



**MY BODY
IS THE TRUTH**



RECOMMENDATIONS

from the volume of experiences
of women and LGBTIQ+
people in the armed conflict

«Recommendations for the Non-Repetition of the Acts of Violence Suffered by Women and LGBTIQ+ People in the Context of the Armed Conflict»

THERE IS A FUTURE IF THERE IS TRUTH

Final Report of the Commission for the Clarification of the Truth,
Coexistence and Non-Repetition

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FOR AND WITH SURVIVORS OF
CONFLICT-RELATED SEXUAL VIOLENCE

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Recommendations for the non-repetition of the acts of violence¹ suffered by women and girls in the context of the armed conflict²

The recommendations reached by the Truth Commission are the result of listening to women victims and their organizations, women's movements and the feminist movement. They are the result of listening to ex-combatants and understanding the political and economic framework behind the conflict. All this has contributed, from different perspectives, proposals for change to address, with a structural and national vision, the conditions of subordination and discrimination of women in general, and of indigenous, black, afro-descendant, Raizal, Palenquera and peasant women, in particular. These proposals will contribute to a transformative reparation for women victims.

The following recommendations are addressed both to the State and the Colombian society. They contain reforms for facts treatment and conditions that made possible the violence suffered by women in the context of the armed conflict and promote the establishment of comprehensive actions to achieve economic and material equality, the eradication of the patriarchal order, and the necessary transformations to establish a stable and sustainable peace. In addition, they establish public policy parameters from a vision of security and protection of women and girls, based

¹ The term "violence", for the purposes of this document, should be understood as the group of different expressions of violence against women. In Spanish the word used is "violencias", in plural, recognizing the multiplicity of acts and consequences that make up violent actions.

² To document this section, the Gender Working Group identified nearly 3,400 recommendations made by women and LGBTIQ+ people, collected in the testimonies contained in the Mission Information System (SIM) of the Truth Commission, and in more than 54 reports delivered by civil society organizations to the Gender Working Group, which in this last case, add up to more than 400 contributions to guarantee the rights of victims, from a gender and intersectional approach, and non-repetition.



on coexistence pacts and economic, political and social security that guarantee non-repetition and a State that protects women in conditions of greater vulnerability.

Thus, the section is structured in three axes. The first contains recommendations aimed at strengthening the State's capacity to advance in the achievement of gender equality, with the aim of guaranteeing women's participation and advancing towards parity democracy. The second axe includes proposals that enhance women's autonomies and seek to strengthen adequate and comprehensive reparation programs and strategies for women victims of the armed conflict. Finally, in the third axe, there is a call to the State and civil society for progress in cultural and social transformations that promote coexistence and non-repetition.

1. Recommendations aimed at strengthening the capacity of the State to advance in the achievement of gender equality.

- a. **Implement affirmative measures aimed at overcoming discrimination and making way for material equality for women.** This should be done through economic and social justice plans that guarantee the autonomy of women in their diversity, in accordance with the conditions recommended by the Economic Commission for Latin America and the Caribbean (ECLAC)³ and the Sustainable Development Goals (SDGs) of the 2030 Agenda -approved at the United Nations General Assembly in 2015-, especially in rural areas and areas where indigenous, black, Afro-descendant, Raizal, Palenquero and Rom communities are present. It is necessary to have budget allocations and administrative measures to incorporate, from the design of the programs, the needs and demands of women. In terms of non-repetition, these measures should be oriented towards guarantee the highest level

3 Regional Conference on Women in Latin America and the Caribbean «Consenso de Santo Domingo», 1.

of well-being for women victims of the conflict and to transform the cultural and social patterns that reproduce social and political violence, especially those associated with patriarchy and racism.

b. Build an action plan to implement Resolution 1325 of 2020 of the United Nations Security Council in the prevention and resolution of conflicts in the country, with the presence and active participation of women.

This action plan should complete clear commitments and responsibilities in actions, resources and systems for monitoring progress and principles, and it must be articulated with other regional and global gender agendas that consider among their areas of action economic empowerment, and access to education and sexual and reproductive rights, as long-term transforming axes. This opens the way for their guarantee and fulfillment, especially in Colombia.

c. Formulate public policies, plans, programs and projects, at all territorial levels, that develop legal guarantees and equal rights for women.

These must have institutional mechanisms to be evaluated, with the participation of women from intersectional, ethnic and territorial approaches. In addition, it is recommended that the competent institutions should observe the evolution of violence against women and promote legal, institutional and cultural changes for its eradication.

d. Construct a “Conpes”⁴ document that provides technical guidelines for the implementation of a public policy for peace. It must have an intersectional character and effectively materialize the rights of women in their ethnic, cultural and territorial diversity.

e. Consolidate a parity democracy that guarantees the participation of women in all decision-making scenarios at the national level and, particularly, in those aimed to peacebuilding. To this end, it is required:



⁴ CONPES Documents: These documents are the result of coordinated and concerted work between different entities and institutions of the national government, where specific actions are established to achieve the proposed objectives, beyond missionary actions. <https://www.dnp.gov.co/DNP-Redes/Revista-Juridica/Paginas/Documentos-CONPES.aspx>

- Modify the Colombian Electoral Code and the norms that regulate articles 37, 38, 40 and 103 of the Political Constitution of Colombia to guarantee mechanisms of alternation and universality for women, requiring that at least 50% of the lists, of the position of the highest decision-making of political parties and movements, instances and spaces of participation be occupied by women. Likewise, the 30% quota established in Law 581 of 2000 must be replaced by parity in the highest decision-making instances, and others, of the territorial and national administrations⁵.
- Define and establish inclusion criteria for indigenous, black, Afro-descendant, Palenquera and Raizal women, especially survivors of the armed conflict, within the framework of statutory laws 581 of 2000 and 1475 of 2011.
- Reform Law 152 of 1994, or Organic Law of the Development Plan in terms of territorial and national planning, within the framework of the Peace Agreement, to regulate the equal participation of women in the planning councils⁶. Transversely, incorporate gender, ethnic and territorial approaches, with budgets that make this guarantee a reality, specifically in conflict and post-agreement zones.
- Promote a statute of the participation of women that favors the strengthening of the participation of women and their organizations at the national and local levels, that qualifies their associative capacity, that groups together the necessary measures to ensure parity in all decision-making instances⁷, and that promotes the creation of autonomous spaces for women who have been victims of violence, within the framework of Laws 1257 of 2008, 1448 of 2011 and 1719 of 2014, among others, with resources specifically earmarked for prevention, care and approach based on citizen participation, co-responsibility and strengthening of the institutional response.



