

GENDER IN THE IMPLEMENTATION OF THE PEACE ACCORD: PART II

The Final Peace Accord between the Government of Colombia (GOC) and the FARC-EP included a “dual strategy” through which specific actions for the promotion of gender equality were included in each point of the Accord, with proposals which benefit men and women, as well as specific actions to promote women’s and girls’ empowerment. The March Spotlight examined this gender approach in the implementation of points 1-3 of the Peace Accord; this month, we take a look at Points 4 and 5: Solution to the Problem of Illicit Drugs, and Victims.

POINT 4: SOLUTION TO THE PROBLEM OF ILLICIT DRUGS

The GOC approach to illicit drugs is centered on the Integrated National Plan for Crop Substitution (PNIS), which by the end of February had released monthly payments for 28,660 participating families, and had achieved 90% in the fulfillment of voluntary eradication.¹ In this context, it is worth asking to what extent the PNIS has taken the nature of women’s participation in the coca economy into account in order to create safer, less violent conditions for them.

Coca growing is not only an economic activity for women, but one which also has social, cultural, and family dimensions related to the armed conflict, and which also affect crop substitution programs. Women are also exposed to risks and vulnerabilities beyond the illegal economy, a situation which also has a territorial dimension.²

Ensuring a reduction in violence against women and an improvement in their safety therefore implies a “positive” understanding of security which goes beyond the mere absence of armed groups, to understand historical and structural gender relations, the differential risks faced by women involved in an illegal economy, and the inclusion of women as active agents for change and peace in their territories. For example, a human security approach implies the inclusion of strategies for protection and for empowerment, with actions that are: 1) People-centered; 2) Multisectoral; 3) Integrated; 4) Contextualized; and 5) Preventive, in order to create economic, food, health, environmental, personal, community, and political security. Human security includes the freedom to live without fear or want, and with dignity.

Progressive

- Women’s and investigative organizations have been active in sharing knowledge on women’s experiences.³

Limited/Retrogressive

- Women have become increasingly concerned with the uncertainty and violence surrounding them since the FARC disarmed.
- Limited State presence in areas with high levels of coca production.
- Misinformation with regards the implementation of the Peace Accord, the institutional architecture responsible for it, and the crop substitution process.
- Implementing parallel voluntary substitution and forced eradication has raised security concerns, particularly in eradication by the Armed Forces, which has infringed on women’s rights.
- Uncertainty caused by the electoral period; leading presidential candidate Iván Duque proposes a return to obligatory eradication.⁵

Recommendations

- Recognize women’s diverse roles in the coca economy and promote their active participation in crop substitution. PNIS goals and indicators should follow up on differential actions.
- Broaden the definition of “family” to make it more inclusive, and recognize the economic violence done to women within families.
- Follow up on payments and productive proposals, and identify family dynamics in cultivation and property.
- Promote the economic empowerment of women in a broad sense, generating wellbeing, quality of life, and rights guarantees.
- Crop substitution which considers the social and cultural fabric and territorial realities (in which the State is only experienced through eradication). The State should respond comprehensively to historical absences.
- Empower women’s participation and representation in organizational processes, promoting their leadership.
- Differential penal law for women producers of illicit crops.⁴
- Create and share educational materials on the implementation of the Peace Accords, responsible institutions, and the PNIS.
- Recognize the relationship between the consumption of illegal drugs and violence against women, particularly domestic and sexual violence. Consider the importance of prevention and women’s training in the design and oversight of actions to combat these types of violence.

¹ <https://www.semana.com/nacion/articulo/balance-del-programa-de-sustitucion-de-cultivos-ilicitos-2017/557870>

² <http://cdn.ideaspaz.org/media/website/document/5a1ec2ba58421.pdf>

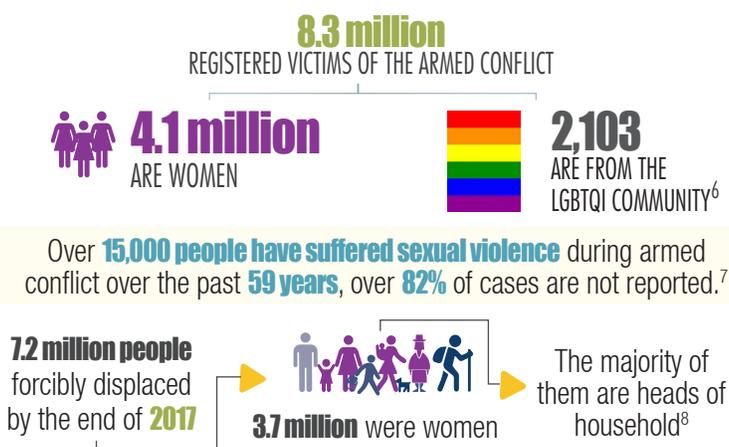
³ <https://semanarural.com/web/articulo/las-mujeres-en-la-economia-cocalera/313>

