

Women's Human Rights in Colombia

**JOINT REPORT SUBMITTED TO THE 44TH SESSION
OF THE WORKING GROUP ON THE UNIVERSAL
PERIODIC REVIEW**

Women's International League for Peace and Freedom

Winners of the National Human Rights Award 2022



Women's Human Rights in Colombia

*Joint report submitted to the 44th session of the
Working Group on the Universal Periodic Review (UPR), by:*

*Liga Internacional de Mujeres por la Paz y la Libertad (Limpal Colombia)
Católicas por el Derecho a Decidir Colombia, (CDD Colombia)
Corporación de Apoyo a Comunidades Populares (Codacop)*

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ACRONYMS

AETCR: Antiguos Espacios Territoriales de Capacitación y Reincorporación (Former Territorial Spaces for Training and Reincorporation)

CDD: Católicas por el Derecho a Decidir (Catholics for the Right to Decide)

CENPAZ: Coordinación Étnica Nacional de Paz (National Ethnic Coordination for Peace)

CGR: Comptroller General of the Republic

CODACOP: Corporación de Apoyo a Comunidades Populares (Corporation for the Support of Popular Communities)

CPEM: Consejería Presidencial para la Equidad de la Mujer (Presidential Advisory Office for Women's Equity)

DSOGI: Diverse Sexual Orientation and Gender Identity

ELN: Ejército de Liberación Nacional (National Liberation Army)

FARC: Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia)

FIP: Fundación Ideas para la Paz (Ideas for Peace Foundation)

FPI: Framework Plan for the Implementation of the Final Peace Agreement

INDEPAZ: Instituto de Estudios para el Desarrollo y la Paz (Institute for the Study of Peace and Development)

LIMPAL Colombia: Liga Internacional de Mujeres por la Paz y la Libertad (WILPF Colombia)

MOE: Misión de Observación Electoral (Electoral Observation Mission)

UPR: Universal Periodic Review

VIP: Voluntary Interruption of Pregnancy

WILPF: Women's International League for Peace and Freedom

BRIEF DESCRIPTION OF THE ORGANIZATIONS SUBMITTING THIS REPORT

LIMPAL Colombia (WILPF Colombia) is a feminist, pacifist and antimilitarist organization; we are a National Section of the Women's International League for Peace and Freedom (WILPF) movement, recognized as the oldest pacifist women's organization in the world, with 108 years of activism for peace and active in 46 countries around the world, promoting and amplifying the voices of women so that they can create alternatives to crises and conflicts, prioritizing peace. WILPF has consultative status before the UN Economic and Social Council (ESOCOC). In 2022, LIMPAL Colombia received the national human rights award in the NGO category in recognition of its work in feminist peacebuilding in Colombia through advocacy and the strengthening of collective processes that promote women's political agency.

<https://www.limpalcolombia.org/en/limpal-colombia/about-us>

Católicas por el Derecho a Decidir Colombia, CDD-Colombia (Catholics for the Right to Decide Colombia), is an autonomous movement of Catholic feminists, committed to the defense of women's rights, especially sexual and reproductive rights, and to a life free of violence and discrimination. <https://cddcolombia.org/quienes-somos/>

Corporación de Apoyo a Comunidades Populares, Codacop (Corporation for the Support of Popular Communities) is a non-profit organization, founded in 1984 - and legally constituted in 1990 - as a team that accompanies the organizational processes of indigenous, peasant and urban-popular communities and grassroots organizations. <https://codacop.org.co/quienes-somos/>

As feminist social organizations committed to the promotion, defense and protection of women's human rights and the achievement of peace, LIMPAL Colombia, CDD Colombia and CODACOP present this report on the situation of women's human rights in Colombia, which follows up on the Colombian State's compliance with some of the recommendations of the previous UPR cycle. We have used an intersectional approach to highlight in five chapters the urgency for action due to the increase of violence against women and the differentiated and disproportionate impacts in the context of armed violence. In the last chapter, we offer an analysis of the militarization of public spending and stress the need to make a progressive transition towards the prioritization of resources for the achievement of peace and the consolidation of the rule of law.

I. INTRODUCTION

Since the last assessment in the Universal Periodic Review (**UPR**) in 2018, Colombia has experienced an increase of violence due to disputes between non-state armed groups and criminal organizations over territorial control and illegal economies, which have severely affected leadership and rural community life, with differential impacts on women and people with Diverse Sexual Orientation and Gender Identities (hereinafter, **DSOGI**). Another important element of the period since 2018 is the low implementation of the Final Peace Agreement, especially of its gender measures and Ethnic Chapter.

Even though thanks to the efforts of women and feminists, there have been important legislative advances in gender equity¹, the recommendations from the previous UPR cycle regarding women's rights have only been partially implemented. At the same time, there has been an increase in violence against women and people with DSOGI; thus, the women's social movement has asked the government to declare national emergency over male violence. From 2018 to 2022, the Observatorio Colombiano de Femicidios (Femicide Observatory of Colombia) recorded 3,106 femicides and transfemicides in the country. Most of them were committed with firearms by hired killers and men known to the victims. The predominant relationship is the victim's intimate partner, and the place of the crime is their home. The age range of the victims ranges between 20 and 34 years old. In 2023, up until 1 April, 49 femicides have been registered. Women's inroads in the area of education have not been enough to close the labor gaps and the feminization of poverty; women participate less in the labor market than men, they are placed in unfavorable conditions of informal work, receive lower salaries for their work and have less access to social protection mechanisms. In addition, women are almost three times (27.5%) more likely than men (10.2%) to have no income of their own. This difference is even higher in rural areas, where a woman is five times more likely than a man to have no income of her own (35.9% and 7.8%, respectively).

