



30 March 2022

Dear Mr. Madrigal-Borloz,

The Global Research Network's Think Tank Programme on War, Conflict and Global Migration, Gender and Migration Research Group, is submitting a dossier for consideration and action to Mr. Madrigal-Borloz, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, for his thematic report to the 77th United Nations General Assembly on the dynamics between sexual orientation, gender identity, and armed conflict.

The Global Research Network's Think Tank Programme recognizes that the environmental, economic, political, migration, and social crises we face today have core factors in common: they are intersectional in nature, are replicated across jurisdictions, and are produced or driven by global forces. As such, they require deep analysis, lateral thinking, and innovative problem-solving.

Our response, "The Colombian Peace Accords: the dynamics of LGBTI and Gender Diverse inclusion in modern peacebuilding efforts", highlights the necessity of meaningfully including gender perspectives and the voices of women, LGBTI and GD groups when seeking to establish peace processes and agreements. In this line, we present recommendations derived from our analysis of the Colombian case, applicable to diverse contexts of peace negotiations across civil armed conflicts.

The contents of this dossier respond to the following core questions included in the call for inputs: question 1, does the response relate to a particular armed conflict? (...) and question 3(a), has the country undergone a peacebuilding (including peace talks /negotiations) or any other process aiming to conclude the armed confrontations? Have LGBTI and GD persons participated in those processes?

We hope this submission can provide relevant insights in the development of your thematic report.

Best regards,

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# **The Colombian Peace Accords: the dynamics of LGBTI and Gender Diverse inclusion in modern peacebuilding efforts**

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In response to the following questions requested in the call for inputs:

**Question 1:** Does the response relate to a particular armed conflict? If so, please indicate the type under international legal standards, the parties involved, the duration in time, the overall characteristics of such conflict with special focus on the root causes and drivers. Please reserve one or two paragraphs to describe generally the sex- or gender-based dimensions of the conflict.

**Question 3(a):** Has the country undergone a peacebuilding or any other process aiming to conclude the armed confrontations? If so, please provide the following information: Have LGBTI and GD persons participated in those processes? Indicate the forms of participation and elaborate on specific examples that inform the overall characteristics of that participation process. Indicate also if through the participation of other affected groups LGBTI and GD people have had indirect involvement in those processes.

## **Introduction: Gender and sexual orientation in conflict and peace processes**

The recent 2016 Colombian peace process presents a relevant case study on the dynamics of inclusion and exclusion of LGBTI and Gender Diverse (GD) collectives in peace negotiations. This is both due to the communities' differential targeting during the armed conflict and the efforts made to centralize these perspectives in the development of the 2016 accords. Indeed, gender and sexual minority rights organizations became an unprecedented driving force in addressing the social injustices, exclusion, and homophobia substantively rooted in Colombia's past throughout the peace process. In doing so, this case stands a global pioneer in bringing LGBTI and GD organizations into the development of negotiations and redress efforts. As such, we will explore how these civil society collectives persistently pushed for gender-sensitive measures, ensured negotiations were rooted in victims' lived experiences, and allowed for a gendered perspective to permeate core points of the Peace Accords' agenda.

However, the Colombian case is also notable insofar as it evidences the dynamics of resistance and pushback that inclusion efforts so often generate. In exploring how conservative, anti-gender, and anti-LGBTI movements compromised the viability of the 2016 peace processes goals and limited its recognition of the lived experiences of LGBTI and GD persons, we evidence the need for critical approaches to the inclusion of these collectives in peace negotiations, so as to reduce the differentiated risks they face, avoid the repetition of the abuses, and foster more effective reparation measures.

In light of our analysis of the Colombian peace process, we present policy recommendations aimed at supporting and strengthening the work of international frameworks incorporating gender-sensitive and inclusive approaches to conflict resolution and peacebuilding efforts.



## 1. The Colombian armed conflict

### a) Historical background: Root causes and involved parties

The internal armed conflict in Colombia has now lasted over 50 years, with its beginnings tracing much further back in time and leading to one common root: the access to land as the heart of the struggle. The long lasting conflict has resulted in at least [268.807 dead](#), over [6 million displaced](#) and [6.65 million hectares](#) of land dispossessed or forcibly abandoned. In addition, it has left the Latin American country as the one with the second highest number of internally displaced people (IDPs) in the world, only after Syria.

