

PAZ Y SEGURIDAD

THE UNPAID BALANCE TO WOMEN AND THE LGBTI COMMUNITY

Verdad Abierta

November 2021



One of the most applauded items of the Peace Agreement with the FARC is its gender focus, being the first of its kind in the world to include it as a means to repair victims



The process for its inclusion was led by feminist organizations throughout the nation. For two years after negotiations started, they established a commission that oversaw its inclusion.



Despite these accomplishments, this is one of the items that still is yet to be implemented satisfactorily: only 20% of what was agreed has been implemented.

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In collaboration with

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CONTENTS

1	BALANCE OF ACHIEVEMENTS	5
2	AT A TURTLE'S PACE	7
3	WHAT ABOUT THE LGBTI COMMUNITY?	8

The gender approach can be understood as a principle that articulates, from a perspective of equal rights, the items that make up the Peace Agreement. It was conceived as a guarantee for the participation of a segment of those communities that have been historically excluded and violated in a differentiated manner during the armed conflict.

The origin of these measures dates back to September 11, 2014, when delegates of the then Colombian President, Juan Manuel Santos (2010-2018), and the former FARC guerrillas, at the negotiating table set up in Cuba, gave free rein to the creation of the Gender Subcommittee. From that moment on, this space ensured that the rights of women and the LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex) communities were considered throughout the six points that were discussed and that ultimately gave life to the Peace Agreement. The Subcommittee was made up of five delegates from the national government and another five from the continent's largest former guerrilla group.

Magnolia Agudelo Velásquez, a survivor of the Patriotic Union genocide and vice-president of the National Association of Colombian Women (ASONAM), which is part of the Women's Movement for Peace, believes that, thanks to the work of feminist organizations, the Peace Agreement has a gender focus.

"We women have worked for this. In the last decade, we have played a decisive role in mobilizations and na-

tional and international meetings. Since we knew that the (peace) talks were about to begin, we started to make pressure so that the table would not finish without a focus on this issue and with us being part of the pact, not left out" recalls Agudelo.

On this regard, Manuela Marín, who laid down arms and is currently a member of the political party Comunes, created by members of the former FARC who supported the Peace Agreement, agrees on this point: "The negotiation process with the government was mainly due to the rooting, empowerment and struggle of women in Colombia who, through their organizations, put strong pressure with clear proposals for inclusion". The former combatant emphasized that the gender focus included in the Peace Agreement "is not a specific or special chapter that privileges women over diverse communities; on the contrary, it is a prioritization for these sectors in each of the programs derived from the Peace Agreement".

On the other hand, Isabela Sanroque, who was a militant in the Eastern Bloc for 12 years and was also part of the negotiations in Havana, emphasizes that one of the great fights the Gender Subcommittee gave was the achievement of a differential recognition for the affectations suffered by women and LGBTI people in the midst of the armed conflict, and for the so-called post-conflict policies. "The gender approach recognizes these historical and profound patriarchal inequalities. We cannot talk about peace if we do not recognize this gap," Sanroque emphasizes.

1

BALANCE OF ACHIEVEMENTS

Following the signing of the Peace Agreement, held at the Teatro Colón in Bogotá on November 24, 2016, the Special Instance for Women for the Gender Approach to Peace, composed by 16 women, was created to monitor the 130 provisions of the Implementation Framework Plan, which gives life to the adoption of this approach. These measures are linked to the six points of the Peace Agreement. Therefore, they depend directly on the resources allocated to implement post-conflict policies, which are intended to heal the wounds caused during the war, as well as close the socioeconomic gaps that initiated and prolonged it over time.

The most recent report of the Kroc Institute of the University of Notre Dame, that analyzes the degree of implementation until last June, highlights the great lags of post-conflict policies for women and LGBTI people. According to the report by the Kroc Institute, commissioned to monitor the implementation of the Peace Agreement, of the 130 measures contained in the ethnic approach, only 10% of the measures included in this approach have been fully implemented as of June of this year, 16% are in the intermediate phase, 48% have made minimal progress, and 26% have not even begun¹.

