

No peace in the territories, but there is still hope

Report of the International Verification Mission on
the Implementation of the Peace Agreement with a
gender focus

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Executive Summary

For over 50 years the political, socioeconomic, and armed conflict between the Colombian government and the guerrilla forces has had devastating impacts for all Colombians. In its report “¡Basta Ya!” the National Centre for Historical Memory (CNMH: Centro Nacional de Memoria Histórica) indicates that from 1958 to 2012 the armed conflict caused at least 220,000 deaths (81% were civilians) and 1,754 victims of sexual violence, the vast majority women. In addition, the CNMH has recorded a total of 60,630 victims of forced disappearance from 1970 to 2015. The “¡Basta Ya!” report indicates that more than 8.3 million hectares of land have been forcibly taken or abandoned under duress, while, as of February 2017, 7.3 million persons have been forcibly displaced inside Colombia. According to the CNMH, the structural inequalities between the genders are one of the structural drivers of the armed conflict. Accordingly, peace building necessarily implies making progress in eradicating the different forms of violence directed against women, especially women in more vulnerable situations.

The Colombian government and the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP: Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo) decided to put an end to their armed conflict. For more than four years they negotiated in Havana and reached an initial agreement in August 2016, which was signed in an official ceremony on September 26, 2016 in Cartagena. During the negotiations a subcommittee on gender was constituted to advise the parties on the inclusion of a differential and gender perspective in the peace agreement, which has been an example internationally for women’s inclusion and participation in peace processes. The government decided to ratify the agreement putting it to the citizens in a plebiscite. The “No” vote won by a slim margin, so they renegotiated certain points and, finally, on November 24, 2016, the second version of the Final Agreement to End the Conflict and Build a Stable and Lasting Peace was signed (hereinafter, the Peace Agreement). This agreement was ratified by the Colombian Congress on November 30, 2016.

In order to assess, on site, the implementation of the Peace Agreement, the Fundación Mundubat, along with Peace Brigades International, both of which are member organisations of the International Office for Human Rights Action on Colombia (OIDHACO: Oficina Internacional para los Derechos Humanos – Acción Colombia), organised an international verification mission to Colombia – hereinafter called the Mission. The mission included the participation of 10 international experts on human rights, human rights defenders, peace-building, and gender. In addition to visiting Bogotá, the Mission travelled to both urban and rural areas in Nariño (Tumaco), Valle del Cauca (Buenaventura), Cauca (La Elvira), Chocó (Quibdó), and Urabá (basins of the Jiguamiandó, Curvaradó, and Cacarica rivers). For one week, the members of the Mission met with communities, feminist and women’s organisations, Afro-descendent, small-scale farming and indigenous organisations, human rights organizations, local and national authorities, the diplomatic corps, international organisations, institutions created by the Peace Agreement and former FARC-EP combatants who are current members of the FARC political party.¹

¹ In the report we refer to the guerrilla group the Revolutionary Armed Forces of Colombia – People’s Army using the acronym FARC-EP; we refer to the political party, Common Alternative Revolutionary Force using the acronym FARC

All the people that the Mission met expressed their commitment to building peace in Colombia and support for the peace process. Each of them underscored that achieving a negotiated agreement to end more than 50 years of armed conflict has been a great success, and that it has been the result of years of work by the social movement demanding a negotiated settlement from the outset of this armed conflict, as well as the opening displayed by both the government of President Juan Manuel Santos and the FARC-EP. The most palpable result of ending this armed conflict has been a **reduction in the number of persons killed for conflict-related reasons**, according to figures from the Resource Centre for Conflict Analysis (Centro de Recursos para el Análisis de Conflictos): *“compared to the historical record of the conflict, the peace process with the FARC prevented the deaths of at least 2,796 persons attributable to the conflict; most of them members of the FARC guerrillas and members of the armed forces and National Police (1,553 of the FARC and 556 from the armed forces and National Police)”*². Nonetheless, the expectations sparked by the Peace Agreement are far from being met, and the Mission found much disillusion in the territories visited, both urban and rural. Nonetheless, people are still hopeful. The Mission focused on three issues addressed in the Peace Agreement: security guarantees, guarantees for political participation and the reincorporation of former combatants, and the transitional justice mechanism within the Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Recurrence. On each of these points the Mission sought specific information on compliance with a gender perspective and/or that takes account of the impact on women. It was not always easy to conduct this analysis, due to the lack of methodology for peace-building found in both the territories and within institutions.

“One cannot lose hope, as communities we need to continue to go with the peace process; there is no other possible way forward.”

*Afro-Colombian woman leader from the Cacarica river basin –Urabá region,
department of Chocó.*

Security Guarantees

The situation of security in all the territories visited is of serious concern. All those interviewed described the **arrival of new illegal armed actors** in the territories visited where the FARC-EP had exercised control. These groups include neo-paramilitary groups,³ drug-trafficking groups, the ELN guerrilla forces, and dissident groups of the FARC-EP. The arrival of these groups was accompanied by actions to pressure and intimidate the communities and social leaders; recruitment of children, both boys and girls; risk of combat between armed actors fighting for territorial control in areas inhabited by the communities; risk of forced displacement; and anti-personnel mines. Therefore, in these territories the situation has not seen improvements with the signing of the Peace Agreement; the armed conflict continues in these areas and on occasion has worsened. The Mission is concerned by the fact that the Colombian government has not taken the measures needed to fill the vacuum that the FARC-EP left behind.

² “A long conflict, with a negotiated end”, Bilateral Cease Fire Monitor (CERAC) 30 June 2017

³ There is a variety of analysis and names for these groups, the Colombian State denies the existence of paramilitarism and decided to name these groups Organised Armed Groups (GAO), organisations from the social movement – given the relationship these groups have with the State Security Forces – call them paramilitaries or neo-paramilitaries (to highlight the changes they underwent after the process of partial demobilisation under Law 975 of 2005, but also the elements of continuity); in the Peace Agreement they are called “paramilitary successor groups”. The objective of the Mission was not to investigate this reality, however we heard testimonies of their coexistence with the State Security Forces, for this reason in the report we make reference to these groups as neo-paramilitaries. Notwithstanding, we recognise the changing realities of the groups depending on the region

In particular, throughout the country **there has been an increase in killings of human rights defenders and social leaders**. The Office of the Human Rights Ombudsman (Defensoría del Pueblo) – a Colombian state institution with a presence in the territories – states that since January 2016 more than 200 human rights defenders and social leaders have been assassinated. The indigenous organisation OPIAC reports the assassination of 40 indigenous persons since the signing of the Peace Agreement between the Colombian government and the FARC-EP. One aspect of particular concern is the increase in assassinations of women human rights defenders. According to the We are Defenders program (Programa Somos Defensores), in the first six months of 2017, seven women human rights defenders were assassinated. That is, in six months as many women defenders were assassinated as during the whole year in 2012, 2014, 2015, and 2016.

The Office of the Human Rights Ombudsman called attention to the continued use of “*sexual violence as a means of controlling the population, in disputes that may take place among armed actors as they reposition and seek to exercise territorial control*”⁴, and the fact that said Office had responded, in the first 10 months of 2017, to 361 cases of sexual violence in the context of the armed conflict. The situation is no better for the persons from the FARC-EP who made the decision to leave behind the armed struggle and set out on the path to civilian life. As of October 20, 2017, the **assassination of 25 former combatants and 11 of their family members** had been documented. Unfortunately, in the month of November there were more assassinations.

“No es que tenga miedo, vivo con miedo.”
Lideresa afrocolombiana de Tumaco – Nariño.

In terms of the **measures provided for in the Peace Agreement**, the Mission welcomes the incorporation of a provision into the Colombian Constitution which prohibits creating and supporting armed groups including neo-paramilitary groups, and to ensure the State’s legitimate monopoly over the use of force and the use of arms. Nonetheless, we must note the failure to implement most of these measures. While the **National Commission on Security Guarantees** has been established, it does not appear to have made progress towards attaining its objective, i.e. the design of public policy to dismantle criminal organisations including neo-paramilitary groups. The Commission does not have a clear and transparent work plan that would allow one to think that it is making progress pursuing its purpose. It has not visited the regions to hear the testimonies of the communities and local organisations and appears to be caught up in debating how it will operate, to date limiting itself to serving as a space for accountability of state institutions in respect of homicides of social leaders. In addition, to date the two pilot plans announced in Buenaventura (Valle del Cauca) and Tumaco (Nariño) have not really been established and activated. And to date, of the 15 members of the National Commission on Security Guarantees, only two are women, just 13%.

Two other measures for fighting these groups have hardly advanced, despite the urgency of the matter, since with each passing day there is a risk that they may assassinate a human rights defender. The creation of the **Elite Corps of the National Police (Cuerpo de Elite de la Policía Nacional)**, with 1,088 members, came late (in June 2017) and has not produced any compelling results to date. Although the **Special Investigation Unit of the Prosecutor General’s Office (Unidad Especial de Investigación de la Fiscalía)** has been established by decree-law in May 2017, it is not attaining the objective assigned to it under the Peace Agreement; its director was not appointed until

⁴ “Human Rights Ombudsman presents Holistic Action Plan and Attention Strategy for Women”, Human Rights Ombudsman, 1 December 2017, Bogotá.

27 November 2017. Nor has the new **Prevention and Warning System (Sistema de Prevención y Alerta)** seen much progress; it should give the Office of the Human Rights Ombudsman autonomy and resources to prevent attacks on human rights defenders and social leaders. Only in late November did the Ministry of Interior publish a draft decree for the consideration of Colombian citizens.

Guarantees of political participation and reincorporation of former combatants

The Mission considers the passing of the Statute on Political Opposition to be a considerable step forward for Colombian democracy, as it guarantees rights for opposition political parties. We welcome the definitive transition made by the FARC-EP, laying down their weapons and establishing the political party “**Fuerza Alternativa Revolucionaria del Común**”, legally incorporated on 31 October 2017. This party is ensuring the participation of women with 23% women in its national leadership body (Dirección Nacional Colegiada) of 111 members, 27% women on its National Political Council, and two women among the first five candidates in its list for the upcoming Senate elections. Despite having obtained this legal status, there continues to be a certain level of **legal insecurity**, as there are several cases of former combatants who have been detained despite having received their certificates of amnesty and/or pardon; and a high level of **physical insecurity** as mentioned above. In addition, the former combatants interviewed expressed concerns regarding **socioeconomic reincorporation**, due to not having received adequate training or resources. Many also spoke of the lack of land available to pursue agricultural projects. Without successful socioeconomic reincorporation, there is a risk that these former combatants may become caught up in illegal economies or become involved in armed groups.

In terms of **citizen political participation** the Mission laments the decision of the Colombian Congress to not approve the bill which sought to create the **Special Transitory Electoral Districts for Peace (Circunscripciones Transitorias Especiales de Paz)**; and the legal limbo in which they are found at the moment this report has been written. The objective of this law, in line with what was negotiated in the Peace Agreement, was to enable victims from regions particularly affected by the armed conflict to have direct representation in Congress. The Mission is concerned that, according to the report by the Kroc Institute⁵, of the three measures taken to promote the **political and citizen participation of women** (point 2.3.7), none has so far been initiated. The women former combatants interviewed by the Mission lament the lack of compliance by the State in providing resources for their political training, as well as in the different proposals for education, health, psychosocial support, and economic projects. In addition, women’s organisations demand that the gender perspective not be limited in its application, and that it be truly cross-cutting, extending to all areas.

The Mission has found a **major problem related to guarantees for social protest**. While the Peace Agreement states that “*mobilisation and peaceful protest are legitimate forms of political action*” and provides for the drafting of a law to guarantee this right, no legislative progress has been made in

“[P]articipation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs.”
Human Rights Council, Resolution A/HRC/25/L.20, March 24, 2014.

⁵ Report on the state of implementation of the Colombian Peace Agreement, Kroc Institute for International Peace Studies. November 2017

this regard. On the contrary, in the territories visited the Mission heard testimonies that described repeated attacks by government forces, in particular by the National Police and its Anti-Riot Squad (Escuadrón Móvil Antidisturbios). Some high-impact cases include: the Civic Strike (Paro Cívico) in Buenaventura, where the Organising Committee (Comité del Paro Cívico) documented 722 victims of police repression, 17 of whom suffered gunshot wounds; the massacre in Tumaco, where, according to the testimony of small-scale farmers, the Police shot and killed seven people who were demonstrating against the forced eradication of illicit crops; and the nationwide protests (Minga Nacional) by indigenous peoples, during which at least 41 indigenous persons were wounded due to the exaggerated use of force by the Colombian authorities.