The very formation of the FARC-EP, in 1964, defines [agrarian problems](#) as one of the main causes of the insurgency, while decades earlier in the country other guerrillas, such as those of Los Llanos, had already taken up arms [considering land issues](#) and the unsatisfied needs of the poorest peasants as their cause.

Both in the past and in the present, regional and national elites have [used violence](#) against social leaders and human rights defenders to prevent the transformation of the [inequitable and unproductive land patterns](#) that remain present in Colombia today. As a result, hundreds of social and peasant leaders have been stigmatized, threatened, persecuted and even [killed](#) by various paramilitary groups, guerrillas, and even members of the armed forces, placing Colombia as the Latin American country with the [highest number of assassinated human rights defenders](#).

The risks faced by human rights defenders and those advocating for the right to land have much to do with the anti-communist and anti-insurgent approach that the State has chosen to deal with the conflict since its earliest days. Political opposition has been highly persecuted by paramilitary groups, at times in alliance with State agents, who have equated the social or political aspirations of human rights defenders with the armed actions of illegal groups. This dynamic has led to the stigmatization of any population group considered a “thread” to the status quo, including women, GD and LGBTI collectives.

Currently, and despite the great progress made by the 2016 Peace Agreement signed with the FARC-EP, there are [five ongoing internal armed conflicts](#) in Colombia. The parties involved are: the State, the National Liberation Army (ELN), the Popular Liberation Army (EPL), the Gaitanistas Self-Defense Forces (AGC), and the FARC-EP structures that did not join the 2016 Final Agreement, known as “FARC dissidents”. As such, we recognize the complex and multipolar nature of the armed conflict in Colombia, which extends beyond the scope reflected in the 2016 Peace Accords. In doing so, we acknowledge our study reflects only some of the dynamics of LGBTI and GD inclusion and exclusion present in current peacebuilding efforts in the Colombian context.

### b) Gender and sexuality as dimensions of the conflict

The gender and sexuality dimensions of Colombia's internal armed conflict can be seen in two scopes. The first one is related to the role of women and members of the LGBTI and GD communities within the armed forces – both legal and illegal. The second relates to the differential ways in which civilians were victimized due to their assumed gender roles or sexual orientation.

With regard to the first, it must be noted that even within the guerrilla armed groups women did not escape the performance of tasks associated with female role imaginaries and care-giving activities. Moreover, [asymmetrical distributions of power](#) and the assumption that women should be subordinate to their male counterparts were also part of the unwritten norms within revolutionary groups. Proof of this is that within the FARC-EP, for example, women's participation in decision-making bodies was



almost nil. Despite the fact that they made up 40% of the troops, by the time the Agreement was signed, not one single woman was part of either the Secretariat or the Central General Command, the [highest decision-making body](#) of the armed group.

Another sphere which affected FARC-EP women in a differential manner, and which has only recently begun to be talked about openly in the country, were the [forced abortions and the compulsory birth control](#) to which they were subjected. The denial of maternity was part of a military strategy in which the guerrillas could not afford to lose combatants or devote resources to the care of a baby, exercising sexual violence and undermining the sexual and reproductive rights of women who joined their revolutionary project.

With respect to civilian victims, sexual violence was used as a weapon of war and control against women human rights defenders, companions of men who were such, and women who undertook the search for the truth. The [Observatory of Memory and Conflict](#) accounts for around 15,738 victims of sexual violence between 1958 and 2017, of which 14,250 were women. Furthermore, reports of victimizations in the country also indicate that women victims of forced disappearance and their female relatives were also, in many cases, [victims of sexual violence and aggression](#).

In addition, gender roles were used to reinforce an anti-insurgent discourse, resulting in paramilitary groups located in communities such as [El Placer](#), in the locality of Putumayo, murdering and torturing women they perceived as “unfeminine” on the grounds that these were characteristics of communist guerrilla women. This ties into the repression of the LGBTI and GD population, targeted for going against what the armed groups considered to be the order of society.

Indeed, among the many socially marginalized groups suffering from the armed conflict, LGBTI and GD persons have been differentially affected. Despite this, their experience has been the least recognized among their counterparts, from heterosexual women, to Afro-Colombians, or indigenous peoples. Due to the narrow definition of “gender issues,” stereotypes, and discrimination, the lived experiences of LGBTI and GD communities had been deliberately rejected and systematically ignored by law enforcement agencies, judicial systems, politicians, and conservative religious factions across Colombia. Political discourse and social narratives have attacked LGBTI people, stating they represent a threat to the traditional formation of family and religious practice, thus driving further aggression by both social and paramilitary groups.

