, without being able to recognize a role of mediation and in general with a merely consultative participation of civil society. In the negotiations carried out within the internal armed conflict, this participation has had a predominantly consultative nature, in thematic tables and forums, although it has also been made visible in the setting up and mobilization of the peace movement. Exceptions to this rule are the dialogue and verification commissions, established during the peace negotiations carried out by Belisario Betancur, the regional dialogues and commissions of notables and the regional dialogues during the Barco Government, and the various initiatives generated by expressions of the civil society around some peace negotiations.¹⁵²

3.1.1 Negotiations between the previous governments and the guerrillas

The first peace negotiations took place between 1982 and 1986, during the government of Belisario Betancur. During this process, cease-fire agreements were reached, roundtables were opened on the country's major problems, and major political reforms were proposed on key topics such as the agrarian, urban, legislative situation, as well as on human rights. The peace process of the Betancur government gave rise to two bilateral agreements and commitments towards peace: one between the Government and the FARC-EP, and the other between the Government and the EPL and M-19. Since January 30, 1983, the FARC-EP had already begun to establish contacts with emissaries of the Belisario Betancourt government, which had promulgated the law on November 30, 1982, known as the Amnesty Law, which allowed the recovery of the 36 prisons to hundreds of confined revolutionaries. The Acuerdos de la Uribe were signed by the Peace, Dialogue and Verification Commission on behalf of the government, and by the General Staff of the FARC-EP. On May 28, 1984, the FARC ordered a ceasefire to its 27 guerrilla fronts, while President Betancur also ordered the same to all civil and

¹⁵² Hernández Delgado

military authorities in the country¹⁵³. However, the pact never contemplated the delivery of arms by the insurgency and the government also had to promote a series of political, economic and social reforms that Parliament would approve. Moreover, the agreements were frustrated because the elites rejected the proposed reforms and because of pressure from the Army, which did not comply with the presidential order to cease fire against the guerrillas, and eventually no definitive agreements were reached in any field.

The general assessment deemed that Belisario Betancur's peace attempts failed. Nevertheless, it must be recognized that during his government there was an important change in the direction of the country's political discourse. Two elements were introduced to the national narrative: the first recognized that the armed opposition was a political actor and that it was necessary to open a dialogue with it; the second stated that Colombia, like other countries in Latin America at that time, also required a process of democratic opening¹⁵⁴. For Betancur, the fundamental step in the Colombian democratization process was negotiating with the guerrillas on the basis of their possible participation in a reformed political system, an approach that marked a radical turning point compared to how the conflict had been handled until that time. The break established by the Betancur government hung by a thread after several failed attempts that did not allow a negotiated political solution to the conflict. Shortly before the departure of President Betancur from the Casa de Nariño, on November 6, 1985 the M-19 took over the Palace of Justice, and a year later began the persecution and annihilation of the Unión Patriótica, a political party that resulted from the agreements of La Uribe with the FARC. In response, the guerrilla resumed its armed actions immediately, challenging the State's capacity for response and negotiation. The former National Guerrilla Coordinator, where the M-19, the EPL and the MAQL were active, joined forces with the FARC-EP and the ELN, giving rise to the Simón Bolívar Guerrilla Coordinator (CGSB).

¹⁵³ Indepaz (2013), *El Pacto de la Uribe con las Farc-Ep en 1984*, retrieved from http://www.indepaz.org.co/wp-content/uploads/2013/04/El_Pacto_de_la_Uribe_con_las_Farc.pdf, accessed 22/02/2021

¹⁵⁴ Chernick

The government of Virgilio Barco was inaugurated with this scenario of crisis and mistrust. When Barco took the presidency, he commissioned an assessment of Betancur's peace policy. The new government concluded that Belisario Betancur did not possess a defined project. Indeed, despite the high number of social actors involved in the peace negotiations, the government lacked an effective commitment. Based on these evaluations, the new government of Virgilio Barco founded the Council for Reconciliation, Normalization and Rehabilitation of the Presidency as a symbol and guarantee of the government's commitment at the highest level. Instead of a broad and open negotiating agenda, the new president opted for a negotiation with the guerrillas only in terms of disarmament and subsequent incorporation into legal political life. The other political and social issues had to be managed in different forums and addressed to other opponents who did not belong to the armed movements. Belisario intended to reaffirm the authority of the State, which was represented by the slogan *mano tendida y pulso firme*, meaning that the government would not exclude a military intervention against the insurgent groups if the situation required it¹⁵⁵. Ultimately, the main objective was not to negotiate a solution to the armed conflict, but to legitimize the state and delegitimize the guerrillas. In other words, for Barco there could be negotiations, but no longer between two parties, but between a State that consciously represented the citizens of Colombia and guerrilla groups that were less and less legitimate, but that could aspire to participate in the political life of the country. Eventually, the government of Virgilio Barco managed to demobilize the guerriglia M-19. This event was significant because it was the first peace agreement between a government and an insurgent movement in Latin America¹⁵⁶.

In 1990, César Gaviria was elected as President of Colombia. That year represented a time of great political crisis and extraordinary social upheaval, particularly after the assassination of the presidential candidate of the Liberal Party, Luis Carlos Galán, and the assassinations of two candidates from the left, including the M19 candidate, Carlos Pizarro, after they have surrendered their weapons. Along with

¹⁵⁵ Sarmiento, Álvaro Villarraga. *Los procesos de paz en Colombia, 1982-2014*. Biblioteca de la Paz 1982-2014. Bogotá: Fundación Cultura Democrática, 2015. Retrieved from <https://biblioteca.ucp.edu.co/Descargas/core/documentos/2.pdf>, last access 29/03/2021

¹⁵⁶ Sarmiento

Gaviria's election, the electorate also overwhelmingly voted on the idea of electing a Constituent Assembly as a solution to the political crisis. The moment reflected the culmination of two contradictory processes that the country had experienced since the early 1980s: one was a process of reform and democratization, the other, the great deepening of violence in the country. The results were a truly more democratic country, although substantially more violent. The Gaviria government chaired the Constituent Assembly, promoted the new 1991 Constitution, and later appointed a civil defense minister, as part of a process to impose civilian control over the military sphere. He also presided over the partial peace processes that culminated in the participation of some guerrilla groups in the Constituent Assembly¹⁵⁷.

When the negotiations between the Gaviria's government and the EPL, PRT and MAQL movements took place, between 1990 and 1991, a new regroupment took place between the guerrillas that remained active: the FARC-EP, the Camilista Union National Liberation Army (UC ELN) and the small dissidence of the EPL that ignored the dialogues and tried to rebuild that movement with the support of the FARC-EP. They returned to the name of "Coordinadora Guerrillera Simón Bolívar" (CGSB) and, in a coordinated manner, they assumed the dialogues with the national government in Caracas in 1991 and in Tlaxcala in 1992. For its part, there was another dissidence in the ELN, called Corriente of Renovación Socialista (CRS), which recognized the constitutional reform as valid and independently began negotiations with the government between 1993 and 1994. Most of the Popular Militias of Medellín undertook another peace negotiation with the government in 1994. Under these circumstances, during the Gaviria government, the EPL, the PRT, the MAQL, the Corriente de Renovación Socialista (CRS) and the Milicias Populares (MP) finalized their demobilization¹⁵⁸.

For their part, the FARC-EP and the ELN maintained hostilities, extending their fronts and developing offensive military campaigns. In turn, the armed forces attacked the Casa Verde, the headquarter of the FARC-EP in Meta, which resulted in the impossibility of succeeding in the negotiations with the CGSB. With the attack

¹⁵⁷ Chernick

¹⁵⁸ Sarmiento

on the FARC headquarters, that armed group, the ELN and a dissident faction of the EPL refused to participate in the process of the Constituent Assembly and remained in arms. Although the tensions continued, on May 1, 1991, three members of the CGSB took over the Venezuelan embassy in Bogotá with the intention of pressuring the government to negotiate there. In response, the government stated that the conditions to start a constructive dialogue were not being met. However, the impasse was overcome with the departure of the three guerrillas to Venezuela and the agreement of an exploratory meeting in Arauca, which was held in June 1991, and where it was established the installation of negotiating tables in the city of Caracas, Venezuela¹⁵⁹. The negotiations between the government of Gaviria and the FARC-EP, the ELN and the EPL took place in Caracas in 1991 and in Tlaxcala, Mexico, in 1992. In Caracas, both sides dealt with the issue of the ceasefire, but no agreement was reached. At the time, the influence of the military events and the episodes of political violence in the conversations was notorious, to the point that although it was not the only cause, at the time of the rupture of both processes, serious facts alleged as motives appeared. This type of event led to the breakdown of the talks by the national government, after the kidnapping and assassination of the former minister Argelino Durán Quintero by the active dissidence of the EPL while the dialogue was taking place in Tlaxcala¹⁶⁰.

From 1994 to 1998, Ernesto Samper held the Presidency of Colombia. Samper was willing to change the policies developed by Gaviria, which looked upon the guerrillas as a group of bandits and kidnapers, refraining from recognizing their political character. Consequently, one of his first acts was to request a report on the will of the guerrillas, and on the feasibility of entering into negotiations with them. With this actions, Samper restored the political conception of the Colombian armed conflict¹⁶¹.

The Samper government advanced the most important peace process with the ELN, with great support from civil society. Although the advances with the ELN had been productive, the Agreement signed by the insurgent group and the

¹⁵⁹ Verdad Abierta, "Negociaciones Caracas y Tlaxcala", Nov 18, 2012, retrieved from <https://verdadabierta.com/negociaciones-caracas-y-tlaxcala/>, last access 23/02/2021

¹⁶⁰ Sarmiento

¹⁶¹ Chernick

government did not have any repercussion, because during the negotiations Cura Pérez, the leader of this guerrilla, died, creating a vacuum of authority that did not allow the progress of the dialogues. In addition to this, the ELN continued to kidnap and carry out attacks, and President Samper faced the worst political crisis in the history of the Executive when he was involved in drug trafficking. Specifically, the liberal candidate was accused of having financed his electoral campaign with money from drug trafficking. This process was known in Colombia as the Proceso 8,000, and it further complicated the establishment of a peace process. Finally, when it seemed that the conditions were being established to start a peace process, the ELN carried out an attack on the Central Pipeline in Machuca, Antioquia, which resulted in the death of more than 70 people. This event marked the end of the negotiations¹⁶².

Andrés Pastrana established a double, interrelated axis of action: the search for peace through negotiation and international politics. The new President achieved a rapid international repositioning of Colombia, with the peace policy as the letter of introduction and the axis of a policy of cooperation of the international community with the country¹⁶³. However, after the first times of hope, the peace process of Pastrana faced more failures than triumphs. In 1997, the government restarted the attempts to initiate a peace process with the FARC-EP. The following year, during the process known as Negociación del Caguán, President Pastrana and some FARC-EP commanders, including Manuel Marulanda Vélez, agreed to demilitarize 42.139 sq. km, where the members of the FARC could relocate. The area included five municipalities: San Vicente del Caguán, La Macarena, Uribe, Mesetas and Vista Hermosa.

During the negotiations, it was possible to define the Common Agenda for Change, with 12 topics to be discussed during the negotiations. The process lasted four years, from 1998 to 2002, and was marked by numerous interruptions due to human rights violations, kidnappings, expulsion of local authorities, and other crimes committed within the demilitarized zone. Indeed, once the demilitarized

¹⁶² Moreira, A et al.

¹⁶³Ospina Restrepo, J. M. (2002), *La paz que no llegó: enseñanzas de una negociación fallida*. Revista OPERA. 2, 2. Retrieved from <https://www.redalyc.org/articulo.oa?id=67500205>, last access 24/02/2021

zone was created the FARC-EP took control of the region, imposing their own laws, taking advantage of the absence of any military control from the government. All these ups and downs are frequently represented in the episode of the *silla vacía*, which turned into the symbol of the failure of the negotiations, and through which the FARC-EP's unwillingness to negotiate was assumed¹⁶⁴.

During the peace process of Pastrana's government, three agreements were signed. In 1999 the Acuerdo de Caquetania¹⁶⁵ was intended to establish an International Verification Commission for overcoming crises. However, this agreement was rejected by the FARC-EP alleging that they would not admit international commissions to monitor the behavior of the parties, alleging their lack of powers and authority¹⁶⁶. In 2001, the two parts signed the Acuerdo de los Pozos. The agreement was not particularly relevant *per se*, but rather because the two parties began to recognize mistakes made and admitted that only political dialogue without intermediaries was the most effective procedure, and they understood that they can fail in peace negotiations if they do not fight the *autodefensas*¹⁶⁷. Finally, in October 2001 the Colombian Government and the FARC-EP signed the Acuerdo de San Francisco de la Sombra, by which the parties undertook to initiate discussions on the ceasefire. However, after numerous evidence that the FARC-EP was using the demilitarized area as a zone for regrouping and withdrawal, strengthening, rearmament, and the massive kidnappings of high-ranking personalities to pressure humanitarian exchange, In 2002, after the hijacking of a commercial airplane forced to land in the demilitarized zone for the kidnapping of the then

¹⁶⁴ Jorge Cardona Alzate y Catalina González Navarro, *Cuando Marulanda dejó la "silla vacía"*, El Espectador, Jun 23, 2016. Retrieved from <https://www.elespectador.com/colombia2020/pais/cuando-marulanda-dejo-la-silla-vacia-articulo-854548/>, last access 24/02/2021

¹⁶⁵ Comunicado del Presidente Andrés Pastrana y Manuel Marulanda de las FARC (Acuerdo de Caquetania), May 2, 1999, retrieved from https://peacemaker.un.org/sites/peacemaker.un.org/files/CO_990502_AcuerdoDeCaquetania.pdf, last access 24/02/2021

¹⁶⁶ Moreira et al.

¹⁶⁷ La Prensa, El Acuerdo de Los Pozos, Feb 12, 2002. Retrieved from <http://www.laprensa.com.ar/305890-El-Acuerdo-de-Los-Pozos.note.aspx>, last access 24/01/2021

deputy Jorge Eduardo Géchem Turbay, Pastrana ordered the retake of the demilitarized area with the Operacion Tanatos¹⁶⁸, thus ending the talks.

3.1.2 Negotiations between Uribe's government and the AUC

The years of the Uribe presidency were characterized by a significant resurgence of violence, along with the negotiations between the government and the paramilitaries. Moreover, following the terrorist attack of September 11, 2001, the narrative related to the conflict changed and the criminalization of the insurgency became one of the milestones of the Uribe administration, resulting in the Democratic Security Policy¹⁶⁹. In 2002, the Uribe government approved a set of legislative measures to pave the way for negotiations with the paramilitaries of the AUC, by approving Law 782 (Ley de Orden Público) in order to bypass the obstacle constituted by Law 418 of 1997, which granted faculty the government to negotiate only with armed political groups¹⁷⁰. In addition, the government promulgated Decree 128 (2003) for the granting of legal benefits to paramilitaries, with whom the Santa Fe de Ralito Agreements were signed in July of the same year for the demobilization of the structures by 31 December 2005. Moreover, the government issued the Law 975, known as "Justicia y Paz", which framed the actions of paramilitary groups in the case of the political crime of sedition (art. 71), opening so in fact the path to pardon for those responsible for very serious violations of human rights, as emerged from numerous public hearings before the judges of Justicia y Paz¹⁷¹.

The negotiations with the AUC led to the demobilization of more than 30.000 people operating in 34 blocks, with the Cacique Nutibara block being the first and

¹⁶⁸ Pilar Lozano, "El Ejército de Colombia reconquista la base de las FARC en la zona neutral". El País, Feb 23, 2002. Retrieved from https://elpais.com/diario/2002/02/23/internacional/1014418802_850215.html, last access 24/02/2021

¹⁶⁹ Garrido Ortolá, A. (2020). *El papel de las mujeres en los acuerdos de paz en Colombia: la agenda internacional*. Política y Sociedad, 57(1), pp. 77-97

¹⁷⁰ Francesca Casafina, *La difficile costruzione della pace in Colombia*, CeSPI, Feb 21, 2020. Retrieved from <https://www.cespi.it/it/eventi-attualita/dibattiti/america-latina-que-pasa/la-difficile-costruzione-della-pace-colombia>, last access 25/02/2021

¹⁷¹ Ivi.

the Elmer Cárdenas block being the last¹⁷². However, the negotiations with the paramilitaries did not lead to the effective disappearance of the armed actors in the territories, which since then have been called *bandas criminales*, which in many occasions have maintained the same military, economic and social structures as the AUC, and whose presence has been denounced for years by several Colombian organizations, such as Indepaz¹⁷³ and the Mesa de Trabajo Mujeres y Conflicto Armado¹⁷⁴. The shaping of this scenery was made possible, on the one hand, by the *mafia*-like power established by paramilitary groups in the territories they control, and on the other by alliances with drug trafficking.

3.1.3 The Final Agreement

Juan Manuel Santos came to power with a speech that marked opposition to the policies of the previous administration, and, from the beginning of his presidency, he spelled out his intentions to restore the peace negotiations with guerrilla groups¹⁷⁵. In 2012, a decade after the conversation of El Caguán, the Colombian government publicly announced the beginning of dialogues with the FARC-EP, and the mutual intention of starting a negotiation process to find a solution to the armed conflict. After four years of dialogues in Havana, Cuba, and after more than five decades of armed conflict, the peace negotiations led to the joint drafting of a Final Agreement, on August 24, 2016, entitled Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace.¹⁷⁶ The Final Agreement marked the end of the peacemaking era and the beginning of the peacebuilding phase, in which complex challenges such as equitable agrarian reform, the expansion of

¹⁷² Verdad Abierta, *La desmovilización: el proceso de paz (2003-2006)*, Feb 11, 2008. Retrieved from <https://verdadabierta.com/periodo4/>, last access 25/0/2021

¹⁷³ Indepaz (2020), *Informe sobre Presencia de Grupos Armados en Colombia*. Retrieved from <http://www.indepaz.org.co/wp-content/uploads/2020/11/INFORME-GRUPOS-ARMADO-S-2020-OCTUBRE.pdf>, last access 25/02/2021

¹⁷⁴ Mesa de Trabajo Mujer y Conflicto Armado (2015), *XII Informe sobre Violencia sociopolítica contra mujeres, jóvenes y niñas en Colombia*. Retrieved from <http://www.clam.org.br/uploads/archivo/XII%20Informe%20Mesa%20Mujer%20y%20Conflicto%20Armado.pdf>, last access 25/02/2021

¹⁷⁵ Inaugural speech of President Juan Manuel Santos, 2010

¹⁷⁶ Acuerdo Final para la Terminación del Conflicto Armado y la Construcción de una Paz Estable y Duradera. Retrieved from <https://www.jep.gov.co/Documents/Acuerdo%20Final/Acuerdo%20Final%20Firmado.pdf>, last access 25/02/2021

democracy, the deactivation of violence, and the operation of a transitional justice apparatus that guarantee the rights of the victims will have to be faced.

At the preliminary stage, there was a secret phase in which there was an exchange of letters between Pablo Catatumbo, a member of the FARC-EP secretariat, and Henry Acosta, a Colombian economist who had initiated contacts between Bogotá and the FARC-EP for many years. After Acosta contacted President Santos shortly after his inauguration in August 2010, Santos sent a message to the FARC-EP headquarters inviting two of his representatives to meet with two emissaries from his government to initiate confidential discussions. Between March and October 2011, four preparatory meetings were held, in which the members who were to represent both sides were chosen¹⁷⁷. Moreover, Cuba and Norway were chosen for the role of guarantor countries, while Chile and Venezuela held the role of solidal countries¹⁷⁸. However, no country was in charge of mediating between the two parties, because they had agreed to negotiate directly.

The way in which negotiations have been carried out in Havana is the summary of a series of lessons learned after many mistakes in the previous peace negotiations. This does not imply that the previous experiences have been entirely negative, but rather that the Colombian government arrived at the model of Havana thanks to the expertise acquired from La Uribe, Taxclala and Caguán. Specifically, one of the lessons inherited from the Caguán negotiation is that it is necessary to set a more concrete agenda, and that it is not sufficient to fill a participatory peace process without having a clear methodology. Moreover, at the time of the Havana peace process all the actors were able to understand that an armed solution to the conflict would not be possible, therefore a much greater commitment to peace was devoted from both sides. Finally, the government acknowledged that rampant impunity for atrocities has been key to enabling ongoing violations, and made victims' rights central to peace talks.

¹⁷⁷ Segura, R. and Mechoulam, D. (2017), *Made in La Habana: Cómo Colombia y las FARC decidieron terminar la guerra*, New York: International Peace Institute. P. 11.

¹⁷⁸ Martínez Meucci, M. A. (2014) *Proceso de paz en Colombia. Posibles implicaciones para Venezuela*. Bogotá: Programa de Cooperación en Seguridad Regional Friedrich-Ebert-Stiftung (FES). Retrieved from <https://library.fes.de/pdf-files/bueros/la-seguridad/10707.pdf>, last access 25/02/2021

In particular, a peace without women, indigenous people and Afro-descendants would represent a fragmented, exclusive and hegemonically agreed peace. In order to build a sustainable post-agreement period that would alleviate the damage caused by the armed confrontation, it was crucial to involve all the victims of the conflict in the decision-making process on war, peace, and post-conflict. In all the previous peace processes, women have been overlooked. Therefore, one of the most notable successes of the Santos government's peace agreement concerns the inclusion of the gender perspective in the peace agreements, an aspect that had been neglected or even completely absent in previous peace agreements.

3.2 Gender perspective of the Colombian peace negotiations

The participation of women in the different peace processes occurred in various forms. However, the decision-making tables have been characterized by the absence of women. Of the 61 agreements signed between representatives of the Government and the armed groups during the period 1982, when Belisario Betancur came to power, until 2016 with President Juan Manuel Santos, on average approximately 4.07 percent of the people signatories were women¹⁷⁹. These figures are a symptom of the state's serious difficulty in interacting with half of its population, and of a constant underrepresentation of women interests. The exclusion of women from peace processes can be observed on three distinct axes - exclusion from negotiation and decision-making tables, exclusion from governmental policies, and exclusion from recognition of the role played during the conflict, often relegating them to victims and backbones of the family because of their gender.

The peace processes from Betancur to Uribe did not foresee the inclusion of a gender perspective in the signed agreements. Indeed, the agreements made between the government and guerrillas in the 1980s and 1990s did not even mention women, the rights of demobilized women guerrilla fighters or a gender perspective. The only mention to women is found in the Comprehensive Program

¹⁷⁹ Chaparro, Nina and González, Margarita Martínez Osorio (2016), *Negociando desde los márgenes: la participación política de las mujeres en los procesos de paz en Colombia (1982-2016)*. Centro de Estudios de Derecho, Justicia y Sociedad, Bogotá, pp. 78-79.

of Widows and Orphans of CRS Members¹⁸⁰. In 1992, the phenomenon of demobilization of guerrilla women began to be considered, despite the fact that they remained excluded from the evaluation spaces of governmental DDR programs¹⁸¹. The same could be observed in the National Report of Human Development of 2003, where a masculine language was opted for in reference to the demobilized guerrillas and women were mentioned only as victims¹⁸².

The same dynamics can be noted with regard to negotiations with paramilitary groups, where the participation of women and the introduction of a gender perspective was lower than in previous agreements, and in some cases even non-existent. Consequently, in the agreement between the Uribe government and the AUC there is no trace of any gender analysis, nor were specific measures introduced for demobilized women. The participation of women in the negotiations was also remarkably low¹⁸³.

One of the major differences between the Havana peace process and the previous processes consisted in that the claims of women were incorporated into the country's security and peace-building agenda through the introduction of a gender perspective in the Final Agreement and the direct participation of women at the negotiating table. The introduction of a gender perspective has been crucial not only to denounce the oppression that women had been suffering during the conflict, but also to unearth the deep disparities that allowed such violations, to grant rights to a social group that for a long time was rendered invisible, and to encourage a deep transformation of the patriarchal structure of the Colombian society.

3.2.1 *La paz sin las mujeres ;no va!* Feminist movements and organizations and the negotiating team

¹⁸⁰ Garrido Ortolá

¹⁸¹ Disarmament, Demobilisation and Reintegration (DDR) is a strategy used as a component of peace processes.

¹⁸² PNUD (2003). *El conflicto, callejón con salida. Informe Nacional de Desarrollo Humano para Colombia*, Programa de Naciones Unidas para el Desarrollo, Bogotá.

¹⁸³ CNRR (2010). *La reintegración: logros en medio de rearmes y dificultades no resueltas*. II Informe de la Comisión Nacional de Reparación y Reconciliación, Bogotá, Comisión Nacional de Reparación y Reconciliación.

At the beginning, the Havana Negotiations Table was made up of almost exclusively male voices, counting at that time with only one woman among its negotiators - Judith Simanca Herrera, alias Victoria Sandino, who became part of the Negotiation Table for the FARC-EP delegation in 2013. However, over the next two years, the landscape has been remarkably transformed, and thanks to insistence and activism of feminist organizations and movements, women's participation increased, resulting in 43 men and 8 women negotiating the peace¹⁸⁴. Moreover, for the first time in Colombian history, two out of the ten government plenipotentiaries who signed the agreements were women. The two women appointed as plenipotentiaries were Nigeria Renteria Lozano and Maria Paulina Riveros Duenas, both boasting a long career and experience in human rights¹⁸⁵.

In addition, a Gender Subcommittee was created, whose aim was to include an adequate gender perspective in the agreements. This represented an unprecedented event in the peace processes all over the world, as the Gender Subcommittee was the first of its kind to be established. The Gender Subcommittee was composed by ten members, five from the FARC-EP and five from the government. On July 24, 2016, this commission announced a gender perspective would be applied across the agreements and that aim to position the differentiated approach in the institutions and processes that follow the signature of the Final Agreement, and guarantee the political participation of women.

In the cycles of visits by the victims' delegations, there was also a high participation of women: of the 60 people who were part of the 5 victims' delegations, 36 were women, which corresponds to 60 percent. Within the framework of this mechanism, it was possible to forcefully raise the issue of sexual violence during the armed conflict, one of the issues of greatest interest to the organizations. They were concerned about the lack of recognition of this crime by the illegal armed actors - although the Single Registry of Victims has documented 1.724 acts of sexual violence that occurred between 1985 and 2012, in the case of

¹⁸⁴ Garrido Ortoláù

¹⁸⁵ Fernández-Matos, D. C. y González-Martínez, M. N. (2019), *La paz sin las mujeres ¡No va! El proceso de paz colombiano desde la perspectiva de género*. Revista CIDOB d'Àfers Internacionals, n.º 121. DOI: doi.org/10.24241/rcai.2019.121.1.113

the paramilitaries they only confessed a total of 96 cases during the Justice and Peace process¹⁸⁶.

The women who participated in various capacities in the Havana peace process in both delegations played different roles related to their previous professional, political and academic experiences. This is relevant in the form that the results obtained by the delegations cannot ignore the quality of the preparation of the negotiators and of the various members of the commissions, and the inclusion of women among these figures is not in itself sufficient to guarantee a quality process. Among the women who were part of the government delegation at Havana, most of them were professionals in transitional justice, human rights, peacebuilding, political science and international relations. Regarding the work background, most were already working for state institutions, while others came from civil society¹⁸⁷.

In relation to the women guerrillas taking part in the Havana negotiations, they too came from different backgrounds and were selected for their specializations in specific fields and for their positioning within the hierarchy of the guerrilla group. Among the determining factors for the choice of women who would participate in the negotiations were experience in working with political and social organizations, knowledge of the communications sector and knowledge of foreign languages¹⁸⁸. The women of the FARC-EP peace delegation launched the website *Mujer Fariana*, which made visible what the women were doing in Havana, their documents and columns, image galleries and virtual library. Working around the page contributed to the cohesion and the strengthening of the trust of the Farian women, since it meant another meeting stage where they could materialize their aspirations to make visible and position the progress and discussions of the process.

Among the strategies used to gain relevance, it is worth mentioning the international collaboration with people considered to be influential in the matter.

¹⁸⁶ Isabela Marin Carvajal, *Sin previa invitación: Mujeres en La Habana*, Fundación Ideas para la Paz, Feb 3, 2016, Retrieved from <http://www.ideaspaz.org/publications/posts/1282>, last access 04/03/2021

¹⁸⁷ Corporación Humanas - Centro Regional de Derechos Humanos y Justicia de Género (2017). *Vivencias, aportes y reconocimiento: las mujeres en el proceso de paz en la Habana*. Bogota, p. 22

¹⁸⁸ Corporación Humanas, p.23

Furthermore, the collaboration with the feminist organizations present in the Colombian territory was also fundamental, which, thanks to the experience gained after decades of sensitization to gender issues, were able to offer influential proposals and strategies in the negotiations. Finally, a last strategy adopted was configured in the work of raising awareness of each of the gender proposals towards all the commissions working in Havana, which led to increasing the consensus towards these proposals¹⁸⁹.

Nevertheless, despite these advances, the overall participation of women remained very low, quite far from the fair minimum of parity and from overcoming underrepresentation in power settings. Indeed, although the percentage of female negotiators went from an average of percent in previous negotiations to 15 percent during the Havana negotiation¹⁹⁰, it is also true that women were mainly present in the negotiation support committees, remaining largely excluded from decision-making areas. Moreover, women were primarily concerned with the inclusion of the gender perspective, probably prompting that it was a "women's issue". In other words, if women were not assigned relevant roles during the negotiations, then probably a gender focus would not have been included in the Final Agreement either.

The participation of women in the negotiating tables, the designation of two female plenipotentiaries, the inclusion of the gender perspective and the creation of the Gender Subcommittee have been the result of long struggles and pressure from Colombian feminist movements and organizations. The key aspects of the contributions of women's organizations and feminist movements were reflected in the different moments of the process, from the dialogues to the elaboration of the final document. In particular, they allowed the creation of a consensus around the need to overcome gender inequalities exacerbated by war as a necessary condition to successfully build peace.

The manifesto *La paz sin las mujeres ¡no va!* was emblematic. It took shape in 2012 within the *Mujeres por la Paz* organization, and marked a turning point by bringing

¹⁸⁹ Corporacion Humanas, p. 32

¹⁹⁰ Chaparro and González

to light a collective feeling. The following proposals were reported in the manifesto:

We, women (...) of African descent, indigenous, rural, urban, youth, adult, of art and culture, feminist, social, of popular organizations, political parties, and the LGTBI sector; we came with the aim to shape a society also tailored to women; a society in which we are recognized as subjects of rights in public and private matters, where our voices are given authority and our experiences are validated as a value of the human condition (...) We refuse to continue being those agreed upon by the patriarchal culture, we want to be covenants of the new social contract that derives from the dialogue process (...) It is essential that women are protagonists in the dialogue process, in the construction of peace and in the decisions that are taken to obtain these purposes. Because the problems that affect us women involve the whole of society and we consider that they should be at the center of the agenda that is being discussed between the Government and the insurgency, in Havana, Cuba.

Following this manifesto, the pressure on the government increased more and more, and in 2013 more than 400 women belonging to 9 organizations¹⁹¹ organized and created the Cumbre Nacional de Mujeres y Paz. The women of these organizations demanded the right to have a leading role in the negotiations, and for gender issues to be included in the peace agenda. The pressures they exerted had a significant impact, and allowed the Cumbre to become an impactful mechanism on the peace processes¹⁹², leading to the appointment of two women plenipotentiaries at the negotiating table in government representation. On the one hand, Nigeria Renteria was appointed High Counselor for Women, and on the other hand, María Paulina Riveros, for the moment Director of Human Rights of the Ministry of the Interior.

Moreover, between November 2012 and September 2013, at the national and regional level the Forums and Work Tables were set up. In these forums women were able to take for granted their proposals on the issues of the General

¹⁹¹ Asociación Nacional de Mujeres Campesinas, Negras e Indígenas de Colombia; Casa de la Mujer; Coalición 1325; Colectivo de Acción y Pensamiento - Mujeres, Paz y Seguridad; Conferencia Nacional de Organizaciones Afrocolombianas; Iniciativa de Mujeres Colombianas por la Paz; Mujeres por la Paz; Red Nacional de Mujeres; Ruta Pacífica de las Mujeres.

¹⁹² Fernández-Matos and González-Martínez

Agreement, known as Citizen Consultations for the End of the Armed Conflict and the Construction of a Stable and Lasting Peace. According to available information on the events, the participation of women in these formal spaces was 4.276, which represents 45 percent of the total participants. The forums were represented by indigenous women, Afro-descendants, peasants, youth, Raizales, LGBTI women, women victims of the armed conflict, businesswomen, human rights defenders, peace activists, trade unionists, political parties and movements. The results were systematized by the UN and delivered to the Table of Conversations through the guarantor countries, Cuba and Norway¹⁹³.

The topics prioritized by women in the forums were right to truth, reparation and justice, as well as rural development and effective measures to promote greater political participation. Some of the proposals consisted in that, once the truth on violations and crimes is verified, legal and illegal actors assume responsibility for the victimizing acts. The need to create truth commissions that should have women in the team and with special subcommittees to deal with gender issues was also highlighted. And as for the reparation component, it was proposed to create protection programs for women victims and leaders at risk, in which special measures of prevention, protection and guarantees of non-repetition would be adopted, especially in areas of reintegration of combatants. In the consultations, proposals on a culture of peace were highlighted, consisting of rejection of militarization, war and violence against women, considered as expressions of patriarchal cultures in which patterns of discrimination prevailed¹⁹⁴.

3.2.2 Referendum

One of the biggest obstacles that the Final Agreement had to overcome was the rejection of the Final Agreement in the plebiscite of October 2, 2016. The plebiscite represented the culmination of the negotiations, through which the Colombian population was asked to express themselves on the acceptance of the results obtained in Havana by the government team and the FARC-EP delegates. Colombians were called to the polls to answer "Yes" or "No" to the question "Do you support the final agreement to end the conflict and build a stable and lasting

¹⁹³ Marin Carvajal

¹⁹⁴ Marin Carvajal

peace?”. The No faction won with 50.2 percent of the votes, meaning 0.43 percent more than the votes obtained in favor of the question. Furthermore, the percentage of abstainers settled at 62 percent¹⁹⁵, a figure even higher than that of the previous presidential elections, which was already considerably high.

The political factions supporting the “No” designed specific media campaigns, emphasizing one issue or another depending on the audience in order to generate rejection of the agreements, and inflammatory rhetoric and distorted data were frequently used. Attacks on the gender focus of the accords well illustrate this tactic. Indeed, in key with conservative and right-wing sectors, the supporters of “No”, led by former president Alvaro Uribe, provided a biased reading of the gender approach and emphasized this as a problem in front of the audiences of the Christian community and the most conservative sectors of the society. In the context of the campaign for the victory of the “No”, false and distorted information was disseminated, describing the provisions of the Agreement as an imposition of gender ideology. For example, a campaign banner reported: "No to abortion / No to those who attack the family / No to the gender approach / That is why I say No to the Havana accords."¹⁹⁶ The goal was for voters, especially Christians and the more conservative, to associate the agreements with the political controversy over abortion and equal marriage.