The current government has declared its commitment to achieving peace², reducing social gaps and overcoming violence, discrimination and gender-based inequalities. Therefore, this joint report to the UPR identifies, from an intersectional approach, some of the infringements of women's human rights with the greatest impact, and makes recommendations resulting from the monitoring and advocacy work that our organisations have been carrying out for years.

¹ Such as the decriminalization of abortion up to 24 weeks and the government's announcement to consolidate the first action plan of the United Nations Security Council Resolution 1325.

² The government of President Gustavo Petro Urrego, which began in August 2022, has developed a policy called "total peace" that makes the achievement of peace a state policy. This process includes peace dialogues with political groups, such as the National Liberation Army - ELN, and bringing to justice criminal organizations, organized armed groups or drug traffickers.

II. IMPLEMENTATION OF GENDER MEASURES OF THE FINAL PEACE AGREEMENT

The Final Peace Agreement is innovative because it has incorporated, for the first time in the world, a gender and women's human rights approach in a cross-cutting manner. However, the implementation achieved so far is insufficient and has resulted in a gender approach that consists in the "identification of beneficiaries by sex, or in the definition of minimum gender quotas, but not in the implementation of actions to overcome barriers,"³ nor has it resulted in the full and equal participation of women.

Although the government reports that, as of January 2023, 65% of the gender indicators of the Framework Plan for the Implementation of the Final Agreement (FPI) "have already been met or have a high level of mainstreaming,"⁴ the Comptroller General of the Republic (CGR) warned in 2021 that the pace of progress achieved would not be sufficient to achieve the goals within the established timeframe and that the allocation of resources to gender mainstreaming is marginal and insufficient⁵. On the other hand, the FPI created fewer goals than necessary for the fulfillment of the Final Peace Agreement⁶ and established indicators that do not measure the objectives set in the Final Peace Agreement; this means that more than half of the gender measures in the Final Peace Agreement do not have a consolidated implementation strategy and that most of the indicators are not designed to measure the changes agreed upon.

The progress for people of DSOGI and women belonging to ethnic groups is even more concerning; the CGR notes few references to them in the official reports, which reflects the "difficulties in the disaggregation of data and in the way the progress of the indicators is measured."⁷

Based on the above, it can be stated that the recommendations of the third UPR cycle related to ensuring gender mainstreaming, guaranteeing women's effective participation in the implementation of the Peace Agreement, and allocating sufficient funds in the national budget to place gender equality at the center of peace consolidation⁸, have only been partially implemented⁹.

3 Comptroller General of the Republic (2021), report on the Mainstreaming the gender approach in the Final Peace Agreement from a budget perspective, available in Spanish only at <https://res.cloudinary.com/hi1erte0h/image/upload/v1639593717/webapp/r5ikvj4ch3uzicrffp7q.pdf>

4 "Así avanzan las Mujeres en la Paz", Digital instrument for the monitoring of the implementation of gender measures in the Final Peace Agreement from a budgetary perspective. Presidential Office for Women's Equity: <https://app.powerbi.com/view?r=eyJrjoiY2VhZDU3MmEtNzNkYS00NTQ4LTgyZGYtNmFmMGY3OTIyYmY1IiwidCI6IjNiZTE0ND-NkLTFIZGltNDU1Zi05MTIwLTk3YTg0ZTc4YTJiZCJ9&pageName=ReportSection59c699f4bf8e3011eb27>

5 In 2020 and 2021 they represented only 3% of the total National General Budget allocated to the implementation of the Final Peace Agreement (2022, CGR, p. 251), registering "a regressive behaviour" (CGN, 2021, p.102).

6 The Final Peace Agreement provides for more than 100 gender-specific measures, but only 51 indicators were established in the FPI.

7 Technical Secretariat of the International Verification Component CINEP/PPP-CERAC (2022). Eleventh verification report on the implementation of the Final Peace Agreement in Colombia, available in Spanish at: <https://www.cinep.org.co/es/undecimo-informe-de-verificacion-de-la-implementacion-del-acuerdo-final-de-paz-en-colombia/>

8 120.147 (Spain); 120.83 (Afghanistan) and 120.13 (Canada).

9 Comptroller general of the Republic (2021). report on Mainstreaming the gender approach in the Final Peace Agreement from a budget perspective, available in Spanish at:

<https://res.cloudinary.com/hi1erte0h/image/upload/v1639593717/webapp/r5ikvj4ch3uzicrffp7q.pdf>

Recommendations:

1

Create an acceleration plan for the full implementation of gender measures and allocate specific resources for their implementation to ensure an equitable and predictable positive impact for women.

2

Include gender and ethnic indicators in all measures of the Framework Plan for the Implementation of the Final Agreement (FPI), in addition to specific measures for women and people of DSOGI, with impact indicators that allow effective measures for reparation, meeting differential needs and closing gender gaps.

III. IMPLEMENTATION OF THE ETHNIC CHAPTER OF THE FINAL PEACE AGREEMENT

In addition to gender measures, the Final Peace Agreement includes 80 provisions in the Ethnic Chapter¹⁰, whose very low level of implementation is alarming¹¹. Indigenous Peoples in Colombia¹² live amid a deep humanitarian crisis and an intensification of the armed conflict, a situation that disproportionately impacts women and girls, and puts the physical and cultural survival of these Indigenous Peoples at serious risk. The CGR and the report of United Nations High Commissioner for Human Rights (2022)¹³ confirm the findings of the Comisión Interétnica (Interethnic Commission): based on the targets set in the FPI, implementation of the Ethnic Chapter is below 2.4%, especially the measures related to use and ownership of land and the measures with a gender focus, which do not exceed the 12% implementation rate.