During the armed conflict, FARC-EP guerrillas and paramilitary forces repeatedly targeted the LGBTI and GD communities in so-called “[social cleansing](#)” operations. The violence took place in the form of homicides, forced displacements, sexual harassment, threatening pamphlets, and physical attacks. Being branded as criminals and drug dealers, LGBTI and GD people became paramilitary targets and a weapon of war to be utilized to consolidate control of territory, especially in rural areas.

In addition, the intersectional nature of their identities significantly increased the multiple levels of vulnerabilities victims were subject to. Union leaders and human rights defenders from the LGBTI and GD communities were particularly vulnerable to [attacks and homicides](#), as they often engaged with armed actors in municipalities. Nonetheless, LGBTI and GD individuals were further victimized by deeply ingrained mistrust and exclusionary politics in institutional structures. Violence against LGBTI and GD people was often met with [impunity](#) in the justice system because many cases were dealt with in a biased manner and failed to establish the motive of the crime linked to the victims’ sexual orientation or sexual identity.

Even in the wake of this violence, both the Truth Commission and the National Center for Historical Memory have recognized that it has been mostly women, LGBTI and GD collectives who have led the truth, justice, and reparation processes in Colombia, both at the local and national levels.



## 2. The Colombian Peace Processes and the Role of LGBTI and GD Civil Society Groups

### a) A protracted conflict and its multiple negotiations

Throughout these years, Colombia has undergone multiple negotiations and attempts at a peace process. In fact, for the last few decades, Colombian political life has been determined in relation to the FARC-EP. Political positions regarding dialogue or repression have become one of the most, if not the most, [decisive elements](#) to access power. In this line, the governments headed by Andrés Pastrana (1998-2002), Álvaro Uribe (2002-2010), and Juan Manuel Santos (2010-2018) have alternated between attempts at a dialogue or a focus on the armed conflict and military engagement.

The breakdown of multiple attempts at compromise culminated in the 2016 peace process, a laboriously negotiated Peace Agreement developed over the course of four years of conversations between the FARC-EP and the Colombian government. This process was considered innovative in its centralization of a gendered approach and the [historic inclusion](#) of LGBTI collectives and their lived experiences of conflict in negotiations.

### b) Attempts at the inclusion of gender and sexual minorities in the peace process

Women, LGBTI, and GD individuals have traditionally been [marginalized or excluded](#) from peace processes. Previous dialogues in Colombia had followed this trend, with little to no place afforded to women, and much less to any representatives from sexual or gender minorities. This in turn affected the agenda of topics discussed in these Peace Accords, limiting the inclusion of issues of sexual or gender-based violence, among others.

However, in 2016, the Peace Agreements' efforts at inclusion became one of its most pioneering elements. Negotiations sought to acknowledge the role of [gendered asymmetries and inequities](#) in the conflict, their impact on the human security of women in rural areas, and attempted to increase the participation of women in the Colombian political sphere.

Despite these intentions, attempts at diversifying negotiations were complicated. Initial meetings included solely men, only expanding to include three women among the twenty negotiators in 2013. In this line, even the Historical Commission of the Conflict and its Victims, composed of academics, included only one woman among its thirteen members. These representation gains were a hard-fought battle, organized and sustained collective civil action by feminist, LGBTI, and GD movements.

As we have stated, the most differentiating element of the Agreement was its inclusion of LGBTI and gender-diverse peoples' perspectives. As such, it would become [the first peace process in the world](#) to explicitly include this collective in its development.

### c) The Participation of LGBTI groups in the Peace Process

The Colombian peace process has been hailed internationally for its explicit inclusion of gender and sexuality. Although it is far from perfect, its draft Agreements on victims were more inclusive of the lived experiences of victims than any other Peace Agreements that preceded it, particularly in regards to the rights of women, LGBTI and GD persons, and other indigenous groups. Indeed, the Gender Subcommittee established in 2014 made Colombia the first to acknowledge LGBTI and gender-diverse persons as victims of armed conflict in the framework of a peace process. In an important sense, the



Subcommittee's work heavily relied on the external efforts from gender and sexual minorities' rights movements, but not from the inside out.