⁴ <http://pacifista.co/politica-de-drogas-en-la-consulta-de-derecha-lo-que-esta-en-juego/>

⁵ <http://www.ideaspaz.org/publications/posts/1611>

POINT 5: VICTIMS

The gendered nature of violence, and particularly sexual violence (SV), is largely misunderstood or undervalued by Colombian society, and Victims' public policy, and in particular the Special Jurisdiction for Peace (JEP), therefore needs to make women's participation and recognition of the crimes against them a priority in order to clarify the truth, decide reparations measures, and guarantee non-repetition through a transformation in the socio-cultural imaginary and practices of discrimination.⁹ Similarly, returns processes also need to be tailored to women's needs.



Progressive

- Current implementation builds on a progressive history of special protection for women, particularly since the 1991 Constitution.
- Victims are placed at the center of the JEP, which also recognizes the differential violations against women.
- The JEP will respect privacy and abstain from acts which may re-victimize those coming forward.¹⁰
- The JEP's Investigation and Prosecution Unit (UIA) is forming special sexual violence investigation teams.¹¹
- The JEP will be overseen by the legal branch of the National Gender Commission and regional gender committees will decentralize the application of this perspective.¹²
- No amnesty for gender-based and sexual violence.

Limited/Retrogressive

- The Women and People with Non-Hegemonic Sexual Orientations and Gender Identities Group has been removed from the Victims' Unit, making it difficult to implement a cross-cutting gender approach.
- Sexual crimes against children or adolescents will be tried through the JEP but sentenced according to the ordinary jurisdiction penal code, where the Integrated Truth, Justice, Reparation, and Non-Repetition System will not be recognized and impunity hovers around 90%.¹³
- Despite the existence of an Integrated Gender-Based Violence System, there is still a lack of articulation of information, which hampers the full and differential assessment of sexual violence perpetrated during the armed conflict, in medical, legal, and administrative terms.
- Almost 18,000 people were affected by mass displacement over 2017, suggesting a need for continuing adjustments to procedures and protocols regarding assistance, services, and compensation.
- The Victims' Unit has shown below-target implementation levels.

Recommendations

- Beyond attending to women's needs, create public policy which articulates entities serving victims with differential and gender approaches.
- Implement initiatives which see cultural transformation as a mechanism for preventing new violence against women in post conflict.
- Improve education on sexual violence and ensure the educational and cultural sectors help to dismantle violent masculinities, and other class, gender, and racial discriminations.
- Adopt regulations and protocols which complement transitional justice and facilitate and follow up on investigation and differential integrated attention.
- Adopt psychosocial support strategies for victims with a differential approach, guaranteeing reparation and non-repetition.
- Recognize displaced women as the subjects of rights and agents of change, not only as the objects of reparations.
- Laws for the Special Transitional Peace Districts currently being processed need to explicitly include affirmative action to ensure that women participate in the same proportion as men.

⁶ <https://rni.unidadvictimas.gov.co/RUY>

⁷ <http://www.centrodememoriahistorica.gov.co/de/informes/informes-2017/la-guerra-inscrita-en-el-cuerpo>

⁸ <http://www.ideaspaz.org/publications/posts/1638>

⁹ <https://colombia2020.elespectador.com/opinion/las-mujeres-en-la-jep>

¹⁰ <http://www2.unwomen.org/-/media/field%20office%20colombia/documentos/publicaciones/2017/bole->

<tines%20fast%20track/boletn%20no%2021%20%20fast%20track%20derechos%20de%20las%20mujeres.pdf?la=es&vs=5057>

¹¹ <http://www.eltiempo.com/justicia/jep-colombia/investigacion-de-casos-de-violencia-sexual-en-la-jep-187732>

¹² http://caracol.com.co/emisora/2017/11/16/barranquilla/1510864755_202478.html

¹³ <http://www.angelarobledo.com/enfoque-de-genero-en-la-jep/>