Victims at the centre of the agreement: Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Recurrence

The Mission welcomes the adoption of Legislative Act 01, which was the first step in the creation of the Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Recurrence, and its three principal mechanisms: the Special Jurisdiction for Peace, the Special Unit to Search for Persons considered Disappeared, and the Truth, Co-existence, and Non-Recurrence Commission. Nonetheless, to date major concerns persist regarding implementation in keeping with the text and spirit of the Peace Agreement. In effect, in the legislative process for the creation of the **Special Jurisdiction for Peace (JEP: Jurisdicción Especial para la Paz)** major changes were included, such as disqualifying human rights defenders from serving as judges; and enabling civilian third persons (businesspersons, or state agents not part of the armed forces or National Police, for example) to appear voluntarily before the JEP but not requiring them to do so. With these modifications, the JEP would not carry out its role of fighting impunity, which would be one of the best guarantees for preventing the repetition of the different forms of violence.

The Mission celebrates the election of a female majority of judges in the JEP. The Mission also welcomes the creation of the **Special Unit for the Search of Persons considered Disappeared** and the appointment of its director, Luz Marina Monzón, who has a long trajectory of work defending human rights. This Unit faces many challenges; and so the Mission is surprised at the lack of financial support from the Colombian State, which is needed to enable its director to get this new public institution up and running. As mentioned above, there are at least 60,630 victims of forced disappearance. There is no time to lose in searching for them.

The Mission did not have the opportunity to meet with members of the **Truth, Co-existence, and Non-Recurrence Commission**, nevertheless, we welcome its creation and the appointment of Father Francisco de Roux to preside over it; he has a well-known history of struggle on behalf of human rights and communities. Many of the persons interviewed by the Mission insisted on the importance of the truth to make progress in the peace-building process and to ensure that there is no repetition of the acts of violence.

Conclusions

“There is no peace in the territories, but there is still hope”: thus the Mission concluded its visit to Colombia. Despite the failure of the Colombian State to implement most of the commitments in the Peace Agreement, despite the lack of security guarantees for former combatants, the increase in attacks on human rights defenders and leaders, despite the arrival of new armed actors and finding themselves once again in the midst of an armed confrontation, the communities, organisations and

movements, and former combatants who spoke to the Mission continue to support peace as the only way forward.

The lack of progress in implementing the Peace Agreement brings many consequences that may be highly negative for Colombia. Moreover, according to the United Nations, the majority of FARC members are leaving the Territorial Spaces for Training and Reincorporation due to insecurity and lack of opportunities for socioeconomic reincorporation. At the same time, a negative message is being sent to the negotiators in the current peace talks in Quito between the Colombian government and the ELN guerrillas; and to citizens in general, who will be called on to vote in the 2018 presidential and legislative elections.

It is necessary to move quickly in implementing the Peace Agreement and to ensure that it reaches the territories. Only in this way will it be possible to say that there will be a concerted fight against impunity and against the repetition of all types of violence, that the gender perspective will not be limited to mere pronouncements but will be explicitly put into practice; and that socioeconomic opportunities will be forged to avoid the causes of the armed conflict from continuing, and so that the former combatants do not seek alternatives for survival by turning to crime, thereby ensuring a sustainable and genuine peace.

Introduction

One year ago, on 24 November 2016, the Colombian government and the Revolutionary Armed forces of Colombia – People’s Army (*Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo* - FARC-EP) signed the Final Agreement to End the Conflict and Build a Stable and Lasting Peace. The agreement aims to end more than 50 years of armed conflict between the Colombian government and the FARC-EP and was formally approved by the Colombian Congress on 30 November 2016. This political, socioeconomic, and armed conflict has had devastating impacts for all Colombians. In its report “¡Basta Ya!” the National Centre for Historical Memory (CNMH: Centro Nacional de Memoria Histórica) indicates that from 1958 to 2012 the armed conflict caused at least 220,000 deaths (81% were civilians) and 1,754 victims of sexual violence⁶. In addition, the CNMH has recorded a total of 60,630 victims of forced disappearance from 1970 to 2015⁷. The “¡Basta Ya!” report indicates that more than 8.3 million hectares of land have been forcibly taken or abandoned under duress, while, as of February 2017, 7.3 million persons have been forcibly displaced inside Colombia⁸. According to the CNMH, gender inequalities are one of the structural drivers of the armed conflict. Accordingly, peace-building necessarily implies making progress in eradicating the different forms of violence against women, especially women in more vulnerable situations.

The Peace Agreement is considered by the international community to be one of the most ambitious in the world, and contains the following 6 sections:

- ‘Comprehensive Rural Reform’ – aims to contribute to eradicating poverty, promoting equality and ensuring the full enjoyment of citizens’ rights.
- ‘Political Participation’ – creates measures to expand and enrich democracy. This implies the laying down of weapons and the prohibition of violence as a means for political action for Colombian citizens with a view to achieving the transition to a political climate where democracy takes precedence, with comprehensive guarantees for those taking part in politics, and thus new spaces for participation.
- ‘Bilateral and Definitive Ceasefire and Cessation of Hostilities and Laying down of Arms’ – the objective of which is the definitive conclusion of offensive actions between the Colombian State Armed Forces and the FARC-EP as well as the reincorporation of the FARC-EP into civilian life.
- ‘Solution to the Illicit Drugs Problem’ – promotes a distinct, differentiated approach to address the phenomenon of the use of drugs, the problem of crops grown for illicit use and organised crime associated with drug trafficking, ensuring a general human rights, public health, differential, gender-based approach.
- ‘Victims’ – creates the Comprehensive System for Truth, Justice, Reparation and Non-Recurrence, to contribute to the fight against impunity, using a combination of judicial mechanisms that enable the investigation and sanctioning of serious violations of human rights and serious infringements of international humanitarian law, with supplementary extra-judicial mechanisms aimed at clarifying the truth of what happened, searching for missing loved ones and providing reparations for the harm and injury caused to individuals, groups and entire territories.

⁶ “¡Basta Ya! Colombia: memorias de guerra y dignidad”, National Centre for Historical Memory, 2013.

⁷ “Hasta encontrarlos: el drama de la desaparición forzada en Colombia”, National Centre for Historical Memory, 2016.

⁸ “Situación Colombia”, UNHCR, February 2017.

- ‘Implementation and verification mechanisms’ – creates a “Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement and resolving differences”.

Additionally, a mechanism for accompaniment has been created so that the international community can contribute in different ways to guarantee the implementation of the Final Agreement.

To ensure rapid implementation, Article 2 of Legislative Act 01 of 2016 grants the Colombian President extraordinary powers to expedite the legislative regulation of the Agreement, commonly known as the *Fast Track* mechanism. Taking into account that this special and rapid procedure ended on 30 November and that Colombia has entered the electoral process for the 2018 presidential and legislative elections; now is the right time to take stock of the implementation of the agreements.

In light of the above, Fundación Mundubat and Peace Brigades International (PBI), both of which are member organisations of the International Office for Human Rights - Action on Colombia (OIDHACO: Oficina Internacional para los Derechos Humanos-Acción Colombia), decided to organise an international verification mission to Colombia (hereinafter the Mission), between 28 October and 4 November, in order to assess the implementation of the Peace Agreement between the Colombian government and the FARC-EP (hereinafter the Peace Agreement). The mission included the participation of 10 international experts on human rights, human rights defenders, peace-building, and gender, namely:

- Pedro Arrojo Agudo – Member of the Spanish State Congress
- Garbiñe Biurrun – Judge in the High Courts of Justice in the Basque Country and Professor of Law
- Carmen Magallon – Director of Fundación Seminario de Investigación para la Paz and President of WILPF Spain (Women’s International League for Peace and Freedom)
- Xavier Masllorens – President of Institut Català Internacional per la Pau (ICIP)
- Anna Balaguer Soriano – Coordinator of the Gender Office in Fundación Mundubat
- Beatriz Gil – Coordinator of Fundación Mundubat in Colombia
- Arantza Larizgotia –Manager of Actions in the Global North, Gender Office in Fundación Mundubat
- Rubén Mantecón Agudo – Political Advocacy Officer for PBI Estado Español
- Francesca Nugnes – European Representative of PBI Colombia
- Vincent Vallies – International Expert on Colombia, Peace and Human Rights

In particular, the Mission assessed the protection and security situation, the expansion of democracy and the Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Recurrence. A gender focus was central to the Mission. As a starting point the Mission assumed that the implementation of the Peace Agreement does not only rely solely on the creation of the necessary laws and decrees, but also on assessing the real changes in the everyday lives of people who live in areas historically affected by the armed conflict.

In addition to Bogotá, the Mission visited both urban and rural areas in Nariño (Tumaco), Valle del Cauca (Buenaventura), Cauca (La Elvira), Chocó (Quibdó), and Urabá (basins of the Jiguamiandó, Curvaradó, and Cacarica rivers). These areas are in the majority populated by afro-descendant communities and indigenous peoples, most are situated on the Pacific Coast, and have been specifically assessed in the Peace Agreement as areas which have been seriously affected by the armed conflict. Among others, the Mission met with:

- Communities and social organisations, organisations of human rights defenders, feminist organisations and/or women and LGBTI organisations from the department of Nariño in Tumaco, from the department of Valle del Cauca in Buenaventura, from the department of Chocó in Quibdó and from the Urabá region in the Jiguamiandó river basin;
- organisations of human rights defenders, feminist and/or women's organisations and LGBTI organisations and social movements in Bogotá;
- civil and military Colombian authorities at the local, regional and national levels;
- former FARC-EP combatants;
- ELN peace negotiator;
- institutions created by the Peace Agreement;
- international institutions; and
- members of the Diplomatic Corps.

We would like to extend our sincere thanks to all those who gave their time to the Mission and in particular to the communities and social organisations who placed their trust in us, in spite of the serious risks they are facing.

We would also like to thank all the people and organisations who made this mission possible, including by offering logistical support and regional contacts.

This report firstly addresses the implementation of measures agreed in the Peace Agreement regarding the issue of Protection and Security as well as the dismantling of criminal groups, including paramilitary successor groups. Subsequently, the report focuses on the expansion of democracy, the conditions for the FARC party born out of the Peace Agreement, for opposition parties, and for possible candidates for the Special Transitory Electoral Districts for Peace. Finally, we will evaluate the progress made in the Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Recurrence.

Security Guarantees

The alarming figures related to continued political violence in Colombia is of particular significance for the construction of peace, given that security guarantees were one of the key points agreed during the peace negotiations.

According to figures from the We are Defenders Program (Programa Somos Defensores), the total number of attacks against human rights defenders increased significantly between 2013 and 2014, from 366 (1 per day) to 626 (1.7 per day). There was a slight decrease in these figures in 2016, although they continued to be higher than the 2012 and 2013 figures, and in 2017 they rose again. Killings have also increased over the last two years, regardless of the source of figures. According to We are Defenders, in 2016 neo-paramilitary groups were identified as the alleged perpetrators of 66% of the total number of attacks against human rights defenders, 84% of threats and 56% of killings. There are a variety of analyses and different names for these groups. The Colombian State denies the existence of paramilitarism and decided to classify the groups in two categories according to their organisation and military capacity: Organised Armed Groups (GAO: Grupos Armados Organizados) or Delinquent Armed Groups (GAD: Grupos Armados Delincuentes). Organisations from the Colombian social movement call them paramilitaries or neo-paramilitaries, due to the relationships between these groups and members of the State Security Forces (the term neo-paramilitaries emphasises the fact that these groups underwent changes after the partial demobilisation process under Law 975 of 2005, but continue to show some of their original features). In the Peace Agreement these groups are listed as “paramilitary successor groups”. Although the objective of the Mission was not to investigate this reality, we heard testimonies related to collaboration between these groups and the State Security Forces⁹.

Another reason to highlight this issue is the genocide that occurred against the Colombian political movement the Patriotic Union (UP: Unión Patriótica). This party emerged as a convergence of political forces as a result of the negotiation process carried out in the mid-1980s between the government of President Belisario Betancur and the FARC-EP. In 1984, and as a result of these dialogues, the parties agreed on several commitments sealed by the signing of the so-called “La Uribe Agreements”. These agreements stipulated the emergence of an opposition movement as a mechanism to allow the guerrillas to gradually join civilian life. In 1984, the first murders and enforced disappearances occurred. Subsequently, according to the leaders of the political group, approximately 5,000 people were murdered, disappeared and tortured, including two presidential candidates, eight congressmen, hundreds of mayors and councillors, and thousands of local activists. This genocide is part of collective memory and it has been and continues to be fundamental to ensure that it will not be repeated to ensure sustainable peace.

In this chapter we will first of all analyse the implementation of legislation and then consider the real situation in the territories.