LGBTI and GD organizations played a significant role in incorporating a gendered perspective in the final agreement. In the first stage, when establishing the negotiation agenda, LGBTI and GD organizations collected testimonies, submitted [evidence](#) and made recommendations to be reviewed at the negotiation table. Addressing the Gender Subcommittee, they ensured that gendered and sexuality-based perspectives were effectively included in the final Agreement. According to a national LGBTI organization, Corporación Caribe Afirmativo, the Subcommittee recognized [4,000 LGBT people and more than 7,000 acts of violence](#), including murders, forced displacement, and threats in the peace process. This consultation with feminist, LGBTI and GD civil society groups also became apparent in the Agreement's use of inclusive and non-discriminatory language.

At the negotiation stage, LGBTI and GD organizations were a [strong presence](#) at the Havana peace talks, with a mission to advocate for gender and sexuality to be centralized in the peace process. Between December 2014 and March 2015, the Gender Subcommittee organized three [delegations](#) that explicitly included 18 women's, LGBTI, and GD group representatives sent to Havana to testify before political leaders and core parts of the negotiating parties' delegations. A broad spectrum of organizations with contesting views and political affiliations were invited, including those from rural areas. Prominent LGBTI and GD groups, including Corporación Caribe Afirmativo and Colombia Diversa, [participated](#) directly in the peace talks, consultations, inclusive commissions, and public decision-making processes. With the presence of LGBTI and GD organizations, a gender and sexuality-based perspective was included in six points of the original final Peace Agreement, with specific provisions referring to the rights of LGBTI and GD populations.

#### **d) Social pushback and the initial rejection of the 2016 Peace Agreement**

Nevertheless, despite the agreement's novel efforts at representation and consensus, when it was brought to a vote the 2016 Peace Accord was narrowly rejected by a plebiscite, with [50.2% of voters](#) against it. Political and social analysts coincided that an important [driver of the opposition](#) to the agreement derived from the concessions it was perceived to grant sexual and gender minorities. The fact that the inclusion of these collectives and their perspectives in the development of the peace process had a role in its rejection evidenced the struggles of inclusion and how the resistance of traditional sectors of society can compromise representation gains.

Indeed, several noted sectors of society anchored their rejection of the deal on the argument that it promoted a "[gender ideology](#)" that stood in opposition to traditional family values, questioned gender roles, and promoted homosexuality. Particularly, Christian Pentecostal churches opposed notions of LGBTI inclusion as [distinct victims](#) of the conflict. In part, the importance of this collective, its influence over Colombian society, and its representation in Congress, would serve to effectively derail the first attempt at the 2016 peace process. In this way, the effects of conservative, anti-gender, and anti-LGBTI movements have compromised the effectiveness and viability of the 2016 peace processes' goals.

As such, homophobia and sexism affected the peace negotiations and served to condition the progressive gains proposed in the accord. This evidences the stark disparity in relation to the formal and lived experiences of gender and sexual minorities in the country. While Colombia stands as a regional leader in its legal protections for the LGBTI and gender-diverse communities, the on-the-ground realities they face in society remain often dire.



### e) LGBTI and GD organizations' strategic efforts to salvage the Peace Agreement

The rejection was a wake-up call for human rights organizations to reframe their arguments around LGBTI and GD issues, which was seen as a critical tactic for salvaging the Agreement. Given that the focus on gender in the first Peace Agreement was heavily criticized, LGBTI and GD groups took the perspective of the opposition seriously. The revised version of the peace accord was intended to [accommodate the concerns](#) of groups that had voted no to the preceding version.

Participating parties reframed the terminology in the Agreement, aiming to palliate detractors who previously considered LGBTI and GD issues as irrelevant to the Agreement. On the 2nd of November 2016, LGBTI groups [presented](#) a new set of proposals to the FARC-EP delegation, focusing on demands related to the conflict, while avoiding confrontations related to existing legal structures, as well as social and family values. Meanwhile, LGBTI civil groups campaigned heavily to clarify the language used in the Agreement.

In the revised final Agreement in November 2016, the call for LGBTI social movements originally suggested in the first Agreement was removed to avoid confrontation and controversial connotations. Nevertheless, [some paragraphs of the new provision](#) were intentionally added to confirm the legitimacy of inclusion of LGBTI and GD people in the accord.

