

Country/entity	Colombia
Region	Americas
Agreement name	Agreement on the Victims of Conflict, 'Comprehensive System for Truth, Justice, Reparation and Non-repition, including the Special Jurisdiction for Peace; and Commitment on Human Rights
Date	15 Dec 2015
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Colombian Conflict (1964 -)

The Colombian conflict is really a set of conflicts and the peace agreements reflect both different processes relating to different conflict groups and dyads, and processes taking place at different times in a complex peace process history. The Colombian civil war has its roots in the late 1940s and the violent infighting between liberal and the conservative factions. Emerging from the liberal tradition with a thorough grounding in nationalist communist ideology, the Revolutionary Armed Forces of Colombia—People's Army (FARC) began its armed insurrection against the Colombian government in 1964. Other left-wing guerrillas emerged as well, most notably the socialist/populist M-19, which would later be integrated into the formal political system in the peace process of 1990s; the National Liberation Army (ELN), which has strong roots in liberation theology, and the Maoist Ejército Popular de Liberación (EPL) (also part of the 1990 process, less successfully). Several stages of peace processes were undertaken by the various sides, which were further complicated by the emergence of right-wing paramilitary 'self-defence' forces. The peace agreement between the Colombian government under President Uribe and the main alliance of the paramilitary groups, the United Self-Defence Forces of Colombia (AUC), concluded in 2005 and is still heavily disputed as several remnants are still active, but now subsumed under the heading 'Bacrim' (Bandas criminales). In addition, FARC and ELN maintain a military presence, but both demonstrate a strong interest in completing successful peace negotiations with the government, with the most recent agreements being between FARC and the Government.

Close
Colombian Conflict (1964 -)

Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Colombia V - Santos

Parties	The national government, the FARC-EP
Third parties	-
Description	The agreement provides for forms of transitional justice, and throughout calls for a 'gender' and territorially differentiated approach to the implementation of the measures to be adopted:

Agreement document	CO_20151215_borrador conjunto acuerdo sobre las victimas.pdf (opens in new tab) Download PDF
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Agreement document (original language)	CO_20151215_borrador-conjunto-acuerdo-sobre-las-victimas-del-conflicto.pdf (opens in new tab)
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Participation

Participation→Effective participation

Page 13-15, 5.1.1.1.4 Functions:

For the fulfillment of its mandate the Commission will have the following main functions:

...

- Ensure the mainstreaming of the gender approach in the entire scope of the work of the Commission, with the creation of a working group on gender that can contribute specific tasks of a technical nature, including but not limited to research, preparation of hearings on gender. This working group will not be the only one to address gender, but shall take responsibility for the review of methodologies for all the work of the Commission as regards a gender approach and coordinate with women's organizations and LGBTI. The foregoing is without prejudice to the necessary autonomy of the Commission in the definition of its structure and methodology of work.

Page 15. 5.1.1.1.5. Process of Selection [for formation of Commission]:

...

The selection will be based exclusively on the nominations, and the election shall take into account individual selection criteria such as ethics and integrity, the impartiality, independence, the commitment to human rights and justice, the absence of conflicts of interest, and the knowledge of the armed conflict, international humanitarian law and human rights, and the recognized components of any of these fields. The selection of the [male and female] commissioners must also take into account collective criteria such as gender equity, pluralism, the interdisciplinarity and the regional representation.

Page 41, III. Procedure, organs and sanctions of the justice component of TJRNR:

...

65.- The Tribunal for peace will be composed of Colombian judges. The foregoing does not preclude that persons subject to its jurisdiction request that the section dealing with their case is addressed by 3 Colombian judges and 2 foreigners. Must be chosen 20 judges Colombians, and in addition 4 foreigners who will act in the sections in the event that they are requested.

All of them must be highly qualified and must be included experts in various branches of law, with emphasis on knowledge of IHL, human rights or resolution of conflicts. The Court must be formed with criteria of gender equity and respect for ethnic and cultural diversity, and will be chosen through a selection process that you trust to Colombian society and to the different sectors that make it up.

Page 42,

66.- Each Chamber shall consist of a minimum of 6 highly qualified judges and should include experts in various branches of law, with emphasis on knowledge of IHL, human rights or resolution of conflicts. The chamber must conform with criteria of gender equity and respect for ethnic and cultural diversity, and will be chosen through a selection process that has the confidence of Colombian society and the different sectors of which it is made up.

...

67.- The unit of investigation and prosecution will be made up of a sufficient number of highly qualified legal professionals in the field of investigation and prosecution, and should include experts in various branches of law, with emphasis on knowledge of International Humanitarian Law and Human Rights. It must have a forensic technical research team, which may have international support, particularly in the field of exhumation and identification of the remains of missing persons. It will be formed according to criteria of gender equity and respect for ethnic and cultural diversity, and the members shall be chosen by a selection process which has the confidence of Colombian society and the different sectors that make it up.