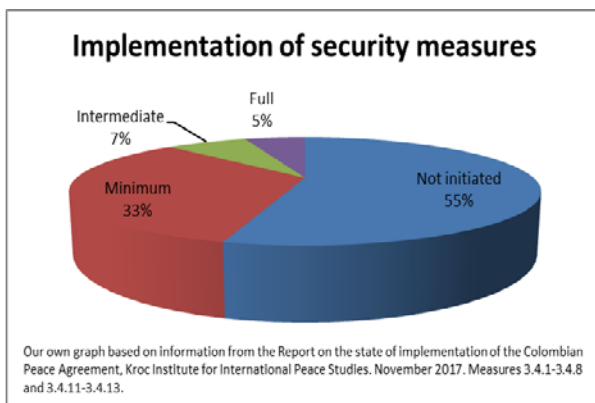
⁹ Throughout this report we will refer to these groups as neo-paramilitaries. This name is not an attempt to ignore changing and different realities depending on the group or region concerned.

a. Implementation of legislation

After lengthy debates in Havana, in particular on the issue of the paramilitary phenomenon in Colombia, the negotiating teams from the Colombian government and the FARC-EP created a framework of measures to guarantee the security of members of the FARC-EP who laid down their weapons, as well as for communities, human rights defenders and social leaders, and for Colombian citizens as a whole. Bearing in mind that violence in Colombia - beyond the armed conflict - has historically been related to the exercise of politics, economic interests (both legal and illegal) and land tenure, it would not be enough to end the armed conflict between the State and FARC-EP to end the violence. The agreed measures were set out in point 3 on the end of the conflict, in particular in epigraph 4:

“Agreement on guarantees of security and the fight against criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the agreements and peace-building, including criminal organisations that have been labelled as successors of paramilitarism and their support networks”¹⁰.

In order to achieve this task, measures were included such as the National Political Pact, the National Commission on Security Guarantees, the Special Investigation Unit of the Prosecutor General’s Office, the Elite Corps of the National Police, the Comprehensive Security System for the Exercise of Politics, the Comprehensive Security and Protection Program for Communities and Organisations Across the Country’s Territories, and Measures for the Prevention of and Fight against Corruption.



According to information from the Kroc Institute¹¹, only 5% of the protection and security measures have been implemented (3 measures out of a total 57), while 55% (31 measures) have not even begun to be implemented. That is to say, on an issue of such importance for all Colombian citizens, and in particular for social leaders and former combatants, we note that there has been minimum implementation which puts at risk one of the pillars of any peace-

building process, namely guarantees of non-recurrence. If this situation continues, it will put the sustainability of the peace process in danger.

The National Political Pact and the prohibition of paramilitarism.

The proposal of a National Political Pact seeks to *“make real the commitment of all Colombians that arms will never again be used in politics and never again will violent organisations such as paramilitarism be promoted, which disrupt the life of Colombians by violating their human rights,*

¹⁰ “Final Agreement to end the conflict and build stable and lasting peace”, 24 November 2016, Bogotá, p.77.

¹¹ “Report on the state of implementation of the Colombian Peace Agreement, Kroc Institute for International Peace Studies. November 2017, Bogotá.

harming coexistence and impairing the security conditions required by society". In line with its commitments, the government launched a legislative process to prohibit paramilitarism and on 20 September 2017, a new article was adopted into the Colombian Constitution by Congress to ensure the legitimate monopoly of force and the use of weapons by the State. It also prohibits *"the creation, promotion, instigation, organisation, instruction, support, tolerance, concealment or promotion, financing or official and/or private employment of armed civilian groups organised for illegal purposes of any kind, including the so-called self-defence groups, paramilitaries, and their support networks, structures or practices, security groups for illegal purposes or other equivalent denominations"*¹². Nearly 70 communities, human rights and women's organisations, social movements and networks from Colombian civil society supported this bill as they considered it to offer support for guarantees of non-recurrence¹³. However, as the organisations later affirmed in a public statement, and according to testimonies heard by the Mission, there is a lot to be achieved before this declaration of intention becomes a reality.

On the other hand, the Colombian government pledged to seek measures to enable paramilitary successor groups, neo-paramilitary groups or criminal gangs to face the justice system. Accordingly, the Minister of Justice presented a bill to the Colombian Congress on 25 October 2017¹⁴ to enable the collective submission of criminal groups. This bill was highly controversial within Congress, and did not reach its legislative process within the timescale available under the special legislative procedure (Fast Track), nor was it assigned to the Presiding Officers of the First Commission of the House of Representatives, which is an indispensable step in legislative procedure. This means that although the self-proclaimed Gaitanista Self-Defence Forces of Colombia (Autodefensas Gaitanistas de Colombia) expressed through their commander alias 'Otoniel' their willingness to accept justice in exchange for the laying down of weapons, dismantling their structures and telling the truth about their support (economic, political and military), this does not seem to be a likely scenario in the near future.

The National Commission on Security Guarantees and the drafting of public policies to dismantle neo-paramilitary groups

On 3 February 2017, the National Commission on Security Guarantees (CNGS: Comisión Nacional de Garantías de Seguridad) was created by Decree Law. Its objective is *"to design and monitor public and criminal policy on the dismantling of criminal organisations and behaviours responsible for homicides and massacres, that attack human rights defenders, social movements or political movements, or that threaten or attack the people who participate in the implementation of the Agreements and the construction of peace, including criminal organisations that have been denominated as successors of paramilitarism and their support networks"*¹⁵.

The CNGS is made up of 15 people. Although the paragraph 3 of Art.2 of Decree Law 154 determines that *"in the conformation of the Commission the effective participation of women will be promoted"*, there is no subsequent express reference to affirmative measures to ensure this effective participation. At the time of writing this report, 100% of the 9 senior Colombian State officials who

¹² "Informe de Conciliación al Proyecto de Acto Legislativo 015 de 2017 Cámara, 04 de 2017 Senado", Gaceta del Congreso 813 o 807, 20 September 2017, Bogotá.

¹³ "La prohibición constitucional del paramilitarismo es garantía de no repetición", 29 August 2017, Bogotá.

¹⁴ "Proyecto de ley 14 de 2017 Senado por medio de la cual se fortalecen la investigación y judicialización de organizaciones criminales y se adoptan medidas para su sujeción a la justicia", Gaceta del Congreso 990, 27 October 2017, Bogotá.

¹⁵ Decreto Ley N° 154 de 2017, Ministerio de Interior, 3 February 2017, Bogotá.

are members of the CNGS are men. In the team of experts (3 people) 1 is a woman - Vilma Liliana Franco - and the 2 people delegated from Colombian Human Rights Coordination Groups are men. Added to these 14 people is the appointment of a woman as Director of the Special Investigation Unit for the dismantling of criminal groups, including neo-paramilitaries. In short, of the 15 people that make up the CNGS, only 2 are women (13%). This means that the aforementioned paragraph 3 of Art.2, for the implementation of the gender approach in this mechanism, is a mere statement of good intentions.

As a result of meetings with Colombian authorities, the CNGS and communities, the Mission was able to identify two significant challenges:

1.- On the one hand, the local authorities that met with the Mission in Tumaco and Buenaventura seem to be unaware of the existence of the CNGS, its functions and the decision to implement pilot plans in these two cities. Likewise, the communities commented that no meetings had been organised to explain the role of the CNGS and its communication channels. It is important that the CNGS is not understood as an isolated body in Bogotá when security problems are found in the territories. It is therefore necessary for the CNGS to have a guaranteed territorial presence.

2.- On the other hand, the Mission was surprised by the lack of community visits by the CNGS as a whole. In Tumaco, the Mission coincided with the civil society component of the CNGS and it seemed that until that moment there had been no joint visit to the territories, despite the urgent need to take measures to protect the communities and dismantle criminal groups including neo-paramilitary groups¹⁶. The Mission was told that the Colombian government allegedly lacked the resources for these visits. In fact, the trips to Tumaco by the civil society component of the CNGS were funded by the social organisations themselves or with funds from the international community.

According to Franklin Castañeda, President of the Committee for Solidarity with Political Prisoners (Comité de Solidaridad con los Presos Políticos) and representative in the CNGS from the Colombia - Europe - United States Coordination Group (CCEEU: Coordinación Colombia – Europa – Estados Unidos)¹⁷, the main tasks of the CNGS should be: firstly, to design a work plan to dismantle the successor structures of paramilitarism and, secondly, to follow-up with a policy to account for how the work plan has been implemented¹⁸. At the time of writing this report, 10 months after the its creation of the CNGS, no work plan has been drawn up, showing no progress in the creation of public policies for the dismantling of these criminal structures. On the contrary, the creation of these policies seem to be frozen by an ongoing debate about the nature of “criminal groups” and about figures related to murders of human rights defenders. Beyond these debates, it is essential that the CNGS take concrete actions and steps.

The Colombian government and the CNGS decreed the creation of two pilot plans, one for Buenaventura and the other for Tumaco, due to the serious security situation and violations of human rights in these cities. Although we will later evaluate the impacts of these plans on people’s daily lives, it is important to point out that these plans have been addressed using military means

¹⁶ Other national authorities such as the Presidential Council for Human Rights did make visits.

¹⁷ Human Rights Coordination Group which brings together 269 organisations from all over Colombia.

¹⁸ "Erradicar el paramilitarismo, una labor de la Comisión Nacional de Garantías de Seguridad", @Hacemosmemoria, 12 July 2017.

despite the need for comprehensive plans. It is also important to emphasise that members of the local State Security Forces were unaware of the existence of such pilot plans and of the CNGS itself.

Other measures

On June 16, 2017, the **Elite Corps of the National Police** was created, with 1,088 members. Of these 1,088, 150 make up an immediate reaction unit and 120 are in charge of investigations. The Elite Corps is comprised in its vast majority (778 members) by members of existing special operations corps: ‘Operation Agamemnon’, ‘Operation Achilles’, ‘Operation Athena’, ‘Operation Sparta’ and ‘Operation Poseidon’, which have not obtained conclusive results. This does not offer much hope for the possible results of this ‘new’ Elite Corps. It should be noted that despite the apparent recent haste, this Elite Corps was not created until 7 months after the signing of the Peace Agreement and more than 4 months after the creation of the CNGS.

The new **Prevention and Alert System** foreseen in the Agreement has not yet been implemented. As of November 23, despite the urgency of creating this system, the Ministry of the Interior published a draft decree on its website, launching a consultation process with Colombian citizens. Given the deficiencies in the current system¹⁹, the Human Rights Ombudsman’s Office should be given autonomy and resources for its Early Warning System. For the Ombudsman’s Office, the creation of this new system is fundamental since at present it considers that the Colombian government has not reacted adequately to the risk reports it issues. In its March 30, 2017 risk report, the Ombudsman’s Office is clear when it talks about *“the inadequate or delayed response to the warnings made about the risks faced by human rights defenders”*, and affirms that the *“risk reports and follow-up notes are not dealt with quickly and adequately”* by the responsible authorities.

The **Special Investigation Unit** for the dismantling of criminal groups including neo-paramilitary groups must contribute to the *“dismantling of organisations known as successors of paramilitarism”* and in turn guarantee *“the non-repetition of the paramilitary phenomenon”*. This unit was created by Decree Law 898 of the Ministry of Justice on 29 May 2017. We emphasise again that despite the urgency, the government waited until 6 months after the ratification of the Agreement by Congress to issue this Decree. Only recently, on 27 November, its Director was appointed by the Prosecutor General from three candidates proposed on 9 November by the Selection Committee. This appointment has been made one year after the ratification of the Peace Agreement by the Colombian Congress. In addition, the Special Investigation Unit does not currently seem to work to meet the objectives proposed in the Peace Agreement, but instead functions as a support unit for regional prosecutors’ offices, works at the request of or in coordination with other prosecutors, participates in specific investigations but does not seek the true dismantling of these groups.

It is important to note that the decree emphasises a differential and gender approach. Article 4, on guiding principles, specifies in paragraph 2 that the measures taken *“must guarantee effective justice in cases of gender-based violence”* and paragraph 5 includes a specific

5. *Differential gender approach.* In fulfilment of its mandate, the Special Investigation Unit must recognise the existence of populations with particular characteristics related to age, sex, gender identity, sexual orientation, religious convictions, race, ethnicity or disability to guarantee effective access to justice for these populations.

¹⁹ In the current system, the Ombudsman issues a Risk Report that is later evaluated by the Inter-Institutional Early Warning Committee (CIAT: Comité Interinstitucional de Alertas Tempranas) that decides whether to issue an early warning, which should then lead to actions by the Colombian government

“differential gender approach”. In the same way, Article 2 on the conformation of the Unit, specifies that in its working groups the *“effective participation of women”* will be promoted. Regarding the criteria for prioritising cases (Article 22), the decree concludes that *“priority will be given to cases that deal with aggressions against women, children, adolescents and the LGBTI population”*. It is hoped that these guidelines will be effectively applied.

Human rights organisations, women’s organisations and social movements are concerned about the possible lack of autonomy in the new Unit vis-à-vis the Prosecutor General’s Office. In a citizens’ intervention before the Colombian Constitutional Court, several organisations stressed that *“to develop its purpose and fulfil the mandate assigned to it, the Special Unit must have autonomy, independence and impartiality with respect to the institution to which it belongs and from other branches of public power”*. This autonomy could be endangered by the Decree Law, and the work of the Unit could be subject to the power and decisions of the Prosecutor General’s Office. Although the Unit belongs to the structure of the Prosecutor General’s Office, it must be autonomous, even more so given current impunity for crimes such as attacks against human rights defenders. It is important that this Unit can function, as planned, with a certain level of autonomy vis-à-vis the Prosecutor General’s Office, both in its operations (selection of Unit personnel) and decision-making on strategic areas for research and priorities, as well as at the budgetary level. It is also worrying that the Special Unit is geared towards investigating cases of violations against defenders (for which the Human Rights Unit already exists within the Prosecutor’s Office) and not so much to comply with the objectives set out in the Agreement on the *dismantling of paramilitary structures*. Social organisations have expressed their concern regarding the possible duplication of tasks and lack of real progress. As of 30 November, the Constitutional Court has not yet ruled on the Decree Law.