There are no guarantees of effective participation for women, and the collective reparation measures assigned to ethnic communities do not prioritize their particular needs, such as the handing over, tenure and use of land. In addition, as Indigenous women emerge as leaders, murders against them increase. Although the information systems do not report information classified by gender and ethnicity, the increase in killings of Indigenous women leaders and women human rights defenders is evident: “women and the LGBTIQ+ people, we are experiencing an upsurge in political persecution, murders, threats, warnings [by armed groups], accusations, enforced disappearances, confinement and forced displacement to deny our right to real and effective participation.”¹⁴

This setback in the protection of the rights to life, mobility, land and self-government of Indigenous Peoples in at least nine territories of Colombia¹⁵ suggests that the recommendations to intensify efforts to protect Indigenous Peoples, particularly from armed groups, and to establish an effective system of consultation with them¹⁶, have not yet been implemented.

10 In the Ethnic Chapter, the Women, Family and Generation approach is adopted in a cross-cutting manner as a safeguard of the Chapter and as a protection measure for indigenous peoples. It is monitored by the National Ethnic Coordination for Peace - CENPAZ.

11 Office of the Attorney General for Peace, available in Spanish at: https://www.procuraduria.gov.co/portal/media/docs/TercerInformealCongreso_2021_25_Conlinks.pdf#search=tercer%20informe%20al%20congreso%20acuerdo%20de%20paz%202021

12 There are 115 Indigenous Peoples living in Colombia, representing 4.4% of the country's total population, of which more than 50% estimated to be women and girls.

13 “Situación de los derechos humanos en Colombia” (Report on the human right's status in Colombia) (A/HRC/49/19): https://www.ohchr.org/sites/default/files/2022-03/A_HRC_49_19_AdvanceUneditedVersion_SP.pdf

14 National Ethnic Coordination for Peace – CENPAZ- Las Mujeres Pariremos la Paz. Balance de seguimiento a la implementación del enfoque transversal de género, mujer, familia y generación del acuerdo final de paz de la Habana. December 2020. Available at: <https://www.cenpaz.com/2021/04/las-mujeres-pariremos-la-paz-balance-de.html>

15 Arauca, Cauca, Chocó, Córdoba, Huila, Nariño, Norte de Santander, Putumayo and, Valle del Cauca. Situation of human rights in Colombia, Report of the United Nations High Commissioner for Human Rights, UN A/HRC/52/25, paragraph 38. Available at: <https://www.hchr.org.co/wp/wp-content/uploads/2023/03/03-03-2023-informe-anual-Ingles.pdf>

16 UPR second cycle, recommendations: 116.106 Introduce stronger measures to protect indigenous peoples and Afro-Colombians from attacks by armed groups and take initiatives to guarantee their rights (Republic of Korea); UPR first cycle recommendation: 87.59 Step up its efforts to protect its indigenous peoples and install an effective system of consultations with Indigenous peoples (Denmark).

Recommendations:

- 1** Create an acceleration plan for the full implementation of the Ethnic Chapter with specific measures for women to ensure their participation in the implementation of the Peace Agreement.
- 2** Guarantee prior, free and informed consultation¹⁷ in programs and projects for the implementation of the Peace Agreement.

¹⁷ Prior, free and informed consultation is envisaged in Law 21/1991 ratifying ILO Convention No. 169 on Indigenous and Tribal Peoples.

IV. POLITICAL VIOLENCE AGAINST WOMEN: ELECTORAL PARTICIPATION AND SOCIAL AND COMMUNITY LEADERSHIP

ELECTORAL PARTICIPATION

Increasing political participation is part of the commitments made by the Colombian State for the implementation of United Nations Security Council's Resolution 1325 and, more generally, with the adoption of the Women, Peace and Security Agenda. Within this framework, an increase in women's access to public positions with decision-making power was observed in the parliamentary elections in 2022¹⁸. This increase, however, does not mean the achievement of parity or the guarantee of women's right to participate on equal terms and free from violence.

Year 2022 was the third most violent since 2017 for women political, social and community leaders, with a total of 90 aggressions¹⁹. Although this number is lower than the previous year (109 cases recorded in 2021), it does not represent a significant decrease; on the contrary, it points to an increase of 60.7% compared to 2018. Of the 90 aggressions, 55 (61.1%) were against female political leaders, main participants in electoral processes²⁰.

Women candidates face differential forms of violence due to their gender such as sexual violence, harassment, verbal aggression and threats with discriminatory messages about their role in the home, their families and their physical appearance²¹ that serve as punishment for their participation in electoral spaces and as a deterrent for other women to participate in these²². In particular, the 2022 presidential elections were characterized by hate speech, racist, sexist and classist discourse especially directed to two female candidates. It is important to note that the use of threats ranked as the most recurring act against men and women, and that there have been cases of lethal violence against both women and men²³.

In the exercise of voting, women also face differential barriers including possible risks on the way to the polling place, such as gender-based violence; lack of time

18 In total, 86 women (29.15%) were positioned in Congress, which represents an increase of 9.44%, compared to the previous electoral period in 2018 where 55 congresswomen had been elected, representing 19.71%. Similarly, 132 women were elected in 2019 as mayors, which corresponds to 12.0% of the 1,099 mayorships in the country. Report yet to be published, *Mujeres, Paz y Seguridad. Miradas desde el feminismo*. LIMPAL Colombia (WILPF), October 2022.