The Unit will have a special investigation team for cases of sexual violence. Acts of sexual

Equality

Equality→Other

Page 9, 5.1.1.1 Commission for the Clarification of Truth, Coexistence and Non-Repetition:

And thirdly, the Commission should promote coexistence in the territories, in the understanding that coexistence is not a matter of simple sharing of the same social and political space, but involves the creation of an environment that allows the transformative peaceful resolution of conflicts and the construction of the broadest culture of respect and tolerance in democracy. This will promote an atmosphere of dialogue and create spaces in which the dignity of victims will be restored, individual and collective recognition of responsibility will take place, and in general the respect and confidence of citizens in each other, cooperation and solidarity, social justice, gender equity, and a democratic culture that fosters tolerance, promotes the good life, free us from indifference to the problems of others, will be consolidated. The Commission shall contribute to the construction of a peace based on the truth, the knowledge and recognition of a bloody past that must be overcome.

...

The Commission will develop an appropriate differential and gender approach that allows evidencing the differential forms in which the conflict affected women, children, adolescents, young people and older adults, to persons in situations of disability, to indigenous peoples, to peasant communities, to Afro-Colombian, black, palenquero and raizal populations, to the population LGBTI, to displaced persons and exiled to the defenders of human rights, trade unionists, journalists, men and women farmers, ranchers and livestock, traders and businessmen and businesswomen, among others. This should also contribute to the Colombian society's understanding of the specific ways in which the conflict reproduced historical mechanisms of discrimination and gender stereotypes, as a critical first step to having a more just and inclusive society.

Particular groups of women Particular groups of women→Refugee/displaced women

Page 3, Untitled Preamble:

The armed conflict, which has multiple causes, has caused suffering and harm to the population unparalleled in our history. Millions of Colombian men and women are victims of forced displacement, there have been hundreds of thousands of deaths, tens of thousands of missing persons of all kinds and a large number of collectives and affected populations throughout the length and width of the territory, including peasant communities, indigenous, Afro-Colombian, black, palenquero, raizal, and Rom, political parties, social and trade union movements, guilds economic, among others. Without forgetting other forms of less visible but no less painful victimization, such as sexual violence, psychological effects, or even the presence of fear.

Page 54, 5.1.3.5. Collective processes of return of displaced persons and compensation to victims overseas:

The National Government, in development of this Agreement and in the framework of the end of the conflict, will launch on the one hand collective programs on the return and relocation of persons in a situation of displacement with a territorial and gender specific approach, and on the other hand put in place return plans which will assist victims outside Colombia and strengthen their connection with the implementation of other components of the policy of redress of victims at the territorial level, in particular the collective reparations programs and for the restitution of the land, and with the implementation of the agreement called "Toward a new Colombian field: comprehensive rural reform", in cases where it is appropriate to do so.

Particular groups of women→Other

Page 3, Untitled Preamble:

The armed conflict, which has multiple causes, has caused suffering and harm to the population unparalleled in our history. Millions of Colombian men and women are victims of forced displacement, there have been hundreds of thousands of deaths, tens of thousands of missing persons of all kinds and a large number of collectives and affected populations throughout the length and width of the territory, including peasant communities, indigenous, Afro-Colombian, black, palenquero, raizal, and Rom, political parties, social and trade union movements, guilds economic, among others. Without forgetting other forms of less visible but no less painful victimization, such as sexual violence, psychological effects, or even the presence of fear.

Page 5, 5.1. Comprehensive System for Truth, Justice, Reparation and Non-Repetition:

The Comprehensive System has a differentiated and gender-based approach, which is designed to respond to the particular characteristics of victimization in each territory and each population, and in particular to the needs of women and children.

Page 5-6, Goals:

In summary, the different measures and mechanisms of the Comprehensive System should contribute to the fulfillment of the following purposes:

...

Territorial, differentiated and gender-based approach, through the differentiated treatment of territories and populations, in particular of women and boy and girl victims, and of the most deprived and most vulnerable populations and collective groups, that are most affected by the conflict.

Page 9, 5.1.1.1 Commission for the Clarification of Truth, Coexistence and Non-Repetition:

...

The Commission will develop an appropriate differential and gender approach that allows evidencing the differential forms in which the conflict affected women, children, adolescents, young people and older adults, to persons in situations of disability, to

International law

International law→General IHRL, IHL and IL

Page 61, 5.2. Commitment with the promotion, respect and guarantee of human rights: The National Government on behalf of the Colombian State reiterates its commitment to the protection of human rights and to those who work for this cause. It is the duty of the Colombian State to promote, protect, respect and guarantee human rights, including economic, social, cultural and environmental, with a differentiated and gender approach in accordance with the principles of equality and progressiveness, and the guarantee of the right to peace, especially in those areas most affected by the conflict.

Page 63, 5.1.4. Guarantees of non-repetition:

...