One of the territorial criteria used to prioritise the cases that this Unit will investigate includes the *“institutional capacity of the Prosecutor General’s Office in the municipalities”*. This criterion raises concerns since the rural areas visited by the Mission have been historically abandoned by the State. The Unit should fill the existing gaps in coverage of these territories and not depend on the existing capacity.

The Peace Agreement foresees that the European Union will play an accompanying role to this Unit, and that along with countries that will provide financial resources, it will ensure the proper functioning of the Unit and demand concrete results that show a strategy to dismantle neo-paramilitary groups, the main threat to human rights defenders, social leaders, communities and former combatants.

b. The reality in the territories

In its regional visits (to Buenaventura, Quibdó, Tumaco and Jiguamiandó) the Mission has been able to verify that the security situation for communities has not improved. In the different areas visited, the Mission met with a large number of community representatives and Community Councils. These were unanimous in affirming that there was no armed confrontation between the Colombian Army and the FARC-EP during the concentration phase and they recognise as positive the laying down of weapons by the insurgent group. However, they are now facing the arrival of new actors in their territories, including paramilitary successor groups, gangs dedicated to drug trafficking or the protection of routes for drug exports, ELN guerrilla groups and dissidents from the FARC-EP. The arrival of these actors has had highly negative impacts on the security of the communities, both in

urban and rural areas. They do not understand how it is possible that the Colombian government has not taken the necessary measures to fill the vacuum after the FARC-EP left the territories they controlled. This surprise was also expressed during meetings with national and international institutions and with the diplomatic corps.

In **Tumaco**, the Mission met with women and men belonging to different ethnic-territorial groups in the region. *“In the communities, there are more fears now than there were before”*, a woman from the area of Los Robles (Tumaco) told the Mission, adding *“now we are too afraid to go out after 6 o'clock at night”*. She was referring to the presence of armed actors who declare curfews and recruit children. Small-scale farming leaders also reported that these illegal armed groups maintain a presence despite the close proximity of 2 military bases and told us that there had not been any confrontation between the State Security Forces and neo-paramilitary groups. It is clear that much of the violence in Tumaco is related to drug trafficking, but people ask themselves *“they have sent so many soldiers ... but what do they do?”* The communities reported the existence of ‘invisible borders’ both in the countryside and in the city imposed by armed groups, violating the right to free mobility and putting at risk those who need to cross these borders to go to work, to hospital or for any other need. Between January and July 2017, according to figures from the Human Rights Observatory in the Tumaco Mayor’s Office, there have been 111 murders in this municipality²⁰.

“The number of soldiers has increased and will continue to increase, but that is not the answer. It might be part of it, but it is not the answer”

Arnulfo Mina, vicar from the Diocese of Tumaco

Taken from El Espectador – Colombia2020, 12 November 2017

Women feel particularly affected by the control exercised by the groups in marginalised neighbourhoods since they cannot freely go about their daily lives earning their living. Moreover, they fear the forced recruitment of their children and husbands and are concerned for the physical integrity of their daughters (including minors) who are often subjected to sexual violence by drug traffickers and members of illegal armed groups. Some women also report being labelled as “gossips” by those who exercise control in their neighbourhoods (around 12 groups of 5/6 people exercise territorial control in almost all the neighbourhoods of the city). In response to the question of whether the State had responded to this situation, the women declared that several had once had or still had protection measures granted by the UNP, but that these measures were not only ineffective but also exposed them to greater risk, in addition to lacking a differential approach. For example, some were given a bulletproof vest that makes them even more recognisable within the neighbourhood and, instead of protecting them, increases their risk. They also stated that they had not been able to access any psychosocial accompaniment program despite repeatedly being victims of threats and assaults.

In **Buenaventura** communities face similar situations, added to the economic interests associated with the tourist jetty and the expansion of the commercial port. The communities interviewed, as well as state control bodies, mentioned an increase during the last months in the phenomenon of forced disappearance in this port city as well as fears about reporting crimes, in particular violence against women. In the different districts in the city, armed actors related to the paramilitaries control

²⁰ Revista Noche y Niebla, nº55, CINEP, 29 September 2017, Bogotá.

gasoline, the sale of food and traffic in the port. According to the leaders interviewed, the Havana agreements “are good but they are not being fulfilled”. In Buenaventura people continue to be raped, killed and disappeared. The fear remains the same as it was before the Peace Agreement, and nothing seems to have changed in Buenaventura despite government announcements and the militarisation of the city. The communities have not remained idle: they called a mass strike (see next chapter) and founded the Puente Nayero Humanitarian Space (Espacio Humanitario de Puente Nayero), where they succeeded in expelling the neo-paramilitaries and dismantling the chop-house²¹ that existed there, among other achievements. Women commented that they are particularly affected by lack of employment, health problems, lack of education and a high level of gender-based violence exacerbated by the armed conflict, including femicides.

“This port has meant that hundreds of people have been killed and disappeared. We don’t know how many families are buried underneath.”

Woman Afro-Colombian leader from Buenaventura

The announcement by the National Commission on Security Guarantees and the Colombian government about the implementation of pilot plans has not led to any improvement for the population in either of these two cities.

The responses of the military authorities in these municipalities were highly worrying. In Buenaventura, the commander of the Marine Infantry denied that the situation was risky for the communities in rural and river areas, such as the area around the **San Juan River**. Contrary to this, organisations such as the Human Rights Ombudsman’s Office and international institutions such as UNHCR warned of the high level of risk that exists in these areas. Internally displaced People from the community of Cabeceras del Río San Juan, temporarily housed in the Buenaventura sports stadium, told the Mission about the presence of armed actors such as neo-paramilitary groups and the ELN guerrilla, about armed confrontation in the area, about the presence of antipersonnel mines and the high risk that they face every day. That is why they moved to Buenaventura. The denial of this situation by the authorities and their lack of action to provide the necessary protection lead to distrust among the communities.

In Quibdó, both the **Chocó** Ombudsman’s Office and the communities confirmed that the government has not been able to control the territorial reconfiguration of new armed groups when the FARC-EP left the territories, and they reported the presence of both neo-paramilitary groups and the ELN. Testimonies received by the Mission describe how a number of former members of the FARC-EP are now in the ELN and continue to be present in certain territories and to threaten the communities. According to former combatants interviewed from the Territorial Spaces for Training and Reintegration (ETCR: Espacios Territoriales de Capacitación y Reincorporación)²², these people

²¹ Chop houses (casas de pique) are wooden houses where the paramilitaries take people to torture them and cut them into pieces, before throwing them into the sea. The neighbours hear the screams of people being tortured. The paramilitaries do this to sow terror.

²² The process of demobilisation of members of the FARC-EP has followed certain steps. On 26 September 2016, after the announcement of the bilateral cessation of hostilities and the signing of the first agreement, the FARC-EP began to move towards the Transition and Normalization Zones (ZVTN: Zonas Veredales de Transición y Normalización) and Temporary Standardization Points (PTN: Puntos Transitorios de Normalización). On 1 August 2017, the Village Zones and Points (Zonas y Puntos Veredales) were converted into Territorial Spaces for Training and Reincorporation (Espacios Territoriales de Capacitación y Reincorporación). These spaces will serve to train members of the FARC-EP for their reincorporation into civilian life, prepare productive projects and meet the technical training needs of the surrounding communities, in a model of community reincorporation.

were not part of the military structure but were employed from time to time and therefore were not included in the Peace Agreement, and are now acting for other groups present in area.

The communities talked to the Mission about the lack of peace-building programs. The women said that the government does not give importance to neo-paramilitary groups, but that these are the groups that cause the most damage because they are involved with drugs and because they use the sons and daughters of women victims to incorporate them into their groups, turning them from victims into victimisers. As a result, their mothers are singled out, threatened and stigmatised. Thus, many women move around within the same city to escape this risk. The records of this inter-urban displacement are generally underestimated. There is still fear of reporting sexual violence due to stigmatisation. Women fear that even their husbands will reject them. Indeed, there is still significant underreporting of violence against women, especially against indigenous women.

The communities of the **Jiguamiandó, Curbaradó, La Larga-Tumaradó and Cacarica river basins** currently live in almost permanent distress. Both the Gaitanista Self-Defence Forces of Colombia and the ELN guerrillas are taking advantage of the FARC-EP's exit from the area to expand their territory of influence. This translates into pressure on the communities, accusations against their leaders, offers of payment to young people to join the groups, the creation of informant networks, lists of people to be murdered, and lack of respect and recognition for the Humanitarian and Biodiversity Zones - community tools to protect their life and their territory²³ in the middle of the armed conflict. While we were writing and launching this report, two leaders from these communities were killed:

- On 26 November, land claimant Mario Castaño Bravo, member of the community council of La Larga Tumaradó, was murdered²⁴. At 7pm, armed men entered his farm known as La Florida and shot him at least seven times in the presence of his family. A week earlier, the leader had participated in the installation of the a process related to the fundamental right to prior consultation for the collective reparation of the community and had participated in drafting a land restitution request that will be presented in the coming days²⁵.
- On December 8, land claimant leader Hernán Bedoya, from the communities of Pedeguita and Mancilla, was murdered. Hernán was heading towards his home riding on a horse, when two neo-paramilitaries from the self-styled Gaitanista Self-Defence Forces of Colombia (AGC), shot him 14 times, with a 9mm firearm, killing him instantly. The land claim leader, owner of the Mi Tierra Biodiversity Zone, located in the Bijao Onofre local council, in the collective territory of Pedeguita and Mancilla, had opposed the implementation of agro-industrial projects financed with resources from the National Land Agency (ANT: Agencia Nacional de Tierras) and implemented by the company called Asociación Agropecuaria Campesina AGROMAR SA²⁶.

²³ The Humanitarian Zones are a community initiative to enable continued resistance in their territory despite the siege of the armed conflict. To achieve this objective, the members delimit and make visible the zones in which they are living and prohibit the entrance to any armed actor, whether legal or illegal. The Humanitarian Zones apply the humanitarian principle of distinction between combatants and non-combatants and demand the protection that shelters the civilian population when there are armed conflicts of an international nature. For this reason, the humanitarian zones have had the support of the Inter-American Court of Human Rights in their judgment of March 15, 2005 in the case of the Jiguamiandó and Curbaradó communities. The Biodiversity Zones, meanwhile, seek both the protection of communities and the conservation of the environment and biodiversity of the river basins in accordance with the spirit of Law 70 of 1993. Likewise, these Biodiversity Zones seek compliance with the Convention on Biological Diversity, adopted in 1992 during the Earth Summit in Rio de Janeiro (Brazil).

²⁴ Also a member of the Asociación Familias de los Consejos Comunitarios de Curbaradó, Jiguamiandó, La Larga Tumaradó, Pedeguita y Mancilla (AFLICOC) and member of the network Communities Building Peace in the Territories (CONPAZ: Comunidades Construyendo Paz en los Territorios).

²⁵ "Asesinan al líder Mario Castaño Bravo, integrante de Conpaz en Chocó", Inter-Church Justice and Peace Commission (Comisión Intereclesial de Justicia y Paz), 26 November 2017, Bogotá.

²⁶ "Asesinado líder Hernán Bedoya", Inter-Church Justice and Peace Commission (Comisión Intereclesial de Justicia y Paz), 8 December 2017, Bogotá

The communities have reported links between neo-paramilitary groups, the State Security Forces and business sectors. The Colombian State is not responding to this situation that places the communities in a scenario of armed confrontation between ELN and neo-paramilitaries exposing them to risks related to the fighting and to former practices that are being repeated, such as the planting of anti-personnel mines. In fact, while this report was being written, several inhabitants were displaced due to confrontation between these armed groups.

Since 14 October²⁷, these communities have also been requesting a space for dialogue with the Quito negotiation table in order to demand respect for the humanitarian zones by the ELN as well as the fulfilment by the Colombian State of its promises for protection and security. By 30 November this request had still not been answered.

These testimonies confirm the recent reports that have been published on the situation of leaders (both women and men) and defenders of human rights and the environment. Although the figures are different according to the source, they are all of serious concern. The **Ombudsman's Office** - a Colombian state institution with regional presence - affirms that since January 2016 more than 200 human rights defenders and social leaders have been murdered. The **National Communal Confederation (Confederación Comunal Nacional)**, for its part, has registered the killing of more than 120 community leaders so far in 2017. The United Nations High Commissioner for Refugees (UNHCR) recognises for the year 2017 *"the deaths of 78 leaders and members of social organisations (...), and at least 13 suspected murders"*²⁸. According to the 55th issue of the Noche y Niebla magazine produced by Colombian NGO CINEP, *"compared to the first semester of 2016, the same period in 2017 registered an increase of 26% in victimisations committed by paramilitaries"*. The Indigenous Organisation OPIAC reports the murder of 40 indigenous people since the signing of the Peace Agreement between the Colombian government and the FARC-EP. As regards attacks against women human rights defenders, according to reports from the We Are Defenders Program, in recent years women represent between 23 and 40% of the victims of aggressions against human rights defenders. Data showing the increase in murders of women human rights defenders is of concern. During the first semester of 2017, 7 women human rights defenders were murdered, that is, in 6 months as many defenders were killed as in the whole of the years 2012, 2014, 2015 or 2016.