This was a distortion of the spirit and purpose of the gender approach, since the Colombian peace agreements are considered to be pioneers in the world in relation to the incorporation of specific measures to mitigate the differentiated effects of the armed conflict on women and to promote equality during the post-conflict period. However, the fact that this position has been influential on the decision of various sectors to reject the peace agreement in the plebiscite vote shows how the gender approach and positions that are perceived as transgressing traditional gender roles are seen as threats¹⁹⁷. These results revealed an additional and

¹⁹⁵ Basset, Y. (2018). *Claves del rechazo del plebiscito para la paz en Colombia*. Estudios Políticos (Universidad de Antioquia), 52, pp. 241-265. <http://doi.org/10.17533/udea.espo.n52a12>

¹⁹⁶ Botero, S. (2017). *El plebiscito y los desafíos políticos de consolidar la paz negociada en Colombia*. Revista de Ciencia Política (Santiago), 37(2), 369-388. <https://dx.doi.org/10.4067/s0718-090x2017000200369>

¹⁹⁷ Chaparro and González.

persistent obstacle that directly affected the participation of women and the incorporation of gender agendas both in the peace process and in public discussions.¹⁹⁸

3.3 Gender Provisions in the Final Agreement

The Final Agreement is composed of 6 points, each of which deals with the fundamental themes that must be developed in order to ensure the end of the conflict and the transition to peace. The points are as follows: Comprehensive Rural Reform, Political Participation, End of Conflict, Solution to Illicit Drugs Problem, Conflict Victim Agreements, and Implementation, Verification and Endorsement.

As an achievement of this process, the Final Agreement defines the gender approach as an articulating principle, associated with equal rights between men and women and the need to guarantee affirmative measures to promote equality, the participation of women and their organizations in the construction of peace and the recognition of the victimization of women due to the conflict¹⁹⁹.

To follow up on the implementation of the agreements with a gender perspective, different mechanisms were proposed, such as the creation of the Special Instance for Women and the accompaniment by the verification and international accompaniment component, made up of UN Women, the Representative of the Secretary General Sexual Violence in Conflict, the International Democratic Federation of Women and the Swedish Embassy²⁰⁰.

3.3.1 Provisions of the Final Agreement

Point 1 on a Comprehensive Rural Reform aims at reversing the effects of the conflict and ensuring the sustainability of peace. It seeks to increase the well-being

¹⁹⁸ Mujeres por la Paz (2012). *La paz sin las mujeres ;No va! Manifiesto de las mujeres por la paz*. Humanas Colombia. Text translated by the author.

¹⁹⁹ *Informe Especial del Instituto Kroc y el acompañamiento internacional, ONU Mujeres, FDIM y Suecia, al seguimiento del enfoque de género en la implementación del Acuerdo Final*, Bogota, 2018, retrieved from https://genderandsecurity.org/sites/default/files/KROC_-_Informe_especial.pdf, accessed 08/03/2021

²⁰⁰ Ibidem.

of rural inhabitants, to promote the integration of the regions and social and economic development, and to enhance opportunities for the Colombian rurality, especially for the populations most affected by armed conflict and poverty. The Colombian conflict had origins linked to the problems of the land and the unequal distribution of its resources, and that the greatest impact on the Colombian internal armed conflict has been suffered by rural areas in Colombia. It follows that the provisions contained in this point were among the most crucial in the construction of a lasting and stable peace. Indeed, transforming the Colombian countryside is an objective that would positively affect the country as a whole. Structural changes in terms of access to land, formalization of property rights, land restitution and development of productive projects in the countryside are envisaged in this point, and they require a joint commitment from public entities for their realization to be effective and to meet the objectives²⁰¹.

Point 2 contains the agreement “Political participation: Democratic opening to build peace”. It starts from the premise that the construction and consolidation of peace within the framework of the end of the conflict requires a democratic expansion that allows new forces to emerge on the political scene to enrich the debate and deliberation around major national problems and, thus, strengthen pluralism and therefore the representation of the different visions and interests of society, with due guarantees for participation and political inclusion. In particular, the implementation of the Final Agreement would contribute to the expansion and deepening of democracy insofar as it will imply the laying down of arms and the prohibition of violence as a method of political action for all Colombians in order to move to a scenario in the one that reigns democracy, with full guarantees for those who participate in politics, and in this way will open new spaces for participation²⁰². With these measures, pluralism and the representation of the different visions and interests of society will be strengthened, with due guarantees for participation and political inclusion.

²⁰¹ Parra Páez, A. M. (2017). *Retos en la implementación de la reforma rural integral de paz*. Trabajo de Grado. Universidad Católica de Colombia. Facultad de Derecho. Bogotá, Colombia

²⁰² Diario de Paz, *¿De qué se tratan los seis puntos del Acuerdo de Paz en Colombia?*, Feb 21, 2021, retrieved from <https://redepaz.org.co/acuerdo-de-paz/>, last access 08/03/2021.

Point 3 contains the agreement "Bilateral and Definitive Ceasefire and Hostilities and the Landing of Arms", which sets out the roadmap to definitively end the offensive actions between the Public Force and the FARC-EP, the hostilities and any action that affects the civilian population. It includes measures designed to the disarmament of the illegal actors and measures for the reincorporation of the FARC-EP to civil life. The reincorporation ratifies the commitment of the FARC-EP to close the chapter of the internal conflict, to become a valid actor within democracy and to contribute decisively to the consolidation of peaceful coexistence, to non-repetition and to transform the conditions that have facilitated the persistence of violence in the territory²⁰³.

Point 4 of the Final Agreement contains the agreement on "Solution to the Problem of Illicit Drugs". Drug trafficking has been one of the main engines of the armed conflict, which the various illegal armed actors turned to for financing, and which allowed Colombian public and political life for several decades. Since the production of illicit drugs involves different sectors of society, from production to distribution to consumption, the fight against this phenomenon is essential to facilitate the end of the conflict. The backbone of Point 4 is the substitution of crops for illicit use, with participatory and comprehensive development plans. To this aim, it seeks to change the treatment of consumers, to prioritize the prevention of consumption and public health. It also seeks to dismantle the entire value chain of drug trafficking by more effectively combating criminal organizations dedicated to it, including activities such as money laundering, trafficking in precursors and the fight against corruption. It tends to maintain a focus on human rights that pays special attention to peasant farmers and addicts. Additionally, although the agreement reiterates the importance of international cooperation in the fight against this scourge, it emphasizes that the policies applied by the government must be governed by the principles of sovereign equality and non-intervention²⁰⁴.

²⁰³ Gloria Castrillón, *Claves para entender el punto 3: fin del conflicto*, El Espectador, Jun 22, 2016, retrieved from <https://www.elespectador.com/colombia2020/pedagogia/claves-para-entender-el-punto-3-fin-del-conflicto-articulo-854538/>, last access 08/03/2021.

²⁰⁴ Especiales Revista Semana, *Solución al problema de las drogas ilícitas*. Retrieved from <https://especiales.semana.com/acuerdo-para-la-paz/capitulo-cuatro.html>, last access 08/03/2021.

Point 5 on Victims of the Conflict establishes two basic constitutive axes. First, the creation of a Comprehensive System focused on repairing victims, and, second, the creation of a Special Jurisdiction for Peace in charge of prosecuting crimes and carrying out justice. During the armed conflict, millions of Colombians have been victims of forced displacement, while thousands of others have died or have disappeared, affecting a large number of families, groups and individuals throughout the territory. In recognition of this national tragedy, it was agreed that compensation for the victims should be at the core of the Final Agreement. For this reason, two mechanisms have been created - the Comprehensive Truth, Justice, Reparation and Non-Repetition System, and Commitment to the Promotion, Respect and Guarantee of Human Rights. The purpose is to achieve the greatest possible satisfaction of the rights of the victims, to ensure accountability for what happened, to guarantee legal security for those who participate in it, and to contribute to guaranteeing coexistence, reconciliation and the non-repetition of the conflict and thus ensure the transition from armed conflict to peace. It established that those responsible for the most serious crimes would be investigated, tried and punished by a special justice. In addition, those responsible will have to participate in reparation actions for the victims and communities affected by the conflict, such as infrastructure construction, humanitarian demining and search for missing people²⁰⁵.

Point 6 on Implementation and Verification presents the route for implementation and the commitments established in terms of monitoring, verification and guarantees of compliance with the Agreement. This chapter sets out the functions of its verification mechanisms, as well as the guiding principles, collaborators and their roles in the different verification instances²⁰⁶.

3.3.2 Gender Perspective in the Final Agreement

²⁰⁵ Cancillería de Colombia (2016), *ABC del Acuerdo Final*. Retrieved from <https://www.cancilleria.gov.co/sites/default/files/cartillaabcdelacuerdofinal2.pdf>, last access 08/03/2021

²⁰⁶ Observatorio de Violencia y Paz de Manizales (2020), *Pensar la paz desde el Acuerdo Final: una mirada nacional y territorial*. Retrieved from <https://www.ucaldas.edu.co/portal/wp-content/uploads/2020/08/Pensar-la-paz-desde-el-Acuerdo-final-Boletin-No.-1-L%C3%ADnea-de-paz-Obsevatorio-de-violencia-y-paz-de-Manizales.pdf>, accessed 05/03/2021

The Final Agreement envisages a transversal gender approach, with gendered measures and provisions being present in each of its 6 points. Of the 578 provisions of the Final Agreement, 109 have a gender focus, that commit both Government and the FARC-EP to implement specific affirmative actions to ensure the prioritization of women and the LGBTI population in programs related to gender violence implementation of the Agreement. In addition, they promote the leadership and participation of women and the LGBTI population in implementation instances or processes, they address aspects such as structural discrimination and the disproportionate impact of the armed conflict on women, girls and the LGBTI population, and they seek to guarantee equitable access to the programs and benefits of the Agreement²⁰⁷.

The gender measures present in the Final Agreement are 109, of which 5 in the Integral Rural Reform, 26 in Political Participation, 20 in the End of the Conflict, 12 in the Solution to Illicit Drugs, 20 in the Victims of the Armed Conflict, and 6 in the Implementation, Verification and endorsement of the Agreement. These measures can be divided into measures with a gender focus, which establish the incorporation of the gender focus without specifying the actions to be taken for this purpose; affirmative measures, which promote concrete actions to apply the gender focus; measures on gender-based violence, which call for diagnosing the prevalence and severity of such violence, and for preventing, investigating, judging and sanctioning it; participation measures, which promote the participation of women in public spheres; and gender instances, ie instances with a gender mandate²⁰⁸.

Each point of the Final Agreement envisages a gender perspective, which is described as

(...) the recognition of equal rights between men and women and the special circumstances of each one, especially women, regardless of their marital status, life cycle, family and community relationship, as subjects of rights and special constitutional protection. It implies the need to

²⁰⁷ *Informe Especial del Instituto Kroc y el acompañamiento internacional, ONU Mujeres, FDIM y Suecia, al seguimiento del enfoque de género en la implementación del Acuerdo Final.*

²⁰⁸ GPaz (2018), *La paz avanza con las mujeres. Observaciones sobre la incorporación del enfoque de género en el Acuerdo de Paz.* Resumen Ejecutivo. Bogota.

guarantee affirmative measures to promote equality, the active participation of women and their organizations in the construction of peace and the recognition of the victimization of women due to the conflict. In order to guarantee effective equality, affirmative measures are required to respond to the disproportionate impacts that the armed conflict has had on women, particularly sexual violence²⁰⁹.

The thematic axes around which the gender perspective was developed in the Agreement are the access to rural property with conditions equal to those of men; the guarantee of the economic, social and cultural rights of women, the promotion of the participation of women in the spaces of representation and decision making, the adoption of prevention and protection measures against the specific risks faced by women; access to truth, justice, reparation and the guarantee of non-repetition; public recognition of the commitment of women as political subjects; and strengthening the institutional management of women's organizations to ensure their public and political participation²¹⁰.

In the Point 1 of the Final Agreement, an attempt was made to equalize the possibility of women to enjoy the same rights assigned to men with regard to rural matters, as well as to value and empower the organizations of peasant women. One of the great results obtained is the improvement of the conditions of access to land for women, the credits granted to them, technical advice and the formalization of ownership. In this respect, the Final Agreement states that the priorities are the

(...) recognition of women as autonomous citizens, subjects of rights who, regardless of their marital status, family or community relationship, have access on equal terms with men to land ownership and productive projects, financing options, infrastructure, technical services and training, among others; addressing the social and institutional conditions that have prevented women from accessing productive assets and public and social goods. This recognition implies the adoption of specific measures in the planning, execution and monitoring of the plans and programs contemplated in this agreement

²⁰⁹ *Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera*, Jul 2018, p. 193. Retrieved from <https://www.jep.gov.co/Documents/Acuerdo%20Final/Acuerdo%20Final.pdf>, last access 07/03/2021. Translated by the author.

²¹⁰ Corporación Humanas, Sisma Mujer and Red Nacional de Mujeres. *Cinco Claves para un Tratamiento Diferencial de la Violencia Sexual en los Acuerdos sobre la Justicia en el Proceso de Paz*, Jun 2017, Bogota.

so that they are implemented taking into account the specific needs and differential conditions of women, according to their life cycle, affectations and needs²¹¹.

With regard to political participation, the results obtained range from the increased participation of women in the peace process to the recognition of the greater difficulties faced with regard to participation and decision-making, as well as the discrimination that keeps them on the margins of the exercise of power. In addition, the Final Agreement envisaged special protection measures for women social leaders and women who defend human rights, which have traditionally been among the categories with the greatest victims. Indeed, the agreement acknowledges that

(...) women face greater social and institutional barriers to the exercise of political participation as a consequence of deep discrimination and inequalities, as well as structural conditions of exclusion and subordination, which creates greater challenges to guarantee their right to participate, confront and transform. These historical conditions imply developing affirmative measures that guarantee the participation of women in the different spaces of political and social representation. For this, it is necessary to recognize the situation and condition of women in their contexts and particularities²¹².

Point 3, which deals with the end of the conflict, acknowledges the gender and sexual violence to which women have been disproportionately subject to, especially during the conflict. The guarantee of the rights of the victims, the inadmissibility of the indulgence for sexual crimes and the awareness of issues related to sexual violence were made central. The gender perspective was also included in the Commission for the Clarification of Truth, Cohabitation and Non-Repetition.

As for Point 4, the agreement recognizes

(...) that many regions and communities of the country, especially those in conditions of poverty and abandonment, have been directly affected by the cultivation, production and commercialization of illicit drugs,

²¹¹ *Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera*, p. 12. Translated by the author.

²¹² *Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera*, p. 35. Translated by the author.

influencing the deepening of their marginality, inequity, and violence in reason for gender and its lack of development²¹³.

and

(...) that the production and commercialization of illicit drugs and criminal economies have had serious effects on the Colombian population, both in the countryside and in the city, affecting the enjoyment and exercise of their rights and freedoms, and that women and youth have been affected in particular by these criminal economies²¹⁴.

The gender approach of Point 5 is related to the differentiated treatment of territories and populations, especially of female victims and girls, that is, those most affected by the conflict. It recognizes that

(...) the armed conflict, which has multiple causes, has caused suffering and damage to the population without equal in our history. Millions of Colombians and Colombians are victims of forced displacement, hundreds of thousands have died, tens of thousands have disappeared of all kinds and a large number of families, groups and affected populations throughout the territory, including peasant and indigenous communities Afro-Colombian, black, Palenqueras, Raizales, and Rom, people because of their religious beliefs, political parties, social and union movements, LGBTI population and economic unions, among others. Without forgetting other less visible but no less painful forms of victimization, such as sexual violence, psychological affectations, or the simple coexistence with fear²¹⁵.

Finally, Point 6 defines that the gender approach as a general principle for implementation becomes in itself a call to establish specific measures, which are translated in an attempt to ensure that affirmative measures are established in each measure of the agreement.

The gender approach as a principle of rights continued to be one of the main guidelines of the Final Agreement. What is new is the incorporation of the principle

²¹³ *Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera*, p. 48. Translated by the author.

²¹⁴ *Ibidem*.

²¹⁵ *Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera*, p.126. Translated by the author.

of guaranteeing the right to equality and non-discrimination, a requirement of women and LGBTI organizations that were concerned that the need to adopt non-discriminatory measures for historically discriminated and excluded populations was ignored because of their sexual orientation and gender identity. The Final Agreement features a great commitment to inclusion as a principle of social, political and democratic action, aimed at the realization of the right to equality, especially for those who have been discriminated against and excluded because of their differences in sexual orientation, gender identity and ethnicity, among other conditions.

One of the innovations of the Final Agreement is the incorporation of an explicit definition of the gender approach. This definition is an advance with respect to the gender approach as a general principle that aims at equal rights and the recognition of women as subjects of special constitutional protection. However, the scope of this progress may be limited because in other sections of the text the term "gender equity" was changed to "equal opportunities between men and women". In this regard, it is necessary to point out that it is not the same to guarantee rights in the logic of equity than to generate opportunities under conditions of equality. It is not enough, for example, to guarantee women's access to the educational system on equal terms with men, because it will also be necessary to guarantee them educational quality and permanence in the system, taking into account their needs and interests. Nor can we lose sight of the fact that "gender equity" is clearly inclusive of LGBTI people, while "equal opportunities" limits its scope to men and women. "Gender equality" is clearly inclusive of LGBTI people, while "equal opportunities" limits its scope to men and women.

The results obtained by the Gender Subcommittee go well beyond the inclusion of the gender perspective in the Final Agreement. First of all, it succeeded in a considerable mobilization of civil society, through the organization of various meetings in which representatives of various groups of women participated, from victims of sexual violence to ex-combatants, so that their perspectives and claims were taken into account both from political institutions and from the rest of the society. Furthermore, the approval and support both nationally by governmental bodies and internationally by the United Nations and other international

organizations increased the legitimacy of the claims of women's organizations involved in the process, with the result that participation of women in political and negotiation processes has been considered fundamental and irreversible²¹⁶. Finally, it allowed theses concerning the origins of the Colombian conflict in relation to the structures of gender inequality historically present in society to come to the negotiating table, arguing about the need to transform these structures to ensure sustainable peace in the country. These aspects were decisive in guaranteeing the continuity of the incidence of women's organizations and feminist movements on the level of government policies that would dominate Colombian society from that moment on.

Nevertheless, although there have been progressive advances in the recognition of the rights of traditionally excluded groups, discrimination and exclusions have also been maintained and aggravated. Since the unequal conditions and positions obey historical dynamics of power and of exclusion in different social, economic, labor and cultural spheres, inequalities and discriminations based on gender are not isolated from other forms of discrimination and are combined with ethnic, racial, generational and class aspects. From this perspective, it is strategic that the Final Agreement refers both to the gender approach and to the principle of equality and non-discrimination. It will then be a task to guarantee the complementarity between one and the other, especially when it comes to comprehensively addressing the relationship between discrimination and gender-based violence, as well as to address inequalities and intersectionalities that have been reinforced and worsened. in the context of the armed conflict. Recognizing these structural discriminations also leads to a reflection on the continuation of different types of violence in the public and domestic sphere during the transition to peace.

Conclusion

The dominant narrative is tied to the image that everything related to war belongs to a male domination, where the role that women play is relegated to that of the victim, which is attributed by their gender condition. However, the Colombian case

²¹⁶ Corporación Humanas, pp. 35-36

shows that significant progress has been made, especially in relation to the participation of women in the negotiating tables and the acknowledgment of the different needs that invest women in the post-conflict deriving from the different way in which the war has been experienced.

While the previous peace processes have demonstrated a certain neutrality with regard to gender issues and an invisibility of women's experiences, the peace process carried out by Juan Manuel Santos differs substantially in distancing itself from a procedure that clashes with the reality of the context, and from a hegemonic narrative that refrains from taking into account women as political subjects. The peace process held in Havana has achieved considerable results in terms of both participation and recognition, where the transforming agency of women's organizations in the country has played an essential role. The international community also influenced the process, with the adoption of UNSC Resolution 1325 creating a framework that fostered wider involvement of women at various levels and at all stages of the process, which in turn resulted in a transversality of the gender perspective in the Final Agreement.

However, although the progress made is undoubtedly substantial, there are still many steps to be taken before an effective equality is reached. On the one hand, women have increased their participation in mainly operational and consultative roles, and not in leadership roles. On the other hand, the explicit reference to the gender focus in the Final Agreement is not sufficient *per sé* to guarantee an effective improvement in the condition of women, as it requires an implementation that is not always completed. However, the mere fact of incorporating gender references can be considered a success of women's and feminist organizations, as they succeeded in sending the message to society that they are political subjects, and that without their participation there will be no sustainable peace nor social justice.

FOURTH CHAPTER

REMARKS ON THE IMPLEMENTATION OF THE FINAL AGREEMENT

UNSC Resolution 1325 pointed out the importance of gender justice as a pivotal factor to social transformation to peace in war-torn societies. No conflict is gender-neutral, because women and men have different access to resources, decision making and power, and the roles they play differs. Since war is a gendered activity, the transformation to peace should also be gendered. Therefore, it is crucial to investigate the long-term impact of the inclusion of a gender perspective in the Final Agreement.

4.1 Implementation of the Final Agreement

The analysis carried out by the Kroc Institute, in which it compares the general levels of implementation of the Agreement with the levels of implementation of the gender approach, shows that there is still a gap between the two, with a greater lag in the initiation and implementation of gender-related measures. On the one hand, there is a higher percentage of commitments with a gender perspective that have not been started. The report indicates that 42 percent of the provisions with a gender perspective had not been being implemented yet, as opposed to the 27 percent of provisions in the general implementation that have not started to be implemented, which indicates a difference of 15 percent. On the other hand, among those that have been initiated, there is a smaller number of commitments with a gender perspective that have been completed compared to the general implementation of the Agreement. The gap is 17 percent, deriving from 8 percent in gender measures and 25 percent in the entire Agreement.

The analysis of each Point of the Final Agreement shows that the greatest advances in recent months have been presented in Point 5, related to Victims' Rights, while in other points of the Agreement, especially Point 1 on Comprehensive Rural Reform, Point 2 on Political Participation, and Point 4 on Solution to the problem of illicit drugs, little progress has been evidenced²¹⁷. Moreover, in the third follow-up

²¹⁷ Instituto Kroc (2019), *Hacia la paz sostenible por el camino de la igualdad de género. II informe de seguimiento al enfoque de género en la implementación del Acuerdo de Paz en Colombia*, Bogotá, retrieved from

report on implementation presented by the Kroc Institute, severe delays in the fulfillment of gender commitments in the six points of the Agreement are reported. The follow-up shows that 46 percent have not started, 38 percent have a minimal implementation, 10 percent intermediate and only 5 percent a full implementation²¹⁸.

The Point 1, Comprehensive Rural Reform, highlighted some progress in the delivery of comprehensive subsidies, the formalization of properties and the participation of women in workshops and meetings created in order to make them aware of their rights, but an insufficient advance in the delivery of hectares. However, despite the advances in such areas, to date very few hectares from the Land Fund have been delivered to women, the direct award has been insufficient, they have not provided special credits for the purchase of land, and no progress has been made in the strategy to include women's initiatives. For example, as of June 2020, 47.65 hectares of the Land Fund have been assigned to 11 women, and 219.33 hectares to 26 men, corresponding respectively to 30 percent and 70 percent of the beneficiaries²¹⁹. In 2021, the National Agency of Lands plans to award 8.700 as to rural women and maintains that it has carried out various activities to promote their access to land and advance in closing the gender gap²²⁰.

The Final Agreement establishes the Development Plans with a Territorial Approach in order to comprehensively intervene in the municipalities most affected by the armed conflict, with higher poverty rates and low institutional development. Nevertheless, figures show that the gender approach was not

https://kroc.nd.edu/assets/345128/120519_informe_genero_digital.pdf, accessed 19/03/2021

²¹⁸ Instituto Kroc (2019), *Estado efectivo de implementación del Acuerdo de Paz de Colombia 2 años de implementación. Informe 3, Diciembre 2016 - Diciembre 2018*. Bogota, retrieved from https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf, last access 19/03/2021

²¹⁹ Consejería Presidencial para la Estabilización y la Consolidación (2020b). *Informe de Gestión Avances en la Implementación de los 51 Indicadores de Género del PMI*. Trimestre: abril – junio de 2020.

²²⁰ Agencia Nacional de Tierras. (2018). *Asistencia Técnica Y Jurídica Para La Formalización De La Pequeña Propiedad Privada Rural a Nivel Nacional*. Agencia Nacional de Tierras. Retrieved from <https://www.agenciadetierras.gov.co/wpcontent/uploads/2020/01/ASISTENCIA-JURDICA-Y-TCNICA-PARA-LAREGULARIZACION-DE-LA-PROPIEDAD-A-NIVEL-NACIONAL.pdf>, last access 23/03/2021

incorporated uniformly in all regions. Despite the massive number of women's organizations that participated in these processes, a significant part of the women's movement states that there were barriers to access by organizations of women in some territories. The regions in which the most initiatives with a gender focus were registered were Alto Patía and Norte del Cauca, Montes de María and Cuenca del Caguán and Piedemonte Caqueteño, respectively 26.66 percent, 12.09 percent, and 11.66 percent, while the regions with fewer initiatives were Sur de Bolívar, Sur de Córdoba and Urabá Antioqueño²²¹. In conclusion, the opportunities for the inclusion of women in the transformation of the Colombian countryside in relation to the implementation of the Final Agreement have been expanded, but to a limited extent.

During the COVID-19 pandemic, compulsory social isolation and the closure of schools has had a disproportionate effect on the quality of life of many women, especially in rural areas. This is evidenced in the impoverishment of women due to the increase in the burden of unpaid care and in the increased risk of domestic violence in the context of the pandemic. The emergency has also undermined women's participation and increased informality in some territories²²². In this sense, the adequate implementation of the measures contained in this point are fundamental to alleviate the precariousness of the living conditions of rural populations, and especially of women. Although the applications from women are effectively being prioritized, there are exclusive elements regarding the realities and needs that peasant women face, since it increases the score if the person who registers has a career, training or technical knowledge and experience in productive activities. Although women in Colombia, including rural women, have higher educational levels than men, this measure is favoring women who have had more opportunities over the most disadvantaged. Among the latter, those who, due

²²¹ Instituto Kroc, Acompañamiento internacional, ONU Mujeres, FDIM y Suecia. (2019). *Hacia la paz sostenible por el camino de la igualdad de género: II informe de seguimiento al enfoque de género en la implementación del Acuerdo de Paz en Colombia*. Retrieved from, https://www2.unwomen.org/-/media/field%20office%20colombia/documentos/publicaciones/2019/12/ii%20informe%20gnero%20en%20el%20acuerdo%20de%20paz_digital.pdf?la=es&vs=5319, last access 23/03/2021

²²² Chaparro Moreno, L., and Alfonso, H. (2020). *Impactos de la COVID-19 en la violencia contra las mujeres. El caso de Bogotá (Colombia)*. Nova, 18(spe35), 115-119. Epub January 17, 2021. <https://doi.org/10.22490/24629448.4195>

to the marked gendered division of work, dedicate on average more hours per week to unpaid work, which reduces their time and own resources, making it difficult to access higher levels of study²²³.

The second chapter of the Final Agreement addresses Point 2, Political Participation and Democratic Opening to build peace. Here, progress is highlighted in the preliminary construction of the Strategic Plan for the incorporation of the gender approach in public policies and the incidence of women's organizations, along with the adoption of the Comprehensive Program of Guarantees for Women Leaders and Women Human Rights Defenders, which is the result of advocacy work by women's organizations against the specific risks they face due to their leadership. This program aims to "*generate guarantees for the free and safe exercise of women's leadership and their right to defend human rights*"²²⁴, for which it defines three strategic axes, namely prevention, protection and guarantees of non-repetition, which establish actions aimed at strengthening female leaderships, adapting existing protection measures to incorporate the gender perspective, and overcoming impunity and safeguarding the memory of the struggles of women leaders. Even though this program is not contemplated in the Final Agreement, it represents a valuable opportunity to respond to the differentiated risks faced by female leaders.

Up to June 2020, 8 women's solidarity organizations have been created with the participation of 128 women, of which 31 indigenous, 58 Afro-Colombian, 72 victims, 95 heads of household, 8 with disabilities. Furthermore, 38 women's solidarity organizations have been strengthened with the participation of 748 women, of which 70 indigenous, 173 Afro-Colombian, 3 LGBTI, 347 victims, 395 heads of household and 52 with disabilities, which corresponds to 53 percent of the strengthened organizations²²⁵. Likewise, in its Ethnic Report of July 2020, the CPEC refers that political participation schools were held for more than 600

²²³ Secretaría Técnica del Componente Internacional de Verificación (2020)

²²⁴ Resolución 0845 de 2018 "Por la cual se adopta el Programa Integral de Garantías para las Mujeres Líderas y Defensoras de Derechos Humanos". Retrieved from <http://www.equidadmujer.gov.co/ejes/publicaciones/Resolucion-0845-14-junio2018.pdf> last access 23/03/2021

²²⁵ Consejería Presidencial para la Estabilización y la Consolidación (2020b)

women, of which more than 20 percent identified themselves as indigenous or Afro-descendant²²⁶.

However, despite the potential that Point 2 has to provide security guarantees to women, to date there has been no significant progress in its operation. In particular, urgent measures are required to confront the persistence of murders and threats against LGBTI persons and women leaders and human rights defenders²²⁷.

In the third chapter, which addresses Point 3, End of the conflict, the advances are mainly concentrated in the actions of the Technical Gender Committee of the National Reincorporation Council (CNR); the territorial work of former combatants in the Old Territorial Training and Reincorporation Areas (AETCR) and in the New Reincorporation Areas (NAI); and the political incidence and the work of the senators of the FARC Party in the Congress of the Republic.

Progress has been reported in mainstreaming the approach issues related mainly to actions from the Technical Committee on Gender of the National Reincorporation Council, which has constituted a valuable opportunity to promote the inclusion of the gender approach in reincorporation, and to monitor the implementation of the Final Agreement. Since its formation until June 2020, the Technical Committee has met 30 times and has had an impact on different processes to stimulate the reincorporation of ex-combatants²²⁸.

However, territorial difficulties persist in guaranteeing prioritized services for women. In relation with the socioeconomic reintegration, as of July 31, 2020, of the 60 collective productive projects approved for 2.785 ex-combatants, 28.4 percent of the beneficiaries are women, namely 793, while, of the 1.400 individual productive projects that benefit 1.644 people in reincorporation, 21 percent are women²²⁹. It follows that there is a disproportion between these percentages and the percentage of women actively involved in the FARC, which were estimated to be

²²⁶ Consejería Presidencial para la Estabilización y la Consolidación (2020c). *Primer Informe de Avances en la Implementación del Capítulo Étnico del PMI*. July 2020.

²²⁷ Secretaría Técnica del Componente Internacional de Verificación (2020)

²²⁸ Consejería Presidencial para la Estabilización y la Consolidación (2020d) *Informe de Gestión 23 meses: agosto 2018 a Julio 2020*.

²²⁹ Consejería Presidencial para la Estabilización y la Consolidación (2020d)

up to 40 percent of the total of guerrilla fighters. These figures show the low participation of women in productive projects already approved, and the need to continue strengthening strategies that allow expanding participation in decision-making spaces and productive environments.

Regarding the differentiated situation of women in the AETCR²³⁰, difficulties persist in terms of access to prioritized services and benefits for women who advance their reincorporation processes. Indeed, complaints of domestic violence are still high in these territorial areas, access routes to sexual and reproductive health care programs continue to be limited, and in terms of education, barriers to access to training and employment persist²³¹.

Such difficulties continue to be related to the delays in the implementation of specific services and benefits for women, as well as the persistence of cases of gender-based violence, which, with the Covid-19 pandemic, have deepened the challenges in guaranteeing women's rights. In terms of security, although the murder of ex-combatants occurs mainly in men²³², it needs to be highlighted the importance of making visible the differentiated affectation suffered by women in the process of reincorporation because of their gender.

As for the political reintegration of former guerrilla fighters, in the framework of the first local elections in which the FARC Party participated, of the total of 308 registered candidates, 38 percent were women, namely 117, which is in compliance with the Quota Law²³³. In Congress, the work of the FARC Party women senators during 2019 is relevant. Indeed, in July 2019, the Party filed five bills, one of which was authored by Senator Victoria Sandino, and another three were authored by Senator Sandra Ramírez, member of the Sixth Committee of the Senate. Moreover, in the 2020 legislature, Victoria Sandino was designated as the FARC Speaker before the Senate²³⁴.

²³⁰ Spaces for training activities and early reintegration with which it is intended to facilitate the initial phases of adaptation of the members of the FARC-EP to civil life.

²³¹ Secretaría Técnica del Componente Internacional de Verificación (2020)

²³² Secretaría Técnica del Componente Internacional de Verificación (2020)

²³³ Misión de Verificación de las Naciones Unidas en Colombia e Instituto Kroc. (Nov 29, 2019). Reunión de la ST con el Componente de Verificación Internacional.

²³⁴ Partido FARC. (2020). "Entrevista a las Senadoras de la FARC". Retrieved from <https://partidofarc.com.co/farc/2020/02/10/4618/>, last access 24/03/2021

In the territories, from the National Commission for Women, Gender and Diversity headed by Victoria Sandino, some events aimed at contributing to the empowerment of ex-combatant women, the transformation of masculinities and the comprehensive mainstreaming of the gender approach in the reincorporation process have been implemented²³⁵. Moreover, In december 2019, the First National Encounter on Farian Masculinities was organized, which was a space for reflection on “*the responsibility of men in the transformation of gender relations*”, where the proposal of “insurgent feminism” was constructed by FARC women²³⁶.

The Final Agreement sets a series of measures to provide protection and security to “*human rights defenders, social movements or political movements, [and] the people who participate in the implementation of the agreements and the construction of peace*”²³⁷. In this sense, efforts are recognized to include the gender approach in the National Commission for Security Guarantees. However, the persistence and increase of political violence against former FARC combatants continues to be observed. Although violence has been concentrated among men, it has also affected female ex-combatants. Indeed, since the signing of the Final Agreement and until June 26, 2020, four female ex-combatants have been murdered, and another two have suffered attempted homicides²³⁸.