19 Electoral Observation Mission - MOE (2022). Report "Manifestaciones de violencia política contra liderazgo y candidaturas de mujeres en un año de campañas electorales", page 7. Available at <https://www.moe.org.co/informe-moe-manifestaciones-de-violencia-politica-contra-liderazgos-y-candidaturas-de-mujeres-en-un-ano-de-campanas-electorales/>

20 Electoral Observation Mission - MOE (2022). Report "Informe: Manifestaciones de violencia política contra liderazgo y candidaturas de mujeres en un año de campañas electorales", page 8. Available in Spanish at: <https://www.moe.org.co/informe-moe-manifestaciones-de-violencia-politica-contra-liderazgos-y-candidaturas-de-mujeres-en-un-ano-de-campanas-electorales/>

21 Electoral Observation Mission - MOE (2022). Report "Informe: Manifestaciones de violencia política contra liderazgo y candidaturas de mujeres en un año de campañas electorales". Available in Spanish at: <https://www.moe.org.co/informe-moe-manifestaciones-de-violencia-politica-contra-liderazgos-y-candidaturas-de-mujeres-en-un-ano-de-campanas-electorales/>

22 Report yet to be published, "Mujeres, Paz y Seguridad. Miradas desde el feminismo". WILPF Colombia (October 2022).

23 Electoral Observation Mission - MOE (2022). Report "Informe: Manifestaciones de violencia política contra liderazgo y candidaturas de mujeres en un año de campañas electorales", page 12. Available in Spanish at: <https://www.moe.org.co/informe-moe-manifestaciones-de-violencia-politica-contra-liderazgos-y-candidaturas-de-mujeres-en-un-ano-de-campanas-electorales/>

and less possibility of leaving their homes given the domestic and care tasks they are responsible for. Women face similar barriers to men in certain situations, but to a heightened degree. For instance, migrations and displacements result in women residing in locations different from where they are required to cast their vote²⁴; or the difficulty they experience in accessing to polling stations due to distance, transportation costs, precarious road conditions, presence of armed actors, etc.

Recommendations:



In the political reform being pursued by the current government and in its implementation, take into account the need to prevent and address gender-based political violence, including measures for psychosocial care.

VIOLENCE AGAINST WOMEN HUMAN RIGHTS DEFENDERS AND WOMEN LEADERS

Security guarantees for the defense of human rights and political leadership are insufficient. In the last three years, there has been a total of 616 killings of social leaders and human rights defenders. Of these cases, 81 involved women, most of whom belonged to Indigenous communities, followed by peasant women, women trade unionists, community leaders and civic leaders²⁵.

Killings have not been the only way to intimidate and silence these leaders, but there a series of threats²⁶ and intimidations has also been recorded, even against their families, which have instilled fear in order to stop their political activities in defense of the territories and their inhabitants. Women experience a deterioration of their mental and emotional well-being due to constant "telephone, written and personal threats (from known or unknown actors), physical aggressions, sexual violence which in several cases is repeated causing cycles of re-victimization, bias on the part of public sector officials and health professionals, forced displacement and family separation, along with other situations that have caused fear, mistrust, anxiety, emotional withdrawal and social isolation"²⁷

24 National Administrative Department of Statistics (DANE), Presidential Council for Women's Equity (CPEM) and UN Women (2020). Report "Informe: Mujeres y hombres: Brechas de género en Colombia", page 93. Available in Spanish at: <https://www.dane.gov.co/files/investigaciones/genero/publicaciones/mujeres-y-hombre-brechas-de-genero-colombia-informe.pdf>

25 Indepaz Observatory, Database of social leaders, human rights defenders and agreement signatories assassinated in 2020, 2021 and 2022. Available at:

2020: <https://indepaz.org.co/lideres/>

2021: <https://indepaz.org.co/lideres-sociales-y-defensores-de-derechos-humanos-asesinados-en-2021/>

2022: <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2022/>

26 Following the signing of the peace agreement, threats have been the second most frequent victimizing act (hecho victimizante) in the period between 2016 and 2022, with a figure of 198,256, with women being the target of 100,234 of these. Registry of the Unit for the Attention and Integral Reparation of Victims (UARIV). Accessed on 9 October 2022. Available at: <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394>.

27 Report yet to be published, "Mujeres, Paz y Seguridad. Miradas desde el feminismo". WILPF Colombia (October

All this occurs without the Colombian State having achieved significant progress in the effectiveness of the response and attention to cases of gender-based violence and the incorporation of a women's human rights and feminist approach in the institutions that handle these cases, also making them unsafe spaces that hinder reporting and, therefore, the guarantees of protection and access to justice.

However, "this situation has not slowed down the actions of advocacy and resistance in the peace agenda, since in most cases the obstacles are a driving force to continue with their work of leadership and defense of human rights."²⁸ It is worth mentioning that within the framework of the Final Peace Agreement, point 2 on political participation is the one that has shown the least progress in implementation, and that in 2021 its budget was reduced by 95% compared to what reported in 2020²⁹.

Recommendations:

- 1** Improve rapid response mechanisms and investigation and prosecution processes, and identify the gender patterns associated with socio-political violence.
- 2** Allocate specific resources for the nationwide implementation of the Comprehensive Program of guarantees for women leaders and human rights defenders (*Programa Integral de Garantías para Líderesas y Defensoras de Derechos Humanos*).
- 3** Redesign protection measures which, in most cases, are insufficient and even increase the risks for women.

2022).