The above are clear examples of the total lack of security guarantees for human rights defenders and rural communities despite this being a necessary condition to strengthen peace-building and coexistence in society. This has been reported over the last few months by different national and international organisations.

Murder victims are not just numbers. We would like to name some of the people who were killed during the preparation of the mission and writing of the report:

Albert Martínez Solarte, 41 years old had been reported as disappeared, after unknown assailants took him from his farm. One week later (15 November) he was found dead with signs of gunshot wounds on his body, in the rural area of the Cajibío municipality, in Cauca. Martínez was part of the Marcha Patriótica political and social movement.

²⁷ "ELN desconoce Zona Humanitaria", Inter-Church Justice and Peace Commission (Comisión Intereclesial de Justicia y Paz), 14 October 2017, Bogotá.

²⁸ "ACNUR se muestra preocupado por el incremento en los asesinatos de líderes comunitarios en Colombia", UNHCR, 17 November 2017, Bogotá.

Community leader **José Jair Cortés** was killed on 17 October in a rural area in the municipality of Tumaco. He had received threats some days earlier. The Community Council had reported this to the competent authorities 3 weeks previously.

The Indigenous Governor and community teacher, **Aulio Isarama Forastero**, was killed on 24 October by the ELN Bloc known as the *Frente de Guerra Occidental Omar Gómez*.

Luz Jenny Montaña, 48 years old, was killed on 12 November when several unknown men fired shots in her home, in an urban area of Tumaco. She was part of the Community Action Board (Junta de Acción Comunal) in her sector and was a member of the religious associations *Divino Niño* and *Jesús Nazareno*, in which she was demanding protection for social leaders.

On 2 November, in the hamlet of El Palmar, in the Dagua jurisdiction (Valle del Cauca department) the body of **Jefferson Pretel** was found, an Afro-descendant member of the Community Council of Cabeceras, in the geographical sub-region of Bajo San Juan, Chocó.

We could name many other people who have also been killed this year: **Carlos Augusto Panesso** (LGBTI leader), **Bernardo Cuero Bravo** (Afro-descendant leader), **Eugenio Rentería Martínez** (Civic Strike Committee in Chocó), **Narda Barchilón** (leader from Arauca), **Segundo Víctor Castillo** (Social Movement of Tumaco), **Efren Santos** (Afro-descendant leader in Chocó)...

The communities we met repeatedly expressed their fears and stated “*we feel alone*”. This distressing feeling was also repeated by former FARC-EP combatants in the Territorial Training and Reincorporation Spaces (ETCR) visited by the mission (El Variante in Nariño and La Elvira in Cauca). Like the communities, the former combatants consider that the Colombian government has not complied with its security commitments. Neo-paramilitary groups represent their greatest threat and they are closing in around the ETCR. On 20 October, the report submitted by the FARC to the Implementation, Follow-up and Verification Commission for the Implementation of the Peace Agreement (CSIVI: Comisión de Seguimiento, Impulso y Verificación de la Implementación del Acuerdo de Paz) describes the murder of 25 former combatants and 11 of their relatives²⁹. This pattern has been increasing: the last known murder of a former combatant was on 12 November in the department of Antioquia; Jesús Vásquez's Dalaidier was shot and killed by two men on a motorcycle. Faced with this reality, the silence and apparent apathy of the Colombian government is surprising.

c. Conclusion

The Mission is convinced that the combined efforts of the Colombian government and State are not enough to guarantee a peaceful life in the territories. The hopes that the Peace Agreement would bring real and positive change have not been fulfilled.

Security guarantees for communities, human rights defenders and social leaders is indispensable to enable real change and sustainable peace-building; a peace that allows each person to live in their territory in conditions of tranquillity and dignity.

²⁹ The Common Alternative Revolutionary Force report effects on the lives of 24 former combatants, 1 prisoner and 11 family members of members of the FARC-EP. CSIVI FARC “Violaciones a derechos humanos a integrantes de FARC EP. Noviembre de 2016 - October 2017” List received on 20 October 2017. Taken from the report from the Kroc Institute.

Security guarantees for former combatants are a fundamental part of ensuring the development of the peace-building process. It is time to build peace by moving from words to deeds. Furthermore, the situation of risk in the territories sends a highly negative message to the negotiating table in Quito, and it is an incentive for former FARC-EP combatants to look for ways of self-protection by returning to arms. In short, guarantees for peace do not exist in rural communities, including in Afro-descendant communities and indigenous territories (resguardos).

Guarantees for political participation and the reincorporation of former combatants into civilian life

Section 2 of the Peace Agreement contemplates the adoption of several measures aimed at ensuring an *“expansion of democracy to build peace”*. This includes the need for guarantees for participation and political inclusion, the promotion of the statute for the opposition and the removal of weapons from politics. Section 3, on the other hand, ensures that *“the transition of the FARC-EP from an armed organisation to a new legal political movement or party, which benefits from rights and complies with the obligations and duties inherent to constitutional order, is an essential condition for ending the armed conflict, building a stable and long-lasting peace and, in general, for strengthening democracy in Colombia”*. It is necessary to emphasise that in the Peace Agreement political participation is understood as something broader than the existence of and guarantees for political parties. That is to say, it includes the participation of organisations and social movements by strengthening spaces for participation and the existence of guarantees for the exercise of peaceful social protest.

“Peacebuilding further requires citizen mobilisation and participation in areas of public interest and, in particular, in the implementation of this Agreement. This involves, first, the strengthening of guarantees and capabilities, in order that male and female citizens alike, brought together in different social and political movements and organisations, can carry on their activities and thereby contribute to the expression of the interests of a pluralist, multicultural society via different means, including social protest”.

In no uncertain terms, the Peace Agreement insists on the need to take into consideration the fact that women *“face greater social and institutional barriers in terms of political participation, as a result of deep-rooted discrimination and inequality, as well as structural conditions of exclusion and subordination, there will be significant challenges in guaranteeing their right to participation, and facing up to and transforming these historical conditions will involve developing affirmative measures that will safeguard women’s participation in the various areas of political and social representation”*.

a. Guarantees for political opposition

The **Statute of Political Opposition** was legally approved in April 2017 by the Congress of the Republic together with the granting of *“certain rights to independent political organisations”*³⁰, in accordance with the provisions of the Peace Agreement. This is considered to be a great step forward for Colombian democracy. Through this law (currently awaiting constitutional control) rights are guaranteed to parties in opposition to the government. These rights include additional financing for their activities, the development of the right to reply, and greater access to the State’s printed, television and radio media, among other provisions. In addition, the law creates the *“Delegate Procurator for the protection of political and opposition rights”*, in charge of ensuring compliance with the aforementioned rights. This is undoubtedly an important step forward in Colombia, since

³⁰ Gaceta del Congreso de la Republica, N° 266, 25 April 2017, Bogotá.

the rights to opposition were contemplated in the 1991 Constitution but had not until now been endorsed by a law in Congress.

Regarding **political reincorporation**, it is necessary to point out that according to the agreement in January 2017 the FARC-EP chose 3 spokespersons to participate in the discussion of the legislative projects corresponding to the Peace Agreement in the House of Representatives and Senate. In its

“Our only weapons now are our words”
Common Alternative
Revolutionary Force

process of transition to civilian life, the former guerrilla group created the political party the **Common Alternative Revolutionary Force (Fuerza Alternativa Revolucionaria del Común)** during its August 2017 congress. On 31 October 2017, the National Electoral

Council³¹ recognised in plenary the legality of the new party³². The Management Board is made up of 111 members, of whom 26 are women (23%). The National Political Council - the highest body in the new party - is made up of 15 members and 4 are women (27%). The FARC’s National Political Council appointed candidates for both presidential and legislative elections. The candidate for the vice-presidency is a woman. There are also 2 women among the first 5 candidates in their list for the Senate, although there is no female representation among the top 5 candidates for the House of Representatives³³.

It should also be mentioned that one of the commitments for the greater inclusion of women in politics was the provision of resources for their training; to date, no state programs have been developed for former women combatants to encourage their political participation.

The text of the Peace Agreement guarantees the new party a minimum of 5 seats in the Senate and 5 seats in the House of Representatives. Legislative act 01 of 2017 that gives birth to the Special Jurisdiction for Peace (JEP) specifies in its transitory article 20 that “*the imposition of any sanction in the JEP will not disqualify a person from political participation or limit the exercise of any active or passive right to political participation*”³⁴. The

Constitutional Court review considered the existence of a legal vacuum and - without resolving the merits - decided that the JEP magistrates themselves should evaluate whether the sanctions (including possible measures restricting freedom) are compatible with the “*economic social and political activities*” of former combatants. It

“Right now there is a discussion, or rather some people are discussing, because this has already been agreed, whether the FARC can go to the Congress or not, if they can’t, then why did they lay down their weapons, this is a commitment of the State, it is the word of the State”.

Juan Manuel Santos, President of Colombia,
Prize-giving ceremony at Chatham House
London, November 2017

was even proposed that candidates for the FARC would have to go through the JEP first. All this debate has generated controversy both in Congress and in the public arena, on whether the political participation of the new party members is subject to the decisions of the JEP. The text finally approved on 29 November welcomes the proposal of the Constitutional Court defining in Article 31, paragraph 2.d, stating that “*it corresponds to the Special Jurisdiction for Peace to determine the*

³¹ State body responsible for “regulating, inspecting, overseeing and controlling all the electoral activity of political groups and their candidates; exercising oversight and control of the Electoral Organisation and overseeing the development of electoral processes with full guarantees”. <http://www.cne.gov.co/cne/>.

³² Comunicado de prensa 143, CNE, 31 October 2017, Bogotá..

³³ Comunicado: Anuncio de candidaturas 2018, FARC.

³⁴ Gaceta del Congreso 153, 21 March 2017, Bogotá.

*compatibility between the execution of sentences and participation in politics*³⁵. The Constitutional Court still needs to review the text before its final approval. These debates have led to a feeling of political insecurity within the new party. To this is added the physical insecurity mentioned in the previous chapter.

The Kroc Institute considers that of the 10 measures planned to offer security and protection guarantees for the exercise of politics (point 2.1.2.2 of the Peace Agreement), not one has been fully implemented, 7 have not even been initiated and 3 have seen minimal implementation. The same report shows that of 22 measures approved for the Comprehensive Security System for the Exercise of Politics (point 3.4.7), only 3 have been fully implemented (14%), 2 have seen intermediate implementation (9%), 9 have been implemented only minimally (41%) and 8 have not been initiated at all (36%).

In addition to this physical and political insecurity, there is currently great uncertainty among former combatants regarding their **legal security**. This is the basis of any social, economic or political activity. In fact, the Mission was informed of several cases of former combatants who, despite having amnesty or pardon certificates, had been arrested and detained in the regions. The Ministry of Justice itself acknowledged that the lifting of arrest warrants had not reached the territorial level quickly enough and this has led to feelings of legal insecurity. Apparently, a technical panel has recently been created to solve this problem. This fact was underscored by Jean Arnault - Special Representative of the Secretary General and Head of the United Nations Verification Mission in Colombia - in a forum organised by El Espectador: *“The lack of updating of police databases, the Prosecutor General’s Office and the Judicial System has led to members of the FARC who have been certified by the Office of the High Commissioner for Peace still being detained by the National Police, having difficulty accessing the banking system or signing contracts with the State”*³⁶.

On the other hand, the Amnesty and Pardon Law passed last December 2016 and scheduled to be implemented in two months, has not yet fulfilled its purpose. While close to 3,000 FARC inmates have been amnestied, pardoned or placed on probation, 726 remain in prison. The Mission received criticism about certain judges responsible for resolving amnesty applications, regarding the political rather than judicial criteria they are using to make legal decisions, preventing the release of these people.

On 17 May 2017, a draft law was submitted to the Congress by the Interior Minister for *“political and electoral reform that would allow for democratic expansion for the construction of a stable and lasting peace”*, as agreed in Havana. However, during the legislative process, the reform was changed to such an extent that the Electoral Observation Mission (EOM) considers that it could now represent a setback. The purpose of this reform was to ensure greater autonomy and independence in the electoral organisation; to strengthen, modernise and make the electoral system more transparent; to expand citizen participation and improve representation in the territories. The EOM considers that *“the initiative has become something that only intends to resolve the partisan and electoral pressures of the next elections, completely lacking a long-term vision. (...) instead (...) there are serious setbacks to the progress made in the successive reforms that have taken place in recent years”*³⁷. For all these

³⁵ Ibid.