⁵ Report 086-Cl-01994, Codhes et al., «Sembrar la igualdad», 11-12.

⁶ Ibíd.

⁷ Ibíd.

f. Reform the security and justice sectors to guarantee the life, integrity and protection of women victims of violence, social leaders and, in general, women and girls living in Colombian territory.

- Generate security conditions for women and their communities, which are articulated locally and nationally, especially with regard to deficit in the presence of the State and its civil institutions in rural areas and, in general, in the territories where the armed conflict has been concentrated. In addition, it is necessary to work for the disarmament and control of the use and possession of weapons by the civilian population, as they are repeatedly used in the perpetration of violence against women and femicides. Redirect military spending and increase social investment.
- Implement a security model that takes into account women's perspectives on their lives and the protection of women, their families and communities; that addresses the recurrent problems in the regions due to the imposition of militarism by various armed actors, and that prioritizes to overcome the inequities and inequalities of these regions compared to the rest of the country. At the same time, it is recommended to link policies of care for people, communities and territories, ensuring that care work does not fall exclusively on women. To this end, "equality pacts" for women are proposed as a mechanism to strengthen the transformation of conflicts towards peaceful coexistence and to re-evaluates patriarchal practices.



- Activate institutional mechanisms for the assistance, punishment and eradication of violence against women and girls, applying in depth the attention routes in the framework of laws 1257 of 2008 and 1719 of 2014 on sexual violence due to the armed conflict and the measures for the prevention and eradication of feminicide, as well as the already existing norms and coexistence pacts, with a feminist approach that questions the patriarchal culture in the territories.
- Accelerate the implementation and enforcement of the Victims and Land Restitution Law, with the reparation components it contains and an emphasis on actions to mitigate women's poverty caused by structural conditions associated with the sexual division of labor, inequity and gender-based exclusions, exacerbated by displacement and dispossession, with economic measures and other transformative actions that impact their lives⁸.
- Prioritize the implementation of the Program of Guarantees for Women Leaders and Human Rights Defenders, with a view to the real protection of the rights of threatened women. It is essential to provide a protective environment for women victims of the armed conflict, which will support their demands and those of their organizations in relation to comprehensive reparations. This includes reviewing and adjusting the design of security schemes for women based on a no-harm approach, which allows the identification of alternative resources to the current security measures, as well as the implementation of collective and community protection and security schemes, that protect rights and that contemplate the symbolic and collective effects of the threats against women's leadership.
- To clarify the conditions and factors that promote attacks against women leaders and human rights defenders, considering the complex situations of risk in which they find themselves and the strategic actors that would have to participate in order to activate an immediate and effective state response that mitigates the aggressions against them, leads to the identification and sanctioning of those responsible and allows for progress towards guaranteeing

⁸ Although compensation is a reparation measure, it must be combined with programs for access to housing, housing improvement, basic sanitation and access to basic income, among other actions that, when implemented together, can become transformative actions for women.

non-repetition. All of this should be built individually, organizationally and as community⁹.

- Modify Article 3.º of the Military Penal Code (Law 1407 of 2010) to expressly recognize that violence against women, particularly sexual violence, does not constitute, under any circumstances, a service-related crime and that, therefore, exclude from military jurisdiction all members of the public force prosecuted for this type of conduct.
- Reform the justice system to ensure access to it for women victims of violence, and to guarantee that investigation and sanction processes do not re-victimize them, nor judge, justify or minimize the facts experienced and denounced. It is necessary to guarantee, free of charge and immediate, counseling and administrative and judicial representation for women victims in the different proceedings¹⁰, in addition to speeding up the actions and having times to issue rulings. This is in order to confront and eradicate impunity, which can constitute a form of revictimization and delegitimizes the State's actions against the violence perpetrated in the context of armed conflict.
- For indigenous women, reparation and non-repetition are associated with the strengthening of a justice system in which their voices and demands are incorporated, and in which they can actively participate in decision-making¹¹. It is also essential to fully recognize indigenous, Afro-descendant and community justice systems, and to respect their status as systems equivalent to ordinary jurisdiction. This requires processing the coordination law between the two justice systems: the special indigenous jurisdiction and the ordinary justice system.
- It is recommended that the Colombian State guarantee the participation of women victims of forced displacement in the design and execution of the process of Auto 092 of 2008, ordered



⁹ Report 119-CI-00330, Corporación Sisma Mujer y Red Nacional de Mujeres Defensoras de Derechos Humanos, «Mujeres defensoras libres y seguras» 108.

¹⁰ Report 365-CI-01160. Corporación Colectiva Justicia Mujer, «A mí nadie me había escuchado» 101-102. Report-CI-01277, Ruta Pacífica de las Mujeres, «Construyendo el camino» 7, 14, 17, 22.

¹¹ Report 262-CI-00601, ACIN y Tejido Mujer Çxhab Wala Kiwe, «Tejemos historia», 121.



by the Constitutional Court, especially in the programs to protect the rights of indigenous and Afro-descendant women displaced in the context of the armed conflict¹². For this purpose, it is necessary to allocate, in the national, departmental and municipal budgets, the necessary economic resources to comply with the programs, projects, actions and agreements defined for its implementation.

- To guarantee the strategy of the Observatory on Human Rights and Violence against Indigenous Women, an initiative that emerges from a joint process with ONIC, the Kankuama Indigenous Organization (OIK), Tejido Mujer - Çxhab Wala Kiwe and the Association of Indigenous Councils of Northern Cauca (ACIN), with the aim of learning about and documenting the violence committed against indigenous women and the individual and collective impact of the armed conflict in their territories and lives.
- Include in the gender observatories of national and regional institutions the racist violence and its effects on black, Afro-descendant, Palenquera and Raizal women.
- Strengthen the gender and differential approach in the Special Jurisdiction for Peace (JEP, by its acronym in Spanish) during all procedural stages, in order to guarantee access to justice for women victims of the armed conflict. Also, to urge the JEP to address and investigate cases of sexual and reproductive violence and other crimes related to the sexuality and ethnicity of the victims¹³, and to open a national case that will result in sanctions against the perpetrators and activates truth and justice mechanisms, as well as reparations that correspond to the damages caused to the victims¹⁴.