In terms of the implementation of the commitments related to Point 4, Solution to the problem of illicit drugs, there are still gaps and limitations than progress in the implementation of commitments with a gender perspective. To date, the main progress is in the construction of the Protocol for the incorporation of the gender approach in the National Comprehensive Program for the Substitution of Illicit Crops (PNIS), whose impact will depend on the step from the recognition of this approach to its effective materialization with concrete affirmative actions that have

²³⁵ Secretaría Técnica del Componente Internacional de Verificación (2020)

²³⁶ Sandino, V. [@SandinoVictoria]. (9 de diciembre de 2019). En este momento se está realizando el Primer Encuentro Nacional sobre Masculinidades Farianas. Un espacio para reflexionar en torno a la responsabilidad de los hombres en la transformación de las relaciones de género [Tweet]. Twitter <https://twitter.com/SandinoVictoria/status/1204048886547005440>

²³⁷ Acuerdo de Paz (2016). Translated by the author.

²³⁸ Misión de Verificación de las Naciones Unidas en Colombia e Instituto Kroc. (29 de noviembre de 2019)

effects on reducing gaps for women cultivators, and guarantee the participation of LGBTI people and women belonging to ethnic communities.

Elements with a high impact on the women in the PNIS include an immediate attention to families and communities through the Immediate Attention Plan. This component could have the greatest impact on women's lives, since the greater family burden falls on them. However, no significant progress in the construction of rural nurseries, programs for the provision of school canteens, programs to overcome poverty, and basic health care brigades have been highlighted²³⁹. These delays clearly make it difficult for women to strengthen their participation in community spaces related to the PNIS, since it does not favor the transformation of power relations in the field or the equitable distribution of the burden of care at home.

In addition, the isolation due to Covid-19 has meant the worsening of the situation of rural women cultivators in various areas and areas of the country. Among the difficulties exacerbated by Covid, it is necessary to mention an increase in care burdens at home, which affects mainly women due to the marked sexual division of household and childcare, causing them difficulties to work and deepening their economic dependence; an increase in domestic violence due to confinement and poor housing conditions and routines; and a paralysis of the PNIS instances of participation where women are widely represented, due to difficulties with connectivity and internet access²⁴⁰.

In the chapter on the implementation of Point 5, the Comprehensive System of Truth, Justice, Reparation and Non-Repetition has advanced in actions to attend and repair victims of sexual violence, gender-based violence widely documented in different reports, especially by the Centro Nacional de Memoria Histórica, which issued several its reports depicting sexual violence as a war strategy used by all armed actors to subdue, correct and punish their victims or adversaries, produce terror in the communities and transmit messages of humiliation and domination in

²³⁹ G-Paz y Corporación Humanas. (2020). *Estado de la sustitución desde la perspectiva de las mujeres y los retos en la pandemia*. Foro Virtual. Retrieved from https://www.youtube.com/watch?v=w9Haj_aptCQ last access 24/03/2021

²⁴⁰ Secretaría Técnica del Componente Internacional de Verificación (2020)

order to impose a false moral order and consolidate its territorial control²⁴¹. Although this type of violence has been directed towards all population groups, the reports show disproportionate and differentiated effects against girls, women, the LGBT population, people belonging to ethnic groups and people with disability.

Moreover, the Final Agreement establishes the Search Unit for Missing Persons (UBPD), which aims to direct, coordinate and implement humanitarian actions to search and identify all the reported missing people in the context of the conflict, and, in the case of death, the location and dignified delivery of their bodies, when possible. Decree 589 of 2017 stipulates that it must be guaranteed that the gender approach is applied in all phases and procedures²⁴². The UBPD reports that, in 2019, it carried out 75 activities with organizations, groups, movements and platforms of victims and civil society, from differential and gender perspectives²⁴³. Furthermore, the Sisma Mujer Corporation delivered 4 reports, on June 25, on forced disappearance and sexual violence in the municipality of Vista Hermosa, Meta²⁴⁴.

The Special Jurisdiction for Peace (JEP) is the entity in charge of investigating, clarifying, prosecuting and punishing serious human rights violations and serious breaches of international humanitarian law, in order to identify those responsible, resolve the legal situation of ex-combatants, contribute to the strengthening of judicial truth and consolidate restorative justice that prioritizes the victims of the armed conflict. In the first semester of 2020, the JEP has received several reports on acts of sexual violence, among which are *Justicia para Todas*, prepared by

²⁴¹ *Mujeres y Guerra* (Centro Nacional de Memoria Histórica, 2011), *Aniquilar la Diferencia* (CNMH, 2015), *La Guerra Inscrita en el Cuerpo* (CNMH, 2017), *Ser marica en medio del conflicto armado* (CNMH, 2019)

²⁴² Presidencia de la República de Colombia (2017a). Decreto 588 de 2017. “Por el cual se organiza la Comisión para el Esclarecimiento de la Verdad, la Convivencia y la no Repetición”. Retrieved from juriscol.gov.co/viewDocument.asp?id=30034592 last access 24/03/2021

²⁴³ Unidad de Búsqueda de Personas dadas por Desaparecidas. (2020b). *Respuesta a las preguntas planteadas por la ciudadanía durante los espacios virtuales de rendición de cuentas de la UBPD (2019-2020)*. Retrieved from https://www.ubpdbusquedadesaparecidos.co/wpcontent/uploads/2020/06/Respuestas-sesiones-1-y-2-de-Rendicio%CC%81n-deCuentas-de-la-UBPD-2020_compressed.pdf, last access 19/03/2021

²⁴⁴ Corporación Sisma Mujer. (2020). *Comunicado Entrega de informes al SIVJNRN*. Jun 25, 2020. Retrieved from <https://doi.org/10.1016/j.solener.2019.02.027>, last access 22/03/2021

Corporación Humanas and GIZ, which collects the testimonies of 21 women victims of violence sexual intercourse in Norte de Santander between 1991 and 2016²⁴⁵; *En mi cuerpo, el cuerpo de todos*, prepared by female victims with the support of Sisma Mujer, in which cases of sexual violence are taken up in Vista Hermosa, Meta, between 1979 and 2015; a report on sexual violence in the Montes de María, prepared by Corporación Humanas, in which 47 cases of sexual violence reported by 39 women from 9 municipalities in the region, between 1983 and 2014²⁴⁶; a report on serious human rights violations and the victimization of nearly 700 families in Chocó, prepared by the Domingodó and Salaquí Community Councils²⁴⁷; and six reports that gather the information of almost 600 women, prepared by the National Network of Women Defenders, of which two were delivered to the JEP, one on sexual violence in the context of the conflict and the other on gender violence in Montes de María²⁴⁸.

In Point 6, Implementation, Verification and Endorsement, the report outlined the progress in the implementation and monitoring of the mainstreaming of this approach carried out by two key instances. On the one hand the Final Agreement created the Special Gender Instance, while, on the other hand, the government created the High Government Gender Instance .

²⁴⁵ Jurisdicción Especial para la Paz (2020b). La JEP recibe informe de 21 casos de violencia sexual en el Norte de Santander. Retrieved from <https://www.jep.gov.co/Sala-dePrensa/Paginas/La-JEP-recibe-informe-de-21-casos-de-violencia-sexual-en-Nortede-Santander-.aspx>, last access 22/03/2021

²⁴⁶ Jurisdicción Especial para la Paz. (2020c). *La JEP recibió informe de violencia sexual en los Montes de María*. Retrieved from <https://www.jep.gov.co/Sala-dePrensa/Paginas/La-JEP-recibi%C3%B3-informe-de-violencia-sexual-en-losMontes-de-Mar%C3%ADa.aspx> , last access 22/03/2021

²⁴⁷ Jurisdicción Especial para la Paz. (2020d). *Consejos comunitarios de Domingodó y Salaquí (Chocó) entregaron a la JEP un informe sobre graves violaciones a los derechos humanos*. Retrieved from <https://www.jep.gov.co/Sala-dePrensa/Paginas/Consejos-comunitarios-de-Domingod%C3%B3-ySalaqu%C3%AD,-Choc%C3%B3,-entregaron-un-informe-sobre-gravesviolaciones-a-los-derechos-humanos.aspx>, last access 22/03/2021

²⁴⁸ Jurisdicción Especial para la Paz. (2020e). *La Red Nacional de Mujeres Defensoras entregó seis informes al Sistema Integral de Verdad, Justicia, Reparación y No Repetición*. Retrieved from <https://www.jep.gov.co/Sala-de-Prensa/Paginas/Red-Nacional-deMujeres-Defensoras-entreg%C3%B3-6-informes-al-Sistema-Integral-de-Verdad,-Justicia,-Reparaci%C3%B3n-y-No-Repetic%C3%B3n.aspx>, last access 22/03/2021

In relations with the Special Gender Instance, valuable contributions have been generated in order to monitor the gender approach. In its first three years of operation, the Instance provided feedback and influenced the adjustment of the indicators of the gender chapter of the Implementation Framework Plan²⁴⁹; launched its national and territorial strategy in 2019 with 12 regional meetings by creating its own methodology "Territorial voices of women in peace", in order to identify the challenges and opportunities in the territorial implementation of the Final Agreement; and permanently included female FARC ex-combatants in the process of reincorporation as observers in the Instance.

In August 2018, the High Government Gender Instance was created. Since its entry into operation and in compliance with its function of coordinating and executing the gender indicators of the PMI, the CPEC's balance as of last June is that, of the 51 indicators, seven have been fulfilled (14 percent), 43 in execution (80 percent), and one has not registered any progress. Of the 43 that are in execution, three indicators require acceleration in their implementation²⁵⁰. In addition, regarding the compliance cycles, of the 16 indicators that must be met in 2022, seven are already complete, six are in execution and three require acceleration, and of the 35 indicators that must be met between 2026 and 2031, all already count. with concrete advances²⁵¹.

Finally, in budgetary matters, in order to comply with the PMI gender indicators, the Contraloría highlights that "there is still no inclusion of this approach in the budget planner for peace that allows specialized monitoring of the budget aimed at compliance PMI gender indicators ", therefore, it is not possible to identify the specific resources that are being allocated for the implementation of this approach.

²⁴⁹ Instancia Especial de Género. (2019c). Enfoque de género y paz territorial. *Balance a tres años de la firma del Acuerdo de Paz*. Retrieved from <https://www.instanciagenero.org/wp-content/uploads/2019/12/Informe-finalInstancia-Especial-de-Mujeres-para-el-Enfoque-de-G%C3%A9nero-en-la-Paz.pdf>, last access 19/03/2021

²⁵⁰ Ibidem.

²⁵¹ Misión de Verificación de las Naciones Unidas (2020a) *Informe Trimestral del Secretario General sobre la Misión de Verificación en Colombia* (27 de diciembre 2019 - 26 de marzo 2020). Retrieved from https://colombia.unmissions.org/sites/default/files/sp_n2007155_0.pdf, last access 19/03/2021

4.2 Women's participation in Politics

The Final Agreement recognizes within it the particular conditions and needs of the different population groups (women, LGBTI population, ethnic communities, peasants, among others) that have traditionally been underrepresented in politics, and proposes a series of measures to overcome discrimination and stigmatization, along with a life free of violence and with guarantees for the participation and political inclusion of different sectors and interests of society. Different studies have shown that women have a different way of doing politics, for example they are more cooperative, less belligerent than men and are interested in topics such as social investment, education and issues of people's daily life, which allows facing and transforming gender stereotypes, also benefiting women's rights in fields such as the fight against violence, work, health, education, access to resources, among other issues²⁵².

Equal participation between men and women will give Colombia the opportunity to establish itself as a constantly developing country, capable of recognizing differences and working according to the rights of all citizens. However, this fact can only be achieved when existing gender gaps will be reduced and the barriers that women constantly face to participate in politics will be overcome, especially those that have as specific consequences the abandonment of office, lack of interest in continuing to participate in politics, physical and psychological consequences that affect not only the female population, but also the representativeness of all sectors of society in democracy²⁵³.

4.2.1 Infringements to the Quota Law

Globally, the 2020 Global Gender Gap Report warns that it would take 100 years to achieve parity and close the gender gap in politics, economics, health and education. In that list, Colombia ranked 33rd in terms of the gap in political

²⁵² Osborn, T. (2014). *Women in the Club: Gender and Policy Making in the Senate*. By Michele L. Swers. Chicago: University of Chicago Press, 2013. 314p. Perspectives on Politics, 12(1), 215-216. doi:10.1017/S153759271400019X

²⁵³ Diana Marcela Osorio Dávila (2019), *Participación política de las mujeres: elemento clave para la construcción de paz con igualdad*. Instituto Holandés para la Democracia Multipartidaria - NIMD, Bogotá, retrieved from https://colombia.nimd.org/wp-content/uploads/2020/01/Insumo_5_Diagramacion_Mujeres.pdf, last access 19/03/2021

empowerment, advancing at a “rapid pace”, with 31.8 percent of its gap compared to 20.3% in the previous evaluation²⁵⁴. The Quota Law was approved in 2000 by the Colombian Congress with the purpose of achieving equal participation of women at all levels of public power. In this way, by recognizing the inequality that has historically affected women, it was established as a tool for affirmative action to help overcome such inequality. Among the major achievements in terms of gender parity in politics, it should be remarked that, for the first time, three Colombian women were elected to positions that had always been held by men: Claudia López, elected by popular vote to the Mayor of Bogotá in 2019; Marta Lucía Ramírez, elected as Vice President in 2018, and Margarita Cabello, who took office in January 2021 as Attorney General²⁵⁵.

Despite this, the current panorama of women's participation in politics remains truly critical. In Colombia, women barely constitute 18 percent in the House of Representatives, and just 21 percent in the Senate. The scenario is also critical in terms of candidacies. In the 2019 regional elections, the gubernatorial candidates only had 21 female candidates, in contrast to 155 male candidates. In fact, at this point the country had a setback, because while in 2015 women held 15 percent of the governorates, in 2019 that figure dropped to 6 percent²⁵⁶. Furthermore, today the country has only five female ministers out of a total of 18 ministries, corresponding to the 27.7 percent. Moreover, out of the 241 most important political positions, which depend directly or indirectly on the presidential wink, only 45 positions are held by women²⁵⁷.

On January 12, 2021, President Iván Duque decided to replace the Interior and Culture Ministers, previously led by women, with two men, Daniel Palacios and Felipe Buitrago. These appointments violated Law 581, or Quota Law, which

²⁵⁴ World Economic Forum (2019), *Global Gender Gap Report 2020*. Retrieved from Cologny/Geneva Switzerland, last access 18/03/2021

²⁵⁵ El Tiempo, *Crítico panorama de participación política de la mujer en Colombia*, Dec 19, 2020, retrieved from <https://www.eltiempo.com/politica/partidos-politicos/panorama-de-la-participacion-politica-de-la-mujer-en-colombia-555902>, last access 18/03/2021

²⁵⁶ Ibidem

²⁵⁷ Sonia H. Rodríguez M., “Equidad de género, una meta muy lejana dentro del Estado colombiano”, *El Espectador*, Jan 10, 2021, retrieved from <https://www.elespectador.com/noticias/politica/equidad-de-genero-una-meta-muy-lejana-dentro-del-estado-colombiano/>, last access 17/01/2021

established that at least 30 percent of senior decision-making positions in the State must be held by women. This rule applies to both the ministerial cabinet and administrative departments, two categories in which today this minimum percentage of female participation is not reached. For this reason, the organizations Dejusticia, Sisma Mujer, Humanas and the National Network of Women demanded before the Council of State the election of two women instead of the men chosen by the president²⁵⁸.

As for the mayoralties, they occupy only 12 percent. Approximately between 30 and 40 percent of all the municipalities and departments fail to comply with the law, and 18 departments do not have any quota for women²⁵⁹. Among these departments feature Amazonas, San Andrés y Providencia, La Guajira, Aruca, Guainía, Vichada, Risaralda and Guaviare where, in addition, high rates of violence against women and girls are constantly recorded.

In terms of political violence against women, the outlook is not favorable, female leaderships are exercised under threats and acts of violence by criminal groups or outside the law. Indeed, according to the Electoral Observation Mission, the 57 acts of violence against women registered during the first semester of 2020 present a worrying panorama in terms of guarantees in the protection and fulfillment of human rights, since the increase in the acts is of the 18.8 percent over the previous year. Of the 57 cases, 19 were perpetrated against political leaders, 35 against social leaders and 3 against community women. These figures indicate the importance of generating new legislative measures and new actions to prevent, avoid and eliminate any act of violence against the exercise of participation politics of Colombian women. Thus, in the absence of systematized information on the matter, the Government and NGOs joined forces to create the Observatory of Violence against Women in Politics, which seeks to position itself as a leading

²⁵⁸ Dejusticia, *Demandamos la elección de tres ministros y del director del Dapre por incumplir la Ley de Cuotas*, Feb 14, 2021, retrieved from <https://www.dejusticia.org/demandamos-la-eleccion-de-tres-ministros-y-del-director-del-dapre-por-incumplir-la-ley-de-cuotas/>, last access 17/03/2021

²⁵⁹ El Tiempo, *Crítico panorama de participación política de la mujer en Colombia*, Dec 19, 2020, retrieved from <https://www.eltiempo.com/politica/partidos-politicos/panorama-de-la-participacion-politica-de-la-mujer-en-colombia-555902>, last access 18/03/2021

platform in the study and analysis of violence against women. in politics in Colombia, and contribute to the visibility and denaturalization of this problem.

Leonardo González from Indepaz, argues that

There is a quota law. Some speak of positive discrimination, but in any case it is something that is ordered, so while a society has to be ordered by obligation (that is, you have to have a percentage of women), it is a society that is recognizing itself that it is sexist . That is, the day they do not have to legislate saying that this is needed is because we already recognize it and because we no longer need it and because a party already looks the same to men and women and others. And the participation of women in parties today? There is a long way to go, not so much for the participation of women, because one thing is the participation of women and another thing is the participation of the thought of women, of the way of seeing politics, of the way of conceiving the victims and justice . So vision is needed in political programs, and what do women think about this issue, or about the other issue. So yes, there is progress, but not what we would like²⁶⁰.

This observation demonstrates that much more is needed than the approval of laws that contribute to female participation in politics, which represents a necessary yet incomplete measure. In fact, a country forced to adopt a law of this type is a country that is expressly recognizing its fragility and the presence of social, economic and cultural structures that do not make it natural for men and women to equally participate in politics and to hold leadership positions, and which is therefore forced to intervene to achieve this balance. It is inevitable that in such a context the Quota Law can only be a modest first step for a much wider change, and that it cannot be considered as the culmination of a path of inclusion.

4.3 Gender-based violence

In the context of the Colombian armed conflict, violence against women has been used as a tool by all actors for various interests and purposes. However, despite the magnitude of the phenomenon, crimes against women have been made invisible and their prevention and attention have not been at the top of the nation's public agenda.

²⁶⁰ Interview with Leonardo González, Feb 22, 2021, interviewed and translated by the author.

In 2020, 630 cases of femicide have been reported in Colombia. According to data from the Observatorio Femicidios Colombia, 55 of such femicides involved girls under 18, of which 30 were under 14. Furthermore, the femicides of 2020 left at least 262 minors motherless. Most of the femicides took place in the homes of the victims, and the killers were the partners of the victims or hitmen hired by their partners²⁶¹.

Another report from the Observatorio Femicidios Colombia suggests that one of the possible ways in which many femicides go unpunished consists in presenting femicide as suicide. Indeed, in addition to the many obstacles to obtaining convictions in cases of femicide, this is one of the strategies of perpetrators of femicide to evade prosecution.²⁶² In the record of Colombia's femicides, there are several examples of cases in which rigorous investigations, which in some cases were demanded by the family of the victim, have managed to dismiss the suicide. This demonstrates that, if a careful forensic investigation is carried out, femicide could be determined. However, the effort of the femicide subjects is such that it may be that the case remains under investigation for a long time, and in many occasions it cannot be determined whether it was femicide or suicide.

4.3.1 Domestic violence and gender discrimination during the COVID-19 pandemic

The outbreak of COVID-19 in late 2019, which was declared a pandemic in March 2020, has severely affected the quality of life of the most fragile sectors of the population worldwide. The global spread of COVID-19 and containment measures to limit its spread have increased economic stress and domestic violence. Gender risks were alerted early by social and international organizations, especially those linked to domestic and sexual violence. Indeed, confinement increases contact time with abusive partners, and social isolation creates fewer

²⁶¹ Observatorio Femicidios Colombia (2021), *Vivas nos queremos: Femicidios en Colombia 1° de Enero a 31° de Diciembre 2020. Resumen Anual*. Retrieved from <https://observatoriofemicidioscolombia.org/attachments/article/451/Femicidios%20en%20colombia%202020.pdf>, last access 21/03/2021

²⁶² Observatorio Femicidios Colombia (2020), *Femicidios presentados como suicidios, una de las estrategias de los feminicidas para quedar en la impunidad*. Retrieved from https://observatoriofemicidioscolombia.org/attachments/article/423/Femicidios%20como%20suicidios_investigaci%C3%B3n.pdf, last access 21/03/2021

opportunities for outsiders to intervene and victims to seek help, resulting in a more open environment for violence. In addition, the diminished movement of people on the street increases the risk of being subject to violence also outside the home.

The pandemic has had different impacts on women, which are further exacerbated by race, class and age of the victim. According to the available literature, the overload of paid and unpaid care work, the particular conditions created by confinement, social isolation, the greater risk of unemployment, overexposure to environments of infection due to jobs that involve greater contact with infected people and limitations to autonomy in decision-making in sexual and reproductive health have increased the effects on women during the pandemic²⁶³.

Moreover, the COVID-19 pandemic has restricted household access to financial resources and physically isolated people from social support networks. Businesses have responded to the economic shock by suspending employment contracts, reducing workers' wages, and granting unpaid leave. Many of the low-income workers affected by these measures have limited access to formal credit, modest savings, and low levels of financial education. Family stress resulting from this situation affects not only physical and mental health but also domestic violence, which together can have long-term effects, such as negative consequences on children's development at home²⁶⁴.

In order to reduce inequality between men and women, in 2021 the National Government of Colombia plans to invest less money compared to what was invested in 2020. While 3.2 billion were invested in 2020, this year the budget is 2.9 billion, for a total reduction of the 8 percent of the budget, according to data from the National Planning Department (DNP)²⁶⁵. The planned reduction is critical, because data show that in the economic sphere women suffered more than men from the hit of unemployment in 2020, as the gap between men and women went

²⁶³ Chaparro Moreno and Alfonso

²⁶⁴ IPA (2020), *Salud financiera y violencia doméstica en Colombia durante el COVID-19*, retrieved from <https://www.poverty-action.org/publication/salud-financiera-y-violencia-dom%3%A9stica-en-colombia-durante-el-covid-19>, last access 22/03/2021

²⁶⁵ DNP - SPI spi.dnp.gov.co

from 5.4 points to 7.7 percent in one year. At the beginning of 2021, the situation has not changed. Indeed, in January 2021, 639.000 men became unemployed, while the amount of unemployed women reached 938.000, which means that the unemployment rate for women is 22.7 percent, and that of men is 13.4 percent²⁶⁶. Furthermore, of the 90 percent of domestic workers who are confined in their houses, half does not receive any remuneration²⁶⁷.

The pandemic has uncovered the most structural inequalities of the Colombian society. Since the confinement began, the cases of domestic violence have had a considerable increase, and the main victims have been women. According to figures from the National Institute of Health, in 2020 there have been 48.345 cases of domestic violence and gender-based violence reported in Colombia, approximately 10.000 more cases than expected. In Bogotá, for example, the District Secretariat for Women reported that, during the isolation period, the calls received by the hotline increased by 200 percent. From March 20 to May 7, 2020, the Secretariat reports having attended more than 8.200 calls related to gender-based violence through its different service channels. According to data they provided, the majority of calls were linked to episodes of psychological violence and physical violence. Valledupar, Ibagué, Barranquilla, Cúcuta and other cities have reported a very similar scenario in terms of increased domestic violence.

The isolation measures generate the permanent and daily congregation of the members of the household. And although this can give the feeling of security, the truth is that in many cases it is the opposite. Figures show that, regularly, most cases of violence between family members occur within homes, at night or on weekends, that is, at times of meetings within the home²⁶⁸. The fact that

²⁶⁶ Infobae, Mujeres, las más afectadas por el desempleo durante la pandemia en Colombia, Feb 28, 2021, retrieved from

<https://www.infobae.com/america/colombia/2021/02/28/mujeres-las-mas-afectadas-por-el-desempleo-durante-la-pandemia-en-colombia/>, last access 22/03/2021

²⁶⁷ Jenny Méndez, María Ximena Davila, Santiago Carvajal y Nina Chaparro, *Pandemia género: ¿Qué están haciendo los países para proteger a las mujeres y a las personas LGBT?* Editorial Dejusticia, Bogotá, retrieved from <https://www.dejusticia.org/wp-content/uploads/2020/09/10-PANDEMIA-Y-GENERO.pdf>, last access 22/03/2021

²⁶⁸ Instituto Nacional de Medicina Legal y Ciencia Forense (2018), *Herramienta para la interpretación, intervención y prevención de lesiones de causa externa en Colombia*, Grupo

workplaces, schools or universities are closed and household members have to share the same space throughout the day, without any means of escape, directly affects those who live with their aggressors and increases the possibility that episodes of violence occur. In addition, the particular conditions of the health and public order crises also needs to be taken into account. Previous experiences, such as the Zika or Ebola outbreak, show that food insecurity, economic precariousness and the burden of care on the shoulders of women can increase their risks of being victims of violence²⁶⁹.

During the validity of the health contingency, the measures of the Colombian government have focused, above all, on ensuring that victims of violence are provided with the necessary channels to report or find legal or psychological counseling. Although these types of measures already existed as part of the justice infrastructure, the increase in the numbers of violence meant that the government had to strengthen the existing media and offer alternative complaints that respond to the particularities of the new context. To this end, the teams that respond to calls and personal complaints have been strengthened, and new mechanisms of attention have been opened for victims. For example, means of reporting have been enabled in pharmacies or supermarkets, so that women can report violence without having to go to remote places, and taking advantage of the few moments when they are not with their aggressors. The Mayor's Office of Bogotá launched the *Programa Espacio Seguros*, an initiative that allows women victims of violence to report to officials of chain stores, supermarkets and pharmacies, in order that complaints and requests for protection measures are quickly reported to the competent authorities²⁷⁰.

The scenario emerged after the outbreak of COVID-19 in Colombia suggests that there are strong possibilities that the implementation of the gender-oriented measures of the Final Agreement will be subjected to a further slowdown. The

Centro de Referencia Nacional sobre Violencia, retrieved from <https://www.medicinalegal.gov.co/documents/20143/386932/Forensis+2018.pdf/be4816a4-3da3-1ff0-2779-e7b5e3962d60>, last access 22/03/2021

²⁶⁹ Jenny Méndez et al.

²⁷⁰ Alcaldía de Bogotá, *Más espacios seguros para las mujeres en Bogotá*, retrieved from <https://bogota.gov.co/mi-ciudad/mujer/en-video-espacios-seguros-para-la-mujer-en-bogota>, last access 22/03/2021

isolation measures and the effects of Covid-19 necessarily impacted the dynamics of the armed conflict in Colombia and the implementation of the peace agreements with the FARC-EP. If in the three and a half years from the signing of the peace agreement difficulties, obstacles and resistance on the part of some sectors have made their implementation difficult, the social isolation measures adopted to mitigate the effects of COVID-19 have exposed women to an increase in the different forms of gender-based violence in family and community contexts. Indeed, the lives of women operating as leaders and human rights defenders and women ex-combatants are at high risk, the political participation of women have diminished, and the processes of truth, justice and reparation, land restitution and actions of memory and peacebuilding are being threatened²⁷¹.

4.3.2 Non Prosecution and Non Punishment of Sexual Violence

In 2008, the Constitutional Court found that sexual violence in the armed conflict constituted a gender risk with characteristics of being "habitual, widespread, systematic and invisible" and referred 183 cases to the Prosecutor's Office for priority investigation through Auto 092²⁷². However, 13 years after that decision, the rate of unprosecuted and unpunished sexual-related crimes remains considerably high. The seventh report of the Monitoring Committee on these crimes shows that 91.5 percent of the 183 cases that the Constitutional Court referred to the Prosecutor's Office in 2008 remain uninvestigated or tried. The same happened to 97 percent of the 444 cases that were sent by the Constitutional Court in 2015. This means that the majority of the 627 criminal proceedings, which accounted for 768 victims, still remains at the initial stages of investigation²⁷³. Of

²⁷¹ Alianza para la paz, *Acuerdos de paz en Colombia y COVID-19*, Observatorio de género, retrieved from <https://alianzaparalapaz.org/analisisobservatorio/acuerdos-de-paz-en-colombia-y-covid-19/>, last access 01/04/2021

²⁷² Beatriz Valdés Correa, *Persiste la impunidad en los casos de violencia sexual en el conflicto armado*, *El Espectador*, Nov 26, 2020, retrieved from <https://www.elespectador.com/colombia2020/pais/mas-de-90-de-impunidad-tienen-los-casos-de-violencia-sexual-en-el-conflicto/>, last access 21/03/2021

²⁷³ Andrea Catalina León Amaya, *Acceso a la justicia para mujeres víctimas de violencia sexual. Séptimo informe de seguimiento al Auto 092 de 2008 y segundo informe al auto 009 de 2015*. Sisma Mujer, Secretaría Técnica de la Mesa de los Anexos reservados, Bogotá, retrieved from <https://www.sismamujer.org/wp-content/uploads/2019/07/CAJAR-SISMA-SEPTIMO-WE-B-14-10-2020.pdf>, last access 21/03/2021

the 627 cases sent to the Prosecutor's Office, only 16 convictions have been issued. The monitoring table reported that only 3 percent of the 768 total victims have obtained justice. According to the report presented, of the 627 criminal proceedings, in 48 of them agents of the Public Force are involved and, of these, the Attorney General's Office has only reported 10 disciplinary sanctions²⁷⁴.

It could be argued that impunity for acts of sexual violence committed in the context of the Colombian armed conflict is a direct consequence of repeated non-compliance with international recommendations on this matter, along with the absence of a concrete and effective public policy that is aimed at fully addressing the phenomenon. Indeed, the report shows that there are bureaucratic obstacles to access to justice, as well as inconsistencies in the reports presented by the Prosecutor's Office. The main obstacle identified by the report is the quality of the information periodically reported by the Prosecutor's Office, which has been "inconsistent, incomplete, confusing and ambiguous"²⁷⁵. This situation renders the official information unreliable, and prevents reaching the necessary precision when extracting and analyzing the data to know and evaluate the real status of the cases in their processing before the courts.

The justice administration bodies continue to show difficulties in investigating the acts of sexual violence, arguing as a reason that the victim does not report or does not continue in the proceedings. Before this obstacle faced mainly by victims due to culture, security or other reasons, the State's response has been absolutely insufficient. There are no measures adopted to encourage women to report and guarantee their continuity in the processes. On the contrary, inadequate attention to victims continues to be recurrent, who must still narrate episodes of sexual violence over and over again, either because they must go to several institutions to seek a response to their requirements, or because within the same institution each civil servant and civil servant demands it²⁷⁶.

²⁷⁴ León Amaya

²⁷⁵ León Amaya

²⁷⁶ Liliana Rocío Chaparro M., *La impunidad de la violencia sexual perpetrada en el marco del conflicto armado en Colombia*. Corporación Sisma Mujer, Bogotá, retrieved from http://americalatinagenera.org/newsite/images/795_ponencia_impunidad.pdf, last access 21/03/2021

The psychosocial component necessary to support victims of sexual violence is absent from any consideration in the administration of justice. There are no cases reported where psychosocial support has been provided by the State authorities, within the framework of the investigation process. Only in one case in which the victim was in the protection headquarters, was psychosocial care offered to support her as a protected person. In this case, the victim expressed pressure from the psychologist to narrate the acts of sexual violence.

In addition to the general obstacles that women face in accessing justice, in this procedure it is common for those who render free versions, including senior paramilitary commanders, deny the occurrence of acts of sexual violence or justify the victimization of women by calling them helpers. of the guerrilla. Furthermore, it is not a recurring practice for prosecutors to inquire in the free versions of the acts of sexual violence, the circumstances of the manner, time and place in which they were perpetrated, their perpetrators, even if these facts are stated.

Finally, despite the fact that international organizations and the Constitutional Court recognized that sexual violence perpetrated in the framework of the Colombian armed conflict "is a common, widespread, systematic and invisible practice in the context of the Colombian armed conflict," there are no measures that have been applied to the cases, which include the hypothesis of sexual violence as a crime against humanity, in accordance with international standards. This omission means that in many cases the main perpetrators cannot be prosecuted for these crimes.

In relation to the obstacles that prevent reporting the perpetrators of violence, Olga Amparo Sanchez, coordinator of the Casa de la Mujer, states that:

There are obstacles of a different order. There are political and ideological obstacles, consisting in that violence against women is still considered to be the destiny of women, that this is what we had to live. There is also the postulation that we seek violence, corresponding to questions like "why were you dressed like that?" "Why did you not listen to your husband?" and so on. There is also an undervaluation of the fact that there are other crimes more important than the crime of violence, more important that women coming to demand justice against the crimes committed against them. There is also a lot of fear felt by

women to report because sometimes the complaint translates for them into a greater cycle of violence within the family. There are some unfriendly institutions for women. These are institutions that are not physically qualified to grant women reserved places to talk about the situation to report, and with just a few professionals who can attend to them. It is a combination of many factors of a structural and institutional nature, but also of women in the sense that reporting for them represents a risk because there is no institution that really responds to protection measures adequately.²⁷⁷.

Once more, the difficulties for the implementation of gender-oriented laws are connected to cultural problems, further highlighting that the path to reach what laws rule is still long. In the specific case, while mentioning the reasons that lead women to refrain from reporting cases of sexual abuse or domestic violence, Ms Amparo Sánchez did not mention a lack of a proper legislation, but rather cultural norms that impede the fulfillment of such legislation. In many cases, the obstacles consist in a lack of proper training of the armed forces in charge of prosecuting gender-related crimes, who in many occasions further victimizes the victims instead of using the tools existing in the Colombian body of laws to fight against crimes disproportionately affecting women. This leads to a repetition of the crime, sometimes with a higher intensity, and to the social acceptance that such crimes could be avoided with a different behaviour of the victims, which goes in the opposite direction with respect to the scenario that the Final Agreement intended to form its provisions.

4.4 Disarmament, Demobilization and Reintegration of Female Ex-Combatants

Disarmament, Demobilization and Reintegration programs (DDR programs) and their main goal is to allow former fighters a new life in a civilian context²⁷⁸. DDR programs are instruments of restorative justice, which is defined as a form of justice that seeks to build social peace through a dialogue where victims, offenders and any other member of the community would participate in order to solve their

²⁷⁷ Interview with Olga Amparo Sánchez, Jan 19, 2021 Translated by the author.

