

# 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

## Executive Summary and Recommendations

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# Executive Summary

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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.<sup>1</sup>

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<sup>1</sup> 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)”*<sup>2</sup>. 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,<sup>3</sup> 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.

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

<sup>3</sup> 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*”<sup>4</sup>, 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

<sup>4</sup> “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 Institute<sup>5</sup>, 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*”

*“[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.*

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

*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 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.

# Recommendations

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- **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.