¹² «Los programas fueron protocolizados en el siguiente orden: pueblo misak, diciembre de 2012; Autoridades Indígenas de Colombia (AICO Social, febrero de 2013; Confederación Indígena Tayrona (CIT), febrero de 2013; Organización Nacional de los Pueblos Indígenas de la Amazonía Colombiana (Opiac, abril de 2013, Organización Nacional Indígena de Colombia (ONIC), mayo de 2013».

¹³ Report 086-CI-02057, Mesa por la vida y la salud de las mujeres et al., «Propuesta de recomendaciones», 2-3.

¹⁴ Since 2020, the 5 Keys Alliance has requested the JEP, on at least three occasions (February 20, 2020, March 2021, July 15, 2021), the opening of a “national case of sexual and reproductive violence and other crimes motivated by the sexuality of the victims”, committed in the context of the armed conflict, so that transitional justice can guarantee these women the uncovering of the truth, the punishment of those most responsible and comprehensive reparation. In the July 2021 statement, the importance of opening this national case was pointed out, in order to uncover facts that were perpetrated systematically and by all the actors in the conflict. Additionally, it was indicated that it is an opportunity to overcome the obstacles to access to justice for women and LGBTQ+ persons.

- In relation to the Search Unit for Missing Persons (UBPD, by its acronym in Spanish), searches must be carried out ex officio and without any delay when cases of disappearance arise. This is a measure to protect the life, liberty and integrity of the missing person, in which a coordinated work is established between different law enforcement agencies to find their whereabouts or, if they have died, to locate their remains and give them to the family. In addition, it is essential to document the facts associated with the disappearance in order to investigate if there was gender-based violence involved.
- Promote a treatment that does not criminalize coca, marijuana and poppy growers (both men and women), and that places at the center of the anti-drugs policy provisions of the Final Agreement related to the first point, on integral rural reform, and the fourth point, on the solution to the illicit drugs problem. In this way, it will be possible to give continuity to voluntary substitution, prioritizing the incorporation of the gender and ethnic approach in the National Program for the Integral Substitution of Illicit Crops (PNIS, by its acronym in Spanish) as well as a special treatment for women linked to the drug trafficking circuit and prosecuted for this crime.



2. Recommendations for empowering women's autonomy¹⁵ and guaranteeing adequate and comprehensive reparations for women victims of the armed conflict

a. Promote physical autonomy through comprehensive and timely prevention, attention and sanction of violence against women in all its diversity, in all spheres and contexts. This implies:

- Adapt, strengthen and broaden health care based on gender, ethnic and territorial approaches, that prioritize the criteria of urgency, speed, timeliness and systematicity approach prevail in the care of women who have been victims of violence, mainly in contexts of armed conflict and post-conflict. Special attention should be paid to violence associated with sexual and reproductive health¹⁶, mental health and the physical and physiological effects derived from the armed conflict, in accordance with provisions number 30 of the Committee for the Elimination of Discrimination against Women (CEDAW), on women in conflict prevention, as well as in conflict and post-



¹⁵ According to ECLAC, "women's autonomy is an essential factor in guaranteeing the exercise of their human rights in a context of full equality and, in particular, control over their bodies, their integral health and the right to a life free of violence (physical autonomy), access to land and the ability to generate their own resources (economic autonomy) and full participation in making decisions that affect their lives and their collectivity (autonomy in decision-making) constitute three mutually supportive pillars that are fundamental to achieving greater gender equality [...]".

¹⁶ It is important to understand the legal framework that obliges different institutions to guarantee the right to comprehensive health of the victims of the armed conflict: «At the national level, the Ministry of Health has within its responsibilities to respect, protect and guarantee the effective enjoyment of the fundamental right to health (art. 5.o, Ley 1751 de 2015), implement the comprehensive health care route for at-risk groups (art. 5.º de la Resolución 429 de 2016, in accordance with art. 6.o de la Resolución 3202), which includes the comprehensive care route for the maternal-perinatal population (Resolución 3280 de 2018), which is mandatory for local entities and other entities responsible for interventions related to the promoting and maintaining health. (art. 2.o de la Resolución 3280 de 2018). Additionally, at the local level, the mayors' and governors' offices, as an integral part of the National System of Care and Integral Reparation for Victims (SNARIV, by its acronym in Spanish), will lead with maximum impact in guaranteeing the rights of victims in their territory (art. 174, Ley 1448 de 2011) and must coordinate, articulate and design public policy in the department, municipality or district, presided over by the governor or mayor, respectively. (art. 173, Ley 1448 de 2011)». Informe o86-CI-02057, Mesa por la vida y la salud de las mujeres et al., «Propuesta de recomendaciones», 1-3.

conflict situations¹⁷. Likewise, incorporate and guarantee in the National Health System practices and knowledge of Afro-descendant and indigenous traditional medicine, accessible to people, especially for women.

- Expand the capacity of attention in terms of number of personnel and territorial coverage of the Psychosocial and Integral Health Care Program for Victims (Papsivi, by its acronym in Spanish) in order to guarantee comprehensive, prompt, timely and systematic guarantee comprehensive, rapid, timely and systematic attention to women victims of the armed conflict, especially in cases of sexual violence. Incorporate gender and intersectional approaches in the protocols for psychosocial care and comprehensive health care with a psychosocial approach, considering central elements for the physical and mental rehabilitation of the sequelae left by this violence and the long-term effects of this violence.
- Effectively guarantee access to voluntary interruption of pregnancy for all girls, adolescents and women, without discrimination and with a differential approach, especially for those belonging to peasant, indigenous, black, Afro-descendant, Raizal and Palenquera communities in the terms of Constitutional Court Ruling C-055 of 2022.
- From a gender and ethnic perspective, it is necessary to overcome the effects of racism in psychosocial care and to recognize this discrimination as a factor that increases vulnerability and violence



¹⁷ CEDAW is the body of independent experts that oversees the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979 by the United Nations General Assembly. Recommendation 30 urges States to provide sufficient resources and effective measures to ensure that victims, especially victims of sexual violence, have access to comprehensive health services, mental health care and psychosocial support. It also emphasizes the importance of considering individual and collective reparations to ensure the transformation of the structural inequalities that led to the violations of women's human rights, as well as to respond to their specific needs. Cedaw, «Recomendación general núm. 30», supranota xxxiii, párrs. 38 y 79.

against women. The Truth Commission urges adopt an anti-racist¹⁸ approach that contributes to overcoming inequality, discrimination, exclusion, and the denial of some beings for the benefit of others; that assumes the specific protection of individuals and peoples who have been historically affected by systems of oppression, exclusion and racist expulsion¹⁹. It also urges the incorporation into the public health system of the psychocultural and ancestral approach of ethnic peoples for the care of indigenous women, black communities, Afro-descendants, Raizales and Palenqueras, victims of gender-based violence, in the context of the armed conflict.