²⁷⁸ Barrios Sabogal, L. C., & Ritcher, S. (2019). *Las Farianas: Reintegration of former female FARC fighters as a driver for peace in Colombia*. Cuadernos de Economía, 38(78), 753-784. doi:/cuad.econ.v38.73540

conflicts in a dignified manner²⁷⁹. The UN described Disarmament, Demobilization and Reintegration as follows;

Disarmament is the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes.

Demobilization is the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centers to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilization encompasses the support package provided to the demobilized, which is called reinsertion²⁸⁰.

Reintegration is the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open time-frame, primarily taking place in communities at the local level. It is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance.

In DDR programs, women are often neglected or attributed a secondary role, and in the post-conflict they are rarely taken into account for leadership roles. For this reason, many women find it difficult to integrate in post-conflict contexts in civilian communities²⁸¹. On the one hand, communities where integration is expected to take place may be distrustful towards them, and on the other hand it may be women themselves who feel unfit to fill the traditional gender roles that they are expected to play. This lack of mutual trust can result in an obstacle to peace. Instead, if the reintegration process is handled effectively, women ex-combatants could perform leading roles at the local level in social, political and economic terms, and be pivotal for the success of the transition to peace.

²⁷⁹ Gutiérrez Quevedo, Marcela (2015). *Hacia una Justicia Restaurativa*. Política Criminal y Libertad. Editorial Universidad Externado de Colombia.

²⁸⁰ UN Secretary-General Note to the General Assembly, May 2005 (A/C.5/59/31)

²⁸¹ Barrios Sabogal and Ritcher

Just as gender is not synonymous with women neither are women an homogenous group and when discussing identity, experience and memory, it is important to bear in mind intersecting identities including sexual orientation, age and ethnic identity, amongst others. We cannot assume that an indigenous or black woman will have the same experiences within the FARC or other guerrilla groups as a white woman, and equally, memories of reintegration can vary depending on the woman's intersecting identities. A gendered approach to women and DDR requires the understanding of women in armed conflicts – not only their role as victims but also as agents in these armed groups.²⁸²

In the year 2018, 19.539 former FARC-EP fighters were in the process of demobilization²⁸³. Thousands of women belonging to different illegal armed groups participated in the various demobilization processes. In the peace processes of the 1990s 1.183 women were demobilized, corresponding to 24 percent of all the demobilizations²⁸⁴, while during the negotiations with the AUC 1.911 women were demobilized collectively and 5450 women individually, both from self-defense groups and guerrilla groups, for a total amount of 8.544 demobilized women from 1990 to 2014²⁸⁵. This implies that institutions cannot ignore their responsibility to implement policies that take into account the needs of these people.

If on the one hand the reintegration of former combatants into society is the fundamental point for guaranteeing the sustainability of a peace process and the permanent end of the conflict, on the other hand this phase is very delicate and it may face crucial challenges. There is a fairly broad consensus in the academic literature that the reintegration process is more complex than that of demobilization or disarmament²⁸⁶. The main reason is that reintegration requires

²⁸² Gindele, R. and Rojas Páez, G. (2020), *“Femininity” and “memory” in disarmament, demobilisation, and reintegration programmes in Colombia*, Universidad Externado de Colombia, Bogotá, p. 211-236

²⁸³ Ruiz-Herrera, A. L., Díaz, OH (2019). *En búsqueda de visibilización: experiencias y necesidades de las mujeres excombatientes de las FARC-EP en el escenario de construcción de paz*. Reflexión política 21 (42), pp. 9-28. doi: 10.29375/01240781.359

²⁸⁴ Ruiz-Herrera, Díaz

²⁸⁵ OPC (2015). *Cifras: mujeres de organizaciones armadas ilegales en Colombia: acercamiento cuantitativo*. Bogotá: Universidad Nacional de Colombia, USAID. OIM.

²⁸⁶ Hagman, L., & Nielsen, Z. (2002). *A framework for lasting disarmament, demobilization, and reintegration of former combatants in crisis situations*. (IPA Workshop Report). International Peace Academy. Retrieved from https://www.ipinst.org/wp-content/uploads/publications/framework_for_ddr.pdf, last access 16/03/2021

long-term efforts, just as the effects can be assessed in the long term. This is especially true for social and economic reintegration, while political reintegration usually have more immediate effects²⁸⁷. One of the major challenges faced during the reintegration process of former combatants concerns the possible presence of leaders who have committed human rights violations during the conflict. This factor can cause strong tensions both among affected communities and among the general population. At the same time, if economic reintegration is not effective, that is, if former combatants cannot find formal employment that allows them to have sufficient economic independence, violence can re-emerge in the settlement communities and marked conflicts can arise between former fighters and the rest of the population²⁸⁸.

The process of reintegration of former guerrilla women must be carried out according to strategies that allow an effective return to civil society, assigning a peculiar role to gender specificities. To this end, it is necessary to recognize the particularities of life and the motivations that each person had in involvement with insurgent movements. As already seen in the previous chapters, women have integrated into the guerrilla for various reasons, but especially the strong division of gender roles present in Colombian society has favored scenarios of violence in which women have been subjugated since childhood, and in many cases this led them to seek shelter and redemption within an organization that instead allowed them to pursue a career and that valued their worth. This was a typical scenario of the most rural areas, where the majority of the guerriglia fighters come from. The guerrillas disrupted traditional gender roles, in which women were involved in childcare and household while men in work and politics, and positioned women in political scenarios where they played a relevant social role. It follows that post-conflict policies must be adequate to address these structural causes, in order to prevent similar scenarios of violence from being repeated.

²⁸⁷ Barrios Sabogal and Ritcher

²⁸⁸ Buxton, J. (2008). *Reintegration and long-term development: linkages and challenges*. (Thematic Working Paper 5). Centre for International Cooperation and Security (CICS), Bradford. Retrieved from <https://brad-scholars.brad.ac.uk/handle/10454/7312>, last access 16/03/2021

The reintegration of former combatants takes place on three levels: on a political, economic and social level. Effective political reintegration allows ex-combatants to use legal channels to submit their demands to political institutions, rather than using weapons and violence²⁸⁹. Economic reintegration allows combatants to gain productive employment, and to obtain their sources of income legally²⁹⁰. Finally, social reintegration involves the establishment of cohesive links between former combatants and local communities, turning them into stockbrokers²⁹¹.

Women suffer from marginalization and are disregarded in all three stages of reintegration. In fact, as far as political reintegration is concerned, it often happens that women are left out of the spaces of political participation, and gender quotas are often ignored. In relation to economic reintegration, women often have limited access to productive resources such as land, housing, credit and training. Indeed, the training offered is often associated with traditional gender roles, without taking into account the skills acquired by women during militancy or their professional desires. Finally, the social reintegration of ex-combatant women is particularly challenging because women suffer from stigma and prejudice from the communities for having held non-traditional roles, and for their current inability to fit traditional gender roles²⁹².

While at the beginning of the reintegration process many ex-combatants were active in political discussions, even assuming positions of responsibility, in the following years, fewer and fewer ex-combatants took on political leadership roles, especially at the local level. Furthermore, beyond individual desires to be involved in politics, many ex-combatants face concrete institutional obstacles to their political reintegration. Indeed, in 2018, only a small minority were able to participate in the presidential elections due to some obstacles in the system that prevented the exercise of the right to vote. Furthermore, also in 2018, the FARC party had to stop its electoral campaign due to death threats against its members²⁹³.

²⁸⁹ Buxton

²⁹⁰ Hagman and Nielsen

²⁹¹ Torjesen, S. (2013). *Towards a theory of ex-combatant reintegration*. Stability: International Journal of Security & Development, 2(3), 63. <https://doi.org/10.5334/sta.cx>

²⁹² Barrios Sabogal and Ritcher

²⁹³ Barrios Sabogal and Ritcher

Most former combatants work in the informal sector. In many cases this leads to their economic precariousness, which constitutes a substantial risk of a return to illegality. Since most of the former guerrillas come from rural areas and from rural jobs, it is in this sector that they turned during the demobilization. National policies should be aimed at allowing the configuration of rural jobs for those interested in entering this context, developing and implementing a rural policy that transcends state abandonment and generates projects to improve conditions in the Colombian countryside. Women who re-enter the agricultural context face risks peculiar to their gender, such as the lack of guarantees on basic health and hygiene services, and the lack of property rights on land, along with the persistence of social gender stereotypes. which strongly affect the rural employment of women in the fields, and which limit the opportunities for economic reintegration of ex-combatants²⁹⁴.

Social reintegration is the most complex for women. Compared to war times, in peace times women feel more pressure from society to take on socially constructed gender roles, and the gap between FARC's gender equality and the situation found in the Colombian countryside is substantial. During the war, female FARC combatants experienced a deep change of the traditional roles of their previous lives, receiving empowerment by new roles within the combatant's daily routine, where they performed new roles. Indeed, FARC women got trained in several non-traditional areas, they carried on the same tasks as their male counterparts, and they held leadership roles. Even though obedience to military orders by highest male guerilla ranks were part of the daily life of the insurgency, and even if women were not part of the leadership at the highest level, they were transcending the traditional roles imposed on them in the Colombian society. However, the gap from the role of women in the traditional Colombian society is considerable, especially at the local level. This of course does not mean that all ex-guerrilla women refuse to carry out both domestic and traditional work assignments, and

²⁹⁴ Abogados Sin Fronteras & Corporación Humanas (2018), *Situación de las mujeres rurales y mujeres ex combatientes en el marco del Acuerdo Final de Paz*, Bogotá, available from https://www.asfcandada.ca/site/assets/files/7636/report_colombia_cedaw_asfc-humanas_julio_2018_vf.pdf, last access 15/03/2021

indeed there are several women who have expressed their preference in taking on positions in line with their gender concepts²⁹⁵.

Many of the female ex-combatants do not understand peace as the absence of conflict, but as a transforming scenario, which modifies the reality of the pre-conflict. Indeed, 80 percent of demobilized women started working in peacebuilding. Women played a leading role within the FARC-EP. The guerrilla organization has been characterized by spreading discourse on gender equality and by being composed of a considerable percentage of women. The Final Agreement led to the mobilization of a consistent number of women, who had to face the challenges of reincorporation into civilian life. In this process, the women of the FARC were victims of a double stigma, namely that of having been part of an insurgency group and that of having participated as women, which is commonly considered an aggravating circumstance to guerrilla activity. Indeed, as Boutron & Gómez pointed out:

Women combatants indeed embody a double transgression: not only do they break the law, but they also break traditional gender stereotypes. In many cases, it is considered that, because they have been incorporated into an armed group, they have been promiscuous or victims of sexual violence, which in other contexts has represented an insurmountable brake on organizing as a couple, marrying and forming a family. Additionally, for ex-combatants, returning to civilian life may mean reconnect, despite their expectations, with the traditional roles and tasks assigned to women. This is the result not only of the wishes of their families, but also of the orientations of the state institutions in charge of the policies and programs for the reintegration of former combatants into civil life²⁹⁶.

In this regard, Irina Cuesta, researcher at Fundación Ideas para la Paz, states that

It must be recognized that the FARC also have developed an important reference around feminism, which they have named Insurgent Feminism, where, for example, Victoria Sandino is one of those

²⁹⁵ Barrios Sabogal and Ritcher

²⁹⁶ Boutron, C. and Gómez, D., *Para no pasar del fusil a la olla: retos de las mujeres guerrilleras en Colombia*. LSE Latin America and Caribbean, March 8, 2017. Available from <https://blogs.lse.ac.uk/latamcaribbean/2017/03/08/para-no-pasar-del-fusil-a-la-olla-retos-de-la-reincorporacion-civil-y-politica-de-las-mujeres-guerrilleras-en-colombia/>, last access 15/03/202. Translated by the author.

references. Gender issues are not alien to them and, politically, their party has wanted to incorporate those issues, and this is supremely important. The Colombian State has also finally addressed the issue of forced recruitment from a gender perspective, where it has been recognized that there are also important gender differences and the reincorporation process is also proposed with a gender approach that manages to position opportunities for women, in particular female veterans. So there are advances, but many times in the Colombian case it happens that all these advances are just on paper. There are plans, there are regulations, there are many instruments, but their real application in processes, in real life, becomes much more complex. In terms of gender equality, this happens in general. We have a protective regulation, we have a regulation that has contributed to gender equality with many strategic issues, but not necessarily the existence of a regulation implies that it will become real. You may find regions and territories where these regulations do not apply, or where the regulations are impossible to apply because there is not the necessary institutional framework to implement them. The same happens in smaller issues such as female ex-combatants and their reincorporation process. But, in this regard, the FARC have been very strong in developing their own processes. There are communities of ex-combatant women who have led productive projects and are making great efforts to defend the Insurgent Feminism and put it into practice.

297

The Insurgent Feminism, mentioned by Ms Cuesta, is a concept postulated by Victoria Sandino in the Theory on Women and Gender, in the framework of the transformation of the FARC into a political party. The concept refers to the existence of an insurgent feminism that can be understood as a feminism of its own, and that is rooted in the experiences of the former FARC combatants, as well as in the theoretical and political reflections of various feminist schools of thought. The Theory on Women and Gender is divided into five chapters, each containing elements for reflection on feminist theories and practices²⁹⁸. In particular, the idea of the struggle for the emancipation of women appears strongly as a collective emancipation that would be directed, in accordance with the historical demands of the FARC-EP, towards the collective liberation of the working class. Here two important elements for reflection emerge. One is connected to the accusation of a

²⁹⁷ Irina Cuesta, Feb 22, 2021, interviewed and translated by the author.

²⁹⁸ Mujer Fariana (2017). *Tesis de Género*. Retrieved from <https://www.mujerfariana.org/images/pdf/TESIS-DE-GENERO.pdf>, accessed 25/04/2021

false freedom that the capitalist system has granted to women, under arguments that actually lead to the deepening of the exploitation of proletarian women; and the second refers to the idea that capitalism and patriarchy are deeply connected and that, consequently, the collective emancipation of women can be reversed in the liberation of the working class, obviously made up of men and women.

The Insurgent Feminism, as a result of the actions of Farian women, represents a contribution of the guerrilla to society, and its purpose is to change the future collectively, with the elimination of patriarchal culture and all forms of discrimination. Its collective thinking keeps alive the collective ideology created within the guerrilla ranks between men and women. The maintenance of the community among the ex-combatants is essential for the collective character of the reincorporation to civil life to be achieved. Thus, the dissemination of Insurgent Feminism could be considered as a postulation that policy makers need to take into account when outlining proposals for the reincorporation into civil life of former female guerrilla fighters.

4.5 Challenges of gender-related public policies in the framework of the Final Agreement

In light of what has been presented so far, it is clear that, although the body of legislation available to the Colombian government on gender equality and gender issues is dense, this is not sufficient to guarantee equal conditions. In fact, the challenges to achieving effective equality remain several, ranging from a full implementation of the laws available to the promotion of egalitarian identities from an early age, since in many places a marked division of gender roles persists. It primarily contributes to the emergence of inequality, violence and discrimination.

María Emma Wills Obregón, Advisor to the Director at the Colombian National Center for Historical Memory, believes that one of the major long-standing obstacles is the government's schematic and simplistic views on the country's problems. Ms Wills states that

The gaze of the elite of the Democratic Center is a gaze that reflects the same cultural matrix of the most conservative and of the U.S. white supremacists, and it is a matrix that has the following argument: the problems in Colombia are individual problems, of individuals who are bad, but (the government, *ed.*) does not see the structural discriminations and the gears of these discriminations, because their mental structure is basically working in such a way that their gaze on the problems is a gaze that the individual puts on what happens to himself or herself. That is, if you succeed it is because you are a genius, while if you sink something is wrong with you. [...] The individual is not the explanation of the problem. In Colombia there are some terrorists, there are dissidents and mafia organizations, and these individuals must be defeated, but the historical and cultural contexts that make these individuals commit femicides or sexually abuse children are not there, that complex reading culture is not there, because everything becomes related to the individuals and whether they are good or bad. It is a simple, moralistic and schematic look that does not recognize that social problems have patterns and that you cannot explain a pattern by saying that people are bad²⁹⁹.

In fact, it is certainly necessary that the analyses developed by the government and by policymaking bodies are capable of grasping the multitude of facets of Colombian society, in order to offer realistic visions of the dynamics of the country. From this point of view, it is therefore essential to devote careful attention to the structural causes that have determined the inequalities and violence of Colombian society, that are also strictly connected to the emergence of armed conflict.

Diana Gómez Correal, Professor at Universidad de los Andes and member of the Alianza Iniciativa Mujeres Colombianas por la Paz, believes that the major challenges that the Colombian government is currently facing in relation to women's rights and gender issues are linked to the absence of a real implementation of the public policies, both at national and at regional and local level. In this regard, she stated that

First, there must be a serious state public policy that addresses women's rights and helps transform women's lives. Public policies for women at the national level have not advanced enough, they remain more in a certain institutional framework, but it has not promoted

²⁹⁹ Interview with María Emma Wills Obregón, Jan 28, 2021, interviewed and translated by the author.

substantial changes in the lives of women. And on the other hand, in public policies at the regional or local level there are different advances, but obstacles continue to appear, such as budget allocation, that all administrations and all governments take women's rights seriously. There is still progress in the institutional culture so that it is recognized that women have rights and that we need targeted public policies. In terms of peace, the Colombian State must move towards a process of implementation of the peace agreement, but also of the destructuring of all the other armed actors that are acting in the territories, because that has increased violence against women and against their communities³⁰⁰.

Besides the lack of implementation that has been examined so far, the different degrees of implementation of policies at the national level compared to the regional or local level is remarkable, as it is a practice that contributes to a further range of inequalities between different regions in the country. It is therefore necessary to allocate a proper budget to public policies targeting gender issues at each administrative level, in order to prevent a radicalization of the differences between Bogota and the most peripheral areas.

Natalia Torres, researcher at Dejusticia, offers a particularly interesting reading on militarization and the gender issue. Even nowadays, cases of sexual violence perpetrated by the armed forces are registered in Colombia. Indigenous girls and women are frequently the main victims of such violence, and the need for their protection is recalled by the Auto 092 de 2008 and 004 de 2009. The militarist and militarized focus of Colombian security policies, which sharpened during the presidency of Ivan Duque, aggravates the situation, since the creation of Strategic Zones of Integral Intervention has resulted in an increase in sexual and gender-based violence suffered by indigenous women and girls. Ms Torres suggests that

Gender policies are needed by the police and military forces on gender issues [...]. I believe that the latter is a closely related issue, because last year some cases of sexual violence against indigenous girls were reported, but the responsibility of the official agents in these cases has really always remained wielded, so if it is necessary as a major In these

³⁰⁰ Interview with Diana Gómez Correal, Feb 23, 2021, interviewed and translated by the author.

cases, an investigation is closely related to the implementation of the agreement because the agreement had a security component in the territories. Territories cannot be secured solely with the police and military force if these organizations do not have gender policies and policies of respect and guarantee of specific women's rights. So if you think about security from a militaristic point of view, and if these organizations do not have clear gender policies with respect to women's rights, then we are doing badly. The previous years have been clear examples of violations of women's rights in this sense in territories where it is supposed to be as a guarantee of the state³⁰¹.

This topic is of particular interest, as it puts an highlight on the needs to educate the armed forces to women's rights. In 2020, the case of a 12-year-old indigenous girl raped by several soldiers inflamed public opinion, calling attention to the need for more gender-oriented programs to train the armed forces. It is also essential to abandon the rhetoric that refers to such crimes as isolated cases, investigating the root causes that allow the perpetration of similar events and adopting effective measures for the prevention and education of respect for human rights by the police.

Another challenge is to strengthen Colombian democracy. Indeed, without an adequate functioning of justice, without a more equitable distribution of wealth, and without an improvement in the rule of law, it will be difficult to guarantee equal rights for women and men. This issue is tackled by Olga Amparo Sánchez:

The challenges in relation to women are challenges in relation to the vision of the country as well. Progress in terms of eliminating inequalities for women cannot be achieved if the Colombian society does not advance in eliminating inequalities, in being a more redistributive society in terms of income, wealth and resources. Progress in terms of women being able to access justice cannot be achieved if there is not really a justice that works properly. The challenges of this society for women are closely related to the fact that if society is capable of moving towards the construction of democracy and justice, of course based on the fact that injustices differentially impact women, and not all women in the same way, since it mainly affects Afro women, indigenous women and young women. If the Colombian state is not really a social state of law that guarantees rights to all, it is very

³⁰¹ Interview with Natalia Torres, Mar 22, 2021, interviewed and translated by the author.

difficult to achieve transformations for women, but rather only for certain groups of women³⁰².

This argument is particularly relevant because it emphasizes the relationship between weak democracy and women's rights. The full participation of women in national and local politics, in the economy and in the media is fundamental for democracy and essential for the achievement of sustainable development and peace in peacetime, in and after conflict, and during political transitions. True democracy is based on the fulfillment of human rights and gender equality. Thus, a weak democracy remains an important barrier for women to the enjoyment of human rights, and the lack of respect for human rights is an impediment to an effective democracy.

Finally, another challenging aspect is the approach of the society to gender-related issues, which is still permeated by micro-sexism. Micro-sexism is an occult form of gender-based violence, and consists of practices and actions that discriminate against people because of their gender identity and sexual orientation without directly perpetrating violence. These practices contribute to the subordination of women and prevent their emancipation, and they still widely circulate among the society. Some examples are provided by Leonardo González from Indepaz:

In society we have to remove those micro-sexisms, that is, when a woman speaks it is different than when a man speaks. [...]. When a woman and a man of the same rank arrive and the woman speaks, they believe the man more, because there are still those micro-sexisms in the communities, in social organizations, in companies, in society. So we have a great debt towards women, and we still have to get a lot of things out of our heads to start changing. And this is not only requiring the State to implement, but also from the bottom up. The change has to start from below.³⁰³

What Mr. Gonzalez stated represents perhaps the greatest challenge that society has to face. A legal and institutional change is certainly a difficult undertaking, but the real challenge consists in affirming a generational change aimed at naturalizing an equitable vision of society. Indeed, in order to truly ensure that the body of laws

³⁰² Interview with Olga Amparo Sánchez

³⁰³ Interview with Leonardo González

and the gender provisions of the Final Agreement will be really internalised, the top-down approach alone is not necessary, because abiding change comes when the governance at the top meets the advocacy and grassroots efforts at the bottom.

CONCLUSION

The thesis analyzed the role that women have played in the Colombian armed conflict, from the origins to the signing of the *Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*, bringing to light the active participation of women since the origins of the conflict. Moreover, it presented the gender provisions included in the Final Agreement and reviewed their current implementation. The prevailing narrative that configures women in the roles of passive victims of the war events is very distant from the Colombian reality, as it is well established that women have played a plurality of roles during the internal armed conflict, ranging from guerrilla leaders to peacebuilders. Moreover, the war had a disproportionate and differential impact on women, since their bodies were used as spoils of war and they systematically suffered sexual and reproductive violence, inside and outside the armed ranks. For this reason, it is imperative that the transition from a state of war to a state of peace takes into consideration all the facets of a complex society, formed by distinct social groups, where gender, ethnicity, age and economic status do not represent only identification categories, but rather forces capable of determining stability and prosperity or turmoil and insurgency. This means that the peace process and the subsequent phases of transition must take into consideration the needs of all the groups that are part of Colombian society, starting from a differentiated analysis of the effects that the conflict has had on each of these groups.

Regarding the gender perspective, the key roles they played both during the conflict and in the peace process necessitate the adoption of gender-focused and gender-oriented laws and measures, especially with a view to security and reintegration. The legislative framework analyzed in the first chapter presented the national and international body of legislation to which Colombia must refer with regard to women and security. This corpus was then expanded with the integration of gender provisions listed in the Final Agreement, which, additionally, established concrete measures and institutional bodies intended to implement and monitor gender equality in the country. These achievements have been facilitated by the

mobilization of women's organizations in Colombia, which initially had not been summoned to the dialogue table. The twisting path followed by women's organizations in favor of the incorporation of the gender approach in the peace process was animated by the interest in making visible everything that, otherwise, would have remained hidden after the signing of the peace agreement. In this respect, women's organizations managed to make visible that, in many territories, the repertoire of violent actions by armed actors was also defined based on gender identity and that, therefore, the impacts on their lives were different. Their engagement has been pivotal in establishing the gender focus as a guiding principle for the implementation of the Final Agreement, as well as in recognizing the victimization of women in the Colombian armed conflict and adopting differentiated actions to grant women equal access to the plans and programs contained in the Peace Agreement. Also the international community has been crucial for the consolidation of peace through the strengthening of financial, technical and, above all, political support policies.

However, the analysis carried out throughout the chapters, and especially in the last chapter, showed that implementation is still very poor in key issues, such as in reintegration of female ex-combats, political participation, and access to land for women. Indeed, despite the important advances, the lack of political will and commitment to women's rights is considerable, and the gender provisions are going at a slower pace than those related to the generality of the Agreement. The interviews carried out with members of the academics, think tanks and NGOs confirm what has been analyzed so far. In fact, it is unanimously recognized that there are adequate and concrete tools in the legislative and institutional framework with the aim of overcoming a patriarchal society, the inclusion of women in the highest political summits, the prevention and punishment of gender based violence, and, in general, to ensure a more favorable environment for gender equity. The gender provisions of the Final Agreement are also considered to be adequately structured. What is not adequate is the implementation of this body of legislation, along with the lack of concrete efforts by both institutions and society to overcome the embedded dynamics that allow gender discrimination.

In particular, following the election of Iván Duque from the Democratic Center to the Presidency of Colombia, the implementation of the Agreement had a notable slowdown in several provisions, including those related to gender equality. The change in government had a particular impact because, for the first time after the negotiation, those responsible for the implementation of the Agreement were not present at the negotiating table and did not feel represented in the agreement. On the contrary, since its installation, the political party of Duque's government led the objections to the content of the Agreement, to such an extent that, during the presidential campaign, one of Iván Duque's emblems consisted of making changes substantial to what was agreed in relation to some of its main provisions. However, thanks to the commitment of the international community and the influence of civil society organizations, the Government has little by little taken over the issues related to the construction of a stable and lasting peace.

In this respect, the victory of the "No" coalition in the 2016 Colombian peace agreement referendum is an explanation of the difficulties encountered. The controversy that arose with the inclusion of the gender approach during the process of negotiation and signing of the agreements between the Colombian Government and the FARC-EP made visible that, among the main challenges for their implementation, is the transformation of social imaginary around gender, in order to ensure that Colombian society as a whole understands the importance of integrating equity mandates into the daily life of the country, thereby laying the foundations for achieving sustainable peace.

The outbreak of the COVID-19 pandemic has inevitably affected the overall conditions of women, and it is expected that it will continue to contribute to further deteriorate the inequalities unless some decisive measures are undertaken. The impacts of COVID-19 show and accentuate gender inequalities, also generating increased risks of violence against women. Issues such as care work, guarantee of income and livelihoods, prevention and response to gender violence, and participation of women and their organizations in decision-making are just some of the areas of concern that should be part of an effective response to the health crisis that the world and Colombia are going through at this time. In the conjuncture of the coronavirus, the lack of actions to incorporate gender actions

has generated an increase in vulnerability and risks for women victims and survivors of the Colombian armed conflict. The social isolation measures taken to mitigate the effects of COVID-19 have exposed women to an increase in the different forms of gender-based violence in family and community contexts; the lives of women leaders, human rights defenders and ex-combatants are at high risk; political participation has been diminished; and the truth, justice and reparation processes, the restitution of lands and the actions of memory and peace building are being threatened. However, it must be taken into account that neglecting the gender provisions is likely to generate a loss of confidence of women and society towards the Final Agreement. Thus, having data disaggregation by sex, gender analysis, strategic investments and strengthening mechanisms for the advancement of women at all levels are the first step for an adequate response.

It can be concluded that, so far, the Final Agreement has not contributed to substantial changes in the structure of the Colombian society in terms of gender equality, and that the gender approach that was embodied in the document has not contributed to a switch from laws to reality. While an analysis of deep cultural changes emerged after the signing of the Final Agreement is still premature and needs to be carried out in the long term, in the short term the effects are less than those probably expected, and women's conditions have not substantially improved. Yet, the historical opportunity to achieve profound transformations in Colombian society persists, and this requires assuming a technical position that surrounds and accompanies the efforts of the institutions to comply with the agreed commitments. The previous experience of peace processes around the world, and even of all those successful and unsuccessful attempts in the history of Colombia, are a reminder of the permanent risk of going back in the process if there is a breach of what has been agreed by the parties. This agreement involves one of the greatest challenges in the history of agreements made in the country, especially with regard to implementation, and the mainstreaming of the gender approach is one of the major challenges. Previous experiences have shown that, without the necessary transformations in the different social spheres, the agreement could not be achieved, putting the sustainability of peace at risk.

Implementing the Agreement in the regions from a gender perspective will allow progress in reducing the inequality gaps that created and nurtured the armed conflict in Colombia. Finally, it should be noted that although progress was made in the inclusion of women in the peace process and in the provision of affirmative measures that promote gender equality in the implementation of the agreement, a fact that has deserved international recognition. In this regard, it is necessary to say that the presence and participation of women was lower than that of men in much of the discussion and decision-making spaces at the conversation table. In this sense, the commitment to inclusion must continue with more force in the transition stage in each of the territories where the points of the final Agreement will be implemented to build a strong social fabric, capable of guaranteeing the sustainability of peace.

Therefore, it will be necessary to carry out profound transformations in fundamental areas such as education for peace and coexistence, which allows the reduction of stereotypes and discrimination, the resignification of traditional gender roles, respect for diversity in all areas, promoting autonomy, empowerment and leadership of women, re-educating and sensitizing men for the development of new more inclusive and less violent masculinities. From this new scenario in the Colombian reality, they are combined in daily work to be carried out as citizens, from active participation for transformation and investigative work that from the academic field allows the understanding, both of what happened and part of a memory necessary historically. This is needed to avoid the repetition of such a bloody scenario in the country and to favor the identification of those challenges that make possible the sustainability of peace and the metamorphosis of daily life, as well as the implementation of projects and initiatives that involve the whole of society in the process of rebuilding its social fabric.

BIBLIOGRAPHY

Agencia Nacional de Tierras. (2018). *Asistencia Técnica Y Jurídica Para La Formalización De La Pequeña Propiedad Privada Rural a Nivel Nacional*. Agencia Nacional de Tierras.

Alianza para la paz, *Acuerdos de paz en Colombia y COVID-19*, Observatorio de género.

Atehortúa Cruz, A. L., (2010) *El golpe de Rojas y el poder de los militares*. Revista Folios, no. 31, pp.33-48. Redalyc.

Barrios Sabogal, L. C., & Ritcher, S. (2019). *Las Farianas: Reintegration of former female FARC fighters as a driver for peace in Colombia*. Cuadernos de Economía, 38(78), 753-784. doi:/cuad.econ.v38.73540

Basset, Y. (2018). *Claves del rechazo del plebiscito para la paz en Colombia*. Estudios Políticos (Universidad de Antioquia), 52, pp. 241-265. <http://doi.org/10.17533/udea.espo.n52a12>

Bensouda, F. (2014). Gender Justice and the ICC. *International Feminist Journal of Politics*, 16(4), 538–542. doi:10.1080/14616742.2014.952125

Bermeo Mantilla, D. F. (2011), *Análisis del Auto 092 de 2008 de la Corte Constitucional desde la perspectiva de género*, Women's Link Worldwide, <https://www.womenslinkworldwide.org/en/files/1273/analysis-092-2008-act-from-the-constitutional-court-with-a-gender-perspective-only-in-spanish.pdf>

Botero, S. (2017). *El plebiscito y los desafíos políticos de consolidar la paz negociada en Colombia*. *Revista de Ciencia Política (Santiago)*, 37(2), 369-388. <https://dx.doi.org/10.4067/s0718-090x2017000200369>

Boutron, C. (2018). *Engendering Peacebuilding: The International Gender Nomenclature of Peace Politics and Women's Participation in the Colombian Peace Process*. *Journal of Peacebuilding & Development*, 13(2), 116–121. doi:10.1080/15423166.2018.1468799

Buss, D. E. (2009), *Rethinking 'Rape as a Weapon of War'*. Fem Leg Stud 17, 145–163. <https://doi.org/10.1007/s10691-009-9118-5>

Buxton, J. (2008). *Reintegration and long-term development: linkages and challenges*. (Thematic Working Paper 5). Centre for International Cooperation and Security (CICS), Bradford.

Calvo Camargo, A. M., Conde Murcia, M. C., and Salcedo Camargo, V. M. (2018). *Mujer y guerra : una caracterización de los roles femeninos al interior de las filas armadas del paramilitarismo en Colombia*.

Cancillería de Colombia (2016), *ABC del Acuerdo Final*.

Carchini, L. *Politiche antidroga statunitensi e la "Andean Initiative" in Colombia I documenti del Dipartimento di Stato 1988-1993, A.A. 2013-2014*, Università di Pisa, Dipartimento di Civiltà e Forme del Sapere, Corso di laurea magistrale in Storia e Civiltà.

Centro Nacional de Memoria Histórica (2015). *Aniquilar la Diferencia. Lesbianas, gays, bisexuales y transgeneristas en el marco del conflicto armado colombiano*. Bogotá, CNMH - UARIV - USAID - OIM.

Centro Nacional de Memoria Histórica (2017), *La guerra inscrita en el cuerpo. Informe nacional de violencia sexual en el conflicto armado*, Bogotá, CNMH.

Chaparro Moreno, L., and Alfonso, H. (2020). *Impactos de la COVID-19 en la violencia contra las mujeres. El caso de Bogotá (Colombia)*. Nova, 18(spe35), 115-119. Epub January 17, 2021. <https://doi.org/10.22490/24629448.4195>

Chaparro, Nina and González, Margarita Martínez Osorio (2016), *Negociando desde los márgenes: la participación política de las mujeres en los procesos de paz en Colombia (1982-2016)*. Centro de Estudios de Derecho, Justicia y Sociedad, Bogotá

Chernick, M. W. (1996), *Introducción. Aprender del pasado: breve historia de los procesos de paz en Colombia (1982-1996)*. Colombia Internacional, no. 36: 4-8. <https://doi.org/10.7440/colombiaint36.1996.02>

CNRR (2010). *La reintegración: logros en medio de rearmes y dificultades no resueltas*. II Informe de la Comisión Nacional de Reparación y Reconciliación, Bogotá, Comisión Nacional de Reparación y Reconciliación.