²⁸ Report yet to be published, "Mujeres, Paz y Seguridad. Miradas desde el feminismo". WILPF Colombia (October 2022)

²⁹ Comptroller General of the Republic (2022). Sexto informe sobre la ejecución de los recursos y cumplimiento de las metas del componente para la paz del Plan Plurianual de Inversiones. Available at: <https://www.camara.gov.co/sites/default/files/2022-10/SEXTO%20INFORME%20SOBRE%20LA%20EJECUCION%20DE%20LOS%20RECURSOS%20Y%20CUMPLIMIENTO%20DE%20LA%20METAS%20DEL%20COMPONENTE%20PARA%20LA%20PAZ%20DEL%20PLAN%20PLURIANUAL%20DE%20INVERSIONES%202016-2022%20CONTRALORIA.pdf>

V. VIOLENCE AGAINST FORMER FEMALE COMBATANTS

Despite the invaluable contribution to democracy following the signing of the Final Peace Agreement and the laying down of arms, the Colombian Constitutional Court declared on 27 January 2022 an unconstitutional state of affairs³⁰ due to the low level of compliance in the implementation of the security guarantees component for the people in the process of reincorporation, their families and members of the new political party, Comunes. From the signing of the Final Peace Agreement until 26 December 2022, the United Nations Verification Mission in Colombia recorded 355 killings of ex-combatants, 11 of which were women, 48 Afro-Colombian and 33 Indigenous. In addition, it recorded 110 attempted homicides, 8 of them of women, and 27 disappearances of men.³¹

In March 2023, the displacement of more than 200 families signatories of the Final Peace Agreement took place in the Former Territorial Area for Training and Reintegration (AETCR)³² Mariana Páez in Mesetas - Meta, thus marking at least two incidents of displacement in these reincorporation spaces.³³ This event, added to the killing of signatories who played leadership roles in political processes and community economic initiatives, is indicative of attempts to weaken collective processes and the risk faced by the reincorporation process and those who signed the Peace Agreement.

LIMPAL Colombia has documented attacks against women, who have stated that they have not received sufficient information about protection routes in situations of risk to their lives. In these circumstances, they have resorted to the United Nations System, national and international non-governmental organizations providing protective accompaniment, or to self-protection strategies; the response from public institutions has not been timely or satisfactory.³⁴ The incidences of killings, attacks and threats have resulted in them concealing their identity as ex-combatants and refraining from political participation, which was agreed in the Final Peace Agreement. They have adopted this strategy as a means to reduce the risks of exclusion and violent attacks.

Another way in which collective reincorporation, stipulated in the Final Peace Agreement as a collective process, has been jeopardized is through the system for delivery of seed capital. Agricultural projects are not promoted as collective initiatives, as they are delivered to individuals and not to processes and are inserted in market economies that discourage cooperation. In addition, the delivery of capital is not accompanied by complementary strategies such as training in business se-

³⁰ The Unconstitutional State of Affairs is a judicial decision, by means of which the Constitutional Court declares that there has been a massive, generalized and structural violation of fundamental rights, in this case security guarantees.

³¹ United Nations Verification Mission in Colombia (2023). Report of the Secretary-General, Available at: https://colombia.unmissions.org/sites/default/files/infography_inform_january_2023.pdf

³² The Former Territorial Areas for Training and Reintegration (AETCR) are the government-established sites for reincorporation. In these areas, signatories of the Final Peace Agreement carry out productive and community processes, among others.

³³ The first one was recorded in Yarí, Meta in 2021.

³⁴ WILPF Colombia (2022). "Realidades de la paz territorial: perspectivas de las mujeres de Meta y Bolívar. Informe de seguimiento a indicadores de género del Acuerdo de Paz firmado entre el Gobierno y las FARC-EP". Available in Spanish at:

https://www.limpalcolombia.org/images/documentos/Realidades_de_la_paz_territorial_Limpal2021.pdf

tup, production, marketing chains, advertising, among others, nor with access to land titling, making the projects unsustainable,³⁵ which discourages cooperation.

In the case of women, the lack of guarantees for reincorporation and the transition to a culture that is still patriarchal, has left them without options to choose the type of work to do, thus placing many of them unwillingly and sometimes exclusively in the sphere of family and care work. The institutional programs ignore the barriers that caregiving work entails for them, which significantly affects their participation and stay in the programs. For example, there is no financial support to cover travel costs for those who have dependents and are in remote areas, and there are not enough childcare centers equipped with services or adequate facilities.

Recommendations:

1

Develop effective protection and security strategies for women signatories of the Final Peace Agreement and their families, which respond to gender-specific risks and adapt the offer of institutional programs to the new geographical distribution. Currently the offer is mostly concentrated in the Former Territorial Areas for Training and Reintegration (AETCR), even though 80% of the people in the reincorporation process are outside these areas.

2

Given the peace negotiations with the guerrilla group "National Liberation Army" - ELN and the subsequent processes of bringing perpetrators to justice, a reincorporation policy with a gender approach that guarantees meeting the special needs of women in process of reincorporation is recommended.