- With regard to reproductive violence against women, adolescents and girl combatants in the context of the armed conflict, it is necessary to: 1) recognize that violations of reproductive rights against women and girls, regardless of their combatant status constitute reproductive violence; 2) adopt all necessary measures, including reforming Article 3.0, paragraph 2. 0 of Law 1448 of 2011, so that women, girls and adolescents who are forced or voluntary members of armed groups outside the law, and suffered acts of reproductive violence within the ranks, may be considered victims under said law and, thus, have access to all the reparation measures that it contemplates²⁰, and 3) create the category of "reproductive violence" as a victimizing act and to generate a particular care route for the victims of this type of violence, which guarantees their access to comprehensive sexual and reproductive health services and the re-establishment of their life projects²¹.
- Adopt measures to improve effective access to sexual and reproductive rights in rural areas affected by the armed conflict, including access to information on sexual and reproductive health, and to all contraceptive methods, including long-term methods and emergency contraception. Guarantee access to procedures for the voluntary interruption of pregnancy, prenatal care, childbirth

¹⁸ The "anti-racist approach" refers to basic principles, methods and critical positions aimed at transforming the ideology, patterns, discourse and actions that justify and perpetuate power relations. In this sense, the anti-racist approach requires understanding the historical contexts that are redefining racism within the framework of power relations that sustain inequality, discrimination, exclusion and rejection of some in favor of others.

¹⁹ Report 262-CI-00874. Movimiento Social y Político de Mujeres Negras, Afrocolombianas, Raizales y Palenqueras, «La importancia de incluir, visibilizar y entrecruzar», 17.

²⁰ Consider the Constitutional Court, Republic of Colombia, Judgment SU-599 of 2019, December 11, 2019.

²¹ Report 086-CI-02057, Mesa por la vida y la salud de las mujeres et al., «Propuesta de recomendaciones», 2-3.

care, postpartum care, early detection exams for cervical and breast cancer, as well as prevention and treatment of sexually transmitted infections, including the human immunodeficiency virus (HIV), among others. Likewise, promotion and prevention strategies must provide accurate and timely information on the facts associated with sexual and reproductive violence as a fundamental axis for the effective enjoyment of the human rights of women victims of the conflict.

- Identify and recognize the damages and impacts caused by the implementation of the Illicit Crop Eradication Program through aerial spraying with the herbicide glyphosate (Pecig) on health in general and reproductive health in particular, as well as to the integrity and life of women in rural areas²², including miscarriages, infertility and negative effects on pregnancy. Therefore it is necessary: 1) to take measures to measure the physical, emotional and social damages resulting from these affectations; 2) to create participatory spaces with the victims of these affectations, the civil society organizations that accompany them, and other actors, to establish forms of reparation that include improving access to sexual and reproductive health in rural areas, and 3) as a guarantee of non-repetition, to recommend to the Colombian government that spraying with glyphosate not be resumed in the future .

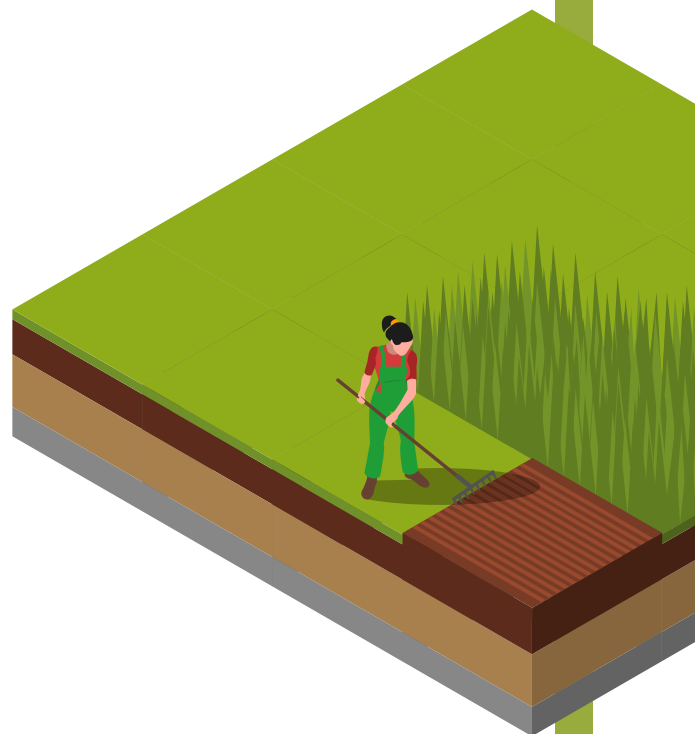
b. Strengthen the implementation of actions to strengthen women's economic autonomy.

- Implement the comprehensive rural reform agreed upon in the Final Agreement, and close gender gaps in land ownership and tenure, with emphasis on guarantees and affirmative actions for access to land ownership mainly rural, associated with the recovery of land lost during displacement and dispossession. This includes the safe return to the territories and land titling in the name of women as a guarantee of ownership²³. In the case of indigenous peoples and Afro-descendant communities, the land must be collectively titled, giving priority to indigenous, black, Afro-descendant, Raizal and Palenquera women.

²² Centro de Derechos Reproductivos y Universidad del Valle, «Efectos del glifosato», 13; Centro de Derechos Reproductivos, «Reporte», 2.