Comunicado del Presidente Andrés Pastrana y Manuel Marulanda de las FARC (Acuerdo de Caquetania), May 2, 1999

Consejería Presidencial para la Estabilización y la Consolidación (2020b). *Informe de Gestión Avances en la Implementación de los 51 Indicadores de Género del PMI*. Trimestre: abril – junio de 2020.

Consejería Presidencial para la Estabilización y la Consolidación (2020c). *Primer Informe de Avances en la Implementación del Capítulo Étnico del PMI*. July 2020.

Consejería Presidencial para la Estabilización y la Consolidación (2020d) *Informe de Gestión 23 meses: agosto 2018 a Julio 2020*.

Corporación Humanas - Centro Regional de Derechos Humanos y Justicia de Género (2017). *Vivencias, aportes y reconocimiento: las mujeres en el proceso de paz en la Habana*. Bogota.

Corporación Humanas, Sisma Mujer and Red Nacional de Mujeres. *Cinco Claves para un Tratamiento Diferencial de la Violencia Sexual en los Acuerdos sobre la Justicia en el Proceso de Paz*, Jun 2017, Bogota

Corporación Sisma Mujer. (2020). *Comunicado Entrega de informes al SIVJRNR*. Jun 25, 2020.

Cruz, J. M. (2016), *State and criminal violence in Latin America*. Crime Law Soc Change 66, 375–396. <https://doi.org/10.1007/s10611-01>

Decew, J.W. (1995), *The Combat Exclusion and the Role of Women in the Military*. Hypatia, 10: 56-73. <https://doi.org/10.1111/j.1527-2001.1995.tb01353.x>

Duque Daza, J. (2019), *El Frente Nacional revisitado: el cambio institucional en Colombia y sus efectos no previstos*. Reflexión Política. doi:10.29375/01240781.3466

Eklund, L. and Tellier, S. (2012), *Gender and international crisis response: do we have the data, and does it matter?*. *Disasters*, 36: 589-608. <https://doi.org/10.1111/j.1467-7717.2012.01276.x>

DeGroot, G. J. (2001), *A few good women: Gender stereotypes, the military and peacekeeping*, *International Peacekeeping*, 8:2, 23-38, DOI:10.1080/13533310108413893

Ehasz, A. (2020). *Political Reincorporation of Female FARC-EP Ex-Combatants: The Creation of Victims, Heroes, and Threats*. *Cornell International Affairs Review*, 13(2), 39-93. <https://doi.org/10.37513/ciar.v13i2.553>

El Jack, A. 2003. *Gender and Armed Conflict: Overview Report*. Brighton, UK: Institute of Development Studies.

Fernández-Matos, D. C. y González-Martínez, M. N. (2019), *La paz sin las mujeres ;No va! El proceso de paz colombiano desde la perspectiva de género*. *Revista CIDOB d'Afers Internacionals*, n.º 121. DOI: doi.org/10.24241/rcai.2019.121.1.113

Gao, W. (2019). *Women's Rights and the Inter-American System*. [doi:10.1007/978-981-10-4550-9_10-1](https://doi.org/10.1007/978-981-10-4550-9_10-1)

García, P. and Nicolás, G. (2009). *Las Farc. Su origen y evolución*. *Revista UNISCI*, no. 19:154-184. Redalyc, <https://www.redalyc.org/articulo.oa?id=7671140701>

Garrido Ortolá, A. (2020). *El papel de las mujeres en los acuerdos de paz en Colombia: la agenda internacional*. *Política y Sociedad*, 57(1), pp. 77-97

G-Paz (2018), *La paz avanza con las mujeres. Observaciones sobre la incorporación del enfoque de género en el Acuerdo de Paz*. Resumen Ejecutivo. Bogota.

G-Paz y Corporación Humanas. (2020). *Estado de la sustitución desde la perspectiva de las mujeres y los retos en la pandemia*. Foro Virtual.

Gimena Sánchez-Garzoli, *La sociedad civil: La mejor apuesta de Colombia para la construcción de la paz*. The Washington Office on Latin America (WOLA)

Gindele, R. and Rojas Páez, G. (2020), *“Femininity” and “memory” in disarmament, demobilisation, and reintegration programmes in Colombia*, Universidad Externado de Colombia, Bogotá.

Gros, C. and Cusminsky, R. (1988). *Reforma agraria y proceso de paz en Colombia. Revista Mexicana de Sociología*, 50(1), 287–302. doi:10.2307/3540512

Grupo de Memoria Histórica (2010), *La masacre de Bahía Portete. Mujeres Wayuu en la mira*. Bogotá: Taurus, Semana, CNRR-GMH.

Grupo de Memoria Histórica (2011), *Mujeres y guerra. Víctimas y resistentes en el Caribe colombiano*. Bogotá: Taurus, Semana, CNRR-GMH.

Grupo de Memoria Histórica (2013), *¡Basta ya! Colombia: memorias de guerra y dignidad*. Bogotá: Imprenta Nacional, CNRR-GMH.

Gualdron, O. and Steward, F. (2015), *Victimizacion y Violencia Sexual en el Conflicto Armado en Colombia*. *Subjetividad y Procesos Cognitivos*, Vol. 19, núm.2, pp.173-186

Gutierrez Sanin, F. (2008). *Telling the Difference: Guerrillas and Paramilitaries in the Colombian War. Politics & Society*, 36(1), 3–34. doi:10.1177/0032329207312181

Hagman, L., & Nielsen, Z. (2002). *A framework for lasting disarmament, demobilization, and reintegration of former combatants in crisis situations*. (IPA Workshop Report). International Peace Academy.

Haskell, J. D. (2009), *The Complicity and Limits of International Law in Armed Conflict Rape*, 29 B.C. Third World L.J. 35, <http://lawdigitalcommons.bc.edu/twlj/vol29/iss1/2>

Hernández Delgado, E. (2017). *Negociaciones de paz en Colombia: una mirada en perspectiva de construcción de paz*. *Papel Político*, 21(1), 35-56. <https://doi.org/10.11144/Javeriana.papo21-1.npcm>

Herrera, Natalia; Porch, Douglas (2008). *'Like going to a fiesta' - the role of female fighters in Colombia's FARC-EP. Small Wars & Insurgencies*, 19(4), 609–634. doi:10.1080/09592310802462547

Hoyos, C. A. and Benjumea, A. M. (2016). *Las medidas de protección a mujeres víctimas de violencia: Análisis de la ley 1257 de 2008 y recomendaciones para su efectividad*, Corporación Humanas Centro Regional de Derechos Humanos y Justicia de Género.

Indepaz (2020), *Informe Especial. Registro de líderes y personas defensoras de DDHH asesinadas del 24/11/2016 al 15/07/2020.* .

Indepaz (2020), *Informe sobre Presencia de Grupos Armados en Colombia*. Instituto Kroc (2019), *Estado efectivo de implementación del Acuerdo de Paz de Colombia 2 años de implementación. Informe 3, Diciembre 2016 - Diciembre 2018*

Indepaz, *Los proceso de paz con el M-19, el EPL, el Quintín Lame y el PRT desde 1989 a 1991.*

Informe Especial del Instituto Kroc y el acompañamiento internacional, ONU Mujeres, FDIM y Suecia, al seguimiento del enfoque de género en la implementación del Acuerdo Final, Bogota, 2018.

Instituto Kroc (2019), *Hacia la paz sostenible por el camino de la igualdad de género. II informe de seguimiento al enfoque de género en la implementación del Acuerdo de Paz en Colombia*, Bogotá.

Instituto Kroc, Acompañamiento internacional, ONU Mujeres, FDIM y Suecia. (2019). *Hacia la paz sostenible por el camino de la igualdad de género: II informe de seguimiento al enfoque de género en la implementación del Acuerdo de Paz en Colombia.*

Jacobs, S., Jacobson, R. and Marchbank, J. (eds), 2000, *States of Conflict: Gender, Violence and Resistance*, London: Zed Books.

Jurisdicción Especial para la Paz. (2020d). *Consejos comunitarios de Domingodó y Salaquí (Chocó) entregaron a la JEP un informe sobre graves violaciones a los derechos humanos.*

Jurisdicción Especial para la Paz. (2020e). *La Red Nacional de Mujeres Defensoras entregó seis informes al Sistema Integral de Verdad, Justicia, Reparación y No Repetición*

Lafrenière, J., Sweetman, C. and Thylin, T. (2019). *Introduction: gender, humanitarian action and crisis response*. *Gender & Development*, 27(2), 187–201. doi:10.1080/13552074.2019.1634332

Lewis, D. A. (2009), *Unrecognized Victims: Sexual Violence Against Men in Conflict Settings Under International Law*, *Wisconsin International Law Journal*, Vol. 27, No. 1, pp. 1-49, Available at SSRN: <https://ssrn.com/abstract=1404574>

Liliana Rocío Chaparro M., *La impunidad de la violencia sexual perpetrada en el marco del conflicto armado en Colombia*. Corporación Sisma Mujer, Bogotá.

Luna Benítez, M. (2006), *El M-19 en el contexto de las guerrillas en Colombia*. *Revista Sociedad y Economía*, n. 10, pp. 157-188. <https://core.ac.uk/reader/11860734>

Martínez Meucci, M. A. (2014) *Proceso de paz en Colombia. Posibles implicaciones para Venezuela*. Bogotá: Programa de Cooperación en Seguridad Regional Friedrich-Ebert-Stiftung (FES).

Mesa de Trabajo Mujeres y Conflicto Armado (2015), *XII Informe sobre violencia sociopolítica contra mujeres, jóvenes y niñas en Colombia Mujer y conflicto armado. Violencia sexual en el marco del conflicto armado: una mirada diferencial*. Bogotá.

Misión de Verificación de las Naciones Unidas (2020a) *Informe Trimestral del Secretario General sobre la Misión de Verificación en Colombia* (27 de diciembre 2019 - 26 de marzo 2020).

Misión de Verificación de las Naciones Unidas en Colombia e Instituto Kroc. (Nov 29, 2019). Reunión de la ST con el Componente de Verificación Internacional.

Molano, A. (2000). *The Evolution Of The Farc: A Guerrilla Group's Long History*. *NACLA Report on the Americas*, 34(2), 23–31. doi:10.1080/10714839.2000.11722627

Moreira, A., Forero M. and Parada, A. M. (2015), *Dossier proceso de paz en Colombia*. Barcelona Center for International Affairs (CIDOB).

- Mullins, L. B. (2017). *CEDAW: The Challenges of Enshrining Women's Equality in International Law*. Public Integrity, (), 1–16. doi:10.1080/10999922.2017.1381542
- Meertens, D. (2010), *Forced displacement and women's security in Colombia*. 34(Supplement s2), 0–0. doi:10.1111/j.1467-7717.2010.01151.x
- Mackenzie, M. H. (2012). *Female Soldiers in Sierra Leone: Sex, Security, and Post-conflict Development*. New York: New York University Press.
- Meyer, M. K. (1998), *Negotiating international norms: The Inter-American Commission of Women and the Convention on Violence Against Women*. , 24(2), 135–146. doi:10.1002/(sici)1098-2337(1998)24:2<135::aid-ab4>3.0.co;2-l
- Meyer, M. K. and Prügl, E. (1999.), *Gender Politics in Global Governance*, Lanham, MD: Rowman and Littlefield, pp. 65–66.
- Mujer Fariana (2017). *Tesis de Género*.
- Nordstrom, C. (2005), *(Gendered) War*, *Studies in Conflict & Terrorism*, 28:5, 399-411 <http://dx.doi.org/10.1080/10576100500180410>
- Observatorio de Violencia y Paz de Manizales (2020), *Pensar la paz desde el Acuerdo Final: una mirada nacional y territorial*.
- Observatorio Femicidios Colombia (2020), *Femicidios presentados como suicidios, una de las estrategias de los feminicidas para quedar en la impunidad*.
- Observatorio Femicidios Colombia (2021), *Vivas nos queremos: Femicidios en Colombia 1° de Enero a 31° de Diciembre 2020. Resumen Anual*.
- OPC (2015). *Cifras: mujeres de organizaciones armadas ilegales en Colombia: acercamiento cuantitativo*. Bogotá: Universidad Nacional de Colombia, USAID. OIM.
- Osborn, T. (2014). *Women in the Club: Gender and Policy Making in the Senate*. By Michele L. Swers. Chicago: University of Chicago Press, 2013. 314p. *Perspectives on Politics*, 12(1), 215-216. doi:10.1017/S153759271400019X
- Ospina Restrepo, J. M. (2002), *La paz que no llegó: enseñanzas de una negociación fallida*. *Revista OPERA*. 2, 2.

Parra Páez, A. M. (2017). *Retos en la implementación de la reforma rural integral de paz*. Trabajo de Grado. Universidad Católica de Colombia. Facultad de Derecho. Bogotá, Colombia.

Pareja Amador A. J. and Iañez Domínguez, A. (2014), *Violencia contra la mujer y desplazamiento forzado. Análisis de las estrategias de vida de jefas de hogar en Medellín*, Acta Sociológica, Volume 65, Pages 151-171, ISSN 0186-6028, [https://doi.org/10.1016/S0186-6028\(14\)70240-3](https://doi.org/10.1016/S0186-6028(14)70240-3).

Peltola, L. (2018), *Rape and Sexual Violence Used as a Weapon of War and Genocide*. CMC Senior Theses. 1965. http://scholarship.claremont.edu/cmc_theses/1965

Piosiadlo Macedo, L. C., Fonseca Godoy, R. M., and Gessner, R. (2014). *Subordination of gender: reflecting on the vulnerability to domestic violence against women*. *Escola Anna Nery*, 18(4), 728-733. <https://doi.org/10.5935/1414-8145.20140104>

PNUD (2003). *El conflicto, callejón con salida. Informe Nacional de Desarrollo Humano para Colombia*, Programa de Naciones Unidas para el Desarrollo, Bogotá.

Pratt, N. and Richter-Devroe, S. (2011). *Critically Examining UNSCR 1325 on Women, Peace and Security*. *International Feminist Journal of Politics*, 13(4), 489–503. doi:10.1080/14616742.2011.611658

Puechguirbal, N. (2012). *The Cost of Ignoring Gender in Conflict and Post-Conflict*.

Ramírez Arias, C. (2012), *El problema agrario en Colombia: causas y posibles soluciones*. Universidad Nacional de Colombia. Facultad de Ciencias Económicas. *Situations: A Feminist Perspective*, Amsterdam Law Forum, vol. 4, no. 1, pp. 4-19

Ramírez, M. H. (2001), *El impacto del desplazamiento forzado sobre las mujeres en Colombia*. *Amérique Latine, Histoire & Mémoire*. <https://doi.org/10.4000/alhim.531>

Ramírez, M. C. (2001), *Entre Estado y guerrilla: identidad y ciudadanía. El movimiento de los campesinos cocaleros del Putumayo*. Bogotá: ICANH/ Colciencias.

Rodriguez, G. P. (2013). Chulavitas, Pájaros y Contrachusmeros. *La violencia para-policial como dispositivo antipopular en la Colombia de los 50*. XIV Jornadas Interescuelas/Departamentos de Historia. Departamento de Historia de la Facultad de Filosofía y Letras. Universidad Nacional de Cuyo, Mendoza

Ruiz-Herrera, A. L., Díaz, OH (2019). *En búsqueda de visibilización: experiencias y necesidades de las mujeres excombatientes de las FARC-EP en el escenario de construcción de paz*. Reflexión política 21 (42), pp. 9-28. doi: 10.29375/01240781.359

Salazar, M. and Buitrago, P. (2019), *Mujeres en Farc: Feminismo insurgente como una apuesta a la reintegración en Colombia* (Women in FARC: Insurgent Feminism as a Bet for Reintegration in Colombia). <http://dx.doi.org/10.2139/ssrn.3422580>

Sarmiento, Álvaro Villarraga. *Los procesos de paz en Colombia, 1982-2014*. Biblioteca de la Paz 1982-2014. Bogotá: Fundación Cultura Democrática

Sarmiento Briceño, A. (2018), *El problema agrario de Colombia*, Folhmy, 0(8)

Sasson-Levy, O. *Feminism and Military Gender Practices: Israeli Women Soldiers in "Masculine" Roles*. Sociological Inquiry 73 (2003): 440-465.

Scott, Joan W. (1988). *Deconstructing Equality-versus-Difference; or, The Uses of Poststructuralist Theory for Feminism*. In *Feminist Theory: A Reader*, edited by Wendy K. Kolmar and Frances Bartkowski, 446–454. New York, McGraw–Hill, 2005

Segura, R. and Mechoulan, D. (2017), *Made in La Habana: Cómo Colombia y las FARC decidieron terminar la guerra*, New York: International Peace Institute

Sharp, D. N. (2012), *Beyond the Post-Conflict Checklist: Linking Peacebuilding and Transitional Justice Through the Lens of Critique*. 14 Chicago Journal of International Law 165 (2013), <http://dx.doi.org/10.2139/ssrn.2029804>

Siddiqui, S. (2013). *Where Are The Women? A Contemporary Feminist IR Critique Of Security In World Politics*. Pakistan Journal of Gender Studies, 7(1), 29–41. <https://doi.org/10.46568/pjgs.v7i1.271>

Sjoberg, L. (2009) *Introduction to Security Studies: Feminist Contributions*, *Security Studies*, 18:2, 183-213, DOI: 10.1080/09636410902900129

Stiehm, J. H. (2001). *Women, peacekeeping and peacemaking: Gender balance and mainstreaming*. *International Peacekeeping*, 8(2), 39–48. doi:10.1080/13533310108413894

Taylor, S.(2015), *A Better Peace? Including Women in Conflict Negotiations*, Doctoral Dissertation, New School for Social Research.

The Prosecutor v. Jean-Paul Akayesu (Trial Judgement) 2 September 1998

The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), The Peace Operations Training Institute (POTI) (2013), *Implementation of the UN Security Council Resolutions on the Women, Peace, and Security Agenda in Latin America and the Caribbean*. Tickner, J., (2014). *A Feminist Voyage Through International Relations*. New York: Oxford University Press.

Torjesen, S. (2013). *Towards a theory of ex-combatant reintegration*. *Stability: International Journal of Security & Development*, 2(3), 63. <https://doi.org/10.5334/sta.cx>

Trejos Rosero, L. F. . (2013). *Al de una organización insurgente colombiana. El ejército popular de liberación (epi). De China a Cuba vía Albania*. *Investigación y Desarrollo*, 21(2), 371-394.

UN Women (2015) *Preventing Conflict, Transforming Justice, Securing the Peace. A Global Study on the Implementation of United Nations Security Council Resolution 1325*. Fact sheet: Latin America and the Caribbean Region.

Unidad de Búsqueda de Personas dadas por Desaparecidas. (2020b). *Respuesta a las preguntas planteadas por la ciudadanía durante los espacios virtuales de rendición de cuentas de la UBPD (2019-2020)*.

United Nations Development Programme (2012), *Gender Equality and Women's Empowerment in Public Administration. Colombia Case Study*.

US, Department of State, *Reports and Restriction Concerning Certain Countries, Country Summaries*, May 1, 1988; “Drugs, Law Enforcement and Foreign Policy: Hearings Before the Subcommittee on Terrorism, Narcotics and International Communications and International Economic Policy, Trade, Oceans and Environment of the Senate Committee on Foreign Relations”, 100th Congr. 1 st and 2nd Session, pp. 1-4, 1987-1988.

US, General Accountability Office (US-GAO) (1989), *Nontraditional Organized Crime: Law Enforcement Officials’ Perspective on Five Criminal Groups*, GAO.

Velázquez, E. 2007. *Historia del paramilitarismo en Colombia*. *Historia*, Sao Paulo 26(1): 134-153

Vicenç Fisas y Escola de Cultura de Pau (2012), *Anuario de procesos de paz 2012*. Barcelona: Icaria.

Vogel, L., Porter, L. and Kebell, M. (2014) *The Roles of Women in Contemporary Political and Revolutionary Conflict: A Thematic Model*, *Studies in Conflict & Terrorism*, 37:1, 91-114, DOI: 10.1080/1057610X.2014.853606

Women in International Security (2020), *Enhancing Security in Latin America and the Caribbean. Colombia - Assessment tool*.

Wood E. J. (2006), *Variation in Sexual Violence during War*. *Politics & Society*. 2006;34(3):307-342. doi:10.1177/0032329206290426

World Economic Forum (2019), *Global Gender Gap Report 2020*.

WEB REFERENCES

Acuerdo Final para la Terminación del Conflicto Armado y la Construcción de una Paz Estable y Duradera.
<https://www.jep.gov.co/Normativa/Paginas/Acuerdo-Final.aspx>

Ariel Ávila, *Falsos positivos en Colombia*, El Espectador, May 29, 2019
[ù-inferior-al-20-revela-informe-2835360](https://www.espectador.com/colombia2019/pais/mas-de-90-de-impunidad-tienen-los-casos-de-violencia-sexual-en-el-conflicto)

Asuntos Legales, "*Participación de las mujeres en el Congreso es inferior al 20%, revela informe*".
<https://www.asuntoslegales.com.co/actualidad/participacion-de-las-mujeres-en-el-congreso-es-inferior-al-20-revela-informe-2835360>

Beatriz Valdés Correa, *Persiste la impunidad en los casos de violencia sexual en el conflicto armado*, El Espectador, Nov 26, 2020,
<https://www.elespectador.com/colombia2020/pais/mas-de-90-de-impunidad-tienen-los-casos-de-violencia-sexual-en-el-conflicto>/Belém do Pará Convention.
<https://www.oas.org/en/mesecvi/docs/belemdopara-english.pdf>

CEDAW <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>
CIA, Military Service Age and Obligation, World Factbook.
<https://www.cia.gov/library/publications/resources/the-world-factbook/fields/333.html>

Colombia's Constitution of 1991 with Amendments through 2005. Art. 40 and Art. 43. https://www.constituteproject.org/constitution/Colombia_2005.pdf

Comunicado del Presidente Andrés Pastrana y Manuel Marulanda de las FARC (Acuerdo de Caquetania), May 2, 1999,
https://peacemaker.un.org/sites/peacemaker.un.org/files/CO_990502_AcuerdoDeCaquetania.pdf

De Stefani, P. (2000) *La normativa penale internazionale per violazione dei diritti umani. Il caso dei crimini contro le donne*.
http://dirittiumani.donne.aidos.it/bibl_2_testi/b_patti_conv_protoc/f_diritto_penale_internaz/f_de_stefani_crimini_donne.pdf

Dejusticia, *Demandamos la elección de tres ministros y del director del Dapre por incumplir la Ley de Cuotas*,
<https://www.dejusticia.org/demandamos-la-eleccion-de-tres-ministros-y-del-director-del-dapre-por-incumplir-la-ley-de-cuotas/>

Economic Commission for Latin America and the Caribbean (2019), *Gender equality plans in Latin America and the Caribbean: Road maps for development*, <https://www.cepal.org/en/publications/41015-gender-equality-plans-latin-america-and-caribbean-road-maps-development>

El Espectador, *1981-Plagio de Martha Ochoa se creó el MAS*, Jul 12, 2008, <https://www.elespectador.com/noticias/politica/1981-plagio-de-martha-ochoa-s-e-creo-el-mas/>

El País, *Conozca la historia del ELN, la guerrilla colombiana fundada por sacerdotes*. Jun 10, 2014. <https://www.elpais.com.co/judicial/conozca-la-historia-del-eln-la-guerrilla-colombiana-fundada-por-sacerdotes.html>

El Tiempo, *Crítico panorama de participación política de la mujer en Colombia*, Dec 19, 2020, <https://www.eltiempo.com/politica/partidos-politicos/panorama-de-la-participacion-politica-de-la-mujer-en-colombia-555902>

Francesca Casafina, *La difficile costruzione della pace in Colombia*, CeSPI, Feb 21, 2020

Enrique Santos Calderon, *La Muerte de Henry Pérez*, El Tiempo, Jul 25, 1991, <https://www.eltiempo.com/archivo/documento/MAM-125530>

Gloria Castrillón, *Claves para entender el punto 3: fin del conflicto*, El Espectador, Jun 22, 2016

Especiales Revista Semana, *Solución al problema de las drogas ilícitas*, <https://www.elespectador.com/colombia2020/pedagogia/claves-para-entender-el-punto-3-fin-del-conflicto-articulo-854538/>

Indepaz (2013), *El Pacto de la Uribe con las Farc-Ep en 1984*, http://www.indepaz.org.co/wp-content/uploads/2013/04/El_Pacto_de_la_Uribe_con_las_Farc.pdf

Isabela Marin Carvajal, *Sin previa invitación: Mujeres en La Habana*, Fundación Ideas para la Paz, Feb 3, 2016, <http://www.ideaspaz.org/publications/posts/1282>

La Prensa, El Acuerdo de Los Pozos, Feb 12, 20021, <https://www.cespi.it/it/eventi-attualita/dibattiti/america-latina-que-pasa/la-difficile-costruzione-della-pace-colombia>

Laura Machias, *El aborto forzado como crimen de guerra*, El Espectador, Sept 02, 2020

<https://www.elespectador.com/colombia2020/opinion/el-aborto-forzado-como-crimen-de-guerra/>

Lear, Martha Weinman. *The Second Feminist Wave: What do these women want?*. The New York Times, March 10, 1968, <https://www.nytimes.com/1968/03/10/archives/the-second-feminist-wave.html>

Infobae, *Toma del Palacio de Justicia: 35 años después se sigue pidiendo justicia*. Nov 6, 2021. <https://www.infobae.com/america/colombia/2020/11/06/toma-del-palacio-de-justicia-35-anos-despues-se-sigue-pidiendo-justicia/>

Infobae, *Mujeres, las más afectadas por el desempleo durante la pandemia en Colombia*, Feb 28, 2021, <https://www.infobae.com/america/colombia/2021/02/28/mujeres-las-mas-afectadas-por-el-desempleo-durante-la-pandemia-en-colombia/>

IPA (2020), *Salud financiera y violencia doméstica en Colombia durante el COVID-19*, <https://www.poverty-action.org/publication/salud-financiera-y-violencia-domestica-en-colombia-durante-el-covid-19>

Nicholas Casey, *El gobierno de Colombia y las FARC firman un nuevo acuerdo que no será sometido a votación*, NY Times, OCDE (2015), *Révision de la OCDE de las Políticas Agrícolas: Colombia 2015*, <https://www.nytimes.com/es/2016/11/24/espanol/el-gobierno-de-colombia-y-las-farc-firman-un-nuevo-acuerdo-que-no-sera-sometido-a-votacion.html>

Jorge Cardona Alzate y Catalina González Navarro, *Cuando Marulanda dejó la “silla vacía”*, El Espectador, Jun 23, 2016, <https://www.elespectador.com/colombia2020/pais/cuando-marulanda-dejo-la-silla-vacia-articulo-854548/>

Partido FARC. (2020). “Entrevista a las Senadoras de la FARC”. <https://partidofarc.com.co/farc/2020/02/10/4618/>

Pilar Lonzano, *Colombia, semiparalizada por la huelga de protesta tras el asesinato de Pardo Leal*. Oct 14, 1987, In El País, https://elpais.com/diario/1987/10/14/internacional/561164407_850215.html

Plan Nacional de Desarrollo 2028-2022. “ Pacto por Colombia, Pacto por la Equidad”.

<https://colaboracion.dnp.gov.co/CDT/Prensa/Ley1955-PlanNacionaldeDesarrollo-pacto-por-colombia-pacto-por-la-equidad.pdf>

OAM, CIM Mission and Mandate, <http://www.oas.org/en/CIM/about.asp>

OAS, Legal framework for women’s rights and gender equality, <http://www.oas.org/en/CIM/legal.asp>

Pilar Lozano, “El Ejército de Colombia reconquista la base de las FARC en la zona neutral”. El País, Feb 23, 2002, https://elpais.com/diario/1987/10/14/internacional/561164407_850215.html

Presidencia de la República de Colombia, Decreto 588 de 2017, juriscol.gov.co/viewDocument.asp?id=30034592

Rome Statute of the International Criminal Court, <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

Sandino, V. [@SandinoVictoria]. (9 de diciembre de 2019). En este momento se está realizando el Primer Encuentro Nacional sobre Masculinidades Farianas. Un espacio para reflexionar en torno a la responsabilidad de los hombres en la transformación de las relaciones de género [Tweet]. Twitter <https://twitter.com/SandinoVictoria/status/1204048886547005440>

Sonia H. Rodríguez M., *Equidad de género, una meta muy lejana dentro del Estado colombiano*, El Espectador, Jan 10, 2021, <https://www.elespectador.com/noticias/politica/equidad-de-genero-una-meta-muy-lejana-dentro-del-estado-colombiano>

Sonio Nazario, “*Someone Is Always Trying to Kill You*”, The New York Times, April 04, 2019, <https://www.nytimes.com/interactive/2019/04/05/opinion/honduras-women-murders.html>

Statute of the International Criminal Tribunal for the Former Yugoslavia. https://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf

UNHCR (2009), *Violencia de género y mujeres desplazadas*. https://www.acnur.org/fileadmin/Documentos/RefugiadosAmericas/Colombia/Violencia_de_genero_y_mujeres_desplazadas.pdf?view=1

United Nations, *Women in Peacekeeping*. <https://peacekeeping.un.org/en/women-peacekeeping#:~:text=In%202020%2C%20out%20of%20approximately,units%20in%20UN%20Peacekeeping%20missions.>

Verdad Abierta, *La desmovilización: el proceso de paz (2003-2006)*, Feb 11, 2008, <https://verdadabierta.com/periodo4/>

Verdad Abierta, *Negociaciones Caracas y Tlaxcala*, Nov 18, 2012, <https://verdadabierta.com/negociaciones-caracas-y-tlaxcala/>

World Health Organisation (WHO), *Gender-based violence*, www.who.int/gender/violence/en/

INTERVIEWS

Interview n. 1, María Emma Wills Obregón, Advisor to the Director at the Colombian National Center for Historical Memory, Jan 28, 2021, Zoom

Interview n. 2, Olga Amparo Sánchez, Coordinator of Casa de la Mujer, Jan 19, 2021, Zoom

Interview n. 3, Natalia Torres, Researcher at Dejusticia, Mar 22, 2021, Zoom

Interview n. 4, Leonardo González, Project Coordinator at Indepaz, Feb 22, 2021, Zoom

Interview n. 5, Irina Cuesta, Researcher at Fundación Ideas para la Paz, Feb 22, 2021, Zoom

Interview n. 6, Diana Gómez Correal, Professor at Universidad de los Andes, Feb 23, 2021, Zoom

ANNEXES

Interview n. 1

María Emma Wills Obregón

María Emma Wills Obregón is a Colombian political scientist who has widely researched topics such as gender and peace building, the role of the military in post conflict settings and sexual violence in armed conflict settings. Until 2011, she led the Gender and Women Studies Team in the Historical Memory Group belonging to the National Reparation and Reconciliation Commission. From August 2012 to August 2018, Ms Wills served as Advisor to the National Center for Historical Memory in the Department Administrative Office of the President of Colombia.

1) ¿De qué se ocupa su organización? ¿Cuáles son sus áreas de actuación principales? ¿Cómo desarrollan sus proyectos y cómo seleccionan las áreas de interés?

Yo soy politóloga. Estudié En Los Andes, hice Ciencia Política y luego hice una maestría en la universidad de Montreal en Ciencia Política y trabajé sobre populismo, pero en realidad yo empecé a interesarme por el la discriminación y la violencia de género cuando fui a Inglaterra en el 83. Estaba recién graduada de Ciencia Política y, siendo rebelde, me echaron de la casa porque en esa época todavía la sociedad colombiana era supremamente conservadora, y pues aún lo es. Me fui a vivir con mi compañero y entonces eso fue un escándalo. A nivel personal, como a muchas de nosotras de mi generación, la incomodidad con las relaciones de subordinación de género empiezan en casa. La casa es la primera escuela donde tenemos contacto con el poder, el poder de quién decide que es motivo de disputa, dónde están los conflictos, cómo se resuelven los conflictos, quién los resuelve y en mi caso, pues papá era una figura central y tomaba todas las decisiones y básicamente, en el caso que te estoy relatando, para él fue también muy duro. Hoy en día entiendo más desde la mirada de su generación, era insólito lo que yo estaba haciendo y entonces él tomó la decisión de expulsarme, de decirme “Mira no, si vas

a vivir en mi casa es bajo mis reglas, si no te vas”, entonces yo tomé la opción de irme. Pero en Ciencia Política no había ningún discurso de género, no había ninguna profe que estuviera trabajando feminismos, digamos a finales de los 70 y principios de los 80, la Ciencia Política giraba alrededor de naciones, estados, partidos, y en América Latina pues obviamente el tema era dictadura autoritarismos, pero sin caracterizar esas dictaduras y esos autoritarismos en términos de género, eso vino después. En ese momento básicamente era una mirada muy institucional de clases, de un marxismo anclado en una lectura de clase, pero no más. No había otro tipo de subordinación. Y en el 83 yo me fui a Inglaterra y tuve la oportunidad de tomar un curso. Yo me fui a Essex que es una universidad en esa época era de izquierda, tenía vínculos con el sindicalismo inglés. A ese fin había toda una serie de personas que estaban haciendo historia crítica y la Academia Británica y las feministas británicas estaban más empoderadas, tenían más espacio en la academia. Tomé un curso sobre género clase y discriminación que me dio el primer lenguaje para nombrar lo que yo sentía. Eso tuvo repercusiones en mi vida personal porque en mi pareja había también subordinaciones, había como descalificaciones e invalidación que yo no sabía tampoco cómo nombrar. Yo simplemente sentía que no era respetada en mi capacidad intelectual y que había incomodidades, pero no tenía un lenguaje para nombrar estas incomodidades. Entonces digamos que la academia lo primero que nos puede dar a distintos actores y actrices históricas es un lenguaje para nombrar y para comprender lo que estamos viviendo, y eso hizo esa clase. Cuando regresé a Colombia entré a CINEP, que es un centro de pensamiento y de educación popular vinculado a la Compañía de Jesús y es un centro de izquierda. Hay que también situarnos en el tránsito de los 70 a los 80, las comunidades de fe en América Latina tuvieron una tendencia una corriente muy importante que tenía que ver con una mirada mucho más comprometida con una justicia social enmarcada en la igualdad. Entonces el CINEP, a pesar de que estaba vinculado a la compañía de Jesús, es decir, una institución de poder en América Latina muy importante, había una corriente muy dentro de esa compañía de Jesús, está la teología de la liberación que tuvo impactos en Brasil y en Chile, en Colombia menos, pero los tuvo y por lo tanto digamos que ahí también encontré una mirada crítica, un espacio crítico para pensar en la subordinación y las injusticias en

América Latina, pero la Compañía de Jesús es una compañía de hombre, no te quepa la menor duda, entonces introducir el tema de discriminación de género y feminismo tenía también sus limitaciones, no había tampoco una apertura muy grande, aunque empecé a explorar y viajar por las regiones, que para mí también fue como una escuela política, en las regiones en los ochentas, pues era un momento crucial donde había paramilitares, guerrilla y muchas tensiones, y ahí viajando a Barranca por ejemplo, que es un puerto obrero con una clase obrera muy fuerte, una organización obrera muy fuerte, y ahí me di cuenta del machismo tan fuerte que hay en las familias obreras, es decir que si tú no introduces la categoría de género te quedas con una única injusticia en la cabeza, con una única subordinación, entonces hubo momentos como de esos que uno dice aquí entiendo perfectamente que si sólo trabajo con la categoría de clase, me voy a perder de otra subordinación que están muy presentes en la vida cotidiana de mucha gente y en particular de las mujeres. Entonces me metí cada vez más en la discusión feminista, trabajé haciendo una secuencia pedagógica para talleres de mujer, con mujeres de sectores populares, cómo plantar la semilla de las preguntas de quién toma las decisiones sobre tu cuerpo, sobre la plata, la economía del hogar. En fin hicimos algunos en Barranca, también había una organización femenil popular que era muy importante ya en ese momento y ahí ya empezó a ver una semilla dentro del sector popular organizado feminista, digamos ya no sólo fueron feminismos de iberales intelectuales blancos bogotanos, sino que realmente en distintas partes del país y no sólo en Barranca, sino también en Córdoba, en Antioquia, en Santanderes. Es un movimiento feminista popular descentralizado vinculado con las izquierdas pero ya diciendo aquí necesitan ustedes hacer una reflexión porque no hay un espacio para las voces de las mujeres y la experiencia femenina. En el Caribe, no sólo en Córdoba, hubo feminismos en Barranquilla, yo creo que aún en Santa Marta, entonces hubo semillitas por todo lado en contextos muy machistas, porque los partidos y las organizaciones de izquierdas son todavía machistas a morir, es decir a quién ve hablando, pues una cantidad de señores muy ancianos, es impresionante las estructuras de poder masculinas que hay dentro de las organizaciones de izquierda. Fijate del escándalo que acaba de pasar, no sé si haces seguimiento de las noticias diarias, pero Ángela María Robledo, parte de la Colombia Humana de Pedro, dijo “Miren que les boto ahí su partido porque me cansé, me cansé de no ser

oída, me cansé de estos patriarcas que no escuchan”, y se salió! Entonces digamos el recorrido hacia una sensibilidad por las discriminaciones y las injusticias basadas en el género es una combinación de experiencia personal y de encontrar lenguajes y enfoques que me permitan llevar esa experiencia personal al mundo académico y hacerme preguntas que mis colegas no se están haciendo, y a la par hay un movimiento de mujeres y feministas en Colombia que cada vez más se organiza, que hace cabildeos de incidencia, no hay que olvidar que en Colombia se hizo el primer encuentro latinoamericano feminista en el 82, entonces digamos dentro de esas estructuras muy patriarcales y muy machistas había resistencias descentralizadas y había lenguajes cada vez más acertados e incisivos para nombrar ese machismo en Colombia y ese patriarcado.

