

## **Discrimination and sexual violence against women and girls in conflict-related settings. An approach to the colombian case from the concluding observations of the CEDAW Committee**

### ***Discriminación y violencia sexual contra mujeres y niñas en contextos relacionados con conflictos. Una aproximación al caso colombiano a partir de las observaciones finales del Comité CEDAW***

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## **Abstract**

The concluding observations issuance by the Committee on the Elimination of All Forms of Discrimination against Women is arguably the single most important activity of this human rights treaty body. It provides an opportunity to deliver a comprehensive overview of the status of human rights protection for women in a state party and the submission of forms of guidance that can stimulate systemic advancement.

Although the Committee recognizes and welcomes the efforts of Colombia in undertaking legislative reforms in the health, education, and service sectors to eradicate discriminatory gender stereotypes, access for women to justice, especially in cases of sexual and domestic violence, guarantees for participation in political and public life, and other actions for the fulfillment of their rights, there are still serious concerns about gross human rights violations taking place in the country; one the most complex issue is sexual violence in the context of the armed conflict as many non-state actors are still using these brutal practices to achieve military purposes and as spoils of war.

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This paper aims to analyze the causes of conflict-related sexual violence, how they constitute a form of prejudice and the intersectionality of this phenomenon with other forms of discrimination against women. Finally, it introduces some recommendations on additional related issues that seem to have been omitted by the Committee, even though they constitute severe breaches of the obligations and duties of the government under international law.

**Keywords:** CEDAW; discrimination against women; intersectionality; human rights; Colombian armed conflict.

## Resumen

Las observaciones finales emitidas por el Comité para la Eliminación de la Discriminación contra la Mujer son posiblemente una de las actividades más importantes de este órgano en la protección de los derechos humanos. Estos permiten elaborar una descripción general integral del estado de la protección de los derechos humanos de las mujeres en los estados parte, además de la elaboración de recomendaciones para estimular el avance sistémico hacia la protección de sus derechos.

Si bien el Comité reconoce y saluda los esfuerzos de Colombia por emprender reformas legislativas en los sectores de salud, educación y servicios para erradicar los discriminatorios estereotipos de género, el acceso de las mujeres a la justicia, especialmente en casos de violencia sexual e intrafamiliar, garantías para la participación en la vida política y la vida pública y otras acciones para el cumplimiento de sus derechos, aún existen serias preocupaciones sobre las graves violaciones a los derechos humanos que se están produciendo en el país; uno de los temas más complejos es la violencia sexual en el contexto del conflicto armado, ya que muchos actores no estatales siguen utilizando estas prácticas brutales para lograr fines militares y como botín de guerra.

El presente trabajo tiene como objetivo analizar las causas de la violencia sexual relacionada con la guerra, cómo constituyen en una forma de prejuicio y la interseccionalidad de este fenómeno con otras formas de discriminación contra las mujeres. Finalmente, introduce algunas recomendaciones sobre temas adicionales relacionados que parecen haber sido omitidos por el Comité, a pesar de que constituyen violaciones graves de las obligaciones y deberes del estado bajo el derecho internacional.

**Palabras clave:** CEDAW; discriminación contra la mujer; interseccionalidad; derechos humanos; conflicto armado colombiano.

## Introduction

The text of the Convention on the Elimination of all Forms of Discrimination Against Women - CEDAW was drafted by working groups encouraged by the World Plan of Action for the Implementation of the Objectives of the International Women's Year, which urged for the preparation of a tool on the elimination of inequity and prejudices against women, including effective procedures for its application. Thus, this covenant has been called "the definitive international human rights instrument requiring respect for and observance of the human rights of women; it is universal in reach, comprehensive in scope, and legally binding in character. (Committee on the Elimination of Discrimination Against Women, 1995). By becoming a party to the Convention, the states are legally required to take all the effective measures to eradicate discrimination and violence against women and girls in the private and public domain and progress gender equality.

To ensure this accomplishment, the Convention has a committee composed of gender experts responsible for reviewing each State party's progress and the challenges they are experiencing in implementing the Convention. The Committee is also responsible for developing jurisprudence, a body of legal interpretation, by issuing General Recommendations and decisions under CEDAW'S Optional Protocol (UN Women, 2020). Thus, the Convention is committed to eradicating all kinds of inequity based on sex and achieving gender equality so that all women can enjoy and freely exercise their human rights. It implicitly includes a duty to understand and address intersectional discrimination. The CEDAW Committee has also been pioneering this approach through several instruments, including the concluding observations on the current situation of women's rights in each state party.

After the CEDAW Committee reviews a state party's progress and the challenges it experiences in implementing the Convention, the Committee issues its Concluding Observations (previously termed Concluding Comments), which provide specific guidance on how this performance could be improved in the national context. CEDAW's Concluding Observations are an essential resource for gender equality work. Not only do they provide authoritative guidance about what CEDAW requires in individual country contexts, but they are also valuable advocacy tools for use by gender equality advocates to press for needed changes in their countries (UN Women, 2020).

In its conclusions from 2019, the Committee considered the ninth periodic report of Colombia. Throughout this document, it salutes the progress achieved since the combined seventh and eighth periodic reports. In particular, the Committee welcomes the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, signed by the Government and the Revolutionary Armed Forces of Colombia – People's Army in 2016, the high-level forum on gender to coordinate the implementation of these provisions and the strategy for protecting and guaranteeing the rights of women victims of armed conflict, as well as the legislative reforms, specifically the adoption of new legal instruments which establish measures to ensure

access to justice for survivors of sexual violence and a land restitution act; moreover, the country has improved its institutional and policy framework to accelerate the elimination of discrimination against women and promote gender equality. Lastly, the Committee appreciates the measures taken to increase access for women to education, health services, participation in national and international settings, the capacity-building programs on gender-related issues, and the growing participation of females in the political sphere.