²³ Report o86-CI-01277, Ruta Pacífica de las Mujeres, «Construyendo el camino», 19.

- The National Land Agency, for the purchase of land, must verify that the land is suitable for agriculture. All of this implies that the victims, and especially women, must participate actively throughout the process, be consulted on the availability of land for adjudication and reparation, and be informed about the productive use of the region. This would allow progress in the food security of families and would contribute to securing land tenure.
- Land titling programs must prioritize women victims of the conflict who are heads of household, as well as access to the social benefits established in Law 731 of 2020 or “rural women’s law”, and to conditions of security and permanence in the restituted, adjudicated or returned lands, to prevent them from facing violent acts again.
- Eliminate barriers to access to formal credit for women and young farmers, including support and accompaniment to manage, implement, monitor, and evaluate productive projects, thus eliminating intermediation and the risks of corruption in public resources destined for this purpose.
- Develop labor and employment access programs for women that address the relationship between gender-based violence and the economic empowerment of survivors, and promote associativity based on good practices carried out by women’s organizations and collectives. They must also provide tools to address the impoverishment derived from the armed conflict, including follow-up to verify progress in economic autonomy, with a strong component of psychosocial accompaniment²⁴.



²⁴ Report 110-CI-00528. ANUC y CITpax Colombia, «Resistencia y persistencia», 15; Informe 086-CI-01257, CoreWoman-Fedesarrollo, «Las violencias basadas en género», 21.

3. Recommendations oriented towards cultural and social transformations for coexistence

It is a great challenge to promote and implement, in institutions, a public ethic based on human dignity, which is equal for all people, and thus advance in the conformation of a morality of civil values for coexistence based on inclusion, equality, recognition and respect.

a. Seek transformations in the institutional culture that guarantee coexistence and overcoming of violence against women. This through internal management policies that recognize the needs and singularities of people from intersectional approaches, and that attend urgently, as a priority, and with quality care for women who are victims of the conflict or who are in a state of vulnerability. This requires:

- Implement communication, informative and pedagogical campaigns and strategies with the support of the mass, community and institutional media, to disseminate the findings of the Truth Commission on what happened to women in the context of the armed conflict, and contribute to the eradication of racist, sexist and gender stereotypes.
- Train and sensitize public servants in the prevention of institutional violence, in the response within the framework of due diligence and urgent acts, as well as in the promptness of reparations to victims. This is possible, for example, through the adoption of policies and protocols for citizen attention that establish principles and actions of timely, respectful, effective, and prompt attention to requests and petitions from victims of the conflict, in particular leaders and human rights defenders, thus avoiding re-victimization, indifference, exclusion, or discrimination and abuse of power²⁵.
- Implement actions to raise awareness of the factors of persistence of the conflict, the differential effects on women and men, and their impact on gender-based violence in the country²⁶. It is also important to recognize the role that women have in pedagogy for peace, conflict

²⁵ Report 086-CI-00372. Limpal Colombia, «Bodily Harmonies: Memory and Resistance of Women Defenders, Following-up on Resolution 1325», 65; Informe 086-CI-01164. Caribe Afirmativo, Entre silencios y palabras, Libro IV, 46.

²⁶ Report 119-CI-00330, Corporación Sisma Mujer y Red Nacional de Mujeres Defensoras de Derechos Humanos, «Mujeres defensoras libres y seguras», 102.



transformation, the survival of the communities and the social fabric during conflict and the post-conflict recovery.

- Deepen anti-racism as an institutional policy for the transformation of the racist relations present in the country, and thus advance racial justice for black, Afro-descendant, Raizal, Palenquera and indigenous communities.
- Promote the Territorial Peace Councils and the National Peace Council so that they can fulfill their work of reconciliation, coexistence, and non-stigmatization. Guarantee the use of radio and television media on the subject of gender to promote awareness-raising and memory programs about the impact of the armed conflict, war, and violence on the bodies and lives of women of all ages, social classes and, ethnic groups²⁷.

b. Educate for gender equality

- Guarantee free access to education, at all levels, for women victims of the conflict, especially for their children. Education is perceived as a protective factor against recruitment and involvement with armed actors, and as a means to achieve equity and justice.
- Promote educational policies and programs that promote school environments free of discrimination, racism, sexism, and other forms of violence, that foster recognition and respect for diversity, and that contribute to transforming social imaginaries associated with prejudice, stigmatization, and re-victimization of victims of the armed conflict, relatives of signatories of the peace agreement and people reincorporated into society. This implies developing content aimed at students at all levels of education and providing tools for educational communities to understand the dimensions and effects of systematic violence against women, such as sexual violence. These contents and tools must contribute to the recognition of human rights and strengthen non-repetition.
- Include in school textbooks and educational curricula the findings of the Truth Commission on what happened to women in the context of the armed conflict, the impacts on their lives, and also their resistance. This as a contribution to the country's history and as a tool for education about the armed conflict and the peacebuilding

²⁷ Report 086-CI-01277, Ruta Pacífica de las Mujeres, «Construyendo el camino de la convivencia», 17.



values, highlighting the role of women as participants and protagonists in the social and political reconstruction of the country.

- c. Promote symbolic reparations based on intersectional approaches, especially gender, ethnic and territorial that include memory. Memory policies and actions should aimed at transforming the warlike and militaristic masculinities that are a necessary condition and practice of violence against women in the country²⁸. Likewise, to unveil the imaginaries that circulate around women in the armed confrontation, and to point out the atrocities, the pain, and the particular forms of cruelty against their lives and bodies. To this end, it is proposed:

- Produce and disseminate documentaries, archives, exhibitions, school lectures and festivals, among others, that reconstruct the stories of women victims of the armed conflict, dignifying them as peacebuilders and transformers of their territories.
- Support the memory and truth initiatives of women's organizations and communities affected by the grave violations of women's human rights in their diversity of identity, and international humanitarian law.
- Guarantee public recognition of the status of refugee, asylum, and exile as an effect of the armed conflict, and the impacts on women and girls.
- Promote inter-ethnic dialogues that make it possible to make visible the strategies and contributions of indigenous people and Afro-descendant communities in peacekeeping, and the harmonious and peaceful relationship with the territory, the peaceful resistance, and the safeguarding of culture. Likewise, guarantee adequate spaces for reflection, "pagamentos"²⁹ and other spiritual practices of displaced indigenous women, and at risk of being displaced, in places historically sacred to indigenous peoples.