³⁵ WILPF Colombia (2022). "Realidades de la paz territorial: perspectivas de las mujeres de Meta y Bolívar. Informe de seguimiento a indicadores de género del Acuerdo de Paz firmado entre el Gobierno y las FARC-EP". Available in Spanish at:

https://www.limpalcolombia.org/images/documentos/Realidades_de_la_paz_territorial_Limpal2021.pdf

VI. Voluntary Interruption of Pregnancy - VIP

In previous UPR cycles, Colombia has supported recommendations regarding access to safe abortion.³⁶

Between 2018 and 2023, there have been important advances in this area: first, in 2018 the Constitutional Court, based on the review of a specific case, affirmed that the right to abortion belongs to the category of reproductive rights,³⁷ and unified the criteria and standards of interpretation of each of the grounds for abortion recognized since 2006.³⁸ It also requested that the Ministry of Health issue a regulation compiling the rules on abortion. Second, as a response to a claim of unconstitutionality of the criminal legislation concerning voluntary abortion (Article 122 of the Penal Code), the Court decriminalized abortion up to the 24th week of gestation, and maintained the three grounds without gestational age limit already introduced in 2006³⁹. Additionally, it urged the Congress of the Republic to issue a comprehensive public policy to eliminate the extensive lack of protection for the dignity and reproductive rights of pregnant women. Third, the Ministry of Health's adoption of a unified regulation for the integral health care of VIP in January 2023,⁴⁰ which makes its compliance mandatory for all entities responsible for the guarantee of the right to and the provision of health services, and sets quality standards with which VIP must be guaranteed as well as key guiding principles. It also includes an annex that provides technical and operational guidelines for the provision of the service.

Despite these advances, abortion still remains a punishable offence in the Penal Code and the possibility that women and people with gestational capacity may be reported, investigated and condemned for having an abortion remains.⁴¹ Furthermore, the lack of access to abortion as a sexual and reproductive health service persists⁴² due to the existence of barriers in health institutions, including inadequately regulated exercise of conscientious objection,⁴³ as well as the social stigma as-

36 UPR second cycle recommendation: 120.114 Guarantee full access to safe abortion, within the existing legal framework, in all regions of the country (Denmark); UPR first cycle recommendation: 116.98 Take steps to ensure that health providers act in full conformity with the Constitutional Court ruling decriminalizing abortion in certain circumstances (New Zealand).

37 Ruling SU - 096 of 2018

38 In Ruling C - 355 of 2006, the Court decriminalized the offence of abortion contained in article 122 of the Penal Code in three circumstances:

- a) When the life or health of the woman is in danger.
- b) When there is a malformation of the foetus incompatible with life.
- c) When the pregnancy is the result of abuse, rape, incest, egg transfer or non-consensual insemination.

39 Ruling C - 055 of 2022. After the C - 355 of 2006, it is the second most important jurisprudential milestone in the history of the right to VIP in Colombia.

40 Resolution 051 of 2023: Issued in compliance with the order of the Constitutional Court through Ruling SU - 096 of 2018.

41 According to official data from the Office of the Prosecutor General of the Nation, in 2018 more than 437 cases related to the crime of abortion were opened: 326 cases in 2019; 246 cases, in 2020; 217 cases in 2021; 115 cases in 2020; , and 11 cases so far in 2023 (these can be consulted in the following page <https://www.fiscalia.gov.co/colombia/gestion/estadisticas/delitos/> by entering the type of crime, article 122 and the year that is being researched).

42 Included as a service in the Health Benefits Plan, updated with the Resolution 2808 of 2022, by the Ministry of Health.

43 In its Safe Abortion: Technical and Policy Guidance for Health Systems, the World Health Organization (WHO) states that health services must be organized to ensure that the exercise of conscientious objection by health professionals does not prevent women from accessing services to which they are legally entitled See the complete recommendation "4.2.2.5 Conscientious objection", on page 96 of the guide, available at: https://apps.who.int/iris/bitstream/handle/10665/70914/9789241548434_eng.pdf?sequence=1&isAllowed=y

sociated with abortion, due to the socioeconomic and geographic conditions faced by women and people with gestational capacity.

Recommendations:

1

Implement the jurisprudential standards contained in the 25 rulings of the Constitutional Court, the guidelines of the Ministry of Health,⁴⁴ national⁴⁵ and international⁴⁶ regulatory standards, and recommendations to Colombia by human rights mechanisms,⁴⁷ which guarantee the right to abortion and access to abortion services without imposition of barriers.

2

Remove the crime of abortion from the Penal Code, in accordance with the recommendations of international human rights mechanisms.⁴⁸

44 Resolution 051 of 2023 and Ruta de Atención Materno Perinatal.

45 Law 1751/2015 – Ley estatutaria de Salud, Directiva 006 de 2016 of the Office of the Prosecutor General of the Nation.

46 See, for example, General Comment No. 22 of 2016, on the right to sexual and reproductive health, by the Committee on Economic, Social and Cultural Rights. The General Comment notes that “due to numerous legal, procedural, practical and social barriers, access to the full range of sexual and reproductive health facilities, services, goods and information is seriously restricted”, thus the Committee recommends to States - in particular, to bodies with normative powers: administrations and legislators - to fulfill the obligation of States parties to “ensure every individual's enjoyment of the right to sexual and reproductive health, as required under Article 12” of the ICESCR. See also: “Safe abortion: a technical and policy guide for health systems”, World Health Organization - WHO.

47 Among others, Human Rights Committee, concluding observations on the seventh periodic report on Colombia, CCPR/C/COL/CO/7 (17 November 2016); Committee on the Elimination of Discrimination against Women, Concluding observations on the ninth periodic report of Colombia, CEDAW/C/COL/CO/9 (14 March 2019).

48 See, for example, the report on “the interaction between criminal laws and other legal restrictions relating to sexual and reproductive health and the right to health” by the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. A/66/254 (3 August 2011), Paragraph 65, h.