2) Opina usted que las prescripciones del Acuerdo Final fueron lo suficientemente inclusivas para las mujeres? ¿Qué fue lo que faltó?

Bueno, hay que echar para atrás un poquito porque quisiera decir que obviamente, seguramente tú te estás centrando en las últimas negociaciones, pero eso tiene una historia, es decir que las mujeres que llegan a la Habana a esa comisión de género tienen una historia detrás, y esa historia es muy larga y nos hace entender lo que estaba en juego. Entonces lo primero que hay que decir es que en los finales de los 80 en Colombia se empezó a dar una discusión muy fuerte alrededor de la lucha armada dentro de las corrientes de izquierda y hubo dentro de las corrientes de mujeres y feministas unas corrientes que empezaron a distanciarse de la lucha armada, categóricamente, es decir hasta ese momento había como un ambiente cultural donde dentro de las izquierdas donde la lucha armada se veía como una opción dado la estructura de coerción y represión y dominación del Estado. Pero en los 80 dada la degradación que ya era evidente dentro de los repertorios de los actores en armas en Colombia, el secuestro, por parte de la guerrilla sobre todo el secuestro pero también había Minas antipersona, decir habían infracciones al derecho internacional humanitario que eran muy fuertes Entonces esos repertorios denigrantes realmente llevan a una degradación del conflicto, de los términos en que celebra el conflicto armado, llevan a ciertas corrientes feministas a decir no más, ni queremos represión del estado ni queremos luchar más, en la lucha armada, ya nos vemos la posibilidad de una revolución o una transformación,

sino que vemos un problema. Entonces hubo una corriente que realmente tomó distancia la izquierda de la izquierda armada y le dijo No más, aquí hay que armar realmente una masa crítica que pueda transformar al país y sus estructuras de injusticia no a partir de las armas sino a través de otras de la organización social, de la movilización social, del cabildeo frente a las instituciones del estado, de también introducirse dentro del estado, es decir no ver el estado como algo que está por fuera las luchas sociales sino llevar esas luchas sociales al estado y pelearse el estado desde adentro, y esa corriente feminista impulso una movilización muy grande por la paz a finales de los 80. Yo he buscado fotos pero no he encontrado, pero en todo caso esa organización de mujeres por la paz, que pone la paz como la agenda, el centro de la agenda de la reivindicaciones, es la paz y el derecho a la vida, arranca a finales de los 80 en medio de las masacres y secuestros y toda la degradación del conflicto, y dice que la paz es lo que nos tiene que articular. Esas mujeres se preparan para la Constituyente del 91 que como ya lo han señalado varios fue un intento, un pacto social por la paz, fue un intento de lograr sellar el conflicto armado a través de una nueva constitución. Ahí el problema fue que las paces en Colombia han sido fragmentadas, entonces se hizo la paz con con el EPL, con el PRD, con el Quintín Lame, pero se quedaron por fuera las FARC y el ELN! A ver, si está la Asamblea Nacional Constituyente que en todo caso para su momento fue una ruptura impresionante porque el tercio de los constituyentes fueron del M19, la Alianza Democrática M19 y por lo tanto dejó de ser bipartidista. Los liberales y los conservadores estaban ahí obviamente pero ya no tenían mayoría. Eso explica en parte los derechos que quedan consignados en la Constitución la carta de derechos y la tutela, unas innovaciones institucionales y políticas muy importantes y explica también algunas reivindicaciones feministas que quedan en la Carta, no todas porque es que cuando uno negocia el paquetico no es completo, eso se llamaría victoria total, pero es que las victorias totales en política no las hay, hay transacciones si tienes que lograr unos mínimos. ¿Entonces que se logró en ese constitución del 91? Se logró la secularización del Estado. La Corte Constitucional fue a partir de ese momento el órgano Estatal que regularía la vida cotidiana los colombianos en términos de decidir si se están cumpliendo los derechos de la Carta Constitucional en el ámbito privado como en el ámbito público, es decir, la iglesia de perdió el poder que tenía de regular las vidas de los

colombianos y las colombianas en el ámbito privado, esa discusión sobre el ámbito privado pasó a la corte constitucional regida por una carta derechos mucho más amplio. Segunda victoria de las mujeres en esa carta constitucional: la explícita prohibición de la discriminación fundadas en el género, la raza, la identificaciones religiosa o política, explícitamente. Esas dos victorias fueron importantes. ¿Qué se perdió? Lo de la familia, pero bueno lo de la familia ya se está logrando transformar, no en la constitución del 91 se hablaba de la familia nuclear en fin, eso se perdió pero se abrieron puertas. Eso para decirte que las mujeres que hicieron cabildeo antes la Asamblea Nacional Constituyente, algunas de ellas hicieron cabildeo en la comisión de género de la Haban, es decir traen una escuela política de cabildeo, son diplomáticas de la sociedad civil y de las corrientes feministas que han acumulado un saber hacer para negociar, para cabildar, para argumentar. Entonces en esa comisión de género hay mujeres que tienen esa larga trayectoria que las ha preparado para llegar cada vez más argumentadas y plantear discusiones que realmente son discusiones de fondo. Entonces ese cabildeo fue muy importante, en este cabildeo de la Constituyente yo veo otra cuestión y es que las mujeres feministas de la sociedad civil empezaron a prepararse académicamente también, es decir incluyeron una mirada comparada en su incidencia política, ¿qué ha pasado en Argentina? ¿Qué ha pasado en Chile? Miremos cómo se ha manejado el problema de la secularización del Estado, miremos cómo se ha defendido los derechos sexuales y reproductivos de las mujeres en otras partes. En otras palabras hubo una mirada cada vez más global sobre problemas que estaban situados localmente y ahí eso hace que entonces la masa crítica que tú tienes de feministas que cabildan en estos espacios, pues es una masa crítica muy formada, capaz de hacer pulsos intelectuales y académicos con argumentos establecidos.

Paralelamente a lo que yo te cuento creo que también esas esas reuniones globales de la década de las mujeres declarada por Naciones Unidas también fue importante, porque en esos lugares de encuentro que son costosísimo y a veces muy burocráticos y aburridísimo si a veces no pasa pero a veces realmente esa conjunción de mujeres, de la sociedad civil, burócratas, diplomáticas, pues tiene consecuencias porque realmente quedan unos papers, unas agendas que pueden

trazar las luchas políticas de las mujeres. Entonces lo que te estoy diciendo es que las luchas de finales de los 80s son luchas colombianas, pero están enmarcadas ya en una mirada más global. Dentro de los movimientos feministas obviamente como en todas partes, me imagino que en Italia también, las peleas entre la izquierda son durísimas y eso también se da en los mismos feminismos, las peleas son durísimas, son peleas intelectuales, son peleas de concepción, de interpretación de las luchas, una lucha, pues no es una técnica es saberse situar y leer un contexto. Pero en esas lecturas de contexto siempre hay diferentes miradas, entonces en general alrededor de las negociaciones ha habido enormes tensiones dentro de las mujeres, algunas dicen si hay que participar en esta negociación otras dicen no. En las negociaciones de los 80 y en la Constituyente las mujeres lograron articularse, por un momento dejaron de centrarse en lo que la diferenciaba entre ellas y dijeron esto hay que incidir, entonces el cabildeo estratégico que hicieron en la Constituyente fue un caballo muy exitoso. Luego tienes las negociaciones de Pastrana fallidas, la pelea dentro de las organizaciones de mujeres y feministas fue también brutal, porque muchos decían que no querían participar en sus diálogos que se hicieron en el Caguán, que no iban a hablar con hombres armados, que su pacifismo estaba primero, pero otras dijeron no espere un momentito yo voy y negocio y planteo la agenda feminista y la agenda las mujeres dentro de este marco de negociación. Pero eso dividió profundamente a las mujeres y tú sabes que esas peleas a veces son horribles porque se dicen de todo, es decir hay estigmatizaciones dentro de las propias corrientes feministas entre las que iban allá eran unas vendidas, entonces fue un fracaso las negociaciones de Pastrana. Luego tenemos los años muy duros de Seguridad Democrática con Uribe en el poder y ahí también hay peleas durísimas porque había por ejemplo mujeres que decían tenemos que conservar una pata en la Consejería de la Mujer para poder hacer incidencia sobre esas políticas y otras que decían si entras al Estado eres uribista, es decir como que las tensiones dentro de las mujeres son tensiones que no como la izquierda es política general son muy apasionadas, entonces rompen muy fácilmente alianzas que son necesarias para efectivamente tener una incidencia más efectiva sobre esos lugares donde se están tomando decisiones. Entonces, ¿qué ocurre en las negociaciones de La Habana? Yo no hice parte. Lo que uno ve es la punta del iceberg, pero detrás de eso hay trabajo de articulación de

qué paper se llevan, qué punto se discuten. Yo te voy a decir lo que yo vi pero no por estar implicada en esas negociaciones o en la mesa de género. Lo primero que vi es una cantidad de hombres sentados en la mesa de negociación simbólicamente que veíamos los colombianos y las colombianas. Estamos en Bogotá, acuérdate que eso era súper secreto y con razón, no? Porque ya mira lo que pasó. Bueno, recibió la opinión pública en Colombia los comunicados de las mesas de negociación, los comunicados firmados por ambas partes y las fotografías. Primera consideración: dentro de los representantes que se llamaban plenipotenciarios de lado y la mujer y las fotografías que simbólicamente todos los plenipotenciarios en primera línea, y en segunda línea tenías todas las mujeres que trabajaban como locas! Estaban del lado del gobierno y me imagino que del lado de las FARC también, ahí estaban Victoria Sandino pero también estaba la holandesa, había una serie de mujeres que estaban ahí pero no estaban como plenipotenciarias. Lo primero que yo diría que yo aprendí mirando eso es que los techos de cristal en las comandancias del Estado y de la guerrilla y la diplomacia internacional son techos de cristal brutales contra la mujer, es decir no me cabe la menor duda que ahí hay un machismo y un club de Toby, un club de de hombres que conforman y constituyen redes masculinas donde básicamente sólo se escuchan voces masculinas y dónde básicamente las mujeres no tienen permiso de entrar, son como esos contextos cerrados, donde están los hombres. Fue a raíz creo yo de Naciones Unidas y de ONU Mujeres que estaban presentes y yo creo que los países acompañantes que hicieron un llamado de atención, más la presión, hay una confluencia de presión de las mujeres y las corrientes feministas en Colombia y de ONU mujeres y de países acompañantes diciéndole a la mesa: Ustedes están infringiendo la Resolución 1325 de Naciones Unidas. Entonces a raíz de eso llamado de atención es que se constituye la Comisión de Género. Ahí están entonces de lado y lado Aparecen las mujeres, cuando fuimos a presentar yo fui parte de la Comisión Histórica del Conflicto de sus Víctimas y nos llevaron a presentar nuestras tesis. Paralelamente a esta presentación se está reuniendo la Comisión de Género. A mí no me habían invitado pero cuando me vieron ahí fue chistoso, porque tanto la delegación de las FARC como la delegación del gobierno decían: que venga María Emma. Simbólicamente era muy complejo porque si me sentaba de este lado entonces quedaba en la delegación de las FARC, si me sentaba del otro lado entonces quedaba en

delegación del gobierno, finalmente me sentaron en la mitad. Pero esto para decirte que además de la presión por tener mujeres obviamente esto era una negociación entre dos fuerzas políticas que tenían miradas sobre el país totalmente distintas, entonces una filigrana muy complicada. En esa en esa mesa de la que yo pude asistir estaban las víctimas, pero también estaban mujeres que venían de otros procesos de negociación entonces estaba por ejemplo María Eugenia Vázquez, María Eugenia fue guerrillera del M19, ella se desmovilizó en los 90 y escribió un libro bellísimo que se llama Escrito para no morir, y luego ella tránsito a trabajar y fundaciones ONGs de mujeres y María María Eugenia fue por lo menos en esta mesa y básicamente fue a contar lo que había pasado con las mujeres del M19. Lo que quiero decir con esto es que así como las mujeres feministas habían acumulado conocimiento a través de las luchas en las que habían estado implicadas, las guerrilleras también habían transitado por procesos de desmovilización y tenían una experiencia que contar, y esa experiencia era muy importante porque básicamente María Eugenia vino a decirles: miren mujeres, ustedes seguramente fueron muy importantes en la lucha armada, algunos tuvieron el mando, pero prepárense en el tránsito a la política sin armas, si no a ustedes las van a mandar otra vez a la casa.

¿Qué más vi yo en esa presentación? Ay no sé, es que son cosas tan incómodas, de lado del gobierno me parece que escogieron a mujeres que no venían de las luchas feministas. Eran mujeres preparadas, pero no tenían pero ni clue de lo que es discriminación de género, es decir, el abc primaria del feminismo y de los estudios de género académico, lo cual lo que muestra es que la preparación de las mujeres para dar estos debates no se da tanto en la academia, las disciplinas son muy conservadoras en Colombia y están cambiando, pero pues esos cambios son lentísimos, sino que vienen de la propia lucha. Estas mujeres abogadas no tenían la pasión política por defender una agenda feminista articuladas. En cambio Victoria Sandino que tampoco venía preparada de los feminismos, Victoria muy rápidamente es una mujer muy inteligente se la pilló toda y se apropió del discurso de los derechos de las mujeres. Tenía una capacidad y una pasión por defender sus derechos a pesar de que no venía de la academia. La guerrilla como las comunidades indígenas son comunidades, son como familias donde ninguna voz

puede de alguna manera señalar defectos internos, hay mucho temor a ser crítico y autocrítico. Entonces los feminismos en la guerrilla eran escasos, escasísimos, pero estas mujeres en la Habana yo sí vi que estaban leyendo y apropiándose de un discurso feminista muy rápido para poder negociar a nombre de las mujeres de las FARC pero también a nombre de otras mujeres. Mi percepción es que había en términos de articulación y si tú vas a una mesa de negociación tienes que saber defender, tienes que tener locuacidad, una de las habilidades y competencias es que tú te sientes en una mesa y convences a los demás, pero para eso tienes que estar convencida tienes que tener un lenguaje. Ahí es donde digo que Victoria Sandino muy rápidamente se apropió y logró un discurso muy articulado sobre las discriminaciones de género, mientras las negociadoras las plenipotenciarias, perdón con ellas, yo la respeto dentro de sus campos, pero no, no la tenía. Perdóneme pero no. Y las víctimas y las mujeres que ya habían pasado por procesos de negociación sí tenían un discurso muy elaborado, en particular las ex guerrilleras de la corriente de renovación. Fíjate que había una masa crítica de mujeres capaces y muy argumentadas que podían negociar. Ahora, problemas: la Comisión arranca cuando ya se pactaron. Acuérdate que también fue larguísima y parte de lo que pasó con el plebiscito del 2016 tiene que durar con que duraron 5 años negociando 6 puntos. Santos gana la segunda elección, consigue la reelección, pero por esta, por haber logrado el acuerdo de tierra y creo que el acuerdo de drogas. La comisión de género tenía que insertarse, no estuvo en esas negociación, tenía que insertar el enfoque de género en algo que ya estaba pactado. La Comisión no podía decir sabe que volvamos a hablar, pues yo creo que hubo mujeres que dijeron: No, hay que renegociar todo. En todo esto lo que te quiero decir es que no hay una posición correcta, lo que hay es posiciones políticas. Entonces hubo una introducción del enfoque que yo creo que estuvo bien porque justamente las mujeres venían de ONU Mujeres y de las luchas feministas, se recoge lo mejor de una cantidad de escuelas políticas y se logra introducir pequeños dispositivos que le dan la seguridad por ejemplo a las mujeres campesinas de acceder al crédito y de acceder a la tierra. No se logra todo, no. Luego cuando se discute el punto cinco, el de víctimas, hay una conciencia ya muy importantes sobre la violencia sexual y la violencia basada en género, porque ya en Colombia hay suficiente capital académico simbólico acumulado para decir: Miren, esta guerra también ese libro a

través de violación sexual y violaciones fundadas en el género. No es como que vas a llevar un discurso que va a decir Uy Cómo así, no, ya había acumulado. Pues yo creo que se lograron cuestiones pero no se logró todo. En una negociación a menos de que sea una victoria absoluta, si una victoria casi que armada absoluta sobre el contendor, pues lo que tienes es transacciones y yo creo que las transacciones que se dieron alrededor de ese acuerdo fueron muy importantes y que hay que reconstruir lo que se hizo y lo que se dejó de hacer. Hay personas que ya están trabajando sobre eso, no sé si conoces a Diana Marcela Gómez que están los Andes y ella está haciendo un seguimiento muy juicioso de los acuerdos, ella es historiadora y ella hizo un trabajo sobre las feministas en Colombia y es parte del movimiento de víctimas de estado. Entonces digamos es una mujer que también combina lo político es decir el cabildeo la incidencia las luchas políticas con la Academia.

Entonces yo creo que ahí hay que reconstruir y ya hay personas que están reconstruyendo cómo fue ese cabildeo. Entonces las mujeres lograron avances, no todos los que queríamos pero lograron avances y luego las corrientes más conservadoras más uribistas usaron esos avances de las mujeres para hundir el acuerdo en el plebiscito porque usaron argumentos de que van acabar con la familia nuclear, ahí están las opciones sexuales distintas a las heterosexuales, esto es como el acabose. En un país que sigue siendo finalmente supremamente conservador esos resonó y a través de las iglesias, no sólo la Católica sino también los evangélicos, entonces sí se avanzó pero dado que no hubo un acompañamiento pedagógico de los acuerdos que explicara la opinión realmente qué era lo que se estaba negociando, los avances de género fueron usados mal usados por esas orientaciones más conservadoras para hundir el acuerdo y perder el plebiscito.

3) ¿Ha tenido el acuerdo algún efecto en la mejora de la condición de la mujer en la práctica?

Como tú sabes hay una mesa de seguimiento de los acuerdos y yo la verdad no he hecho la filigrana de estar pendiente de que pasa con el punto tal y el punto en tales términos de género, pero sí sé que está esa mesa de seguimiento está Diana Marcela con otras mujeres haciéndoles seguimiento mucho más empírico que lo

que yo te podría decir. Mi sensación, no fundada en la revisión de fuentes ni de archivo, sino mi sensación es que cuidado que el marco general del acuerdo es tan complicado. Yo sí, creo que hay avances, yo no digo que no, la JEP sigue y acaban de sacar ayer lo de secuestros, y sigue la Comisión de la Verdad y en la Comisión de la Verdad y una serie de diálogos muy interesantes. Yo he visto unos reconocimientos muy estremecedores de las FARC frente a las comunidades indígenas. Debe haber, pero no los he visto, diálogos sobre mujeres, discriminación de género, violencia de género. Entonces yo no digo que el barco se haya hundido. Entonces dentro de ese contexto general obviamente todo lo que estaba implicado en términos de mujeres campesinas, tierra para las mujeres, crédito para las mujeres, pues terrible con un agravante: en los 80 cuando se pasa de un conflicto armado muy regionalizado y se expande por Colombia el conflicto armado las mujeres sufren obviamente el conflicto armado y sufren de cierto tipo de violencias de género. Pero a medida que las mujeres se vuelven líderes sociales y políticas y tienen cada vez más un rol público de defensa de derechos de la tierra se convierten en un objetivo militar. Su politización las pone en alto riesgo. Entonces tenemos un proceso muy paradójico y es un proceso donde las mujeres salen del hogar o de las tareas que están cumpliendo y asumen el papel político de la representación en la esfera pública y paralelamente a que asumen ese papel político dado el contexto de violencia política se convierten en objetivo militar. Entonces por eso tienes cada vez más y lideresas asesinadas amenazadas.

4) ¿ Opina usted que en los espacios políticos en Colombia las mujeres tienen una representación suficiente?

No. Pues bueno, ahí hay varios varios temas. Tienes que mirar para mujeres y representación política a Angélica Bernal porque yo le hice seguimiento a esa pregunta, cómo hasta el 2004, pero eso ya está desactualizado, pero hay varios problemas, que yo creo que persisten desde el 2004 hasta aquí. Uno: las estructuras partidistas son muy machistas, es decir aún nosotros hicimos con otra joven un artículo sobre la apertura o la discriminación de los partidos frente a las mujeres, como un índice de inclusión o exclusión y representación de las mujeres mirando empíricamente y encontramos que todos los partidos en términos de inclusión de mujeres y de representación en la cúpula se raja, sean de izquierda o

derecha. Hay unos techos de cristal y una discriminación absurda dentro de los partidos. El partido que más ha incluido a las mujeres y tiene políticas de inclusión es el Mira, que es un partido evangélico conservador. Entonces en términos de las batallas por la inclusión en la representación de las mujeres dentro de los partidos pues desafortunadamente la batalla, la están dando las corrientes más conservadoras, terrible, no la izquierda, las más conservadoras! Lo otro es que obviamente pues las mujeres no son un grupo homogéneo, entonces hay más mujeres en el Congreso de la República, que antes, sí, claro, hay más voces y hay unas muy conservadoras. Entonces yo diría que hay una politización desde la sociedad civil, movimientos sociales, iniciativas de memoria, luchas por la tierra de mujeres populares que tienen un discurso hoy en día feminista porque las redes la Ruta Pacífica e Iniciativas de Mujeres por la Paz sí ha sido como un uno un semillero de feminismos a nivel regional. Entonces digamos hay un feminismo radical o de izquierda o democratizante desde la sociedad civil y desde los partidos lo que vemos es que la inclusión de las mujeres quienes más lo están logrando son las corrientes conservadoras. Obviamente el Polo Colombia Humana tiene mujeres en el Congreso, hay una cantidad de mujeres que la opinión pública reconoce pero también están las mujeres del Centro Democrático. Esa politización digamos por arriba, la de las cúpulas y élites políticas, es una politización que está mucho más dividida y me parece a mí a veces que la derecha le está ganando a la izquierda.

5) Desde que terminó el conflicto, ¿cómo ha cambiado la situación en relación a la violencia sexual y doméstica? ¿Las instituciones están diseñadas para prevenir eficazmente la violencia contra la mujer y castigar adecuadamente a los infractores? ¿Cuáles son los factores que hoy impiden que las víctimas denuncien crímenes de violencia doméstica y sexual?

Es que no estamos en posconflicto. Algo cambió, lo que estamos viviendo hoy no es lo que vivimos antes del acuerdo, yo estoy totalmente de acuerdo. Los actores cambiaron, las alianzas cambiaron, pero la violencia sigue, las violencias organizadas, hay asesinatos de líderes sociales, pero también hay masacres de jóvenes. El país está lejos de tener lo que uno llamaría un momento de institucionalidad democrática robusta, para nada, porque las cosas se siguen

resolviendo por las vías violentas. Y ahí, pues los repertorios de violencia de género y violencia sexual en fin todos están ahí. Las organizaciones que siguen utilizando las armas incluido la fuerza pública tienen unos repertorios inculcados desde hace mucho que no van a desaparecer a menos de que hubiera realmente un acuerdo de paz un poco más robusto. Entonces después del acuerdo, si no estoy mal, están las violaciones de niñas indígenas por parte de agentes de la fuerza pública, las organizaciones criminales mafiosas son supremamente patriarcales y bueno uno de los mejores textos es el texto de memoria de una antropóloga brasileña que se llama Rita Segato. Tú tienes que leer porque ya bastante lo que muestra es que estas mujeres que estos cuerpos femeninos encontrados aquí allá torturados son mensajes inscritos en el cuerpo femenino para otros hombres armados, porqué se disputan el territorio por la vía de esos cuerpos y esas inscripciones. Yo diría que esas organizaciones armadas son brutales y eso no va a desaparecer en medio de este caos y esta debacle política que tenemos. Entonces hay avances en términos de visibilización de la violencia sexual, hay campañas como “no es hora de callar”, hay una cantidad de redes sociales contra la violencia de género y hay un nuevo lenguaje ya más institucionalizado como el del feminicidio, hay periodistas feministas muy fuertes sobre todo en El Espectador. Entonces la opinión pública hoy en día tiene voces que pueden explicar perfectamente lo que es la violencia contra las mujeres, el feminicidio, la violencia basada en el género. Entonces hay una mirada en Colombia más sensible a esas discriminaciones y esas violencias, pero a nivel de práctica en los territorios las cosas siguen siendo terribles.

6) ¿Cuáles son los mayores desafíos que el Estado colombiano enfrenta el estado en la actualidad con respecto a la condición de la mujer?

Es que todo se marca en una pelea por la memoria, porque dependiendo de cómo entiendes tú los problemas sociales y culturales que vive Colombia le das otras soluciones. Por ejemplo, las afinidades de este gobierno con Trump son muy profundas, no sólo por lo que pasó ahorita en las elecciones sino realmente la mirada de la élite del Centro Democrático es una mirada que finalmente recogen la

misma matriz cultural de los más conservadores y de los White supremacists gringos, y es una matriz que tiene la siguiente argumentación: los problemas en Colombia son problemas individuales, de manzanas podridas, de individuos que son malos, pero las discriminaciones estructurales y los engranajes de esas discriminaciones ellos no las ven, no las captan, porque su estructura mental básicamente está funcionando de tal manera que su mirada sobre los problemas es una mirada que pone el individuo en lo que le ocurre. Es decir, si tú triunfas porque tú eres un berraco, si tú te hundes algo está mal contigo. No hay una matriz interpretativa que ponga por ejemplo la encarcelación masiva de los negros en Estados Unidos en un contexto sistémico. “es que los negros son drogadictos y venden droga y por eso están ahí!” Pero no hay un contexto histórico, no hay una mirada que diga que el problema es mucho más complicado porque hay un sistema judicial que penaliza, porque hay una serie de sistemas policiales que persiguen sistemáticamente, hay patrones sistemáticos que hacen que los negros resulten en la cárcel. No es el individuo la explicación del problema. En Colombia hay unos terroristas malísimos, bueno ahora las disidencias y las organizaciones mafiosas, y hay que derrotar a esos individuos, pero los contextos históricos y culturales que hacen que esos individuos cometan feminicidios o abusan sexualmente de niños y niñas, ese con esa lectura compleja de la cultura no está, porque todo se reduce al individuo y si es bueno o malo. Es una es una mirada simple moralista esquemática, que no reconoce que los problemas sociales tienen patrones y que tú no puedes explicar un patrón diciendo es que son malos. Es ridícula la argumentación desde mi punto de vista. Esto hay que verlo dentro un contexto más global, lo mismo Bolsonaro y toda esa derecha empoderada en las Américas es el contexto desde el cual tú puedes juzgar lo que está pasando en Colombia. Entonces, si tienes una mirada así, ¿cómo vas a poder atacar las raíces de los problemas que tenemos? Tienes chivos expiatorios y no una mirada sistémica de los problemas. ¿Cuál es el problema colombiano? es que la derecha está empoderada, y que esa mirada tiene un enfoque simplista y moralista, pero moralista en el peor sentido de la palabra, maniqueo, de buenos y malos, para explicar los problemas que Colombia. “Acá no hay exclusión, acá no hay desigualdad”, no, mejor dicho.

Interview n. 2

Olga Amparo Sánchez - Casa de la Mujer

Colombian feminist, activist and researcher, author of research and articles on peace and women, sexual and reproductive rights, political and social participation of women, violence against women, feminism, democracy and power. Ms Amparo Sánchez has represented the Colombian government and women's organizations in national and international spaces, and has promoted the creation of feminist organizations and networks such as Casa de la Mujer, Red Nacional de Mujeres, Ruta Pacífica de las Mujeres, and Colombianas y Colombianos por la Paz. She has received several awards, including the Antioqueña de Oro.

1) ¿De qué se ocupa su organización? ¿Cuáles son sus áreas de actuación principales? ¿Cómo desarrollan sus proyectos y cómo seleccionan las áreas de interés?

La Casa de la Mujer es una organización feminista que este año cumple 39 años de creación desde sus inicios en 1982. Tiene 3 pilares fundamentales. Uno es todo el trabajo sobre autonomía de las mujeres que lleva a una reflexión de la construcción de la subjetividad femenina y masculina y cómo estas subjetividades han implicado en la vida de las mujeres para su desempeño como madres, como ciudadanas, como profesionales. Y hacemos una reflexión sobre términos que las mujeres conozcan de sus derechos, conozcan las leyes y en caso de violencia conozcan las rutas de atención y protección que exijan el cumplimiento de estas leyes pero que también a través de este proceso de reconocimiento y de cómo esas subjetividades se han construido culturalmente marcan las vidas de hombres y mujeres, y cómo marcan las desventajas que este proceso de construcción de subjetividades e identidades le trae a las mujeres y cómo esta se recluta con violencias estructurales pero con violencia también específicamente con las mujeres en el caso de violencia trabajamos mucho en la desnaturalización de la violencia, todo un esfuerzo que las mujeres ganen en

autonomía, ganen en autoestima, pero que sobre todo hacen un proceso de desnaturalizar esta violencia y la vean también como un crimen contra sus vidas. Es para nosotras una columna muy importante. De ahí se aprende un trabajo de fortalecimiento organizativo partiendo de las que estamos en nuestras redes, que juntas somos más. Hay situaciones en que las mujeres podemos resolver al nivel individuales, y otras que solo en colectivo pueden ser resueltas o puedes ser exigidas al estado las transformaciones de la sociedad, hacemos un proceso de fortalecimiento organizativo de organizaciones de mujeres para que las mujeres ganen subjetividad, su organización gane legitimidad y reconocimiento en los territorios pero sobre todo desarrollar con ellas capacidades que les permitan tener una acción mucho más de mayor impacto en el poder local. trabajamos también con un trabajo de acompañamiento legal y psicosocial con las mujeres en la perspectiva de acompañarlas en procesos legales porque para las mujeres son más dificultosos pero también para que ellas aprendan e tenere control del proceso a exigir a las autoridades un aspecto de ellas como víctimas y para que reconozcan sus derechos. el otro trabajo que hacemos es todo ese trabajo que está asociado con paz y democracia. la casa de la mujer desde que inició en 1982 estuvo vinculada en lo que son los acuerdos de paz de Belisario Betancur cuando en todos los periodos ha estado vinculada en estos procesos como entre líneas demandando la presencia de las mujeres en estos procesos de diálogos, demandando la agendas de las mujeres en este proceso de diálogo y para nosotras ha sido vital convertir el diálogo en la herramienta fundamental para la transmutación de estos conflicto tanto públicos como privados. desde esta perspectiva en diferentes momentos cuando elisario bentantuc impulsamos que algunas mujeres estuvieron alli, despues cuando varco participamos activamentes con otras organizaciones de mujeres en lo que fue el preludio de la reforma constitucional que vino después en la asamblea nacional constituyente donde hicimos un trabajo con muchas organizaciones de mujeres en la perspectiva de que los derechos de las mujeres estuvieron incluidos. durante el gobierno de pastrana que inizio los diálogos con la farc estuvimos muy claras en que el modelo y la metodología que se había utilizado era una metodología en donde el centro no eran las mujeres entonces estuvimos más en una postura crítica de

cómo las negociaciones eran una negociaciones sin armas de por medio entonces donde la sociedad civil tuvieron un papel importante en este caso las mujeres. en el gobierno de samper participamos en lo que le impulsó los cabildos de paz, impulsamos la participación de las mujeres en estos cabildos y pues ya llegamos al gobierno de santos y ahí hicimos un trabajo con otras organizaciones de mujeres, hicimos un trabajo de otras áreas de intervención nuestra, en todo el proceso de incidencia política y social. no entendemos la incidencia sin generar conocimiento, sin entender la realidad de las mujeres.

nosotras básicamente trabajamos en los territorios, en territorios que han sido muy golpeados o por la falta de oportunidades porque muestran las desigualdades y las justicia del país en territorios donde el conflicto armado ha sido parte de la vida cotidiana de las mujeres. en esa perspectivas trabajar en esto territorios no se ha moldeado la tarea de comentar la situación de las mujeres víctimas, de la múltiple violencia, de exigir al estado colomniano las respuestas ,por supuesto los logros del feminismo no son logros individuales de una sola organización, sono logros colectivos donde cada quien pone un grano de arena. la casa de la mujer ha jugado un papel muy importante pero no es el único, ni todo se debe a nosotras. Nosotras recogimos lo de las mujeres sufragistas, recogemos la lucha de la mujeres de este país de los años 60 y 70, nosotras no nos inventamos nada nuevo, hemos desarrollado metodologías, hemos aportado conocimientos pero si es un trabajo que es colectivo y el trabajo de la Casa de la Mujer se debe a muchas mujeres que han pasado por aquí, que nos han entregado conocimiento, han puesto su deseo para que logremos lo que hasta el momento hemos logrado. Nuestro modelo de actuación en los territorios lo hacemos a través de alianzas estratégicas con organizaciones de mujeres o con organizaciones que tienen trabajo con mujeres y básicamente la idea de dedicar una impronta en los territorios que queden organizaciones de mujeres fortalecidas, que tengan conocimiento de los territorios. hacemos tambien seguimiento a políticas públicas y seguimiento o acompañamiento a formulación de leyes en favor de las mujeres o también un trabajo de contribuir a que leyes que atentan a las mujeres no sean aprobadas o sean derogadas, un trabajo para nosotras muy importante entendemos perfectamente que solas no

podemos hacer las mujeres todo, que a nivel individual tenemos una responsabilidad de transformar esto, esto le compete a la sociedad en su conjunto, al estado a las organizaciones políticas y sociales, esta es una responsabilidad de ellos que nosotras no podemos asumir. nuestra línea de intervención son el fortalecimiento de la democracia y la paz, el logro de la justicia para las mujeres y justicia no entendida sólo como lo ocurrido sino justicia social también. toda el área de identidad y subjetividad, y generación de conocimientos que para nosotras es muy importante.

