

GENDER AND THE IMPLEMENTATION OF THE PEACE ACCORD IN COLOMBIA: PART I

Two years into the peace negotiations between the Government of Colombia (GOC) and the FARC-EP, the two sides implemented a Gender Subcommission tasked with ensuring a cross-cutting gender approach within the peace process. Over the negotiations, the Subcommission received testimonies and recommendations from victims (60% of those visiting Havana were women), 301 women's and 17 LGBTQI organizations, 10 experts on sexual violence, female former combatants from 5 other countries, and the continuous technical support from 3 Colombian, Cuban, and Norwegian experts.¹

The Final Accord includes 122 concrete provisions to promote the equality of rights, active participation, and equal representation for women, and was internationally acclaimed for its innovative gender, ethnic, and territorial approaches.² The Accord presents a unique opportunity for Colombia to tackle the gendered patterns of discrimination and violence which pre-existed and were exacerbated by the conflict, and to implement social change programs as a long-term strategy for building and maintaining peace. However, gender issues are frequently set aside in the post-conflict setting, as states grapple with economic reconstruction and political legitimacy.

After one year of implementation, the gendered provisions of the Accord were:³

59%

not begun

30%

with minimal implementation

5%

with intermediate implementation

6%

complete

As of June 2017:⁴

30.7%

of decrees, laws, and legislative acts for the Peace Accord included a gender element

This Spotlight for Women's History Month examines the need for a gendered approach to peacebuilding, and the extent to which these provisions have been put into practice since implementation began in November 2016. This first part includes a look at the final text and points 1-3 of the Peace Accord: integrated rural reform, political participation, and the end of the conflict/reintegration.

ASSESSMENT AND RECOMMENDATIONS

FINAL TEXT OF THE PEACE ACCORD

Campaigns against the Peace Accord leading up to the plebiscite held on 2 October 2016 frequently crystalized around its "gender ideology," which critics accused of undermining traditional family values. As a result, the final text did not include a "gender approach," but rather one centered on women's rights and affirmative measures; mentions of "sexual diversity," "sexual orientation," and "gender identity" were removed and replaced by a "family approach." LGBTQI people were included as part of "vulnerable groups."⁵

Exchanging the word "gender" for "women" no longer explicitly recognizes the dynamic relations of power, exclusion, and marginalization between men and women's identities, nor the spaces in which they are constructed and normalized, making it harder for activists to address these issues.⁶

Allusion to the traditional family does not acknowledge, for example, that one of the most dangerous places for women and children is the home:

88%

of sexual violence cases in Colombia are carried out by a family member, partner, or ex-partner

77.81%

occur in the home⁷

This trend towards more conservative language exposes the gendered nature of post-conflict, where women's agency can be enabled or disabled, progress can be reversed, and women's agency may shrink as peace proceeds.⁸ The activism of women's and LGBTQI groups during the negotiations now needs to be explicitly included in the laws and organizations created by the Accord, along with oversight measures and indicators to evaluate their progress.

POINT 1: INTEGRATED RURAL REFORM (RRI)

The gender gap in rural areas is characterized by limited access to land, and the precarious formalization of property in the hands of women, which in turn restricts their access to economic, social, cultural, and political freedom. The practical implementation of a gendered approach in this key issue will therefore have far-reaching effects for equality of opportunities for all.

Men held **2.8 million** ha more land than women from 1988 to 2012.⁹

¹ For more information, see our Spotlight for August 2016

² <http://static.iris.net.co/semana/upload/documents/informe-kroc.pdf>

³ *Ibid*

⁴ https://www.humanas.org.co/alfa/dat_particular/ar/arc_68753_q_02-06-17-Primer-informe-de-seguimiento-al-enfoque-de-genero-en-la-implementacion-normativa-del-Acuerdo-de-Paz.pdf

⁵ <http://www.ideaspaz.org/publications/posts/1464>

⁶ Goldblatt (2006), "Evaluating the Gender Content of Reparations: Lessons from South Africa" in Rubio-Marin, What Happened to the Women? Gender and reparations for human rights violations.

⁷ <http://www.medicinalegal.gov.co/documents/20143/49526/Forensis+2016.+Datos+para+la+vida.pdf>

⁸ Björkdahl and Selimovic (2015), Gendering Agency in Transitional Justice, Security Dialogue Vol. 46(2)

⁹ <https://www.dejusticia.org/litigation/el-enfoque-de-genero-en-la-norma-sobre-reforma-rural-es-importante-pe-ro-insuficiente/>

Progressive

- Decree 893 (2017) requires that Development Plans with Territorial Approach (PDET) strengthen farming women's organizations.