The Gender in Peace Group (Gpaz) delivers a similar result. Gpaz was formed by Sisma Mujer Corporation, Diverse Colombia, the Colombian Commission of Jurists, Humanas Corporation - the Regional Center for Human Rights and Gender Justice, Dejusticia, and the National Women's Network and Women's Link Worldwide to follow up on the matter.

According to its Third report² of the observations made on the progress in the implementation of the gender focus of the Peace Agreement, which analyzed the period between September 2019 and December 2020, only 20 percent of the agreed measures had been implemented. Regarding the Comprehensive Rural Reform (RRI), it found that only three gender measures have been positively implemented or have made timely progress, while 44% have made partial progress and the other 44% have made no progress at all.

Another voice that set the alarm was the Office of the Comptroller General of the Republic (CGR). In a recent report presented to the public, it described the resources "destined to the application of the gender approach within the framework of the Victims Policy and the Peace Agreement" as "insufficient."

According to the analysis carried out for the 2020-2021 period, on average "only 4% of the total resources of the General Budget of the Nation directed to the implementation of the Peace Agreements were directed to gender actions." This percentage is equivalent to 403 billion pesos, a figure that Andrea Ordóñez, gender consultant at the control entity, considers "marginal". In her opinion, "the mandate established in the Final Agreement indicates that the gender approach must be transversal to all the implementation processes." For this, she insisted that the amount given is rather low when the agreed challenges are considered.

In addition to this, the CGR found that the peace-building budget tracer lacks a way to identify and follow-up on the resources allocated to the implementation of the gender approach. According to their analysis,

¹ See: <https://drive.google.com/file/d/1YSOPejEMP7Q6LkT8YX-wVDAovnl-iH5F/view>

² See: https://generoy paz.co/informes/gpaz_informe_2021.pdf

despite there being reports of women benefited in different projects, in most cases it is not clear what the added value of the implementation of the Final Agreement is, when compared to other general policies developed by State in the past. Likewise, the reports are limited to providing disaggregated figures for women, without this necessarily translating into a gender focus, with the aggravating factor that there is a generalized omission with respect to the LGBTI communities.

The report adds:

In terms of the execution of resources by pillars, it is relevant to mention that no gender-related resources were reported for Land Adequacy and Health in 2020. In the same manner, even though one of the main interests of women in the Final Agreement is associated with the social management of property, this pillar registers only 10% of RRI resources and 4% of the total of the Final Agreement.

Regarding the issue of political participation, five measures have been implemented, that correspond to 19%

of the total measures. The remaining 78% of these measures report partial progress or have not been initiated yet. The third point, oriented to provisions for the end of the conflict, had only one measure given the green light in this period: the creation of the National Commission for Security Guarantees with the effective participation of women. Of the other measures, 13 registered partial progress and five registered no progress at all.

The fourth point of the Peace Accord, dedicated to solving the problem of illicit drugs, also shows no improvement and follows the same line as the previous points. Only two measures have been implemented, covering 17% of the total, while eight show partial progress and one that has not been initiated.

Point 5, dedicated to the victims of the armed conflict, is the one that shows the greatest progress. Eight of its 20 measures have been fulfilled, covering 40% of its implementation. Finally, in the sixth point, which involves verification, three of the proposed measures achieved timely progress or were completed.

2

AT A TURTLE'S PACE

Linda Cabrera, director of Sisma Mujer, assures that in relation to the Peace Agreement there have been advances, but also challenges. “We see improvements with the indicators system. Today we have gender indicators framed in the institutional framework, which have follow-up tools,” she emphasizes. As for the challenges, she highlights the low percentage of the implementation of gender measures in the Peace Agreement, since only one fifth has made significant progress: “This implies great challenges in the future. We also have challenges regarding the disaggregation of figures, as we have not yet managed to make a complete disaggregation to accurately comprehend all the measures of the Agreement”.

She warns that, in practice, a family-based approach is put before the gender approach, in which

many times women are counted as beneficiaries and policy holders, simply because they are part of a family, when in reality the holders are men”. On the other hand, the tomes for implementation of the gender approach are not in accordance with the needs of women and members of the LGBTI community. The Kroc Institute points out in its report about the first half of this year that these safeguards, together with the ethnic safeguards, “register lower proportions of compliance than the Agreement as a whole.