As Laura Cardozo, Gender Advisor for the FARC-EP delegation, affirmed: revisions to the peace accord [altered the language](#) to appeal to negotiating parties, but attempted to preserve the focus on women, LGBTI, and GD collectives, with varied success. The terms “LGBTI” were reduced and replaced by other expressions like “[vulnerable](#)” and “marginalized” populations. Although LGBTI issues were mentioned [more frequently](#) and more broadly in the new Agreement, notions of gender diversity in the documents were [lessened significantly or replaced with the term “women”](#), worsening the recognition of the differential experiences of GD communities in the final version of the accords.

While this revised version of the 2016 Peace Agreement ultimately made it through Congress that same year, negotiations remained controversial domestically and the compromises adopted worsened the promise of LGBTI and GD inclusion the original negotiations afforded. Colombia now faces the challenge of implementing the accord in a way that will ensure lasting peace and avoid the renewal of cycles of violence, confrontation, and negotiation while honoring its promises to gender and sexual minorities in the country.

## 3. Recommendations: ensuring the recognition of gender, LGBTI and GD lived experiences in peacebuilding

The following recommendations are derived from the case presented in this dossier and call for an inclusive and gendered approach to the development and negotiation of civil peace processes. We call for the following measures as necessary preconditions for the meaningful inclusion of gendered, LGBTI and GD lived experiences in future peacebuilding efforts:

### 1. Include cross-cutting components on gender, LGBTI and GD perspectives while reporting and monitoring internal armed conflicts.

The investigations on human rights violations in the context of Non International Armed Conflicts (NIAC) present unique opportunities to recognize and analyze the types of differential violence exercised against women and girls, as well as LGBTI and DG populations. While addressing generalized human rights violations can give a broad overview of conflicts, including disaggregated data on vulnerable populations can help to understand the specific risks



these groups face, as well as ways to prevent them and more effective forms of reparations. As such, we call for the recognition of the specific vulnerabilities of these collectives in the collection, reporting, and monitoring of conflict data as necessary baseline for the development of effective peacebuilding efforts. In this recommendation, we highlight the need to adopt and commit to the use of inclusive language that reflects the diversity and scope of the lives experiences of women, LGBTI and GD persons in conflict.

**2. Encourage States to acknowledge their roles in the perpetration of gender-based violence performed against women, girls, LGBTI and GD communities.**

In situations of protracted internal armed conflict, States may be involved by action or omission in the perpetration of gender-based violence. The recognition of these dynamics is only the first step to guarantee a path of non-repetition, but efforts should include as well the strengthening of State capacity to to fulfill its commitment to investigate and prosecute those who have committed human rights violations against women, girls, LGBTI and GD communities based on their gender or sexual identities.

**3. Publicly recognize and provide reparations to women's, LGBTI and GD groups or activists that have undertaken the search for truth in the context of NIACs.**

Efforts to redress women, girls, LGBTI and GD populations who have been victims of differentiated violence or assumed the roles of truth seekers must go beyond the recognition of responsibilities. Accepting these activists in many cases have replaced the State in the fundamental task of seeking the truth must be accompanied by economic or symbolic reparations.

**4. Involve women, GD population and LGBTI collectives and activists in the negotiation and development of Peace Agreements.**

Enabling these vulnerable and differentially affected groups in internal armed conflicts to be a central part of conversations and discussions around peace can provide tools both to better understand the dynamics of war and address its long-term social consequences. Moreover, this participation favors the consolidation of measures aimed at meeting some of the needs for truth, reparation, and justice with a gender and sexuality-based perspective. The further implementation of Peace Agreements can form a path to the establishment of profound structural policy changes to prevent and minimize the risks these collectives face going forwards.

**5. Recognize women combatants who were forced to have abortions or use birth control as victims of sexual and reproductive violence and provide them with reparations.**

Although the civilian population was the main target of the internal armed conflict between the Colombian State and the FARC-EP, female combatants themselves saw their sexual and reproductive rights violated and were subjected to sexual and gender-based violence. So far, the FARC-EP's acceptance of these facts has been insufficient and the victims have been stigmatized or have had their claims minimized. Therefore, an analysis of the non-military practices that the armed groups used to fight the war is necessary in the recognition of responsibilities, both in the Colombian context and in other peacebuilding processes seeking to account for the varied experiences of gendered violence experienced by women and GD combatants.