³⁶ Words of Jean Arnault, in the El Espectador forum “la reincorporación y reconciliación, dimensiones de la construcción de paz”; 21 November 2017, Bogotá (unofficial translation).

³⁷ Carta de la MOE al presidente Juan Manuel Santos, ref.: CTA500-698 REFORMA POLÍTICA 2017, 21 November 2017, Bogotá.

reasons, a point was reached in which the President was asked to withdraw the support of the executive branch for the bill. By the end of the special Fast Track period, the bill had not yet been approved by the Colombian Congress.

b. Citizens' Political Participation

The Havana agreements also established measures to improve citizen participation in political affairs through direct participation in the House of Representatives of the Colombian Congress, guarantees for peaceful social protest and the creation of an environment fostering coexistence to confront the high levels of polarisation that led to more than 50 years of armed conflict. The following describes the mechanisms envisaged and the observations that the Mission is able to make about them.

Special Transitory Electoral Districts for Peace

Section 2.3.6 of the Peace Agreement establishes the creation of 16 Special Transitory Electoral Districts for Peace to ensure the *“promotion of the political representation of populations and areas especially affected by conflict and neglect”*. The agreement specifies that *“In any event, candidates must be people who regularly live in said territories or have been displaced from them and are in the process of returning”*. Likewise, the following section (2.3.7), recognises the *“the important role played by women in the prevention and resolution of conflicts and in the consolidation of peace, and also the need to promote and to strengthen women’s political and citizen participation”*, the Colombian government and the FARC-EP have committed to guaranteeing a gender approach, through the design and promotion of the affirmative measures necessary to strengthen women’s participation and leadership. The women interviewed in the territories consider that no methodology has been developed by the State for their participation in the Special Transitory Electoral Districts for Peace and that women victims should be guaranteed greater levels of participation and be taken into account in these spaces.

The Colombian government presented the draft legislative act to Congress on 2 May 2017. This draft does not mention the gender approach or any affirmative measure to strengthen the participation of women. In the text approved on July 25, 2017, the Senate added that *“the lists should be prepared taking into account the principle of gender equity and equality”*. On 9 November 2017, the House of Representatives accepted the recommendation of the Electoral Observation Mission to compile the lists with the name of one man and one woman. During the conciliation phase between the Senate and the House of Representatives, was decided to make the wording in Article 1 general, by including the request that *“the lists should be prepared taking into account the principle of gender equity and equality”*³⁸ and including in Article 6 the words *“the List will include a candidate of each gender”*³⁹. Unfortunately, despite having received 50 votes in favour and 7 against, the President of the Senate considered that the law had not been approved by Congress because it did not reach the absolute majority necessary in these cases⁴⁰. The Council of State and the Colombian Government, consider that the project should be taken to have been approved, given that the calculation of the absolute majority should be based on 99 senators. Currently the Special Electoral Districts are in legal limbo.

There are other obstacles that are not resolved in the legislative act that should be taken into

³⁸ Gaceta del Congreso n°1102, 27 November 2017, Bogotá.

³⁹ Ibid.

⁴⁰ The debate is about whether absolute majority should be calculated on the basis of 102 senators or 99 (given that 3 are in prison).

account in the statutory law, namely:

- The electoral calendar began on 11 November. According to the EOM, 77 municipalities out of the 167 that make up the Electoral Districts for Peace have a deficit in registering voters and 116 of the 167 (about 70%) have polling stations which are difficult to access.
- As stipulated in Article 6 of the law, *“the lists shall have a preferential vote and shall consist of two candidates who must prove their status as victims of the conflict”*⁴¹ and *“individual or collective victim status shall be accredited according to the certification issued by the Unit for Comprehensive Care and Reparation for Victims (UARIV: Unidad para la Atención y Reparación Integral a las Víctimas)”*⁴². The fact that victim status is only defined by the Single Victims’ Registry (Registro Único de Víctimas) has been criticised by the social movement, given that, according to the EOM, only 52% of victims are registered.
- Political violence continues and is a serious limitation for political participation. According to the EOM, between January 2016 and April 2017, 160 acts of political, social and community violence were committed in the territories from where candidates for the Special Electoral Districts could apply. The attacks that occur most frequently in these municipalities are threats (a total of 69) and murders (a total of 56).

Several people from the communities and territories visited did not know about the existence of these Special Electoral Districts for Peace. Once again, the Mission was able to confirm the lack of peace-building methodology at the territorial level. The people who did know about this new figure expressed fear about the possibility of putting themselves forward as candidates for the following reasons: on the one hand, the existing parties are looking at how to take advantage of these electoral districts since they cannot present candidates as parties and are pressuring the candidates to represent their interests; on the other hand, becoming a candidate for these electoral districts raises their level of risk since there are no security guarantees in their territories. In addition, during the debates in Congress, some deputies made irresponsible statements affirming that the possible candidates for these Special Electoral Districts were from the FARC. This is the case of the senator from the Centro Democrático party, Carlos Felipe Mejía, who declared that these electoral districts were for the FARC⁴³.

Other measures of a general nature

There are other measures established in the Peace Agreement to guarantee and promote the participation of citizens from social movements and organisations (11 measures, point 2.2.1): there are 4 measures for citizens’ access to community, institutional and regional communications media, and 7 measures to promote guarantees for reconciliation, coexistence, tolerance and non-stigmatisation for political and social action as part of civilian coexistence (point 2.2.4). Of these 22 measures, the analysis carried out by the Kroc Institute shows that 86% of them (19 measures) have not begun to be implemented, 2 measures (9%) have been implemented in a minimal way and only 1 has been fully implemented (5%). The lack of measures to promote tolerance and non-stigmatisation are worrying, in particular in the polarised pre-electoral environment that the country is experiencing. This is a period of increased public accusations and attempts to manipulate information by different parties seeking electoral advantage.

⁴¹ Ibid.

⁴² Ibid.

⁴³ “Se enreda la aprobación de las 16 circunscripciones transitorias de paz”, El Colombiano, 16 June 2017.

To conclude, none of the 3 measures planned for the **promotion of women's political and civic participation** (point 2.3.7) has been initiated. The women interviewed by the Mission clarified that they had received neither training nor visits by State bodies to promote their participation. Even more complex is the situation of women in rural areas who are relegated to the private sphere by patriarchy and are in need of processes to empower them. Once again, the Mission hopes that the gender approach in the Peace Agreement will be fully implemented.

Social protest

Point 2.2.2 of the Peace Agreement states that *“mobilisation and peaceful protest as forms of political action are legitimate manifestations of the right to freedom of assembly, freedom of movement, freedom of expression, freedom of conscience and opposition within a democracy. In practice, they strengthen political inclusion and constitute a driving force behind a nation of citizens who are critical, and who are prepared to enter into social dialogue and collectively to re-build the nation. Furthermore, in an end-of-conflict scenario, different spaces must be guaranteed for channelling citizens' demands, including full guarantees concerning demonstrations, peaceful protest and peaceful coexistence. Alongside demonstrations and peaceful protests, the rights of those involved and of other citizens must be guaranteed”*. President Juan Manuel Santos himself said in June 2016 that in Colombia there will be *“more social mobilisation and protests because the differences in our society will not be resolved in the jungle with bullets, but by democratic means”*⁴⁴.

The development of a law and legal procedures is necessary to guarantee citizens the right to demonstrate and carry out social protest. The role of State officials in acts of repression is internationally recognised. In particular, the Police Mobile Anti-Riot Squad (ESMAD: Escuadrón Móvil Antidisturbios) has been reported by the social movement for committing violations of rights during social protests. Between 2002 and 2014, ESMAD was accused of being responsible for 448 attacks, including 91 arbitrary detentions, 107 threats, 13 cases of extrajudicial executions and 2 cases of sexual violence.

The Mission visited areas where recent strikes and demonstrations had been held, compiling the following information:

- In **Buenaventura**, the Mission met with the Civic Strike Committee (Comité del Paro Cívico), the organisers of a strike that began in May 2017 and lasted for more than 3 weeks. The demands of the Civic Strike were related to health, education, public services, security and commitments made previously by the Colombian State which have not been met. The information gathered during the strike registered 722 victims of police repression, including 17 cases of bullet wounds. The first reaction of the government of Juan Manuel Santos to the strike was to militarise the city, including sending helicopters and army tanks, despite the fact that in its report on the Human Rights situation in Colombia in 2016, the OHCHR expressed its concern about *“the intervention of the military forces in citizen security tasks”* including the handling of social protest. In addition, organisations involved in the Civic Strike have reported strategies used by the State Security Forces to delegitimise the protest, such as standing by while warehouses were looted in order to later accuse the Strike of carrying out these crimes.

⁴⁴ "Santos anuncia aumento de integrantes del Esmad de la Policía", Noticias RCN, 30 June 2016.

- In **Tumaco** the Mission arrived three weeks after a tragic event: during a small-scale farmers' protest against the forced eradication of illicit crops, at least 7 small-scale farmers were killed. It should be noted that the Peace Agreement defined the implementation of a mechanism for the voluntary substitution of crops (instead of forced eradication). This mechanism is being violated in the Tumaco region, according to the testimonies heard by the Mission. The small-scale farmers' version of events, corroborated by the Human Rights Ombudsman's Office, point to members of the anti-narcotics police as the perpetrators of the massacre. Some testimonies state that it was a police commander who gave the order to his subordinates to fire on the population. Other testimonies claim to have seen a police officer kill an indigenous person who was lying on the ground, already wounded and asking for help. While the small-scale farming population has reported this version of events since the beginning, the official version has been modified as the investigation progresses. It was also reported that the State Security Forces altered the scene of the crime, cutting down trees so that bullet holes could no longer be seen, and attacking a humanitarian mission composed of national and international organisations that had gone to the scene.
- On 30 October, during the Mission, indigenous peoples decreed a **National Minga** (social protest) to demand that the Colombian State comply with the 1,300 prior agreements that were not being implemented. During this national protest, they reported aggressions against 41 indigenous people who were injured in different areas where they had gathered for the protest. According to information received, these injuries were caused by the ESMAD, the Army and the Police, who used disproportionate force and war tactics during social protest.

Unfortunately, the Colombian government has not yet submitted a bill on participation to the Congress establishing clear guarantees for the exercise of the right to protest and social demonstration. In a 2014 resolution, the UN Human Rights Council recognised that "*participation in peaceful demonstrations can be an important way to exercise the right to freedom of peaceful assembly, expression and association, and the right to participate in the direction of public affairs*"⁴⁵. It is urgent that these measures are implemented to contribute to the construction of a different public culture, to allow freedom of expression and so that citizens can make use of these democratic tools.

c. Socio-economic reincorporation

The former combatants of the FARC-EP with whom we met, both within and outside of the Territorial Spaces for Training and Reintegration (ETCR), lamented the lack of compliance with the Agreement by the Colombian government. They told the Mission that any progress made up to now with the ETCRs, is thanks to their efforts, because the promised aid has not arrived from the government. The Ombudsman concluded in a recent report that "*despite the variations in the completion dates for the setting up of these spaces, as a general rule, notable progress was found with regard to phase II consisting of housing units, however, logistical challenges persist linked to their adaptation for reincorporation*"⁴⁶. This public body expressed concern that "*there is no childcare in any of the ETCRs, which limits (the former combatants) income and the continuity of training programs and productive*

⁴⁵ "The promotion and protection of human rights in the context of peaceful protest", UN Human Rights Council, Resolution A/HRC/25/L.20, 24 March 2014.

⁴⁶ "Informe Espacios Territoriales de Capacitación y Reincorporación", Defensoría del Pueblo de Colombia, August 2017.

activities”.

The FARC are aiming for collective reincorporation and common projects, for that reason they created the solidarity cooperative: Common Social Economies (ECOMUN: Economías Sociales del Común). This cooperative was included in Decree Law 899 of 29 May 2017, and approved by the Constitutional Court in September. However, testimonies heard by the Mission assured that the expected resources had not been received and that in the budgets approved in the Congress for the following year, a budget heading has not been included to allocate funds for this body. According to Jean Arnault *“in 10 of the 26 ETCRs, there are now 22 productive projects in progress, organised by the former guerrillas, essentially with their own resources and the support of universities, local authorities and territorial actors, both for their own consumption and to sell”*⁴⁷.

The success of any peace process depends on socio-economic reintegration, as former combatants without an economic future may be forced to seek their own means of livelihood. That is why the “employment” offers they receive from different armed actors or drug traffickers can be very tempting. Reincorporation is not an easy matter and concerted political will is therefore needed to develop differentiated and comprehensive programs that include an economic dimension but also offer training and psychosocial accompaniment. Leaving behind the dynamics of the war after more than 50 years is not only a question of will, it also requires accompaniment, something which constantly repeated in the testimonies we heard.

d. Conclusion

The implementation of guarantees for political participation as foreseen in the Peace Agreement has been far from sufficient. There are numerous challenges and the situation does not seem to have changed since November 2016. The only tangible, highly important aspect has been the transition from armed struggle to political commitment with the laying down of weapons and the creation of a political party, as well as the creation of the Statute of the Opposition, but unfortunately no progress has been made regarding measures to promote true guarantees for political participation, and guarantees of physical, legal and political security; neither for the former combatants, nor for organisations and social movements, nor for Colombian citizens in general.