For example, one of the “most notable advances” of these special measures, in recent months, is the formulation of the Protocol for the incorporation of the gender approach in the diagnosis, development, implementa-

tion, and monitoring of the Comprehensive National Program for the Substitution of Illicitly Used Crops (PNIS). It is, in the words of the Kroc Institute, “a document that promotes gender parity in the program’s decision-making entities and defines strategies for the prevention of violence and stigmatization based on gender.” The problem with this achievement is the moment in which it was issued: four years late, when no more families are being linked to the PNIS due to lack of economic resources. And also, when the national government is making all kinds of efforts to resume aerial spraying with glyphosate to combat drug trafficking, leaving aside the solutions proposed by the Peace Agreement. This protocol should have existed before the implementation of the substitution program. In this regard, the Comptroller’s Office points out that this delay has made it difficult for women to strengthen their participation in community spaces related to the PNIS.

Another measure that comes late is the creation of the Observatory of Violence against Women in Politics. It studies, analyzes, and makes visible the violence against women in politics. As highlighted by the Institute, the Observatory must “create protocols and good practices to confront this phenomenon in political and electoral spaces” to guarantee the participation of women without violence or discrimination. In the midst of an inclement wave of violence that is now suffered by social leaders and ethnic authorities (and that breaks records of aggressions and murders year after year) this important prevention measure with a gender approach was only approved on the 30th of last June.

3

WHAT ABOUT THE LGBTI COMMUNITY?

Homosexual, bisexual, transsexual and intersex people are the complement of the gender approach. Wilson Castañeda, director of the Caribe Afirmativo organization that has been defending the rights of the LGBTI communities for over 12 years, participated in its construction during the peace dialogues, a process that was initially elusive to this community.

“We had the opportunity to be at the negotiating table. We were the first LGBTI civil society organization to arrive in Havana. They did not invite us, they invited the women’s movement and they, who have always been very supportive of us, took us in with them,” he says about how the community he represents arrived at the Peace Agreement.

This situation reflects the exclusion that people of diverse sexual orientation have suffered. “Coming out of the closet in any part of the world is difficult, but here it is more complicated because we were immersed in an armed conflict that has a social and political line, where diversity has no place,” he stresses. These kinds of difficulties were documented by the National Center for Historical Memory (CNMH) in its report *Annihilating Difference*³, in 2015, which gives an account of the way in which the armed conflict hit the LGBTI community differently and systematically.

“It is important to know that people who deviate from gender and sexual norms have lived continuous violence. This means that the violent situations they face did not begin with the armed conflict, but they precede it and originated in a heterosexual way of thinking that structures social dynamics. However, the context of the

armed conflict has transformed these dynamics, accentuating the negative imaginaries against these people, as well as the practices of surveillance, control and punishment towards them”, states the CNMH.

For Castañeda, the signing of the Peace Agreement has brought important benefits to the LGBTI communities and thanks to it, significant spaces for participation have been allocated.

“It was necessary to sign the Peace Agreement, five years later we feel it was worth it. Today Colombia is a better country for LGBTI people because there is a state structure committed to peace that is seeking to build truth, justice, reparation, and guarantees of non-repetition for LGBT people. Because of this, spaces for our participation have been created in the territories hit by the conflict where historically we could not be ourselves freely. With the PDETs and the Peace Councils, they are listening to our needs”, he highlights.

Despite gaining spaces for expression and visibility, this community continues to suffer violence.

“It was beneficial and necessary to sign an agreement that has improved the quality of life for LGBTI people and has given us spaces for participation. But structurally, due to the lack of commitment of the government, Colombia continues to be a country where prejudices, homophobia and transphobia are still rampant. This has meant that the visibility that the LGBTI movement has had in the territories due to the Peace Accord has begun to have strong traces of violence,” Castañeda laments.

