

Country/entity	Colombia
Region	Americas
Agreement name	Agreement on security guarantees and the fight against criminal organisations responsible for killings and massacres, or that infringe against defenders of human rights, social movements or political movements, including the criminal organisations that have been named successors to paramilitary groups and their support networks, and the persecution of criminal behavior that threatens the implementation of the agreements and the building of peace
Date	23 Jun 2016
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	<p>By the National Government: Humberto de la Calle Head of the National Government Peace Delegation</p> <p>By the FARC -EP: Iván Márquez Head of the FARC-EP Peace Delegation</p>
Third parties	<p>By the Guarantor Countries: By the Republic of Cuba By the Kingdom of Norway</p> <p>By the accompanying countries: By the Bolivarian Republic of Venezuela By the Republic of Chile</p>
Description	<p>This agreement provides for security guarantees. It defines guiding principles (3.4.1) and commits to adopt a national political pact (3.4.2). It specifically put in place a national security guarantee commission (3.4.3); special investigation unit (3.4.4); integration of an elite force (3.4.5); basic guarantees for exercising the function of prosecutors, judges and other public servants (3.4.6); a comprehensive security system for political activity (3.4.7); comprehensive security and protection programme for communities and organisations in the territories (3.4.8); mechanism for prevention and monitoring of criminal organisations targeted by this agreement (3.4.9); implementation of national mechanism (3.4.10); measures preventing and fighting corruption (3.4.11); and other provisions for the purpose of security (3.4.12). The agreement embraces the definition of security as defined in the Political Participation Agreement: "a modern and qualitatively new concept of security, which, in the end-of-conflict scenario, is founded on respect for human dignity, the promotion of and respect for human rights, and the defense of democratic values, in particular the promotion of rights and freedoms of people who engage in political activity, especially of those who, after the end of the armed conflict, form part of the political opposition and thus must be recognised and treated as such."</p>

Agreement document [CO_160623_Garantias seguridad_EN.pdf \(opens in new tab\)](#) | [Download PDF](#)

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Participation

Participation→Effective participation

Page 3, 3.4.2 National Political Pact:

The desire for the country to achieve a stable and lasting peace is based on recognising the need to overcome armed conflict . The National Government and the new political movement that arises from the transition of the FARC-EP to legal political activity, undertake to promote a National Political Pact throughout the regions, with political parties and movements, guilds, civil society [fuerzas vivas de la Nación], organised society and communities in the territories, trade unions, the National Trade Union Council, and various business groups, owners and managers of communication media, churches, academy and educational institutions, as well as the following types of organisation: women's, sexual diversity, people with disabilities, young people, indigenous people and people of African descent, victims, human rights defenders, and other social organisations

Page 4, 3.4.3. National Security Guarantee Commission for dismantling criminal organisations...:

[...]

The National Security Guarantee Commission will be chaired by the President of the Republic, and will be composed of the Interior Minister, Defence Minister, Justice Minister, the National Attorney General , the Ombudsman , the Director of the Special Investigation Unit - point 74 of the Special Jurisdiction for Peace -, the General Commander of the Armed Forces, the General Director of the National Police, two (2) representatives of the new movement that will arise from the transition of the FARC-EP to legal political activity, and two (2) spokesmen representing human rights and peace platforms. The Commission will also be able to invite representatives of the political parties and movements, specialised national and international organisations with a presence in the territories, and will be able to rely on their experts on the matter when it is deemed convenient. The Commission will be established before the implementation of the Final Agreement. The effective participation of women will be encouraged when forming the Commission.

Page 6-7, 3.4.4 Special Investigation Unit for dismantling the criminal organisations...:

[...]

This Special Investigation Unit will have the following features:

- It will be created outside of the Special Jurisdiction for Peace. It will be a part of ordinary jurisdiction and the State Prosecutor Office. The Unit will decide what is necessary for its functioning and for creating its work and research groups, whilst promoting in these spaces the effective participation of women who will have the autonomy to choose their lines of research, to implement them, and to undertake proceedings before any jurisdiction.

Page 8-9, 3.4.7.1 Protection and collective and social security measures

[...]

The National Government will ensure the participation of political parties and movements in the High-Level Body, especially those whose security has been affected, as well as victims and human rights organisations, and social movements, including those of women. When considered appropriate, a delegate of the international human rights organisations with a presence in Colombia, and other delegates of State Entities and control bodies may be invited.

Page 14, 3.4.8 Comprehensive Security and Protection Programme for communities and organisations in the territories:

There will be a Comprehensive Security and Protection Programme for communities and organisations in the territories, at the request of the Interior Ministry, whose goal will be to define and adopt comprehensive protection measures for organisations, groups and

Equality No specific mention.

Particular groups of women No specific mention.

International law No specific mention.

New institutions No specific mention.

Violence against women

Violence against women→Gender-based violence/VAW (general)

Page 2-3, 3.4.1 Guiding Principles:

The Government and the FARC-EP agree on the following guiding principles:

[...]

3. Strengthening the administration of justice: in the context of ending the conflict building a stable and lasting peace, the measures taken must contribute to ensuring citizen access to independent, timely, effective and transparent justice, respecting and promoting alternative solution mechanisms for the settling conflicts in the territories, so as to ensure fundamental rights and impartiality, and to prevent any form of private justice and cope with the behaviours and organisations covered by this Agreement. These measures should also contribute to ensuring the effective administration of justice in cases of gender violence, free of gender-based stereotypes or sexual orientation, and with sanctions proportional to the gravity of the offense.