⁴⁷ Words of Jean Arnault, in the forum organised by El Espectador “la reincorporación y reconciliación, dimensiones de la construcción de paz”; 21 November 2017, Bogotá (unofficial translation).

Victims at the centre of the Peace Agreement: the Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Recurrence

The Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Recurrence (SIVJNR: Sistema Integral de Verdad, Justicia, Reparación y Garantías de No Repetición) is based on *“the recognition of the victims as citizens with rights; the acknowledgement that the full truth about what has happened must be uncovered; the acknowledgement of responsibility by all those who took part, directly or indirectly, in the conflict and were involved in one way or another in serious human rights violations and serious infringements of international humanitarian law; the realisation of victims’ rights to the truth, justice, reparation and non-recurrence, based on the premise of non-negotiation on impunity, additionally taking into account the basic principles of the Special Jurisdiction for Peace, one of which is that ‘damage caused shall be repaired and made good whenever possible’”*⁴⁸.

The Colombian Government presented Legislative Bill 01 in December 2016; the first step in the creation of the SIVJNR. The text was approved with modifications by the Congress as Legislative Act 01 in April 2017, thereby establishing three mechanisms:

- The Special Jurisdiction for Peace⁴⁹ (JEP: Jurisdicción Especial para la Paz).
- The Special Unit for the Search for Persons Considered Disappeared (UEBPD: Unidad Especial para la Búsqueda de Personas Dadas por Desaparecidas).
- The Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición).

“Redress for victims is at the core of the Agreement between the National Government and the FARC-EP”

Definitive text of the Final Peace Agreement, point 5.

a. The Special Jurisdiction for Peace

The objectives of the justice component of the SIVJNR are to satisfy the right of victims to justice, to offer truth to Colombian society, to protect the rights of victims, to contribute to the achievement of a stable and lasting peace, and to adopt decisions that grant full legal security to those who participated directly or indirectly in the internal armed conflict, with respect to acts committed within the framework of and during the conflict, which involve serious violations of International Humanitarian Law and serious human rights violations.

⁴⁸ “Final Agreement to End the Conflict and Build a Stable and Lasting Peace”, 24 November 2016.

⁴⁹ The Special Jurisdiction for Peace will only apply to behaviours committed prior to its entry into force and will be constituted by five rooms: (i) Chamber for the recognition of truth, responsibility and determination of the facts and conduct, (ii) Chamber for Amnesty or pardon, (iii) Chamber to define legal situations, (iv) Peace Tribunal, (v) Unit for Investigation and Accusation.

Legislative Act 01 specifies that *“the Special Jurisdiction for Peace (JEP) will be subject to its own legal regime, with administrative, budgetary and technical autonomy, will administer justice in a transitional and autonomous manner and will know preferentially about all the other jurisdictions and exclusively about conducts committed prior to 1 December 2016, caused by, during, or in direct or indirect relation to the armed conflict”*. On 14 November 2017, a few days after the Mission ended its visit to Colombia, the Constitutional Court declared the Legislative Act enforceable after certain modifications and interpretative clarifications. One of these is related to the ability of people reincorporated into civilian life to exercise elected political office (an issue discussed in the previous chapter), another deals with the willingness of civilian third parties to testify before the JEP, such as businessmen, politicians and State officials who are not members of the State Security Forces. The ruling of the Court specifies that *“civilians and State officials who are not members of the security forces, will only be heard by this jurisdiction voluntarily, depending on the advantages they may obtain as a result of their decision to provide truth, reparation and guarantees of non-recurrence”*. According to human rights organisations, analysts and victims interviewed by the Mission it is clear that Guarantees of Non-Recurrence should include the mandatory public appearance and prosecution, not only of those who pulled the trigger, but also of those who contributed to the war and its crimes through financing or political support (there is evidence to suggest that this applies to some companies and political representatives). Many believe that this decision could lead to impunity for those who planned human rights violations and those who have become wealthy thanks to the armed conflict. The Prosecutor from the International Criminal Court expressed her concerns, considering that such norms could *“lead to widespread amnesty for third parties responsible for crimes”*. Equally, the article related to command responsibility could allow *“persons who had the capacity to prevent or punish crimes committed by subordinates to go unpunished”*. According to Enrique Santiago, legal advisor to the FARC *“the purpose of the agreements (in Havana, Cuba) was to end impunity for all people who participated in the armed conflict. In Colombia there is widespread impunity which is not related to the military or members of the FARC, but to civilian third parties, public officials and politicians who financed and supported paramilitarism”*⁵⁰.

The **Statutory Bill** was presented by the Colombian government to Congress on 1 August 2017 and approved on 29 November. However, the procedural law still needs to be drafted and approved so that the JEP can administer justice.

The Law was approved by the Senate and the House of Representatives on 28 November 2017. Some important points to take into account include:

- The **objectives** of the JEP: article 9 of the law ensures that *“its objectives are to satisfy the victims’ right to justice; offer truth to Colombian society”*.
- Several sections emphasise the importance of a **gender perspective**. Article 13 specifies that *“the consequences of such violations are more serious when they are committed against women or when victims belong to the most vulnerable groups”* and Article 18 states that *“the functioning of the JEP will emphasise the needs of women and children victims, who suffer the effects of the serious infractions and violations committed during the conflict in a disproportionate and differentiated way. The reparations in the SIVJRNR must respond to the United Nations’ assertion that every peace agreement must adopt a gender approach”*.

⁵⁰ “Fallo de Corte Constitucional le quita autonomía a la JEP: asesor de las Farc”, Caracol, 15 November 2017, Bogotá.

- The JEP will not automatically grant **special treatment** to crimes. For this to occur *“it is necessary to provide full truth, reparation for the victims and to ensure non-recurrence. To provide full truth means to report, when the elements are available, in a comprehensive and detailed manner, the crimes committed and the circumstances in which they were committed, as well as to report the necessary and sufficient information to attribute responsibilities, in order to guarantee the satisfaction of the victims’ rights to reparation and non-recurrence”* (Article 20). Article 146 specifies that alternative sanctions *“will not be applicable to those who have committed any type of sexual offence against Children or Adolescents”*. While this seems to send a message of zero tolerance against these crimes, which would be positive, it is also feared that it could reinforce impunity due to the silence that prevails around crimes of sexual violence. This consequence would lead to the JEP failing to fulfil its aforementioned objective of providing the truth to Colombian society.
- **Command responsibility** for both the FARC-EP and the State Security Forces *“can not be based exclusively on rank or hierarchy”* but must be based on *“effective control of the respective conduct, using knowledge based on the information available before, during and after the respective conduct was carried out, as well as having the means at their disposal to prevent it, and to have taken the corresponding decisions”*. The Prosecutor of the International Criminal Court warned that command responsibility is related to the effective control of subordinates and not to the conduct of subordinates, and assesses whether a lack of necessary and reasonable measures have been taken by the superior to prevent or sanction the commission of crimes.
- One of the proposed articles in the debates and among the most criticised by social organisations for **opening the door to impunity** for those who may have supported and financed crimes against the civilian population, unfortunately became part of the version of the law that must now pass by the control of the Constitutional Court. This is Article 63, which specifies that *“State officials who are not members of the State Security Forces and civilians who, although not part of armed organisations or groups, have contributed directly or indirectly to the commission of crimes in the context of the conflict, may voluntarily submit to the JEP to receive the special treatment determined by the norm”*. As mentioned above, this may mean that businessmen and politicians who benefited from or promoted crimes are not obliged to submit to the JEP; this Article therefore goes against one of the main objectives of the JEP which is *“to offer the truth to Colombian society”*. Probably the only civilians who will appear before the JEP are those who already have investigations opened against them in the Ordinary Justice System so that they can benefit from lower sanctions.
- The other controversial article in the final text of the law is related to **factors which disqualify** certain people from becoming a magistrate in the JEP. Although Article 100 considers that *“all of (the judges) should be highly qualified (...) with emphasis on knowledge of IHL, human rights or conflict resolution”* it also contradicts itself by prohibiting the selection of people who *“personally or as a nominated person, have managed or represented private interests against the State in legal claims for violations of Human Rights, International Humanitarian Law, or International Criminal Law or belong to or have belonged to organisations or institutions that have exercised such representation”*; and the same follows if they have brought cases before International Human Rights Systems or Tribunals. This article is censorship, is an attack on the work of human rights defenders and stigmatises the

work of lawyers and their organisations that have striven for years to support victims of the armed conflict and state repression.

Parallel to this legislative process, on 26 September 2017 **judges** were elected to this transitional justice system. The Selection Committee appointed a woman as Director: Mirtha Patricia Linares Prieto and of the 38 judges in the Court and the Chambers, 20 are women (53%). As long as the legislative process continues, the judges can not hold the necessary trials to advance justice. In addition, many of those elected are awaiting a legislative and constitutional decision on who will be disqualified. Meanwhile, teams from the secretariat of the JEP have been working for 11 months with funding from 7 countries and international organisations, which has led to progress in recording the testimonies of some 3,300 guerrillas and 1,700 members of the military and they have also offered training for victims. They have also developed a territorial strategy to maintain closer contact with the victims and for that reason they have created links with different territories. The role of the secretariat in terms of gender focus is for the moment dedicated to internal strengthening, and the production of guides on how to prosecute violence against women and girls.

The JEP is one of the pillars of the Peace Agreement negotiated between the government of Colombia and the FARC-EP. The latter have clearly expressed their objections regarding the amendments to the agreements during the legislative process. There is no clarity about the consequences that this could have.

b. Special Unit for the Search for Persons Considered Disappeared

The Special Unit for the Search for Persons Considered Disappeared (UEPBD: Unidad Especial para la Búsqueda de Personas dadas por Desaparecidas) is considered to be a high level Unit which is humanitarian and extrajudicial in nature. Its objectives are to direct, coordinate and contribute to the implementation of humanitarian actions to search for and identify all persons reported missing during the armed conflict that are found to be alive and in cases of death, whenever possible, the location and dignified recovery of the person's remains. The activities of the Unit can not substitute or impede judicial investigations in compliance with the obligations of the State. The Unit was created by Legislative Act 01 of 2017 and by Decree Law 589 of April 5, 2017 and its director is Luz Marina Monzón Cifuentes, appointed by the Selection Committee on 26 September 2017. Due to her career as a human rights defender, her appointment has been welcomed by numerous Human Rights coordination groups, women's organisations and victims' organisations. There are high expectations of her: to clarify the fate of more than 60,000 victims of forced disappearance in the context of the armed conflict, according to the Centre for Historical Memory. There are many challenges to achieving this.

One of these challenges is the construction of the Special Unit itself and its structure as a public body. Although the Ministry of Justice sent draft proposals to the Director, a technical team is needed to implement them. The Mission was surprised to learn that the Colombian government has not yet allocated a budget for this and that the director is faced with the need to seek support from international cooperation agencies. There is also concern regarding the national budget for the implementation of the Peace Agreement for the 2018 fiscal year. Luz Marina Monzón commented that it is necessary for the Unit to have *“resources to build a robust institution, with a qualified team to undertake and plan searches for the disappeared, identify the bodies and deliver them in a dignified manner to family members, that's the most important thing”*⁵¹. According to the studies

⁵¹ “Vivos o muertos, quieren dar con los desaparecidos”, El Colombiano, 04 October 2017.

that she has been able to review, the Unit needs at least 260 personnel, in particular to ensure the implementation of the Unit in the territories. Another challenge is to ensure the necessary autonomy of the Unit, as well as collaboration with and access to information from other State bodies (referred to in Legislative Act 01 of 2017). For this to occur, a clear commitment from these institutions is necessary. The expectations of the victims are very high. Finding loved ones' bodies and knowing what happened to them is one of the most reiterated demands from victims' organisations. The Director is aware of this, and dialogue with victims' organisations is a priority for her. She has spoken with victims about the fact that this will be a long process and that, unfortunately, there will be no immediate results.

“We need the political will of the State, the government and all the State institutions so that the Unit can fulfill its objectives”

Luz Marina Monzón Cifuentes
Director of the Unit for the Search for Persons deemed as Missing

c. The Truth, Coexistence and Non-Recurrence Commission

The Truth, Coexistence and Non-Recurrence Commission is a temporary and extra-judicial body. Its objective is to seek the truth about what happened during the conflict and contribute to the clarification of violations and infractions; to offer a broad explanation to the whole of society regarding the complexity of the conflict; to promote the recognition of the victims and the responsibilities of those who participated directly and indirectly in the armed conflict; and to promote coexistence in the territories to guarantee non-recurrence. Like the JEP and the UEPBD, the Commission was created initially by Legislative Act 01 of 2017 and was later regulated by Decree Law 588 of 2017.