3 See: <http://www.centrodememoriahistorica.gov.co/descargas/informes2015/aniquilar-la-diferencia/aniquilar-la-diferencia.pdf>

Such is the case of Camilo⁴, an LGBTI rights activist who had to flee Medellín to save his life. He has a track record of more than 20 years in community activism and currently supports the Unit for the Search for Missing Persons (UBPD) to find victims of diverse sexual orientation. “I think the only positive balance I can make of the Agreement is the greater possibility of recognition and participation in the system,” he highlights. He also emphasizes that, in this sense, he has been able to show his own forms of resistance and the damages suffered based on his sexual orientation and gender expression.

Laura Gisselly Beltrán, political scientist of the Peace Area of the Colombia Diversa organization, expresses her concern for the life and safety of leaders (both men and women), and human rights defenders belonging to the LGBTI community since, in addition to the murders, there are other acts of violence against them.

“In 2020, the cases of violence against LGBTI people in the country doubled. In most of them, the violence people suffer is directly related to their sexual orientations or non-normative gender identities. This constant threat to LGBTI leadership in the regions is related to the profound exclusion from the institutional framework and the lack of protection of gender identities and non-normative sexual orientations,” says Beltrán.

She regrets the ineffectiveness of the Executive Power to implement the gender approach:

From the beginning of the Duque government, it was evident that there was a lack of willingness to understand that what happened to LGBTI people in the armed conflict was systematic, and that discrimination based on sexual orientation and gender identity was also at the heart of the war.

She continues: “This has had practical effects, since it has severely hampered the implementation of measures for LGBTI people which, in more than 80%, is unsatisfactory.” This pessimism is not only expressed by women’s and LGBTI organizations, nor by those who are leading the implementation of the gender approach. State enti-

ties have issued reports on the matter and consider that this point of the Peace Agreement is in a marginal situation. In this regard, the Office of the Comptroller General of the Republic made a heartfelt reprimand on this matter, in its Fifth Report on the execution of resources and compliance with the goals of the peace component of the Multiannual Investment Plan, that covers the period between November 2016 and March 2021. Its main warning focuses on the fact that, of the total of the resources allocated for the implementation of the Peace Agreement during the past year, only 3% was allocated to meet the demands of women and LGBTI communities.

It states:

As of December 2020, \$194,119 million COP would have been executed and oriented to the transversal gender approach, which represents 3% of the total resources of the Final Agreement. Of these resources, 53% were oriented to the payment of incentives for PNIS families headed by women, 38% to the integral rural reform, 9% to justice, truth, and reparation, 0.4% to political participation, and 0.4% to technical assistance for the structuring of projects with a gender approach. The third Point, about the end of the conflict, did not present any execution of resources allocated to gender during 2020.

Likewise, it questions that, as the five-year period of the signing of the Peace Agreement approaches, “the absence of a specific report on gender in the peace budget outline persists, which hinders the programming of resources for the implementation of such approach.” The lack of a robust budget, according to the needs of those who suffered a specific type of violence due to gender and sexual identity during the armed conflict, and the lack of a fiscal monitoring system, are signs of the unwillingness for the gender approach to transcend the 310 pages that give body, but not life, to the Peace Agreement.

4 Name changed at the request of the source.

ABOUT THE AUTHOR

VerdadAbierta.com is digital native medium dedicated to journalistic research of events related to human rights in an ample thematic framework. It was created in 2008 and is integrated by a team of journalists specialized in covering the Colombian armed conflict and peace processes. Since the 31st of January 2019, they're under the tutelage of the Verdad Abierta foundation.

IMPRINT

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Bogotá, November 2021

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Gender perspective is a principle that articulates the elements of the peace agreement with an equality approach. It was conceived as a guarantee for the participation of an excluded and violated population during the armed conflict.

Its inclusion dates from September 11th 2014, when the delegates of the government of Juan Manuel San-



tos 2010-2018 and the FARC guerrilla in the negotiation table in Cuba approved the creation of the Gender Sub-commission.

This Subcommission ensured looked after the rights of women, LGBTI population (gays, lesbians, bisexuals, transgender and intersexual) during the negotiation of the peace agreement.