- d. **Signing pacts for equality for women and the deconstruction of patriarchy to cement peace.** These must become a navigation chart for decision-makers, institutions and responsible actors, both from the State and from Colombian

²⁸ Ibid., 22.

²⁹ This is a step to restore dignity to the land. The Arhuaco people make a payment, which is a conscious relationship of reciprocity with the water, the earth, the air, the sun. This cultural mobilization is carried out to bring joy to a sick nation submerged in deep violence.

society, who seek to transform imaginaries, practices, and social behaviors that reproduce violence against women:

- The pacts are planned to be signed around two objectives: equality for women and the deconstruction of patriarchy, as two sides of the same coin. To this end, the political concept articulating the pedagogy, which will accompany its creation and development process, is the care of life understood as the ethic of caring for people and the earth, from a feminist, ethnic-racial, intersectional, and territorial perspective³⁰.



³⁰ Report o86-CI-01994, Codhes et al., «Sembrar la igualdad», 15.

Recommendations for the guarantee of rights and the non-repetition of violence against LGBTIQ+ people.

When violence against historically excluded social groups is structural, changes must be a priority and part of the essence of the social rule of law. The recommendations presented below promote legal, social, political, economic, and cultural changes to achieve equality and equity, the basis for a life of dignity. Over the next few years, it is essential that public institutions and the people who lead them, beyond their political positions, allocate the necessary resources to implement the heart of these recommendations and see in them political horizons for the transformation for peace. Likewise, Colombian society and the international community must lead and participate in those changes that are needed and make the corresponding oversight.

The recommendations presented by the Commission are the result of reflection on the testimonies of LGBTIQ+ people and social organizations. They pointed out that their rights and contexts cannot be restored, because that would return them to the same historical and daily violence they have experienced. Instead, they asserted that structural changes should bring them new and dignified living conditions for a dignified life and full guarantees of rights.

Thus, according to the recommendations contained here, it is essential that changes and transformations be made by applying differential approaches with gender and anti-racist perspectives, recognizing the different systems



of oppression that affect the lives of LGBTIQ+ people, with stable and lasting processes that in the short, medium and long term have resources during their implementation. Only in the recognition and application of these approaches and perspectives can recommendations materialize that, gathering the voices of the victims, allow us to continue building the road to the desired change.

Similarly, given the persistence of institutional barriers to the implementation of rights, it is necessary to create the conditions to guarantee the implementation of these recommendations, including constant attention to the way in which new and ongoing violence affects this process. Thus, these recommendations are addressed to state institutions, Colombian society and the international community, which have the possibility and the responsibility to build the necessary changes to achieve peace for all people. They revolve, firstly, around guaranteeing access to justice and preserving the memory of LGBTIQ+ people; secondly, to generate conditions of material equality for LGBTIQ+ people; and finally, to seek and achieve peaceful coexistence.

a Recommendations to State institutions³¹ to guarantee access to justice and preserve the memory of LGBTIQ+ people

Changing the historical conditions of violence against LGBTIQ+ people implies a commitment to the recognition of what happened and the adoption of new forms of action and visions so that such violence does not continue to occur. Therefore, it is proposed:

- a. Create permanent institutional conditions to prevent, address and respond to all types of cases of violence against LGBTIQ+ people and end impunity, by: 1) adopting investigation protocols with a differential approach by the Attorney General's Office (Fiscalía General de la Nación, by its name in Spanish) for cases of violence against LGBTIQ+ people; 2) incorporating modules on the identification of discriminatory motives, the legal treatment of violence against LGBTIQ+ people and their adequate

³¹ Recommendations to state entities are not only addressed to them, but also to the person or persons acting in their place, or to other authorities with whom they must work to achieve the desired changes.

care in the Training Plan of the Judicial Branch , and 3) implementing modules on violence against LGBTIQ+ people in the training of civil servants of the Ombudsman's Office (Defensoría del Pueblo, by its name in Spanish) in charge of the public representation of victims.

- b. Strengthen the implementation of the differential and gender-based approach for LGBTIQ+ people in the framework of the processes carried out by the Special Jurisdiction for Peace (JEP, by its acronym in Spanish). As in the recommendations in the section on women in this volume, the JEP is urged to open a national case of sexual and reproductive violence, and other violence motivated by the sexuality and gender of the victims; at the same time, , to ensure that LGBTIQ+ persons to participate in decision-making regarding reparations decided by the JEP.
- c. The Unit for Search for Persons Reported Missing (Unidad de Búsqueda de Personas dadas por Desaparecidas – UBPD, by its name in Spanish and its acronym) should: 1) continue promoting the implementation of a gender approach for LGBTIQ+ persons; 2) sustain the strategy of the Expert Group in order to continue promoting the search for LGBTIQ+ people who have been reported missing, with guarantees of safety, and 3) provide comprehensive support to social and consanguineous families to address the harm and repair the effects of the disappearance.
- d. The National Center for Historical Memory (CNMH, by its acronym in Spanish) should promote processes of construction and recognition of memories of victims of the armed conflict, with a differential approach, of: 1) lesbian and bisexual women, trans persons and non-binary people; 2) black, Afro-descendant, Palenquera, Raizal, indigenous and Rom LGBTIQ+ people, from an anti-racist perspective; 3) LGBTIQ+ people exiled due to the armed conflict, and 4) LGBTIQ+ children and adolescents.
- e. The national government should: 1) implement, together with State entities, the corresponding programs of social pedagogy, use and appropriation of this section on LGBTIQ+ persons, and all the other memory processes implemented by the CNMH in the past and from compliance of these recommendations, and 2) build at least two memory museums in the country, which are scenarios to recover and embrace the word, memory, and life stories of LGBTIQ+ victims in the context of the armed conflict; one of them located in a territory with a high impact of the conflict and the other in the capital city.