2) Opina usted que las prescripciones del Acuerdo Final fueron lo suficientemente incluyentes para las mujeres? ¿Qué fue lo que faltó?

Yo creo que es importante antes de responder a tu pregunta es qué las mujeres sí hubiésemos logrado en el acuerdo: la inclusión de los derechos de las mujeres la inclusión de un enfoque diferencial de un enfoque de género es un resultado de un trabajo de largos años. Ya con Pastrana las mujeres logramos construir una agenda, pero también venía construida desde la Asamblea Nacional Constituyente así que el proceso de diálogo entre las FARC y el gobierno no coje a las organizaciones de mujeres sin agenda. Teníamos una agenda construida durante muchos años, una agenda que va desde lo local, lo territorial, pero también lo nacional y había ya un proceso organizativo que se estaba gestando pero también ya había un proceso organizativo en marcha desde que todo lo que había pasado a las mujeres en el contexto del conflicto armado, había organizado organizaciones desde las víctimas pero también que apoyan procesos de víctimas. Digamos que el proceso de diálogo tiene las organizaciones de mujeres que teníamos una agenda muchos más trabajadas que muchos otros sectores, y cuando empieza el proceso de negociación desde sus inicio desde las primeras informaciones que se dieron a través de la prensa las mujeres empezamos a demandar la presencia de mujeres porque habíamos un proceso de negociación solamente de varones. Desde el inicio del proceso las mujeres empezamos a demandar, y lo demandamos de muchas formas, con comunicados, con reuniones con delegados del gobierno y de las FARC, haciendo

incidencia con los países acompañantes del proceso que tanto las FARC como el gobierno habían aceptado como garantes del proceso. Ya habían unas improntas y una movilización de muchos sectores de mujeres desde lo nacional y lo territorial. Qué fue lo que quedó en el acuerdo: creo que el acuerdo avanza sustancialmente, diferencialmente en cada uno de los temas, no en todos los temas tiene el mismo impacto. Donde lo más fuerza tiene en los derechos de las mujeres es para la reforma rural integral donde hubo un esfuerzo muy grande de organizaciones de mujeres campesinas, rurales y afrodescendientes para que quedaran plasmados los derechos de las mujeres y acciones muy concretas. Quedó mucho completo también en el punto de víctimas, sobre todo en todo lo que tiene que ver con la reparación integral de justicia y reparación. Hubo una demanda muy clara, porque los crímenes contra las mujeres fueran considerados criminales no tuviera su estatuto propio entre ellos la violencia sexual y que todo el sistema tuviera conformado paritariamente. En participación política hay unos déficit en el sentido de que no están claramente plateadas estaciones en favor de las mujeres sino nos enfocamos generales. En términos de drogas y narcotráfico también hay un déficit. Qué hubiésemos querido que quedara? Pues, que hubiese quedado como unos compromisos de normas de una mayor acciones de mayor transformación de las situaciones de las mujeres no solamente rurales sino también de las mujeres en el sector urbano que han vivido también y conflicto armado lo que leen. El acuerdo tiene un déficit que es toda la parte urbana. Por supuesto el conflicto armado en este país se desarrolló básicamente en el sector rural, pero las ciudades grandes e intermedias tuvieron un impacto del conflicto armado muy grande o por qué fueron receptoras de víctimas o porque en ciudades como Bogotá y Medellín el conflicto armado se reprodujo en algunos sectores más empobrecidos de esa ciudad. El acuerdo es una una ventana de oportunidad para las mujeres avancemos en la exigencia de los derechos en transformaciones de injusticia, pero tiene que ser enriquecido con otras propuestas y un compromiso más serio el estado colombiano en la transformación de las situaciones de injusticia. El cumplimiento del acuerdo si se diese no va a solucionar todos los problemas de las mujeres en la sociedad colombiana, pero sí es un avances significativo para

colectivos de mujeres que han sido duramente golpeados en el proceso del conflicto armado

3) ¿Ha tenido el acuerdo algún efecto en la mejora de la condición de la mujer en la práctica?

Creo que el acuerdo ha tenido efectos importantes en la sociedad colombiana como que 13.000 personas no estén armadas. Es una realidad que se han disminuido en ciertos territorios los crímenes cometidos contra las mujeres, es una realidad que en algunos territorios la gente puede vivir en mejores condiciones de seguridad, aunque no de condiciones de vida, es una realidad que han disminuido los secuestros, los homicidios y feminicidios de mujeres en el contexto del conflicto armado, pero lo que es cierto es que hubo una incapacidad del Estado colombiano para garantizar una presencia del estado, no presencia militar solamente sino presencia real del estado en aquellos territorios donde las FARC tenían un control de la vida cotidiana, política y social. No tener esa capacidad del estado o la voluntad política de hacerlo ha redundado que en muchos de los territorios la situación muy crítica, cómo en el departamento del Cauca, en el departamento de Norte de Santander, de Putumayo, Antioquia, en Bolívar, en Córdoba y en Sucre, que son los territorios donde se combinaba la presencia de las FARC pero también presencia de otros actores armados como el paramilitarismo y el narcotráfico. Estamos que tenemos un acuerdo firmado con las FARC pero hay un conflicto que se está reconfigurando. Cómo se va a re configurar no lo sabemos porque hay sectores de ex militantes de las FARC que vuelven a tomar las armas, es una mezcla de muchos actores donde nuevamente las mujeres están atrapadas en la violencia. Con esos aspectos de la desmovilización es importante abrir una esperanza para este país, que es posible una sociedad sin conflicto armado, se abrió esa esperanza que cada vez se cierra más porque hay mucha incertidumbre de si el estado y la sociedad colombiana vamos a ser capaces de parar estas olas de violencia.

Que las condiciones de vida de las mujeres fundamentalmente por el acuerdo han mejorado yo me atrevería a decir que no porque se cruzó también la pandemia. Los

datos que arroja no la pandemia, sino como la pandemia pone a los ojos de todos modos las grandes desigualdades de este país y como las mujeres vivimos una situación de desventajas en aquellos sectores duramente golpeados, que son el sector servicio, sector turismo. las mujeres sobretodo están ahí y están muy golpeadas por la situación económica tenemos el mayor desempleo de mujeres no solamente en las ciudades sino también lo vemos en los territorios porque muchas mujeres con las cuales nosotros trabajamos dependían del trabajo informal. En este momento la situación de las mujeres es muy crítica en sus condiciones de vida y muy crítica en violencias, porque de todas formas no es que la pandemia hubiera reconocido la violencia, sino que las condiciones que generó la pandemia en términos del confinamiento en términos de privaciones de otro orden hacen que las cifras de la violencia contra las mujeres crezca.

Creo que el acuerdo más avanzado es casi simbólicamente o políticamente en reconocer que tenemos una injusticia y unas desventajas. En el sistema integral se avanzado bastante, todo el sistema ha venido desarrollando metodologías para poder rastrear la verdad, lo que ha pasado con las mujeres desaparecidas, para la sanción de los crímenes cometidos contra las mujeres, pero que el acuerdo en si mismo en este momento haya mejorado la vida de las mujeres no. Quizás donde más hay avances es en reincorporación, pero las mujeres reincorporadas también hacen una demanda por qué los recursos no fluyen, lo igual para las mujeres porque la situación de las mujeres reincorporadas tampoco es la mejor porque ya salen de tener una relación mucho más igualitaria el campo de batalla y llegan a la vida civil y vuelven a reproducir los roles tradicionales en su casa, criando a sus hijos y dejando la vida pública, no todas por supuesto pero son tendencias que se dan. También muchas mujeres guerrilleras al reincorporarse a la vida civil decidieron poder ser madres ya que lo habían postergado, y ahora se han dedicado a cuidar a sus hijos y sus hijas. Además, en el partido FARC solamente dos mujeres llegan al Congreso, mayoritariamente son varones.

4) ¿ Opina usted que en los espacios políticos en Colombia las mujeres tienen una representación suficiente?

No. Las mujeres participamos en la política, pero cuando se va al espacio de la representación, la representación de las mujeres es muy deficitaria en cargos de elección popular pero también en la en la estructura del estado y en la estructura económica del país. Yo creo que la participación de las mujeres es importante en el desarrollo de un país pero también un cuerpo de mujer no te garantiza que represente los intereses de las mujeres garantiza democracia. Hay mujeres que están en el en el congreso en este momento que van en contravía de una visión democrática de la sociedad, o que van en contravía de que este país tiene que avanzar hacia la transformación de las situaciones de injusticia y desigualdades. Son mujeres que también se pelean en el estatus quo, y que los campesinos y campesinas no tienen derecho a la tierra, entonces el hecho de que lleguen mujeres a las instancias de poder tanto del poder público como de la empresa no te garantiza que se amplíe la democracia. La única forma de que se garantice que las mujeres cuando lleguen ahí hagan transformaciones en la sociedad es que tengan conciencia que esta sociedad necesita transformaciones del orden político, social y económico, y que hagan está asociado una sociedad más justa más igualitaria, y sin violencia para las mujeres.

5) Desde que terminó el conflicto, ¿cómo ha cambiado la situación en relación a la violencia sexual y doméstica? ¿Las instituciones están diseñadas para prevenir eficazmente la violencia contra la mujer y castigar adecuadamente a los infractores? ¿Cuáles son los factores que hoy impiden que las víctimas denuncien crímenes de violencia doméstica y sexual?

El hecho de tener un acuerdo firmado por sí solo no iba a garantizar transformaciones en la institucionalidad ni en la vida de las mujeres. El acuerdo tiene avances significativos en el tema de víctimas, no toca otros temas de la vida de las mujeres fuera del contexto del conflicto armado. Hay varias situaciones que son muy preocupantes y cada vez toma énfasis en considerar que el feminicidio y la violencia contra las mujeres es una pandemia a nuestra manera de vivir. Es un error grandísimo hacer ese planteamiento, porque la violencia no es una

enfermedad y porque la violencia no es un virus. La violencia es una violación sistemática de los Derechos Humanos de las mujeres y son crímenes contra las mujeres. Considerar eso como una pandemia es quitarle la responsabilidad al agresor como si el agresor fuera un hombre enfermo. Los varones que golpean a las mujeres en términos generales puede que tengan algunas disfunciones emocionales, pero son hombres normales, son hombres que tienen poderes son hombres que funcionan en esta sociedad pero que hacen de la violencia un ejercicio de poder para disciplinar a las mujeres, para generar terror en las mujeres, que muestran el desprecio por la vida de las mujeres, porque en última el ejercicio de violencia contra las mujeres es un desprecio frente a su cuerpo que nos preocupa mucho porque considera la violencia como una pandemia y como un virus ese quitarle el potencial político de lo que nos ha dado. Llevamos casi 40 años considerando que la violencia es un asunto público y político, que son asuntos Derechos Humanos, que tiene impactos en la vida en la salud pública de un país que tiene impactos en la economía de un país Claro que sí que tiene impactos en la salud emocional de una mujer o la salud casi por supuesto, eso no quiere decir que la violencia sea una pandemia. Desde el feminismo no le podemos rendir culto a una forma de despolitizar las violencias, porque sarcásticamente una podría decir bueno Y entonces, por qué no han inventado la vacuna la vacuna contra la violencia. Hay una problemática muy compleja. Nosotras como Casa no estamos muy segura, si es que ahora hay más violencia o es que ahora es que ahora es más consciente de las mujeres, a que no están dispuestas a aguantar las violencias- Cada vez hay más mujeres con mayor autonomía cada vez hay más mujeres y que están dispuestas a romper relaciones violentas, cada vez hay más mujeres y con autonomía y decir No estoy dispuesta a seguir callando Esto no es un problema de mi familia solamente, sino que es un problema que tiene que ver con las estructuras políticas y cómo nos construimos como sujetos sociales, tanto hombres como mujeres. Lo real es que si hay más mujeres que se revela frente a esa situación de violencia, hay más mujeres con conciencia de que la violencia es un atentado contra sus derechos, hay más leyes a favor de las mujeres, hay una respuesta institucional distinta que hace 40 años, pero una respuesta institucional muy débil para atender las situaciones de violencia contra las mujeres no solamente en clave de protección y prevención sino también de sanción. ¿Cuáles

son los obstáculos? Hay obstáculos de diferente orden. Hay obstáculos de nivel político y ideológico, y es que se sigue considerando que la violencia contra las mujeres es el destino de las mujeres, que eso es lo que nos tocó vivir. Hay también la postura de que la violencia nosotras la buscamos, es porque te estabas vestida así, porque no escuchaste al marido, y todo eso. Hay una subvaloración también de que hay otros delitos más importantes que el delito de violencia como cuando las mujeres llegan a exigir justicia contra los delitos cometidos contra ellas. Hay también de parte de las mujeres mucho miedo a denunciar porque a veces la denuncia le significa a ellas un mayor ciclo de violencia al interior de la familia. Hay unas instituciones poco amigables para las mujeres. Son instituciones donde físicamente no están condicionadas para que las mujeres tengan lugares reservados para hablar de la situación y para denunciar, y con pocos profesionales que los puedan atender. Es una conjugación de muchos factores de índole estructural e institucional, pero también de las mujeres en el sentido de que denunciar para ellas significa un riesgo porque no hay una institución que realmente responda a medidas de protección adecuadamente.

6) ¿Cómo facilitar la reintegración de mujeres y niñas excombatientes?

Yo creo que es un déficit que tiene la sociedad colombiana. Hay que mirar las dos caras. Las FARC cometió crímenes atroces donde también estuvieron implicadas mujeres guerrilleras. No podemos en un fundamentalismo decir que los crímenes que cometieron las FARC fueron solamente de parte de los varones, hubo también mujeres que participaron en esos crímenes. Entonces hay un rechazo de la sociedad en general y de las comunidades donde ellas se han asentado de la situación que vivieron y es entendible desde el punto de vista humano. Si a mí me desaparecieron a mi mamá, a una compañera, a una hija muy difícilmente puedo convivir al lado de con quién cometió estos crímenes. En esa perspectiva no ha habido un trabajo mucho más sistemático de cómo la sociedad colombiana tiene que transitar hacia una reconciliación. No es el perdón porque es algo personal que a nadie se le puede imponer, pero sí aprender de que ellos cuentan y ellas cuentan, qué fue lo que pasó, hagan por eso y pagan en términos de lo que la gente está

establecido que el sistema establece pagar. No necesariamente es una cuestión de cárcel sino si realmente pagan por eso la sociedad va a estar más preparada para poder convivir e interactuar con ellos de una forma democrática. Creo que todavía hay heridas que no se han sanado, hay territorios donde la gente ha logrado empezar a interactuar con los ex guerrilleros y las guerrilleras, pero es un trabajo que esta sociedad tiene pendiente porque todavía en la sociedad colombiana no hay un acuerdo frente a la importancia de la paz o la importancia de que lo que se firmó tiene que ser cumplido y que tenemos que pasar la historia no para olvidarlas sino para empezar la tarea de construcción de paz y Reconciliación. No hay un trabajo desde el estado seriamente, hay algunos intentos de organizaciones sociales de las iglesias de un trabajo de reconciliación, pero que carece todavía de una reconciliación más vista desde la ética civil.

7) ¿Cuáles son los mayores desafíos que el Estado colombiano enfrenta el estado en la actualidad con respecto a la condición de la mujer?

Los retos en relación con las mujeres son retos que tienen que ver con una visión también del país. Los avances en términos de eliminación de desigualdades para las mujeres no se pueden lograr si la sociedad colombiana no avanza en eliminación de desigualdades, en ser una sociedad más redistributiva en los términos de ingresos, riqueza y recursos. Los avances en términos de que las mujeres podemos acceder a la justicia no se logran si no hay realmente una justicia que funcione adecuadamente. Los retos de esta sociedad para las mujeres están en íntima relación con que si la sociedad es capaz de caminar hacia la construcción de la democracia y la justicia, por supuesto partiendo que las injusticias impactan diferencialmente a las mujeres, y no a todas las mujeres de forma igual, pues las impacta principalmente a mujeres afro, a mujeres indígenas y a mujeres jóvenes. Si el estado colombiano no es realmente un estado social de derecho que garantiza derechos a todos, muy difícilmente se van a lograr transformaciones para las mujeres, sino solo para ciertos colectivos de mujeres y no para el conjunto de mujeres.

Interview n. 3

Natalia Torres - Dejusticia

Natalia Torres is a lawyer from the National University of Colombia. Her research interests include Constitutional Law, Human Rights and Transitional Justice.

1) ¿De qué se ocupa su organización? ¿Cuáles son sus áreas de actuación principales? ¿Cómo desarrollan sus proyectos y cómo seleccionan las áreas de interés?

Dejusticia es un centro de estudios jurídicos y sociales que tiene como objetivo realizar investigaciones, pues cómo incidir en las políticas públicas y acciones a nivel nacional principalmente en diferentes temas. Para eso tiene como diferentes recursos, uno es la investigación a partir de una metodología de investigación acción que implica no sólo cómo hacer un trabajo muy de escritorio sino también la idea es como un trabajo en conjunto con organizaciones y comunidades de tal forma que haya una retribución también del trabajo que hace la organización a las personas con las que trabaja, o sea que no sea como una investigación en una sola vía como conocer la información y ya, sino que también hay una devolución y que la información también y los resultados de las investigaciones van a las personas con las que trabajamos. Ese es el objetivo de la investigación de la organización. También tiene un componente del litigio, el componente esencialmente del litigio estratégico para tener una mayor incidencia en los temas de política pública más importantes. Entonces nosotros tenemos diferentes áreas de trabajo como justicia transicional, justicia ambiental, hay un componente de Justicia económica que se nutre principalmente sobre la garantía de derechos económicos, sociales y culturales. También tenemos una línea de género, también de campesinado campesinado y tierras, de justicia fiscal. Entonces, pues a partir también de las necesidades que ve cada una de las líneas se trabaja en conjunto con el área de litigio estratégico para ver cuáles son los mejores mecanismos de incidencia desde Cortés o el legislativos en los temas que se quiere incidir. También tenemos un componente de comunicaciones en área de comunicaciones que busca toda la incidencia en medios de comunicación y redes sociales para llegar también no sólo a tomadores de decisiones sino también a la ciudadanía en general. Y una área

transversal también de regionalización con la que trabajan también las diferentes líneas para tener mayor incidencia o trabajar en conjunto con comunidades y poblaciones urbanas como tal. De mi parte yo soy investigadora de línea de justicia transicional. Trabajé los dos años anteriores en Dejusticia especialmente en el área como un equipo chiquito de paz que hacíamos sobre todo seguimiento a la implementación de los acuerdos de paz y algunas investigaciones sobre legitimidad del acuerdo y bueno, algunas cosas específicas sobre reincorporación y planes de desarrollo con enfoque territorial. Ahorita estamos trabajando en temas de apoyo a la Comisión de la Verdad y un tema que hemos trabajado desde hace varios años es sobre responsabilidad de agente de terceros civiles, como la responsabilidad que ahorita tiene ante la JEP y los temas de reparaciones y de participación de víctimas respecto a victimarios que sean tercero civiles y miembros del estado y miembros de fuerza pública .

2) Opina usted que las prescripciones del Acuerdo Final fueron lo suficientemente inclusivas para las mujeres? ¿Qué fue lo que faltó?

Yo creo que hubo un gran avance importante con el Acuerdo Final de incluir a las mujeres y no sólo como desde lo que está escrito en el acuerdo como las disposiciones en sí, sino también durante la fase de negociación, que las comisiones de las negociaciones tenían mujeres presentes para la inclusión de estos puntos. También por la incidencia de las organizaciones feministas fue posible que quedará como este capítulo enfoque de género que se debe implementar de manera transversal. Entonces yo creo que las disposiciones que están respecto a mujeres sí son importantes, son un gran avance, y creo que más que las disposiciones en sí que hayan quedado hay un mandato general de implementación de todo el Acuerdo Final con un enfoque transversal de género. Más allá de que sí faltó alguna disposición o no, creo que la mirada con la que uno debe revisar y se deben implementar los mecanismos es a través de ese enfoque. Y bueno no solo al enfoque de género como en sí mismo, sino también el otro enfoque transversal del acuerdo, que es el enfoque étnico, para el cual también se llegaron a acuerdos con organizaciones. Llegaron organizaciones indígenas y afro a ese acuerdo con el gobierno de que también hubiera un enfoque transversal étnico, y eso también permite, por ejemplo, un análisis de las disposiciones en

implementación en mujer familia y generación, que es a partir del enfoque, por ejemplo que las organizaciones indígenas reivindicaron antes de las negociaciones. Entonces no es un enfoque de género unas disposiciones como planas en sí misma sino que se debe mirar a través de sus enfoques de manera diferencial.

3) ¿Ha tenido el acuerdo algún efecto en la mejora de la condición de la mujer en la práctica?

Pues bueno, yo ahí no te podría dar como una respuesta muy específica porque no lo he trabajado en sí mismo, pero sé que como le he hecho un poco de seguimiento al tema de implementación creo que sin tener como adelantos la implementación el enfoque de género es de los más rezagados en esto. Esto lo puede mirar con el grupo de Género y Paz que es un grupo de organizaciones feministas que le hacen el seguimiento específico a la implementación del Acuerdo y el último informe es de 122 medidas que se han identificado en el Acuerdo que tenían que cumplirse de manera específica, especialmente en enfoque de mujeres, y sólo 13, ya estaba satisfechas. Esa es una visión a manera general, o sea creo que todavía falta mucho de entender la implementación en sí misma. Hay grandes retos para realmente transformar en la práctica y hasta ser la transformación especifican la práctica de las mujeres. Tengo conocimiento de que por ejemplo existen grandes retos en temas de reincorporación en las mujeres que hacen parte de los procesos de reincorporación porque por ejemplo las condiciones en los Antiguos Espacios Territoriales de reincorporación son muy pequeños, las condiciones para las mujeres lactantes o niños chiquitos o con niños pequeños no son las mejores, entonces en esa parte hay grandes retos. Y algo en lo que no sé avanzado mucho tampoco por ejemplo es en el Punto Uno sobre Reforma Rural Integral debe que haber un acápite específico de género que se debe implementar y estaba realmente totalmente atrasado y las disposiciones normativas que hay son muy generales. Entonces no han dado pie a dar una transformación en sí misma en la práctica.

4) ¿ Opina usted que en los espacios políticos en Colombia las mujeres tienen una representación suficiente?

Yo creo que ha habido un incremento en la representación, pero no me atrevería a decir que suficiente. Creo que todavía falta bastante representación. Inclusive

recientemente Dejusticia interpuso una demanda frente a unos decretos del ejecutivo que nombraba a unos funcionarios como ministerios. En Colombia existe una ley de cuotas en que los cargos públicos en gabinetes tienen que tener una cuota del treinta por ciento. Los últimos decretos dejaban por fuera a las mujeres dejando por debajo de ese 30 por ciento las mujeres en los cargos. Entonces existe una ley de cuotas que supuestamente debe cumplirse para la representación de las mujeres en cargos públicos y no se está cumpliendo tampoco ni siquiera ese 30 por ciento. Creo que en el Congreso ha habido un incremento de participación de las mujeres, sin embargo yo sí me atrevería a decir que yo en lo personal no considero que sea una representación suficiente.

5) Desde que terminó el conflicto, ¿cómo ha cambiado la situación en relación a la violencia sexual y doméstica? ¿Las instituciones están diseñadas para prevenir eficazmente la violencia contra la mujer y castigar adecuadamente a los infractores? ¿Cuáles son los factores que hoy impiden que las víctimas denuncien crímenes de violencia doméstica y sexual?

La verdad no me atrevería a darte una respuesta en si, no tengo la cifra realmente en temas de violencia de género. Siguen hoy con una incidencia fuerte por parte de las organizaciones de mujeres, creo que todavía hacen mucha falta realmente procedimientos y acuerdos para prevenir y atender los casos de violencia de género, pero no me atrevería a dar una relación realmente como del acuerdo de paz con reducción o incremento de la violencia de género, no es un tema con específico que haya tratado.

¿Cuáles son los mayores desafíos que el Estado colombiano enfrenta el estado en la actualidad con respecto a la condición de la mujer?

Hay necesidades de enfoques de género en temas de investigaciones que tengan que tengan las mujeres como víctimas. También se necesitan políticas por parte de la policía y fuerzas militares en temas de género, creo que hace mucha falta educación en este. Yo creo que este último es un tema muy relacionado, porque el año pasado se conocieron unos casos de violencia sexual contra niñas indígenas, pero la responsabilidad de los agentes oficiales en estos casos realmente siempre

se ha quedado empune, entonces si hace falta como una mayor investigación en estos casos y qué hace y qué tiene mucha relación con la implementación del Acuerdo porque el acuerdo tenía un componente de seguridad en los territorios. No se puede dar una seguridad de los territorios solamente con fuerza policial y militar si estos organismos no tienen las políticas de género y de respeto y de garantía derechos de las mujeres en específico. Entonces si se piensa las seguridades desde una mirada militarista, y si estos organismos no tienen las políticas de género claras con respeto a los derechos de las mujeres, pues ya vamos mal. Los años anteriores han sido como ejemplos claros de vulneraciones a los derechos de las mujeres en este sentido en territorios donde se supone que debería estar la garantía del estado. Y eso por un lado, pero también si se mira el tema del componente de seguridad y estabilización de los territorios a partir, por ejemplo, del punto uno de Reforma Rural Integral son necesarias políticas de capacitación en proyectos productivos para las mujeres. Todo lo que tiene que ver con la justicia rural también tiene que tener en cuenta que es un enfoque de género también cuentan las mujeres rurales y sus diferencias indígenas, campesinas, afro, es esencial el de los diferentes los diferentes enfoques. Por ejemplo en el punto 4 de sustitución de cultivos también hace mucha falta que las políticas tengan un enfoque diferencial en este sentido, que se puedan hacer los programas de sustitución de cultivos, que se cumplan los mecanismos establecidos en el Acuerdo Final. Entonces yo creo que es realmente los retos que tiene el Estado implementar en materia de género prácticamente son todos: garantías de participación de las mujeres en el ámbito político, garantía de los derechos de las mujeres por un proceso de reincorporación, también se necesitan que tengan todas las condiciones necesarias en todos sus derechos y también las garantías no sólo de vida sino también de oportunidades de trabajo educación, y participación política. En educación también hace mucha falta el componente de educación sexual y derechos reproductivos. Creo que realmente lo que hace falta es mucho desarrollo en estos temas de implementación de políticas de género. Creo que es esencial que el Estado se ponga realmente a revisar el tema e implementarlo. Todo el Acuerdo debe estar implementado con un enfoque de género y esto prácticamente no se ha hecho. Algunos mecanismos normativos dicen que se implementará con enfoque de género, que las mujeres rurales tendrán acceso a tierras, por ejemplo, que eso es

parte de uno de los decretos, pero en la práctica, por ejemplo, el tema de restitución de tierras está en un gran porcentaje para hombres. Entonces hay unas grandes desigualdades en estos sentidos que por más que lo diga una disposición normativa hace falta ponerlo en práctica, porque lo que nos muestran los desarrollos es que realmente no se está cumpliendo.

Interview n. 4

Leonardo González - Indepaz

Leonardo González is a project coordinator at Indepaz. Mr González is a professional in Law with an emphasis on Human Rights, and a researcher on issues related to peace, ethnic minorities, Human Rights and companies, and International Humanitarian Law. Moreover, he is a coordinator of the Investigative Unit of Indepaz for the analysis of armed conflict.

1) ¿De qué se ocupa su organización? ¿Cuáles son sus áreas de actuación principales? ¿Cómo desarrollan sus proyectos y cómo seleccionan las áreas de interés?

Indepaz es una organización que nace hace ya varias décadas, desde el ochenta y cuatro más o menos, siempre con intención de apoyar a la construcción de la paz en general, no solamente el cese de los fusiles, sino de un clima de paz. Y al principio acompañamos, apoyamos la participación de sociedad civil de diferentes voces para los acuerdos de paz que se presentaron en los ochentas. Muy, muy de frente, especialmente con la negociación con el M-19. Ahí las personas que en ese momento están en Indepaz acompañaron bastante esta negociación. Y luego en los noventas, en 1996 más o menos, empezamos a trabajar bastante el tema del Derecho Internacional Humanitario de la Humanidad, de humanizar la guerra de alguna forma, de empezar a hablar de acuerdos humanitarios, de diálogos de paz con las FARC y de involucrar a la sociedad civil en esto. Y se hicieron varias campañas, participamos en la negociación que se dio entre el Gobierno y las FARC en el Caguán, trabajando con las audiencias ciudadanas, dónde iba a las personas toda a presentar sus propuestas sobre lo que pensaban que era la paz dependiendo de su sector. Y desde esa época hasta acá hemos tenido diferentes temas de trabajo. Especialmente unos serán el tema de empresas y derechos humanos: cuál es la labor de las empresas en la construcción de la paz; los acuerdos humanitarios y todo lo que tenía que ver con resolución pacífica de conflictos. Hemos hecho muchos talleres de diplomados, todo tipo de cosas de investigaciones. Y en la última década, pues trabajando bastante con la implementación del proceso de paz, ayudando desde la academia, porque digamos que nuestra intención no es ser

una organización de masas ni una organización de militancia, por así decirlo, sino una organización de la academia de pensamiento y desde el pensamiento acompañar a las comunidades, a las organizaciones sociales. Entonces en eso hemos estado, en los diferentes procesos de paz, diálogos, algunos fructíferos, otros no tanto y otros más o menos como las AUC. Acompañando a las comunidades y discutiendo sobre lo que se estaba presentando en el momento, la ley de justicia y paz, si es positiva o no positiva. Y en todo esto hay coyunturas, y las coyunturas también tratamos de tocarlas y hacer investigación y profundización, siempre y cuando colaboren a lo que las comunidades están haciendo, pues en esas más o menos de lo que estamos y lo que es Indepaz.

2) Opina usted que las prescripciones del Acuerdo Final fueron lo suficientemente incluyentes para las mujeres? ¿Qué fue lo que faltó?

Se hizo un ejercicio interesante de inclusión de un trabajo de género y no solamente para las mujeres, sino la mujeres y la población LGBTI, y todo lo que implica género. Pero sí se trabajó bastante por parte del Gobierno y por parte de FARC para tener una visión o, más bien, respetar lo que es el pensamiento de los diferentes géneros, y, en el caso de la mujer, el pensamiento de las mujeres en cada uno de los temas del proceso de paz, pues en el tema de tierras, en el tema de víctimas, en el tema de sustitución de cultivos, incluso en tema de justicia. Y lo hicieron siempre con un enfoque de género, el cual fue muy criticado por el ala del uribismo y el ala después del NO en el plebiscito, porque ese era uno de los principales puntos de batalla diciendo que el género y la discusión de género y que votar por el sí era que iban a ampliar derechos para los homosexuales y que se puedan casar y que iban a decir un mundo de cosas que no tenían nada que ver con el acuerdo de paz. Pero de todas formas, con las correcciones que se hicieron después en el segundo, el acuerdo de Colón, quedaron bastantes temas sobre el tema de género que creo que es amplio. Sobre todo lo que se intentó es implementar y desarrollar la Constitución del '91, nuestra Constitución, que es muy rica en tema de género, pero muy pobre en implementación y muy pobre en la legislación. Entonces se trató también en el mismo acuerdo de paz garantizar esto, y creo que se ha logrado. Faltaron muchas cosas. Faltó un capítulo de género, por ejemplo, así como existía un capítulo étnico. Deben haberse escrito un capítulo

para las mujeres. Pero a veces, cuando se trata de transversalidad de género en un proyecto o en un acuerdo, queda transversal, pero no queda nada. Aquí sí quedó. Hay algunos artículos, algunos puntos específicos que trataron el tema de género, e igual es importante.

3) ¿Ha tenido el acuerdo algún efecto en la mejora de la condición de la mujer en la práctica?

Ya la implementación ha sido difícil, y no solamente en el tema de la mujer y no solamente en temas de género. La implementación ha sido muy pobre por los dos gobiernos, no solamente por Duque, sino también por el gobierno de Santos, lo cual aplaudimos y que se dió la pelea para que se presentara un acuerdo de paz. Pero en el año y medio, dos años que estuvo para poder implementar quedó corto, y obviamente con Duque, pues ha sido mucho menos de la implementación, no solamente en género, sino en todos los puntos. Y no, no ha sido lo óptimo. Sin embargo, no dependemos tampoco de la implementación, sino también de dos cosas. Y uno es la cultura de apropiación por parte de la sociedad, la legitimidad que tiene el acuerdo de paz por parte de la sociedad, el cambio de pensamiento que tiene por parte de la sociedad de un acuerdo de paz, es decir, lo importante que es un acuerdo de paz que llega a las comunidades a la sociedad en general y que tiene que empezar a cambiar y ha empezado a cambiar el pensamiento de muchos. Ya se empieza a hablar de perdón, ya se empieza a hablar de mirar al otro, de escucharlo, de ponerse en los zapatos del otro. En temas de género creo que se ha ampliado bastante, pues no es lo que quisiéramos, por supuesto, pero sí hay una discusión sobre incluso sobre qué partido político es más amplio para las mujeres. Esa es una discusión que hoy en día está en la punta de las agendas. Entonces uno es eso y lo otro que los mismos excombatientes firmantes del acuerdo y los países garantes han exigido y están pendientes del tema de género. Entonces, a pesar de la falta de implementación, sí existe ese desarrollo en la temática.