Limited/ Retrogressive

- Decree 902 (2017) for RRI, currently being examined by the Constitutional Court includes a vague gender approach.

Recommendations

- The National Land Agency (ANT) should consider gender gaps when formalizing and promoting access to land and productive and economic projects.
- Specific proposals to ensure that affirmative measures have the desired effect (that at least 50% of the land passing through the Land Fund will be given to rural women).
- Strengthen and articulate the Rural Women's Office with other agencies to guarantee access to housing, financial services, and startup capital for women.
- Specific measures to guarantee the effective participation of women in new peace spaces, including the social planning of rural property.
- Explicitly define the gender approaches included in decrees and laws.

POINT 2: POLITICAL PARTICIPATION

In 2016, Colombia placed 66 out of 144 countries in women's political empowerment, despite a progressive legal framework for equality of rights and opportunities. If women do not play a key role in the implementation of peace accords, subsequent laws are likely to be "gender-neutral," that is, re-entrench regressive gender norms. Beyond equal participation, decision-making organizations also need to bring a gendered approach to issues which disproportionately affect women, such as sexual and reproductive rights, and unpaid work.

Progressive

- 33%** Of positions in peace bodies filled by women.
- 50%** Of Truth Commission made up of women.
- 53%** Of Special Jurisdiction for Peace magistrates are women.

- Special Organization for Gender established within the Commission to Oversee, Promote, and Verify Implementation of the Peace Accord (CSIV).
- Affirmative actions in selection processes have had positive effects.¹²

Limited/ Retrogressive

- 1/14** National Security Guarantees Commission members are women.
- 0/4** National Reintegration Council members are women.
- 1/6** CSIV members are women.

- Lack of representation of black, palenquera, raizal, and Afro-Colombian women.

Recommendations

- Involve civil society in selecting members of transitional bodies to ensure gender-conscious representatives are included.
- Formulate the content of entities and programs early on to ensure women's continued involvement.
- Financial and administrative support and timely access to relevant information to help these organizations fulfill their mandate.

POINT 3: END OF THE CONFLICT/REINTEGRATION

23% of former FARC combatants currently being reintegrated into civilian life in the Territorial Training and Reincorporation Spaces (ETCR) are women,¹³ and the Final Accord commits to ensuring they have access to new citizenships and legality; and can pursue their differential economic, social, and political needs, as well as exercise more control over their bodies and productive and reproductive rights. The task now is to create a measurable reality in which women become the agents of their own reintegration.

Progressive

- Gender approach has been taken into account in the physical renovation of the ETCR.
- Certificate courses in the prevention of gender-based violence (GBV) have been organized with former combatants.¹⁴

Limited/ Retrogressive

- Precarious conditions and services for pregnant and nursing women.
- Absence or under-equipping of daycare centers limits women's inclusion in training and reintegration activities.¹⁵
- Risk of sexual violence in ETCR due to inappropriate relationships between members of the Armed Forces and surrounding communities.
- Lack of budget and human resources for the implementation of gender-sensitive security measures for men and women.
- In a year, only one productive project has been approved for the FARC.¹⁶

Recommendations

- Implement an integrated gender approach which considers former combatants and recipient communities.
- Security guarantees should have differential measures for women.
- Make resources available for the implementation of a gendered approach.
- Recognize women's diverse experiences of the conflict and tailor health services and psychosocial support to them.
- Promote the economic empowerment of women through productive proposals which acknowledge their experiences and aspirations for civilian life.

¹⁰ <https://colombia2020.elespectador.com/opinion/por-que-es-tan-dificil-que-las-mujeres-participen-en-politica>
Goldblatt (2006)

¹² <http://www.ideaspaz.org/publications/posts/1606>

¹³ <https://reliefweb.int/report/colombia/annual-report-united-nations-high-commissioner-human-rights-situation-human-rights-0>

¹⁴ <http://www.oim.org.co/news/240-mujeres-y-hombres-de-las-farc-se-grad%C3%BAan-del-diplomado-en-pre-enci%C3%B3n-de-violencia-basada-en>

¹⁵ <http://static.iris.net.co/semana/upload/documents/informe-kroc.pdf>

¹⁶ <http://pacificista.co/en-un-ano-a-las-antiguas-farc-solo-les-han-aprobado-un-proyecto-productivo/>