- f. Carry out acts of public recognition, on the part of public forces, of the historical violence perpetrated against LGBTIQ+ persons, and commit to the non-repetition of these acts.
- g. The Ministry of Defense and the public forces should: 1) issue specific directives on rights guarantees for LGBTIQ+ people; 2) create an internal training process for all its members, with the participation of social organizations and the implementation of the approaches recommended in this document, for the guarantee and protection of the rights of LGBTIQ+ people; 3) constitute a technical roundtable to follow-up cases of violence against LGBTIQ+ people perpetrated by members of the public forces, in conjunction with other State entities, including the Prosecutor General's Office (Fiscalía General de la Nación, by its name in spanish), the Ombudsman's Office, the Procurator-General of the Nation (Procuraduría General de la Nación, by its name in spanish), and the civil society; and 4) develop an internal program for reporting cases of violence againsts LGBTQ+ members of the public forces, with a differential approach.
- h. The Congress of the Republic modifies the Military Penal Code so that sexual and reproductive violence and violence based on sexuality and gender perpetrated by the public forces, are not covered by military penal jurisdiction.
- i. Establish, together with the Public Prosecutor's Office and state control entities, a comprehensive information system on violence against LGBTIQ+ persons that provides tools to investigate and prevent violence, as well as to modify actions that may be reproductive of violence against LGBTIQ+ persons.
- j. The national government institutionalize and create the conditions for the operation of the Urgent Cases Table as an effective system of articulated response to violence against LGBTIQ+ people, concentrating there the actions of different State entities in relation to the guarantee of rights and the full citizenship of LGBTQ+ people, especially of their leadership.
- k. Consolidate individual and collective protection routes based on the concept of comprehensive human security, whose main objective is to dignify and improve the comprehensive quality of life of LGBTQ+ people,

their families, and their community contexts, incorporating guidelines with a differential and gender approach to analyze and respond to threats and risks against LGBTIQ+ leaders, with a focus on collective and participatory security, by the National Protection Unit (UNP, by its acronym in Spanish) and the JEP Investigation and Accusation Unit.

- l. The Unit for the Attention and Integral Reparation of Victims should: 1) materialize the comprehensive reparation for registered LGBTIQ+ victims; 2) review and update its database to include information disaggregated by sexual orientation and gender identity (without unifying them only in the acronym LGBTI) of registered LGBTIQ+ victims of the armed conflict; 3) incorporate non-normative sexual orientation and gender identity in the prioritization criteria of the individual reparation route, and 4) prioritize the implementation of the Comprehensive Collective Reparation Plans of the LGBTIQ+ collective subjects that are already recognized, and develop mechanisms that allow territorializing of the differential approach.
- m. The Land Restitution Unit should guarantee, the effective participation of LGBTIQ+ people, with a differential approach, in land restitution processes, recognizing dispossession as one of the main forms of violence experienced by LGBTIQ+ people in the context of the armed conflict.
- n. The Public Ministry should, after the analysis and review of this Final Report, and those that have been published by victims and social organizations, develop and implement a public strategy, with the participation of civil society organizations, to promote that LGBTIQ+ collectives that may be subjects to collective reparation are aware of this possibility and can consider the submission of applications for inclusion before the Unit for Attention and Integral Reparation of Victims (UARIV, by its acronym in Spanish), implementing a differential approach for lesbian and bisexual women, trans people, and non-binary people.
- o. The recommendations presented throughout this Final Report, especially those included in the women's section of this volume must be implemented with a differential approach for LGBTIQ+ people.

b Recommendations to State institutions to generate conditions of material equality for LGBTIQ+ people.

When facing structural conditions of inequality, it is essential to recognize that these conditions have also been reproduced by different political and social actors. Therefore, as part of the process of recognition we must also review and change those actions that perpetuate inequality and impede the achievement of material equality.

- a. All state entities should incorporate in their information systems and databases, respecting the rights to privacy and confidentiality, categories for the recognition of non-normative sexual orientations and gender identities.
- b. The Congress of the Republic or the National Government should, by means of a legislative act, amend Article 13 of the National Constitution to explicitly include the prohibition of discrimination based on sexual orientation, gender identity or expression.
- c. The national government should create a Ministry of Equality that:
 - 1) designs and implements, with social participation, anti-racist and gender programs that promote equality and a dignified life for all people; 2) build and implement permanent work programs and actions with LGBTIQ+ people, and 3) follow up on the fulfillment of the recommendations presented in the volume on women and LGBTIQ+ people of this Final Report.
- d. The National Government, through the Ministry of Internal Affairs should:
 - 1) build and implement an Action Plan for the National LGBTI Public Policy, elaborated with broad participation of LGBTIQ+ people from all over the country, permanently evaluating its progress and managing the necessary resources for it, and 2) lead the updating of the decrees through which the different citizen participation tables are regulated, to ensure the effective and active presence of LGBTIQ+ people in all sectional areas, such as the Social Policy Committees, the Territorial Planning Council, the Peace Councils, the Municipal Youth Councils, and the Culture and Economic Development Committees.



- e. The National Government, through the Ministry of Health and Social Protection should: 1) develop and implement an action plan to apply the differential approach to LGBTIQ+ people in the National Mental Health Policy, especially in rural areas and for victims of conflict; 2) develop a public policy on abortion that recognizes LGBTIQ+ people and guarantees the implementation of a differential approach; 3) implement public health actions to guarantee the physical, emotional and mental well-being, with a differential approach, of children born to LGBTIQ+ parents who are victims of sexual violence in the context of the conflict; 4) reestablish the National HIV Program, and 5) ensure the implementation of HIV prevention campaigns with a differential approach.
- f. The National Government, through the Ministry of Education, should consolidate the Peace Chair with population, differential, and territorial approaches, as well as a gender and anti-racist perspective, emphasizing educational competencies related to respect and recognition of sexual and gender diversity.
- g. The National Government, through the Ministry of Labor should: 1) oblige companies to adopt anti-discrimination policies with a differential approach for LGBTIQ+ people; 2) monitor compliance with the adoption of anti-discrimination policies and their implementation; 3) publicize the channels for reporting situations of discrimination and harassment in the workplace for LGBTIQ+ people, and 4) promote the formal employment of LGBTIQ+ people.
- h. The National Government, through the Ministry of Culture should: 1) designate budgets for artistic and cultural activities, coordinated and promoted by LGBTIQ+ people, which promote spaces that make sexual and gender diversity visible, through the National System of Culture and commitment to territorial entities; 2) implement support programs for the recognition of the contributions of LGBTIQ+ people to culture and art in Colombia, especially in the context of the armed conflict, 3) implement an incentive program aimed at LGBTIQ+ organizations, recognizing the diverse forms of grouping, association and collectivity of people with non-normative sexual orientations and gender identities.