The 11 members of the Commission - 5 women and 6 men - were elected on November 9, 2017. The Commission's director is Father Francisco José de Roux Rengifo. The clarification of the truth is fundamental for victims' organisations, communities and citizens in general in order to understand what happened during the armed, social and political conflict, to seek new norms of coexistence and to achieve the non-recurrence of the events. The Commission held its first meeting on 20 November. Although the Mission did not have the opportunity to meet with its members, the Director has discussed the challenges he identifies for the Commission in an opinion column in the newspaper El Tiempo⁵². One of the challenges for him is to meet with all the victims from the territories with the purpose of generating a collective understanding of what happened and moving towards reconciliation and the elaboration of a final document that enables the complete truth to be told without increasing hatred.

⁵² “Empieza la Comisión de la Verdad”, Columna de Opinión de Francisco de Roux, El Tiempo, 16 November 2017.

d. Conclusion

The Mission welcomes progress regarding the creation of the Special Unit for the Search for Persons Considered Disappeared and the Truth, Coexistence and Non-Recurrence Commission, as well as the appointment of the people in charge of these bodies, and of the magistrates for the Special Jurisdiction for Peace. However, we are concerned about the debates regarding this Jurisdiction that imply important changes in relation to what was agreed in Havana between the Colombian government and the FARC-EP. The Mission fears that there are electoral interests affecting the decisions of parliamentarians, in light of the upcoming elections. It is important to remember that both the Special Jurisdiction for Peace and the mechanisms focused on the search for the truth and the disappeared are fundamental pillars of the peace process, in particular for the victims of the armed, social and political conflict but also for the former FARC-EP combatants.

Conclusions

1 – Achieved: the end of the armed confrontation and the laying-down of weapons.

The end of the armed conflict between the Colombian government and the FARC-EP guerrilla has led to a general decrease in conflict-related killings. *“If we consider the total number of deaths throughout the conflict, the peace process with the FARC has prevented the conflict-related deaths of at least 2,796 people: most of them FARC guerrillas and members of the security forces”*⁵³. The FARC-EP have fulfilled most of their commitments included in the Peace Agreement, mainly in relation to the concentration of their troops, the laying-down of weapons and the decision to move from armed struggle to political struggle and civilian life. The Peace Agreement represents a historic opportunity for the construction of a new way of living together and a new democracy. Peace is the way forward.

2 – Security guarantees as guarantees of non-recurrence: an unfulfilled promise.

The figures say it all: from January 2016 to October 2017, the Human Rights Ombudsman’s Office registered more than 200 murders of human rights defenders and social leaders. By October 2017, 25 former combatants and 11 of their family members had been killed. The measures envisaged in the Peace Agreement have not been adequately implemented since the National Commission for Security Guarantees does not have resources from the national budget to be able to go to regions and analyse together with communities the reality that they face and to take the necessary measures. This Commission does not have a work plan to propose public policies for the dismantling of criminal groups, including neo-paramilitary groups. The Special Investigation Unit of the Prosecutor General’s Office is not fulfilling its mission, which is to carry out investigations that will enable these groups to be dismantled, including investigations into possible political and economic support.

The communities in the regions visited live in a situation of fear and remain immersed in contexts of armed conflict or territorial control by illegal armed actors. It is incomprehensible that the Colombian government has not filled the vacuum left by the FARC-EP when they withdrew from their areas of influence, leaving the communities at the mercy of a new struggle for territorial control between illegal armed actors.

3 – Democratic expansion: the half-full or half-empty glass.

After 26 years, a Statute for the Opposition was approved in the Colombian Congress, a historical debt since the passing of the 1991 Colombian Constitution. The former combatants formed a new political party, the Common Revolutionary Alternative Force, which was recognised by the National Electoral Council. This new party will have five seats in the Senate and five seats in the House of Representatives for two electoral periods. On the other hand, the norm that established the creation of 16 Special Transitional Electoral Districts for Peace, to encourage participation in the House of Representatives of victims of the armed conflict, remains in legal limbo at the time this report was completed.

Despite the inclusion in the Peace Agreement of the right to protest and social mobilisation, despite recognition by President Juan Manuel Santos that these rights will increase and will be the tools for the expression of differences in a country without armed conflict, and despite the history of repression of these protests in Colombia; the Colombian government has not presented a bill on

⁵³ "Un conflicto largo, de terminación negociada", Monitor del Cese el Fuego Bilateral y de Hostilidades, CERAC, 30 June 2017.

political participation to the Colombian Congress that includes clear guarantees for the exercise of the right to protest and social demonstration. In the regions visited, the Mission heard numerous cases of abuses by the State Security Forces against demonstrators.

4 – The Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Recurrence: opening the door to impunity?

The Peace Agreement placed the victims' rights at its centre, and for that reason it established a system of transitional justice based on the clarification and punishment of the main people responsible for the armed conflict and for crimes against the civilian population. Three bodies were approved for this system: the Truth, Coexistence and Non-Recurrence Commission, the Special Unit for the Search of Persons Considered Disappeared, and the Special Jurisdiction for Peace. The victims have high expectations for the first two bodies, and the Mission is concerned about the lack of State resources for their operational start-up, especially for the second body.

As for the JEP, the Law approved by the Congress opens the door to impunity for civilians (such as businessmen and politicians) and State officials who do not belong to the State Security Forces. Effectively, they can not be called to appear before the JEP, they can only do so voluntarily. The fight against impunity is a fundamental condition for guarantees of non-repetition and it is necessary to investigate those who may have planned elements of the conflict and crimes against communities, beyond investigations into those who pulled the trigger.

5 – The gender focus is present in the Agreement but practically absent in practice.

The inclusion of the gender focus in the Peace Agreement thanks to the work of the Gender Sub-Committee and pressure from feminist and women's organisations in Colombia was welcomed as highly positive at the national level and by the international community. However during the implementation process the results are not so positive. In the JEP the majority of selected persons are women (53%) and women were chosen to head the Special Investigation Unit of the Prosecutor General's Office and the Special Unit for the Search for Persons Considered Disappeared. However, in the other bodies women are in a minority, as in the Truth Commission (45%), or are completely or almost completely absent, as in the National Commission for Security Guarantees (13%), the National Council for Reincorporation (0%) and in the Implementation, Follow-up and Verification Commission (Comisión de Seguimiento, Impulso y Verificación) (17%). The women interviewed stated that there has been no peace methodology or measures to strengthen women's organisations, or to ensure their participation in politics.

The Human Rights Ombudsman's Office has drawn attention to the continued use of "*sexual violence as a way to control the population, in disputes that could take place between armed actors for repositioning and territorial control*"⁵⁴ and to the fact that this Office attended 361 cases of conflict-related sexual violence in the first 10 months of 2017. The Peace Agreement must be an opportunity to learn the truth about crimes of sexual violence, make visible their magnitude and harmful impacts and ensure that these crimes are not repeated.

6 – Incomplete implementation: a negative message for the future

The slow and incomplete implementation puts the sustainability of the peace process at risk and sends a negative message to the negotiating table between the Colombian government and the ELN guerrilla. The opportunity that Colombia has is unique and must not be lost.

⁵⁴ "Defensoría presenta Plan de Acción Integral y Ruta de Atención para mujeres", Defensoría del Pueblo, 1 December 2017, Bogotá.

Recommendations

- **To the government of Colombia**

- Implement expeditiously, quickly, and efficiently all the measures contained in the Peace Agreement that correspond to it, such as the measures related to guarantees of security, citizen political participation, and socioeconomic reincorporation of former combatants, and, in particular:
 - Implement, together with the Office of the Human Rights Ombudsman (Defensoría del Pueblo), the new Prevention and Warning System to avoiding further killings of human rights defenders and social leaders;
 - Reinforce mechanisms for attention, protection, and prevention so that they are effective, timely, and adequate (including collective protection measures) and with a differential approach (Comprehensive Program of Security and Protection for the communities established in section 3.4 of the Agreement) for ensuring the human rights of human rights defenders so that they can operate more effectively and prevent the different attacks they suffer from becoming assassinations;
 - Urgently present a bill to guarantee the right to mobilisation and social protest; such a bill should be drawn up with the input of human rights organisations;
 - Endow the institutions that were born of the Peace Agreement with a sufficient budget for full implementation, and in particular for the National Commission on Security Guarantees and the Special Unit to Search for Persons Considered Disappeared;
 - Implement the programs for the socioeconomic reincorporation of former combatants.
- Take the measures needed to break all ties that may exist between members of the armed forces and National Police or other public officials and neo-paramilitary groups.
- Implement strategies so that the Colombian State can reach territories left by the FARC-EP that today are facing a situation of high risk. This presence must be holistic and should not be limited to just the presence of the State Security Forces.
- Design and implement a genuine plan for a peace methodology and for sharing information on the Peace Agreement.
- Effectively incorporate the gender perspective in the implementation of the Agreement, and implement affirmative measures to ensure women's participation in all of the mechanisms created by the Peace Agreement.
- Expedite the implementation of the legal commitments acquired under Law 1820 of 2016, on Amnesty and Pardon.

- **To the National Commission on Security Guarantees**

- Make public and accessible a clear work plan for drawing up public policies that make it possible to dismantle the criminal groups that carry out attacks on human rights defenders and social leaders and against peace generally, including paramilitary groups. This work plan should be constructed with inputs from the social movement and include regular trips to the territories to collect testimony from the inhabitants.
- Construct, together with the women's organisations, an inclusive mechanism that allows for their effective and real participation in the Commission's deliberations.

- **To the Prosecutor General's Office**
 - Ensure swift, impartial, and contextualised investigations into all the attacks, intimidation, following of persons, surveillance, and threats against human rights defenders and punish the material perpetrators as well as those who plan and order such activities.
 - Take on investigations that make it possible to fully dismantle the criminal structures that are the successors to the paramilitary groups, which will require investigating the ties between these groups and economic, state, and political actors. In particular, present the work plan, model for monitoring and evaluation, and the results of the impact of the Special Investigation Unit of the Prosecutor General's Office.
 - Prioritize investigations related to gender violence, adopting differentiated investigation methodologies.

- **To the Congress and political parties**
 - Show commitment to peace in Colombia, contribute to depolarising society, fostering a new kind of co-existence and do not turn the current debates into an electoral contest.
 - Respect the spirit of what was agreed upon in Havana and set forth in the Peace Agreement ratified by the Congress on 30 November 2016.
 - In particular, ensure that the Special Jurisdiction for Peace can meet its objective of fighting impunity and revealing the names of all those persons who have played a determinant role in the armed conflict and the principal crimes that occurred in the country, such as forced displacement, sexual violence as a weapon of war, assassinations of leaders, and forced disappearance, among others.
 - Draw up parity lists (women/men) for the 2018 elections, and if closed lists are presented, ensure that women and men alternate in each position.

- **To all the armed actors**
 - Respect international human rights law, international humanitarian law, and respect the civilian population, their living spaces, and the tools with which they seek protection in the midst of the conflict.

- **To the Colombian Government and the ELN guerrillas**
 - Maintain your commitment to seek a negotiated solution to the armed conflict.
 - Ensure spaces for the participation of organised civil society, including communities, organisations, and social movements, among others.
 - Ensure the participation of women's and/or feminist organisations and movements in all aspects of the negotiation.
 - Ensure that the negotiation process quickly move to adopt humanitarian measures to prevent new acts of violence against communities.

- **To the media**
 - Participate in the efforts needed to build peace and in particular promote a language that avoids polarisation, sexism, and racism, and disseminate a message that allows people to understand the position and suffering of the other, thereby facilitating new forms of co-existence and mutual understanding.

- **To the international community**
 - Continue to decidedly support the implementation of the Peace Agreement.
 - Accompany the process unfolding between the Colombian government and the ELN guerrillas in Quito.
 - Demand that the Colombian State show concrete results in the implementation of the Peace Agreement, in particular as regards security guarantees, guarantees of political participation, comprehensive rural development, and the effective development of the gender perspective.
 - Foster a greater international presence in the territories with a view to increasing the protection and visibility of the communities and their leaders.
 - See to it that peace-building favours the participation of women, equal opportunities, and the struggle against impunity for conflict-related sexual violence.
 - Contribute to the process of the social, economic, and political reincorporation of former combatants in transition to civilian life.
 - Demand transparency and accountability from the Government of Colombia as regards the implementation of mechanisms and projects that stem from the Peace Agreement and that receive financing and/or technical assistance through international cooperation.
 - Continue supporting the Office of the High Commissioner for Human Rights (OHCHR) in Colombia, endowing it with sufficient resources and political support for its current mandate to continue its work, which is essential for building a genuine and sustainable peace. While Verification Missions I and II are of fundamental importance, they do not replace the work done by the OHCHR, in particular on human rights and the transformation of the conflict.

- **To international solidarity, human rights, and cooperation organisations**
 - Strengthen support and presence in territories where communities face serious security situations.
 - Give special attention to rural and ethnic communities, and to women, who have been disproportionately impacted by the armed conflict and continue to risk suffering human rights violations.
 - Contribute to the process of the social, economic and political reincorporation of former combatants making the transition to civilian life.

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