VII. HUMAN TRAFFICKING

Despite underreporting, human trafficking is on the rise due to socioeconomic and gender inequalities and the exploitation of refugees and migrants in vulnerable situations. According to an IOM's assessment for the period 2013 to July 2020, 686 cases of human trafficking were documented in Colombia, of which 82% women and 18% men. In addition, the average age of the victims ranges between 18 and 30 years old (55%), followed by people between 31 and 50 years old (22%) and, finally, children and adolescents (12%). The purposes of human trafficking with the most reported cases since 2013 were: sexual exploitation (408 cases); forced labor (134 cases); and servile marriage (48 cases).⁴⁹

The armed conflict in Colombia is one of the factors associated with the crime of human trafficking, given its links to the arms and drug trade, two of the other crimes with which trafficking is associated. Victims are forced by members of illegal armed groups, gangs and criminal networks of into sexual exploitation and forced labor, particularly the sale and transport of illegal narcotics, as well as mining, agriculture and domestic servitude.⁵⁰

Similarly, areas of high mobility caused by internal or outward migratory flows increase vulnerability to human trafficking,⁵¹ particularly for Venezuelan migrants, due to the precariousness of travel and lodging, family fragmentation, lack of identity and/or travel documents, irregular migration and labor status, among other factors.⁵² In migration and border contexts, work need and misinformation lead many people to be deceived by false job opportunities which facilitate human trafficking. Other groups at high risk are internally displaced persons; Afro-Colombians; Colombians with disabilities; Indigenous Peoples, facing, in particular, forced labor; and Colombians living in areas where illegal armed groups and criminal organizations are active.⁵³

Recommendations:



1 Incorporate into the National Strategy on Trafficking in Persons specific and uniform criteria for the care and protection of victims in all territories, from a victim-centered and intersectoral approach rather than a focus on security and criminal prosecution.⁵⁴

⁴⁹ International Organization for Migration (IOM UN Migration Colombia). Local press release, 6 relevant facts about human trafficking in Colombia, 31 October, 2020. Available at: <https://colombia.iom.int/es/news/6-datos-relevantes-sobre-la-trata-de-personas-en-colombia>

⁵⁰ Women's Link Worldwide (2021) La trata de personas en Colombia - Principales fallas en el sistema de protección. Available in Spanish at: <https://www.womenslinkworldwide.org/files/3127/principales-fallas-en-el-sistema-de-proteccion-para-victimas-de-trata-en-colombia.pdf>

⁵¹ Corporación Espacios de Mujer, 2017. Report "La trata de personas en Colombia: La esclavitud moderna". Available in Spanish at: https://www.espaciosdemujer.org/wp-content/uploads/4.CEM_La-Trata-en-Colombia_2017.pdf

⁵² International Organization for Migration (IOM UN Migration Colombia).). Diagnosis "Diagnóstico sobre la situación e incidencia de la trata de personas en contextos humanitarios en América del Sur". IOM, Panama, 2020.

⁵³ International Organization for Migration (IOM UN Migration Colombia). Diagnosis "Diagnóstico sobre la situación e incidencia de la trata de personas en contextos humanitarios en América del Sur". IOM, Panama, 2020.

⁵⁴ Recommendation based on the article "La trata de personas en Colombia - Principales Fallas en el Sistema de Protección" (Woman's Link Worldwide, 2021).

VIII. MILITARIZATION OF PUBLIC SPENDING AND WEAPONS ACQUISITION

MILITARIZATION OF PUBLIC SPENDING

Despite the situation described earlier in this report and the fact that the current government has presented a policy called “Paz Total (Total Peace)”⁵⁵ that envisages peace dialogues with armed groups with a political status (guerrillas), such as the Ejército de Liberación Nacional (ELN), and the bringing to justice of criminal organizations, organized armed groups or drug traffickers, the budget for the Defense sector for 2023 increased by 9% with respect to 2022⁵⁶ and is 23.59% higher than the budget allocated to the implementation of the Final Peace Agreement, and 93.24% higher than the one allocated to the achievement of “women’s equity.”

Colombia has the second highest budget allocation to the area of Security and Defense in Latin America,⁵⁷ something that points to the centrality of militarization and arms’ use in security policies.

Recommendations:

1

Progressively decrease the budget allocation for the defense sector and, instead, prioritize peace and gender equity policies.

2

Conduct a reform of the Security and defense sector that broadens the notion of human security, placing women’s lives and their daily experiences of violence at its center, and that recognizes and transform the link between militarism, militarized masculinities and the risks of sexual violence, discrimination and exploitation by state agents. This reform should include the use of the civilian justice system rather than the military justice system.

55 Law 418 of 2022. The policy called “Total Peace,” presented by the government of President Gustavo Petro, makes peace a state policy. This process includes peace dialogues with political groups, such as the National Liberation Army - ELN, and the bringing to justice of criminal organizations, organized armed groups or drug traffickers.

56 The allocation for the Security and Defense sector for 2023, according to the General Budget of the Nation is 45.5 billion pesos, increasing 9% with respect to 2022, in which the allocation for this sector was 41.6 billion pesos. Analysis prepared based on Law 2276 of 2022 by which the General Budget of the Nation for the 2023 fiscal year is decreed. See in:

https://www.minhacienda.gov.co/webcenter/ShowProperty?nodeld=%2FConexionContent%2FWCC_CLUS-TER-208233%2F%2FidcPrimaryFile&revision=latestreleased

57 Colombia had 9.6% of total central government spending allocated to military forces in 2021, ranking first in the region. Taking into account as reference the percentage of GDP that is allocated to this sector, Colombia ranked 16th among the countries with the highest military spending in the world and first in Latin America in 2021. That same year it registered an expenditure of US dollars 10 million for military expenditure, ranking second in the region after Brazil, with US dollars 18 million. Analysis based on the report by the Stockholm International Peace Research Institute - SIPRI, Available at:

Arms transfers, imports: <https://datos.bancomundial.org/indicador/MS.MIL.MPRT.KD>

Arms transfers, exports: <https://datos.bancomundial.org/indicador/MS.MIL.XPRT.KD>

Military spending (% of GDP): <https://datos.bancomundial.org/indicador/MS.MIL.XPND.GD.ZS>

Military expenditure (% of central government expenditure): <https://datos.bancomundial.org/indicador/MS.MIL.XPND.ZS>

ARMS PURCHASE AND TRADE

According to the Inter-American Development Bank,⁵⁸ Latin America and the Caribbean has been the most violent region on the planet in the last 20 years, accounting for between 29% and 39% of homicides recorded worldwide, 75% of which involving firearms.⁵⁹ Colombia also has one of the highest rates of homicides of firearm-related homicides in the region⁶⁰ and ranks fifth in the world in terms of deaths by firearms.⁶¹ Firearms, including those legally owned, are also used in acts of violence against women. During 2019, 56.8% of homicides of women were committed with small arms and light weapons. Of this percentage, 55.6 % were caused by firearm projectile and 1.1 % by explosive agents and mechanisms.⁶² The report “Reporte Dinámico Femicidios Colombia (Dynamic Femicides Colombia Report) from the Colombian Femicide Observatory, contains similar information for the year 2022: 336 femicides of the 614 registered cases were committed with firearms and 157 with sharp weapons. These figures reflect the links between the patriarchal system, the militarization of society and violence against women.

During the last few years, the illegal arms trade in Colombia has grown, which facilitates access to them⁶³ and shows that the State’s control over their circulation is extremely low and ineffective. Regarding arms exports made to Colombia from 2016 to 2021, the SIPRI portal reports that exports from various countries, such as Germany, Israel and the United States increased considerably in 2017.⁶⁴

58 Quoted by Fundación Ideas para la Paz - FIP (July 27, 2020). “Colombia: un gran mercado de armas sin incentivos para reducirlo”. Available in Spanish at: <https://ideaspaz.org/publicaciones/investigaciones-analisis/2020-07/colombia-un-gran-mercado-de-armas-sin-incentivos-para-reducirlo>

59 The most recent estimation suggests that there are around 71 million small arms in Latin America, 86% of which are in civilian hands (Sanjurjo, 2021).

60 18 per 100,000 inhabitants in 2019, with figures higher than the United States (4.5 for 2017) and Mexico (16.5 for 2017). (Fundación Ideas para la Paz, 2020).

61 An estimated 70% to 80% of homicides have been committed with firearms, most cases in rural areas, being also used in suicide and other crimes such as threats, intimidation, and robbery (FIP, 2020). (Journal of the American Medical Association - JAMA)

62 Colombia Diversa, Corporación Casa de la Mujer, Corporación de Apoyo a Comunidades Populares [Codacop], Corporación Humanas - Centro Regional de Derechos Humanos y Justicia de Género, Corporación Sisma Mujer, Liga Internacional de Mujeres por la Paz y la Libertad [Limpal Colombia], Fundación Oriéntame, Red Nacional de Mujeres, Ruta Pacífica de las Mujeres y Tejido Mujer de la Çxhab Wala Kiwe. (2020). A 20 años de la Resolución 1325. Las organizaciones de mujeres revisan su implementación en Colombia durante 2019. Bogotá, Colombia: A.F. Impresores S.A.S. Available in Spanish at: <https://www.humanas.org.co/wp-content/uploads/2021/03/Informe-Resolución-1325-2021-.pdf>

63 The proportion of weapons in the hands of Colombians - legal and illegal - is similar to 24 years ago: 9,497 weapons per 100,000 inhabitants in 1994 versus 10,091 in 2017 (FIP, 2020). Analysis document “Colombia: a large arms market without incentives to reduce it” (27 July 2020). Available in Spanish at: <https://ideaspaz.org/publicaciones/investigaciones-analisis/2020-07/colombia-un-gran-mercado-de-armas-sin-incentivos-para-reducirlo>

64 As reported by the Stockholm International Peace Research Institute - SIPRI, the arms exported to Colombia in 2017 - expressed in millions - were: 36 from Germany, 15 from Israel and 30 from the United States. Analysis based on SIPRI report. Available at: <https://datos.bancomundial.org/indicador/MS.MIL.MPRT.KD>

Recommendations:

1

Ensure that the actions and strategies developed within the framework of the Arms Trade Treaty, signed by Colombia and whose ratification was approved by Law 2289 of 2023, incorporate a gender perspective. Specifically, there is an urgent need for a disarmament policy that includes effective control over the local and international arms trade and over the access given to users, such as the military, the private security sector and civilians. In addition, it is necessary to develop local, regional and national initiatives for gun control, and improve of information registration systems.

2

Deposit with the UN Secretary General the instrument of ratification of the Arms Trade Treaty (Law 2289 of 2023) as soon as possible so that the ratification process at the international level is completed.

3

All the above should be framed within a structural strategy to redirect military spending towards increased social investment⁶⁵ and the transition to a culture of peace respectful of diversity and women's human rights.

65 Truth Commission (2022). Report: "Informe final. Hay futuro si hay verdad" Chapter "Mi cuerpo es la verdad". Experiencias de mujeres y personas LGBTIQ+ en el conflicto armado", page 205. Available in Spanish at at: <https://www.comisiondelaverdad.co/english>



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