- i. The National Government, through the Ministry of Housing, City and Territory should: 1) promote access to decent and free housing and land for LGBTIQ+ people dispossessed in the context of the armed conflict; 2) promote the necessary changes for the application of a differential approach for LGBTIQ+ people in public policies for social housing, and 3) ensure that access to land and patrimonial rights for ethnic groups also includes LGBTIQ+ people.
- j. The National Government, through the Ministry of Agriculture and Rural Development, should guarantee the implementation of actions and programs with a differential approach for LGBTIQ+ people, especially in programs for access to land, credit and technical and financial support.
- k. The National Government, through the Ministry of Defense and the Superintendence of Surveillance and Private Security should: 1) impose on companies that provide surveillance and private security services the obligation to adopt protocols for the respect of human rights and the gender approach, expressly recognizing the rights of LGBTIQ+ people; 2) install a monitoring table for cases of discrimination or violence against LGBTIQ+ people, in which members of companies that provide surveillance and private security services have participated, and 3) build guidelines for a rights-guaranteeing treatment of LGBTQ+ people by companies that provide surveillance and private security services.
- l. The Congress of the Republic should: 1) recognize through laws the rights of LGBTIQ+ people through judicial rulings, in order to provide guarantees for the materialization of these rights and ensure conditions so that these are not denied later; 2) move forward with a reform of Law 1482 of 2011 to include gender identity and gender expression within the citizen groups that must be protected from acts of discrimination and exclusion; 3) legislate with a broad participation of trans people to develop a gender identity law , so that these people have real mechanisms to make their rights effective, and 4) modify the Statute of Democratic Participation and include participation from peace scenarios and population groups, with special emphasis on LGBTIQ+ people.

- m. Local governments should: 1) implement characterization processes for LGBTIQ+ people; 2) promote the creation of public policies for LGBTIQ+ people, and that they are also recognized in other public population policies; 3) adopt specific actions in their development plans to support territorial LGBTIQ+ people and organizations, including resources in the public budget for the development of their actions, and 4) do not criminalize sex work and respect the rights of sex workers in their territorial ordinance plans.

C Recommendations to State institutions, Colombian society and the international community to achieve peaceful coexistence

For peace to become an everyday reality, it is necessary to make not only big changes, but also small ones, on a daily basis, that allow us to continue mobilizing the country around equality and equity, and the recognition of LGBTIQ+ people. Therefore, the following recommendations are presented:

- a. The National Government, through the different competent entities, should promote the continuous development of research processes on: 1) violence against LGBTIQ+ people in the context of the armed conflict, especially against ethnic-racial people and those related to the conflicts that still persist in Colombia; 2) processes of individual and collective resistance of LGBTIQ+ people; and 3) violations of the sexual and reproductive rights of LGBTIQ+ people in the context of the armed conflict.
- b. The National and local governments should: 1) promote communication strategies to eradicate prejudice and discrimination against LGBTIQ+ people, with an anti-racist and feminist perspective, in which the reconstruction of the social fabric and trust towards the State and the public is prioritized; 2) subscribe citizen pacts with influx of different population groups for equal peaceful coexistence, and free of discrimination, in joint mobilization with LGBTIQ+ organizations, collectives, groups and leaderships; 3) strengthen the participation of LGBTIQ+ people in decision-making spaces, based on calls with a differential approach; 4) implement programs, plans and policies with a differential approach for LGBTIQ+ people, and 5) recognize commemorative



dates related to victims and LGBTIQ+ people, supporting their public celebration, encouraging citizen participation and allocating public resources for their commemoration.

- c. The National Government, through its ministries and the Colombian Institute of Family Welfare (ICBF, by its acronym in Spanish), should develop conditions so that children and adolescents with non-normative sexual orientations, gender identities, and gender expressions have protective environments in their family, community, and the institutional spheres, especially in the educational and health systems.
- d. The different state entities should commit to sensitizing and training public servants and contractors on terms of recognition of rights and rights-guaranteeing treatment of LGBTIQ+ people.
- e. The media, in their social role and commitment to peace, should: 1) adopt protocols and monitoring plans for the eradication of gender, ethnic and racial prejudices and stereotypes in their internal processes and contains aimed at the public; 2) broadcast content exposing the violence against LGBTIQ+ people and their resistance in the context of the armed conflict; and 3) disseminate, in partnership with LGBTIQ+ people and organizations, the main findings of this section of the volume, prioritizing the generation of commitments to guarantee the rights of LGBTIQ+ people.
- f. The educational institutions of the different levels of the country should: 1) implement curricular strategies based on pluralism, that recognize the value of diversity, and that this materializes in pedagogical actions and chairs on sexual and reproductive rights, as well as on sexual and gender diversity, in public and private institutions, in which LGBTIQ+ people are recognized and awareness-raising scenarios are opened about the importance of their rights, and 2) stimulate the creation of student groups and organizations that propose programs on sexuality and gender in schools and universities, from a perspective that recognizes LGBTIQ+ people.
- g. Colombian society should recognize its role as guarantor of constitutional mandates and mobilize around the guarantee and respect for the rights of historically excluded groups such as LGBTIQ+ people, promoting the social and political changes necessary to end inequality, and promoting a life of dignity of all people.

- h. International cooperation should condition support for the Colombian State, civil society organizations, academia, private actors and any other actor, to commit to respecting and guaranteeing the rights of LGBTIQ+ people.
- i. The international community should watch over, be a guarantor and continue to support the recommendations presented here by the Commission for LGBTIQ+ people, supporting the follow-up and monitoring of their implementation.

In order to comply with all these recommendations, it is essential that LGBTIQ+ people and organizations become part of the decision-making spaces, the elaboration of diagnoses and implementation of measures, through their social, political and labor relations with the entities described, and that the different public entities guarantee their active and permanent participation. In this way, the required transformative actions will be put into practice, that is, a new social paradigm that allows, on the one hand, to eradicate the causes that have motivated violence's against LGBTIQ+ people and, on the other hand, to recognize their significant role in the construction of society.