Page 2-3, 3.4.1 Guiding Principles:

The Government and the FARC-EP agree on the following guiding principles:

[...]

10. Guarantee of non-repetition: The State will take measures to ensure clarification of the paramilitary phenomenon, to prevent its repetition and ensure the dismantling of criminal organisations responsible for killings, massacres, and systematic gender-based violence, or that infringe on human rights defenders, social movements or political movements, including the criminal organisations that have been named successors to paramilitary groups and their support networks, and the prosecution of criminal behaviour that threatens the implementation of the agreements and the building of peace.

Page 6-7, 3.4.4 Special Investigation Unit for dismantling the criminal organisations...:

[...]

Its mandate will be the investigation, prosecution, and research of criminal organisations responsible for killings, massacres, systematic gender-based violence, or that infringe on human rights defenders, social or political movements, including the criminal organisations that have been named to successors of paramilitary groups and their support networks, as well as the prosecution of criminal behaviour that threatens the implementation of the Agreements and the building of peace.

Page 6-7, 3.4.4 Special Investigation Unit for dismantling the criminal organisations...:

[...]

- This Unit will deploy its research capability with a territorial, differential, and gender - based approach, to confront threat, with emphasis on areas where variables that endanger communities and the building of peace converge, giving priority to investigation of organised crime structures that are within its authority.
- Will be coupled with Special Unit of the Judicial Police formed by specialised Judicial Police of the National Police officials and Office of the Prosecutor officials, who are experts in different subjects, and who must have knowledge of the development and consolidation of organised crime associations, including knowledge of the paramilitary phenomenon and criminal organisations that have been named successors of the paramilitary groups. Efforts will be made to ensure that these officials also are knowledgeable regarding gender-based violence and justice. The Director will have functional command of CTI officials of the attached to his/her Unit, as well as the functional command of the other Judicial Police officers attached to it.

Page 6-7, 3.4.4 Special Investigation Unit for dismantling the criminal organisations...:Authority, The Special Unit

[...]

- Will implement specialised investigation method schemes with regard to the most

Transitional justice Transitional justice→Past and gender

Page 2-3, 3.4.1 Guiding Principles:

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[...]

10. Guarantee of non-repetition: The State will take measures to ensure clarification of the paramilitary phenomenon, to prevent its repetition and ensure the dismantling of criminal organisations responsible for killings, massacres, and systematic gender-based violence, or that infringe on human rights defenders, social movements or political movements, including the criminal organisations that have been named successors to paramilitary groups and their support networks, and the prosecution of criminal behaviour that threatens the implementation of the agreements and the building of peace.

Institutional reform Institutional reform→Emergency/criminal law/corruption reform

Page 5, 3.4.3. National Security Guarantee Commission for dismantling criminal organisations...:

[...]

The Commission's work will be focused on:

[...]

g. Will design and construct its strategies to identify sources of funding and criminal activity patterns of the organisations and behaviours targeted by this Agreement; amongst these patterns, those that particularly affect women, children, adolescents, and the LGBT population will be taken into account;

[...]

o. Will ensure a territorial, differential, and gender -based approach towards the design, implementation and monitoring of the policies and strategies subject of this Commission.

Page 6-7, 3.4.4 Special Investigation Unit for dismantling the criminal organisations...:

[...]

- The public servants that make up the Unit will be elected by the Directors, by applying special selection, incorporation and performance monitoring mechanisms, prioritising high standards of transparency, effectiveness and knowledge in implementing a gender-based approach to public exercise.
- This Unit will have as a basis a multidimensional investigative approach that focuses on the entire chain of targeted criminal organisations and behaviours, including criminal behaviour affecting women, children and adolescents.
- This Unit will have methods for analysing context, taking into consideration judicial experience accumulated in recent years, without prejudice against the possibility of using new methods of analysis, including the ones from a gender perspective.

Page 8-9, 3.4.7.1 Protection and collective and social security measures

[...]

- Committee for promoting investigation of offenses against those who undertaking political activity, taking into account women and the LGBT population, as set forth in subparagraph 2.1.2.1. (d) of the Political Participation Agreement: Democratic Openness to Building Peace.

Institutional reform→Other

Page 1, Untitled Preamble:

[...]

Finally, Point 2 of the Agreement also says that "the Comprehensive Security System for Political Activity will be structured in accordance with a concept of security that is centered around the person itself, is based on the principles of sovereignty, non-intervention and self-determination of people, and allows for linking security measures with development and individual and collective well-being measures referred to in the present agreement", as well as taking a differential and gender-based approach.

Development	<p>Development→Rehabilitation and reconstruction</p> <p>Page 13, 3.4.7 Comprehensive Security System for Political Activity, 3.4.7.3 Comprehensive Protection Programme ..., 3.4.7.3.3 Security and Protection Body: [...]</p> <p>Psychosocial care: measures will be taken to provide tools in the field of single or collective psychosocial care and with a gender-based approach, for those beneficiaries of the protection program that may have been affected by any kind of aggression towards their lives and physical integrity.</p>
Implementation	No specific mention.
Other	No specific mention.