4) Opina usted que en los espacios políticos en Colombia las mujeres tienen una representación suficiente?

No, todavía falta bastante, lastimosamente. Hay una ley de cuotas. Algunos hablan de discriminación positiva, pero de todas formas es algo que se ordena, entonces,

mientras a una sociedad le tengan que ordenar por obligación (o sea tienes que tener un porcentaje de mujeres) es una sociedad que se está auto reconociendo que es machista. Es decir, el día en que no tengan que legislar diciendo que se necesita esto es porque ya lo reconocemos y porque ya no necesitamos y porque ya un partido mira igual al hombre que a la mujer y demás. Y la participación hoy de las mujeres en los partidos? Falta mucho, no tanto por participación de mujer, porque una cosa es la participación de la mujer y otra cosa es la participación del pensamiento de la mujer, de la forma de ver la política, de la forma de concebir a las víctimas y la justicia. Entonces hace falta la visión en los programas políticos, y qué es lo que piensan las mujeres frente a este tema, o frente al otro tema. Sí hay avance, pero no lo que quisiéramos.

5) Desde que terminó el conflicto, ¿cómo ha cambiado la situación en relación a la violencia sexual y doméstica? ¿Las instituciones están diseñadas para prevenir eficazmente la violencia contra la mujer y castigar adecuadamente a los infractores? ¿Cuáles son los factores que hoy impiden que las víctimas denuncien crímenes de violencia doméstica y sexual?

No ha cambiado. La violencia contra las mujeres sigue siendo una de las principales violencias en este país, y no solamente en temas de conflicto armado, no solamente por los compor los actores del conflicto, sino violencia en general en la cotidianidad. Pero en temas de conflicto las principales víctimas son las mujeres. Los hombres van a la guerra, los hombres digamos que son víctimas directas, pero muchas víctimas indirectas también son las mujeres. Y también víctimas directas en temas de de violencia sexual en desplazamiento son las mujeres las encargadas de reconstruir una sociedad. Pero asimismo, son las mujeres las que resisten. Es decir, en una sociedad, en unas comunidades, son las mujeres las que en estos momentos, después de una guerra, en plena transición como estamos, o en medio de un conflicto grande en las zonas más peligrosas del país, son las mujeres, las líderes. Son las mujeres las que están resistiendo, son las mujeres las que están poniendo la cara. Hay casos como el de Apartadó de un grupo de mujeres, más de cien mujeres que estaban diciendo mira lo que está sucediendo con nuestro pueblo, son las mujeres las que están saliendo y eso es rescatable porque a pesar

de la violencia que se está viviendo hacia las mujeres, son ellas las encargadas de esa resistencia y los programas son insuficientes, las políticas son insuficientes. Existe un capítulo para mujeres: si se es mujer, entonces hay una ruta distinta. Las alertas tempranas de la Defensoría del Pueblo también tocan el tema de género para precisamente alertar y decir lo que puede suceder. Es una población que se tiene cuidado, pero no se está implementando lo suficiente, o no se están aplicando las suficientes medidas para proteger a las mujeres en el territorio.

Lo que impide hoy denunciar actos de violencias es la continuidad, es el miedo a la continuidad tanto en lo individual como en lo colectivo. Entonces, en lo individual la mujer no denuncia porque está viviendo con el agresor, y porque muchas veces, cuando denuncia al agresor lo mandan a la casa, es que se han visto casos en donde lo castigan y el castigo es darle casa por cárcel. Y en la casa está la mujer que agredió, es una locura. O en esta época de coronavirus y de pandemia se ha exacerbado el tema de violencia contra las mujeres porque están obligadas a vivir con el agresor. Muchas veces es el esposo, el tío o el papá. Eso es en lo individual que todavía conviven con el agresor y en lo colectivo también. El proceso de paz con las FARC fue con las FARC en algunas zonas, pero donde estaban las zonas de las FARC llegaron otros grupos. Entonces continúa el conflicto en muchas zonas, y las mujeres tienen miedo a denunciar y demás porque ahí están viviendo con el conflicto. Entonces yo creo que es el principal problema y es el miedo. Y en la falta de mecanismos para la denuncia y que sea una denuncia efectiva, pero que tenga una respuesta por parte del Estado porque no sacamos nada con denunciar y que. Y que no pase nada.

6) ¿Cómo facilitar la reintegración de mujeres y niñas excombatientes?

Es bien difícil porque cuando una niña entra a la guerra cuando son menores de 16 eso se toma como una obligación y un reclutamiento forzado. Entonces, cuando se presenta reclutamiento forzado pero luego estas personas hacen parte de la estructura, y en el caso de FARC los que se han encargado es de acompañar a estas personas y de no soltarlas hacia bienestar familiar y demás otras cosas porque sienten que son como sus hijos. Ese ha sido uno de los de la visión o de la postura que ha tenido FARC, pero también existen otras posturas en donde se dice

que estas mujeres han sido víctimas también y hay que empezar a revisar y a hablar de lo que ha sucedido y hablar de todos los hechos que han sucedido en medio del conflicto en el medio de la guerra. Entonces creo que hace falta eso, pero lo que nos cuentan es que en la guerra es que no se tenía una gran diferencia entre unos y otros. Aunque obviamente una guerrilla es una especie de microsociedad, un reflejo de la sociedad y una sociedad machista también estaba en la guerrilla, no todas iban a combate, tenían unas labores de cocina, unas labores diferentes de comunicación o muchas si querían estar en el combate y cosas así, el tema del aborto, el tema de la de la planificación. Entonces sí había diferencias, pero se pretendía que no existieran esas esas diferencias en algún momento.

7) ¿Cuáles son los mayores desafíos que el Estado colombiano enfrenta el estado en la actualidad con respecto a la condición de la mujer?

El Estado colombiano hoy tiene una deuda muy grande con las mujeres, especialmente con la lucha por los derechos de las mujeres. Tenemos que desarrollar la Constitución, que desarrollar los derechos humanos, que tener una visión mucho más amplia en temas de derechos de la mujer, de derecho del aborto, derecho de decisión sobre su cuerpo, de derechos políticos. Hace falta todavía mucho en lo privado, de trabajo igual y salario igual. Las mujeres en Colombia llegan hasta a lo que es lo que han denominado el techo de cristal, y es que no pasan en las empresas de subgerentes y hasta ahí, es decir llega siempre a un límite. En la sociedad tenemos que quitar esos micromachismos, es decir, que cuando habla una mujer es distinto que cuando habla un hombre. Y lo hemos visto en muchas partes y no solamente en las organizaciones sociales, en las comunidades. Es que yo creo que a nosotros nos pasa, por ejemplo, como cuando llega a una comunidad una persona y dice yo soy abogado, la comunidad le cree más por simplemente porque es abogado, y le creen más que al amigo que es sociólogo, antropólogo, politólogo o lo que sea, y eso pasa también cuando habla una mujer en una comunidad. Cuando llegan una mujer y un hombre del mismo rango y habla la mujer le creen más al hombre, entonces todavía están esos micromachismos en las comunidades, en las organizaciones sociales, en las

empresas, en la sociedad. Entonces tenemos una gran deuda y tenemos que quitarnos muchas cosas de la cabeza todavía para empezar a cambiar. Y esto no es exigirle al Estado solamente que implemente, sino que también es de abajo para arriba. Es cambiar desde abajo. Hay mucho que tenemos que aprender. Muchísimas cosas no sabemos. No sabemos muchos temas como tratar sobre feminismo, sobre lucha de mujer. Y nos hace falta. Y tenemos que aprender. Tenemos que aprender todos.

Interview n. 5

Irina Cuesta - Fundación Ideas para la Paz

Irina Cuesta is a researcher at the Fundación Ideas para la Paz in the area of Conflict Dynamics and Peace Negotiations, where she works on issues related to rural women and illegal economies, security and gender-based violence, territorial dynamics of armed conflict, and social conflicts. Ms Cuesta is a sociologist with a master's degree in sociology from the Universidad del Valle.

1) ¿De qué se ocupa su organización? ¿Cuáles son sus áreas de actuación principales? ¿Cómo desarrollan sus proyectos y cómo seleccionan las áreas de interés?

Nosotros somos Fundación Ideas para la Paz. Es un centro de pensamiento colombiano que desde finales de los años 90 viene trabajando temas de conflicto armado, construcción de paz y seguridad en Colombia. Tenemos cuatro áreas temáticas de trabajo. Una de ellas es dinámica de conflicto y negociaciones de paz, que es el área en la que yo trabajo y de la cual soy investigadora; otra que se llama seguridad y política criminal; una tercera que se llama Empresas Paz y derechos humanos; y otra que he abordado temas de posconflicto y participación. Adicional a estas áreas temáticas. Tenemos un centro de Pedagogía y educación para la paz que se llama Transforma, que da todo el contexto más metodológico de los proyectos que implementamos desde la visión más pedagógica para la paz, y un área de comunicaciones y un área administrativa. Funcionamos principalmente desde Bogotá con un staff de investigadores, asistentes de investigación, pero también tenemos investigadores en algunas regiones del país vinculados a algunos proyectos que desarrollamos. Esa es la forma en que está organizada la fundación en términos de lo que hacemos. Dentro de esas áreas programáticas está todo el trabajo del área de empresas, Paz y Derechos Humanos, que es una de las tareas sistemáticas por las que somos tal vez más reconocidos en el país. Y es esto del rol que tiene el sector empresarial en la construcción de paz en Colombia, donde se desarrollan diferentes proyectos de trabajo. En el área en la que yo trabajo nos

encargamos de hacer seguimiento y análisis sobre las transformaciones del conflicto y la violencia en Colombia, sobre la implementación del acuerdo de paz y un análisis de las oportunidades que hay para la construcción de paz en contextos afectados por el conflicto y la confrontación armada en mi país. A esto también se suma el análisis alrededor de la política de drogas y otros temas de seguridad.

2) Opina usted que las prescripciones del Acuerdo Final fueron lo suficientemente inclusivas para las mujeres? ¿Qué fue lo que faltó?

Yo creo que el acuerdo de paz firmado con las FARC ha sido reconocido a nivel mundial por la incorporación del enfoque de género y de unas medidas de género concretas en los diferentes puntos que acordaron el Gobierno y la guerrilla. No sólo por las medidas, no sólo lo que es famoso, sino también el trabajo de incidencia que hubo en la mesa de negociación por parte de organizaciones de mujeres y de algunos equipos negociadores de Gobierno para incorporar ese rol de las mujeres en la negociación y en el acuerdo y, por supuesto, en la implementación posterior de los acuerdos. Yo creo que, en términos generales, las mismas organizaciones de mujeres y la comunidad internacional ha reconocido que este es uno de los avances más importantes en términos de construcción de paz en Colombia y a nivel mundial. En ese sentido, lo que queda consignado en el acuerdo y ese enfoque de género sí es comprensivo, es una apuesta grande. Tuvo una ambición bastante grande en términos de incorporar los derechos de las mujeres. Ha sido un avance, sin duda relevante. Cinco años después del cierre de la negociación uno podría decir que hay cosas que pudieron haber quedado mejor en términos del enfoque de género, que se podrían estar haciendo mejor en la implementación, pero sin duda si es una de las principales avances y logros recientes en temas de género y construcción de paz en el país y a nivel mundial. Claro, allí hay como unos matices. No hay que olvidar, sin embargo, que la discusión sobre el enfoque de género en la mesa de negociación no estuvo desde el inicio de la negociación. Eso llega. Eso se empieza a incorporar después. La subcomisión de género aparece después. Hay unos trabajos muy interesantes sobre ese proceso de la Corporación Humanas y de la misma Ruta Pacífica de Mujeres. Tampoco hay que desconocer que en el

momento del plebiscito, cuando se acaban las negociaciones, la refrendación del acuerdo de paz tuvo como uno de sus puntos de discusión el enfoque de género con esto que surgió en Colombia de la discusión de la ideología de género. Fue una discusión liderada por sectores de iglesias cristianas más conservadores, donde se atacó el enfoque de género que incluye el acuerdo. Allí ese acuerdo se transforma, hay unos cambios en la redacción del acuerdo, o si se reemplazan algunas palabras y queda la versión final de la puerta. Sin embargo, esa versión final del acuerdo, la de noviembre de 2016, conservó en esencia lo que se pretendía con el enfoque de género y siguió manteniendo la no discriminación y la equidad de género como el ámbito sustancial de la paz. Entonces, en ese sentido es un hito y es sustancial lo que quedó reflejado en el acuerdo, y como proceso político es supremamente importante.

3) ¿Ha tenido el acuerdo algún efecto en la mejora de la condición de la mujer en la práctica?

En dos semanitas vamos a sacar un informe sobre esa pregunta. Una de las conclusiones que sacamos en ese informe, después de trabajar con organizaciones de mujeres en estas dos regiones del país, es que el acuerdo ha marcado una oportunidad para las mujeres en las regiones de Colombia. Por supuesto eso tiene matices, pero en principio las mujeres en los territorios sí perciben que el acuerdo de paz abrió, por ejemplo, escenarios de participación donde muchos liderazgos de mujeres pudieron salir a la luz y potenciarse, sobre todo defendiendo derechos de las mujeres. Porque como el acuerdo quedó con unas medidas de género de alguna manera, ya que reconocen que podían entrar a esos escenarios de participación que abrió el acuerdo. Pues exigiendo justamente la incorporación de medidas con enfoque de género. Entonces eso sí ha sido reconocido por las mujeres como cambio y una oportunidad sustancial. Otro cambio y oportunidad sustancial que ha sido la articulación de diversos actores alrededor de la implementación del acuerdo de paz. A qué me refiero? A procesos organizativos de mujeres que, por ejemplo, han trabajado con excombatientes mujeres de las FARC en algunas regiones. Es el caso del Urabá antioqueño. Por ejemplo, para potenciar iniciativas

económicas, productivas, incluso más políticas si se quiere. Pero también está un sector empresarial en algunas regiones de Colombia que ha querido aportar a los procesos de reforma rural integral del Punto 1 del Acuerdo. Y eso también se percibió como una oportunidad. Y sin duda, la disminución de la confrontación armada ha sido un beneficio para las mujeres. Pero en el Putumayo en su momento apenas se desmovilizó a las FARC las mujeres reconocían que había un cambio en su percepción de seguridad y había una movilidad y por tanto se podían ir a sitios en la región donde antes no se podía ir. Pero también ese caso el Putumayo luego se empeoró un poco y en este momento el Putumayo está de nuevo en una situación de seguridad muy complicada y en particular para las mujeres por temas de amenazas a lideresas, violencia sexual, entre otros. Entonces, esas son como las oportunidades que abrió el acuerdo, que nosotros hemos visto que las mujeres sí reconocen eso, pero sobretodo que todavía se defiende la implementación del acuerdo y se defiende el enfoque de género del acuerdo de paz por parte de estas mujeres que están en los territorios. Y eso yo creo que sí es muy importante porque les ha dado una agenda de trabajo y una intención política para seguir trabajando en en sus comunidades.

4) Opina usted que en los espacios políticos en Colombia las mujeres tienen una representación suficiente?

Yo creo que sí. Es importante diferenciar las oportunidades que abre el acuerdo de paz en estas regiones. Pero no todo es responsabilidad del acuerdo de paz. A qué me refiero? El acuerdo de paz es una oportunidad y un impulso para ciertas medidas de equidad de género en el país. Sin duda lo es. Pero no va a ser el responsable único, o no va a ser el único instrumento con el cual se van a lograr ciertas condiciones de equidad, porque elementos como la participación política dependen de diversidad, de factores para hacerse reales. Entonces, el acuerdo ha sido un instrumento que abre una oportunidad para participación política en el en a nivel regional, para estas mujeres líderes locales. Por otro lado, a nivel Colombia, en términos de la participación política en espacios formales de la política tradicional, es un escenario que tiene otros matices y otras condiciones. Yo lo que creo y lo que ha mostrado algunos estudios en el país es que hemos transitado hacia escenarios políticos de mayor equidad, ya sea por la paridad numérica en

algunas instancias de gobierno local y nacional. Pero pues quedan unas brechas que son igual, muy importantes. Entonces tenemos estos logros, que son importantes, pero que se siguen dejando el sinsabor de quien no sabemos si son sostenibles, que no es el punto de llegada deseado. Finalmente en Colombia hay una ley de cuotas que no se cumple, pero probablemente si no hubiera ley de cuotas, pues estaríamos peor. O sea, hay varios elementos a tener en cuenta si uno quiere volver, como el tema de la participación política. Pero en esos espacios formales de la política, ahora en espacios informales de la política, es decir, los movimientos sociales, los liderazgos locales, las organizaciones comunitarias, las mujeres en Colombia han tenido un protagonismo muy importante, principalmente en la movilización política por la paz y la salida negociada al conflicto armado. Y un ejemplo de eso, pues son movimientos como la Ruta Pacífica, la Iniciativa de Mujeres por la Paz y a nivel local en las regiones por muchos otros procesos organizativos. Sin embargo, hay elementos muy complejos e de esos liderazgos porque son igualmente afectados por desigualdades de género en los territorios. Entonces tienes lideresas que movilizan la agenda de paz en las regiones del país, pero que se enfrentan a las brechas y desigualdades económicas frente a sus compañeros hombres, pero también tienen cargas de cuidado porque responden por sus familias. Entonces, el ejemplo concreto es la lideresa, que además de trabajar administra la Junta de Acción Comunal y tiene tres hijos y cuida de sus padres, entonces es una participación política diferente, que igual asume y tiene muchas brechas con las cuales enfrentarse. Entonces yo diría que hay dos escenarios, pero los dos escenarios. Yo creo que sí ha habido avances en Colombia, pero aún hay unos recorridos muy grandes que la pandemia nos está mostrando otros retos adicionales por porque cuales son grandes retrocesos importantes en ese tema por los efectos de de la pandemia en sí mismo.

5) Desde que terminó el conflicto, ¿cómo ha cambiado la situación en relación a la violencia sexual y doméstica? ¿Las instituciones están diseñadas para prevenir eficazmente la violencia contra la mujer y castigar adecuadamente a los infractores? ¿Cuáles son los factores que

hoy impiden que las víctimas denuncien crímenes de violencia doméstica y sexual?

Yo creo que es importante tener en cuenta los antecedentes de la discusión sobre las afectaciones particulares que han sufrido las mujeres en Colombia en el marco del conflicto armado. Este no es un tema que surja por primera vez en el acuerdo de paz de las FARC. Ya desde atrás, por lo menos desde mediados de los 90, cuando empiezan a aparecer movimientos de mujeres muy fuertes, empieza a denunciar también el uso de la violencia sexual por parte de grupos armados y efectos particulares del conflicto sobre las mujeres. Y entonces hay un hito importante. O hay varios hitos importantes. Y es que en Colombia la Corte Constitucional reconoce que la violencia sexual y la afectación particular sobre las mujeres. Eso sucede antes del acuerdo de paz con las FARC. Y el proceso de justicia y paz e de luz de los grupos paramilitares en el año 2005 tuvo como una denuncia fuerte en el uso de la violencia sexual en el conflicto colombiano. Ha habido varios avances desde esas épocas donde las mujeres, sobre todo las lideresas, han denunciado eso y han querido visibilizar esos impactos diferenciados y el Estado colombiano lo ha reconocido. Y un hito importante fue la ley 1448 de 2011, la Ley de Víctimas, que se incluye como un una victimización en el marco del conflicto, los delitos contra la integridad sexual, reconociendo también que las personas LGBTI por razón de diversidad sexual y orientación sexual identidad de género también tuvieron afectaciones particulares en el marco de la guerra. Aparece el Centro de Memoria Histórica con unos informes muy importantes que relatan cómo han sido esas afectaciones particulares, y luego ya aparece pues este proceso de paz con las FARC. Antes era un tema que había que discutir, y actualmente la Comisión de la Verdad tiene todo un grupo de trabajo que son del tema. La JEP también tiene grupos de trabajo sobre el tema. Se espera que violencia sexual sea uno de los macro casos que la justicia transicional aborde. Entonces, esa reflexión sobre los impactos diferenciados del conflicto en las mujeres ya tiene una tradición en Colombia, una tradición que es importante, donde hay nuevos avances bien provechosos. Y yo creo que han sido también referentes importantes para las mujeres lideresas en el país, porque ya lo han movilizado, pero también internacionalmente. Allí hay también diferentes retos, por ejemplo en la visibilidad

política que puede tener el tema y también en los escenarios de riesgo que asumen las mujeres líderes que se atreven a denunciar estos hechos de violencia sexual ocurrieron en el conflicto. Hay ejemplos varios de experiencias de mujeres que han sido amenazadas al denunciar la violencia sexual que cometieron los paramilitares y las FARC. Si bien ha asumido el tema y ha estado en el debate, es de esos temas espinosos o difíciles de discutir con el grupo armado desmovilizar, porque no se quiere reconocer por parte de ellos muchas veces que ocurrió la violencia sexual. Y ahorita hay una atención sobre el tema de los abortos forzados en las filas de las FARC. Es un tema político también de gente de fuerza, pero que en Colombia yo destacaría es que hay una movilización de mujeres lideresas muy fuerte alrededor del tema. Entonces hay mujeres víctimas organizadas sobre el tema; hay organizaciones grandes y pequeñas que quieren que ese tema no muera y sobretodo que no quede en la impunidad; hay un registro alto de violencia sexual, pero también hay un registro alto de impunidad frente a sus hechos. Y estamos en un país donde si bien hubo un acuerdo de paz y se movilizó un grupo armado, la confrontación armada continúa en muchas regiones. Entonces hay un reto muy grande en identificar cómo la violencia sexual sigue siendo usada actualmente por parte de esos grupos armados, y cómo se está comportando la violencia sexual en esa nueva confrontación que hay. Eso no lo sabemos todavía muy bien, pero es un reto importante en ese tema ahorita en Colombia.

6) ¿Cómo facilitar la reintegración de mujeres y niñas excombatientes?

Yo creo que allí también hay reflexiones importantes. Hay que reconocer que las FARC tiene en su interior también una defensa importante alrededor del feminismo, lo que ellos han llamado como el feminismo insurgente, donde, por ejemplo, Victoria Sandino es una de esas de sus referentes. Los temas de género no son ajenos a ellos y políticamente en su partido los han querido incorporar, y eso es supremamente importante. El Estado colombiano finalmente también ha abordado el tema de reclutamiento forzado desde la perspectiva de género, donde se ha reconocido que allí también hay unas diferencias de género importantes y el proceso de reincorporación también se plantea con un enfoque de género que

logre posicionar oportunidades para las mujeres excombatientes en particular. Entonces hay avances, pero muchas veces en el caso colombiano sucede que todos estos avances están también en el papel. Hay planes, hay normativas, hay muchos instrumentos, pero su aplicación real en los procesos, en la vida real, se vuelve mucho más compleja. En términos de equidad de género en general pasa eso. Tenemos una normativa protectora, tenemos una normativa que ha aportado muchos temas estratégicos para la equidad de género, pero no necesariamente que exista la normativa implica que se va a hacer real. Entonces encuentras regiones y territorios donde esas normativas no se aplican, o donde la normativa es imposible de aplicar porque no hay la institucionalidad necesaria para hacerla real. Eso mismo pasa en temas más pequeños como las mujeres excombatientes y su proceso de reincorporación. Pero allí las FARC han sido muy fuertes en desarrollar sus propios procesos. Hay colectivos de mujeres ex combatientes que han liderado proyectos productivos y están haciendo esfuerzos bien grandes por defender esto del feminismo insurgente y llevarlo a la práctica. Y eso yo creo que es bastante novedoso también.

7) ¿Cuáles son los mayores desafíos que el Estado colombiano enfrenta el estado en la actualidad con respecto a la condición de la mujer?

Yo creo que es lo que te acabo de mencionar, osea la brecha entre hacer real lo que se ha planteado en la normativa y en la política pública. Tenemos instrumentos muy importantes, por ejemplo, la ley 1257 de 2008 de violencias contra las mujeres, que tiene los elementos que son necesarios para una ley de su tipo, pero su aplicabilidad ha tenido muchos inconvenientes en la región del país. Entonces, el reto en Colombia para estos temas de equidad de las mujeres es pasar del papel a la práctica y de alguna manera buscar la capacidad para hacer real lo que nos hemos propuesto en esas normativas. No tengo la fórmula de cómo puede hacerse, es algo que se ha estudiado en el país y sé que a nivel mundial en muchos otros países sucede lo mismo. Pero el reto colombiano está allí. O sea, no nos inventemos más normas, leyes y decretos. Tenemos productos del acuerdo de paz, que es un instrumento en sí mismo. Sino cómo llevas eso a la práctica y cómo llevas eso a la

práctica implica también cómo trabajan los temas de derechos de las mujeres en las regiones y en los territorios. Un ejemplo es que hay muchas normativas que deben aplicar funcionarios públicos de los municipios, pero muchas veces no se entiende esas normativas y cómo debe aplicarse en su municipio, porque muchas veces lo que queda planteado como enfoque de género y no es lo suficientemente explicado para un municipio que tiene una zona rural muy grande y que probablemente tiene poca capacidad institucional y donde esas discusiones no se dan necesariamente. Entonces, ¿cómo aterrizar eso de una manera que sea realista con las condiciones que tenemos en los territorios en el país? Seguramente muchas colombianas también te habrán dicho que en Colombia se construye desde Bogotá y los de Bogotá en un escritorio escriben lo que tiene que pasar en La Guajira y tú vas a La Guajira y te das cuenta de que nada de lo que dijeron los de Bogotá se puede hacer porque no hay o no hay la capacidad. Creo que esa brecha es el mayor reto para que esas medidas de género o esas medidas de equidad de la mujer tengan efectos sobre las mujeres y sobretodo que tengan sostenibilidad. Muchas veces lo que llega son iniciativas que son importantes pero son de corto plazo. Por ejemplo, proyectos productivos para mujeres son muy importantes, pero un proyecto productivo por sí mismo no te va a generar transformaciones sostenibles. Ese proyecto productivo tiene que formar parte de algo de más largo plazo. Muchas veces no pasa, entonces te encuentras cooperativas de mujeres que tuvieron apoyo durante un año, pero el año se acabó y ya. La cooperativa se acabó ya y no pudieron seguir con su iniciativa. Entonces es pensar en esa sostenibilidad que también aterrizada a la realidad de los territorios.

Interview n. 6

Diana Gómez Correal

Diana Gómez Correal is an anthropologist and Professor at the Universidad de los Andes. Her research topics include peace, transitional justice, victims' rights, social transformation, alternatives to development, and feminist and gender studies. Ms Gómez Correal has worked in the public sector advising on the construction of public policies for women in Bogotá. In 2013 she received recognition from the Spanish Agency for International Development Cooperation as one of the Colombians who changed the world. She has been an active part of different movements in Colombia, including the feminist and peace movements.

1) ¿De qué se ocupa usted?

Yo soy Diana Gómez Correal, soy profesora de la Universidad de los Andes en Colombia, en Bogotá. Hago parte del Centro de Estudios Interdisciplinarios del Desarrollo y entre mis temas de investigación están construcción de paz y justicia transicional, cambio social y estudios de género y feministas, alternativas al desarrollo, Me comencé a interesar por la acción de las mujeres desde inicios de este siglo, desde el 2002. Comencé a ser parte de la Iniciativa Mujeres Colombianas por la Paz, que era una confluencia muy grande en este entonces de mujeres que querían presionar la solución política negociada al conflicto, visibilizar las afectaciones específicas que sufrían las mujeres en medio de la guerra y también jugar un papel protagónico en las negociaciones de paz. Desde ahí viene mi interés, que también era un interés académico porque en mi maestra en historia yo hago una historia del movimiento feminista en Bogotá de las décadas de los 70 y 80 y luego sigo vinculada con los movimientos sociales de la academia, trabajando estos temas.

2) Opina usted que las prescripciones del Acuerdo Final fueron lo suficientemente inclusivas para las mujeres? ¿Qué fue lo que faltó?

Hacer un balance de lo que faltó es difícil. Yo creo que el Acuerdo, como se le ha reconocido internacionalmente, avanza en incluir la perspectiva de género y los derechos de las mujeres y de los colectivos LGBT. Creo que eso es un avance sustancial. Yo creo que es muy fácil pedirle muchas cosas al Acuerdo, pero creo que lo que hay que hacer es un balance del Acuerdo, de que se logró. Quizás yo lo que hubiese modificado es que en términos generales el acuerdo refleja sobre todo una visión liberal de la paz y de la sociedad, y creo que para construir paz se necesita ir más allá de sus cambios liberales, pero sabemos que ese es un punto de partida. En cierta medida yo considero que también la perspectiva de género quedó incluida desde esta visión, pero, para hacer una evaluación de esto, hay que ver cómo se va implementando y, también, qué aspectos se van lograr.

3) ¿Ha tenido el acuerdo algún efecto en la mejora de la condición de la mujer en la práctica?

Creo que es muy pronto para hacer ese balance, o sea creo que lo que más ha avanzado en términos del Acuerdo de Paz de la implementación es todo lo que tiene que ver con el Sistema Integral de Verdad, Justicia, Reparación y Garantías de no Repetición. Varios balances tanto de la sociedad civil como de instituciones que le hacen seguimiento al Acuerdo, como el instituto Kroc de los Estados Unidos, plantean que donde más se ha materializado el enfoque género, pero también los derechos de las víctimas, en el Sistema Integral. Creo que allí cada vez se visibiliza más sobre todo que las mujeres sufrieron las mujeres y la población LGBT sufrieron la violencia de una manera específica, que digamos que en ese tipo de violencia de género hay afectaciones que deben ser reconocidas por la sociedad, y que también generaron dolor y sufrimiento social, y que eso se debe tener presente. Creo que la Unidad de Búsqueda de Personas por Desaparecidas también avanza en ese sentido, y lo propio ocurre también con la JEP, aunque me parece que en menor dimensión porque también tienen tiempos distintos. Entonces el corto tiempo de la Comisión de la Verdad hace que su trabajo tenga que ser más acelerado, a la JEP todavía le queda tiempo para avanzar en materializar los derechos con perspectiva de género. Los otros puntos del Acuerdo general están retratados. Creo que el Acuerdo ayuda a reconocer el papel político de las mujeres y de las víctimas y de los colectivos LGBT en cierta medida, aunque con el “no” creo

que hubo un retroceso, pero en términos generales permite reconocerlos como sujetos políticos.

4) ¿ Opina usted que en los espacios políticos en Colombia las mujeres tienen una representación suficiente?

No. Sabemos que todavía hay mucho que alcanzar al respecto, tanto en representación por designación en espacios del Estado como ministerios, como en partidos políticos, en cargos de elección popular, en el seguimiento del acuerdo también, y igual también en cómo ponemos las discusiones en los movimientos feministas y de mujeres, pues no basta con tener un cuerpo de mujer: hace falta que las mujeres asuman representación de los intereses y necesidades de las mujeres, y también esto se problematiza más, porque no todas las mujeres incluso feministas o que están en el movimiento de mujeres conciben la realidad de la misma manera. Entonces lo que tenemos que apostar es una mayor participación de mujeres, que defienda los intereses de las mujeres y que tenga perspectivas muy transformadoras de la realidad.

5) Desde que terminó el conflicto, ¿cómo ha cambiado la situación en relación a la violencia sexual y doméstica? ¿Las instituciones están diseñadas para prevenir eficazmente la violencia contra la mujer y castigar adecuadamente a los infractores? ¿Cuáles son los factores que hoy impiden que las víctimas denuncien crímenes de violencia doméstica y sexual?

No, no creo que la institucionalidad del Estado colombiano está preparada ni para prevenir, ni para sancionar, ni para erradicar la violencia contra las mujeres. Creo que no hay correlación entre la firma del Acuerdo o el proceso de reincorporación de las FARC y la disminución de la violencia contra las mujeres. Al contrario parece que hay un proceso de exacerbamiento de la violencia, y durante la pandemia esto fue muy evidente, pues las violencias contra las mujeres se recrudecieron. Lo que dicen varias teóricas es que las violencias contra las mujeres son anteriores a los conflictos, o sea la violencia contra las mujeres no tiene lugar sólo en el conflicto y tampoco es responsabilidad de un solo actor. Entonces no se podría decir que la violencia contra las mujeres va a terminar porque las FARC se reincorporaron,

porque hay otros actores armados, el propio Estado ha cometido violencia contra las mujeres y las mujeres al interior de sus núcleos familiares experimentan violencia así como en la vida cotidiana. En cuanto a los factores que impiden denunciar actos de violencia de género, pues la cultura. Todavía es difícil, todavía es una violencia que se justifica, aunque cada vez menos y hay que señalar que hay transformaciones culturales importantes. Además está el miedo de las mujeres que están bajo escenarios de violencia y la institucionalidad tampoco es la más amable y cordial para recibir los casos de violencia y para sancionarlos. Creo que son obstáculos tanto el orden personal y de las microesferas de la vida cotidiana como también institucionales y estatales.

6) ¿Cuáles son los mayores desafíos que el Estado colombiano enfrenta el estado en la actualidad con respecto a la condición de la mujer?

Primero tiene que haber una política pública estatal seria, que aborde los derechos de las mujeres y que ayude a transformar la vida de las mujeres. Las políticas públicas de mujeres a nivel nacional no han avanzado lo suficiente, pues no han promovido cambios sustanciales en la vida de las mujeres. Y por otro lado, en las políticas públicas del nivel regional o local hay avances distintos, pero siguen presentándose obstáculos como de destinación de presupuesto, que todas las administraciones y todos los gobiernos tomen en serio los derechos de las mujeres. Todavía falta avanzar en la cultura institucional para que se reconozca que las mujeres tenemos derechos y que necesitamos políticas públicas focalizadas. En términos de paz, del Estado colombiano debe avanzar hacia un proceso de implementación del Acuerdo de Paz, pero también de desestructuración de todos los otros actores armados que están actuando en los territorios, porque eso ha incrementado la violencia contra las mujeres y contra sus comunidades.