On the other hand, the higher objective of the Comprehensive System, and everything agreed in respect of victims, to contribute to the non-repetition, has as a necessary condition compliance with and implementation of what is agreed in the framework of point 3 of the agenda of the General Agreement relating to the "end of the conflict", which must ensure the definitive termination of armed conflict, as well as the deployment of all what was agreed in the field of human rights, with special emphasis on gender and with a vision of territorial development and deployment.

New institutions

New institutions→Infrastructure (general)

Page 52: 5.1.3.3.2. Collective reparation plans territorial approach

...

Mechanisms of participation: Active participation of victims and their organizations with the regional authorities will be the basis of collective territorial reparation plans. For this purpose, participation spaces will be created to define priorities to implement the measures of collective reparation; to ensure community participation in the implementation of reparation measures; and establish monitoring mechanisms of the projects. The participation of women in these spaces of participation will be ensured.

New institutions→Reconciliation and peace

Page 53, 5.1.3.3. Collective Reparation at the end of the Conflict, 5.1.3.3.3. National plans of Collective Reparation:

In the context of the end of the conflict the National Government, in development of this Agreement, will strengthen national plans of collective reparation, which will have a gender approach and will be directed to the collectives, groups, organizations, including women's organizations, guilds economic, political and social parties and movements in particular the opposition, among others, in order to recognize the special characteristics of their victimization, recover their identities and organizational potential, and rebuild their capacities to influence the development of local and national policies in the framework of legality. These plans should contribute also to coexistence, non-repetition, and reconciliation.

Violence against women

Violence against women→Sexual violence

Page 3, Untitled Preamble:

The armed conflict, which has multiple causes, has caused suffering and harm to the population unparalleled in our history. Millions of Colombian men and women are victims of forced displacement, there have been hundreds of thousands of deaths, tens of thousands of missing persons of all kinds and a large number of collectives and affected populations throughout the length and width of the territory, including peasant communities, indigenous, Afro-Colombian, black, palenqueras, raizales, and Rom, political parties, social and trade union movements, guilds economic, among others. Without forgetting other forms of less visible but no less painful victimization, such as sexual violence, psychological effects, or even the presence of fear.

Page 28, II. Content, scope and limits of the granting of amnesties and pardons as well as other special treatments:

...

40.- The following will not be subject to amnesty or pardon or equivalent benefits: crimes against humanity, genocide, serious war crimes, the taking of hostages or other severe deprivation of freedom, torture, extrajudicial executions, enforced disappearance, rape and other forms of sexual violence, child abduction, forced displacement, in addition to the recruitment of minors in accordance with the Rome Statute.

Page 42:

67.- The unit of investigation and prosecution will be made up of a sufficient number of highly qualified legal professionals in the field of investigation and prosecution, and should include experts in various branches of law, with emphasis on knowledge of International Humanitarian Law and Human Rights. It must have a forensic technical research team, which may have international support, particularly in the field of exhumation and identification of the remains of missing persons. It will be formed according to criteria of gender equity and respect for ethnic and cultural diversity, and the members shall be chosen by a selection process which has the confidence of Colombian society and the different sectors that make it up.

The Unit will have a special investigation team for cases of sexual violence. Acts of sexual violence will be dealt with in accordance with the special provisions on evidence in the field included in the Rome Statute.

The Unit may request other competent bodies of the State or human rights organizations and victims, to report with regard to the facts on which they do not have enough information.

Before the signing of the agreement, the Parties shall decide on the number and nationality of the members of this unit.

Page 53-54

5.1.3.4. Psycho-social rehabilitation

5.1.3.4.1. Emotional recovery measures at the individual level

In the context of the end of the conflict, and in order to address and contribute to the alleviation of the suffering of victims, the National Government and the FARC-EP have agreed that the National Government, in development of this Agreement, will undertake to expand public coverage and territorial deployment, and improve the quality of the psycho-social care for the emotional recovery of victims according to particular damage they have suffered, including the impact on individuals who are of victims of sexual

Transitional justice Transitional justice→Past and gender
[Summary: The agreement in its entirety provides for forms of transitional justice, and throughout calls for a 'gender differentiated' (and territorially differentiated) approach to the implementation of the measures to be adopted.]

Institutional reform No specific mention.

Development Development→Rehabilitation and reconstruction
Page 53, 5.1.3.3. Collective Reparation at the end of the Conflict, 5.1.3.3.3. National plans of Collective Reparation:
In the context of the end of the conflict the National Government, in development of this Agreement, will strengthen national plans of collective reparation, which will have a gender approach and will be directed to the collectives, groups, organizations, including women's organizations, guilds economic, political and social parties and movements in particular the opposition, among others, in order to recognize the special characteristics of their victimization, recover their identities and organizational potential, and rebuild their capacities to influence the development of local and national policies in the framework of legality. These plans should contribute also to coexistence, non- repetition, and reconciliation.

Implementation No specific mention.

Other No specific mention.