While the country has made progress in protecting these rights through legislative measures, public policies, resocialization, and education programs for public servants, there are still areas of concern that must be considered. First, the Committee is alarmed about the slow pace at which the implementation of the gender-related provisions of the agreement is proceeding and its lack of harmonization with the national development plan. Another critical issue is the indications that threats and violence, including sexual assaults, have increased considerably in the period following the signing of the agreement and that the most vulnerable groups of women, in particular Colombian women of African descent, indigenous, rural, lesbian, bisexual, transgender women, and women with disabilities, continue to suffer serious violations of their rights without access to the protection of the state or justice <sup>1</sup>.

Therefore, the Committee recommends that the State party, as a matter of priority, expedite the implementation of the gender provisions of the peace agreement and harmonize them with the public policies for the most vulnerable groups of women in the country, increase the number of judges and prosecutors specialized in sexual violence, take into consideration the specific needs of women and ensure the protection of the affected population in former conflict zones (Committee on the Elimination of Discrimination against Women, 2019).

Based on the reflection derived from the study of the Concluding Observations prepared by the CEDAW Committee, this essay will focus on sexual violence in the context of the Colombian armed conflict as one of the most critical points that the government must focus on to comply with its international human rights obligations. The first part of this paper will refer to the causes of discrimination against women and girls who are victims of this type of violence and its intrinsic relationship with the war. The second part will briefly examine this phenomenon's intersectional discrimination, especially against ethnic, sexual, and racial minorities. Finally, I will argue that, although the Committee has included a series of general and essential recommendations that the state should implement, some critical points have been left out of its analysis, such as systematic violence against lesbian, bisexual, transgender, transgender women, and intersex people (LBTI), sexual abuse committed against women and girl combatants, and child recruitment.

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<sup>1</sup> In 2020 only the National Victims' Unit recorded 239 cases of conflict-related sexual violence. Of these, 197 were committed against women, 15 against girls. Eight victims identified as lesbian, bisexual, transgender, queer or intersex. Furthermore, 67 victims were Afro-Colombians and 15 were individuals from indigenous communities. Sixteen cases concerned females living with disabilities.

## **I. Gender-stereotyped foundations of discrimination against women and girls in the warfare**

It is no coincidence that the first point referred to as a matter of concern in the CEDAW Committee's Concluding Observations is sexual violence in the context of the Colombian armed conflict. The signing of the Peace Accords between the state and the Revolutionary Armed Forces of Colombia currently plays a crucial role in the country's public agenda. Violence against women has been employed as a war strategy and a form of territorial and social control, especially in the country's most remote areas. All the complex circumstances of the confrontation have historically exposed women to discrimination, subjecting them to social stereotypes, exploitation, and manipulation by warfare actors. Other conditions such as race, socioeconomic status, sexual orientation, gender expressions, and the authorities' ineffectiveness to respond to their needs worsen this situation.

After more than six decades of warfare, the Final Agreement for the Termination of the Armed Conflict and Construction of a Stable and Lasting Peace conceived a series of transitional justice mechanisms to facilitate the end of the conflict and guarantee the victims' rights. Recognizing the historical discrimination and the patterns of abuse that women and girls have suffered throughout the war, a gender approach was included, acknowledging that uneven relationships of gender were instrumentalized, exacerbated, and accented in the framework of the disputes, deepening the impacts of violence against women, girls, and LGBTI people (Colombian Commission of Jurists, 2020). The state has advanced in implementing many of the points of this agreement. However, those that deal with the prevention of sexual violence still present severe delays that generate impunity and re-victimization processes for many women.

In the list of issues and questions in relation to the ninth periodic report, the government stated that a territorial, differential, and gender-based approach is built into measures for executing the peace agreement to make equality a reality for groups subject to discrimination. In that regard, the Framework Plan on the Implementation of the Peace Agreement contains targets and strategies, a list of 51 gender-related indicators. It establishes an Intersectoral Commission for Including a Gender Perspective in applying this accord.

Other measures include the activities developed by The Victim Assistance and Comprehensive Reparation Unit, ensuring that the specific effects of the violence on the needs of women are adequately considered in all processes of support, assistance, and full reparation and thereby helping to surmount the structural factors of discrimination and violence that prevent women from thoroughly enjoying their rights (Committee on the Elimination of Discrimination against Women, 2019). Nevertheless, the document does not provide concrete actions taken by the state to measure the impact of such strategies.

This information also seems contradictory to other independent studies prepared by different women's NGOs collating and analyzing data on conflict-related sexual violence in the country

as a habitual, extensive, organized, and indivisible practice. According to the Observatory of Memory and Conflict of Differential Approaches to Gender and Boys, Girls, and Adolescents of the National Center for Historical Memory, between 1959 and 2017, there were 15,760 victims of sexual violence in the country within the framework of the armed conflict. From these figures, 61.8% of the victims of sexual violence in the registry correspond to women. Together with 30.8% of girls and adolescents, they represent 92.6% of all vulnerable people (National Center for Historical Memory, 2017).

Such a situation aggravates populations of women subjected to historical patterns of discrimination, such as afro-descendant, indigenous women, and the LGBTI population. The report mentioned above indicates that Afro-Colombian women constitute 8.3 percent of all women victims of sexual violence. On the other hand, indigenous people make up 1 percent of the total victims of sexual violence, and 93% of the victims belonging to the LGBTI population identify as transgender women. Such figures are alarming considering that the afro-descendant population constitutes 10.62 percent of the Colombian people and indigenous communities represent 3.43 percent of the citizens (National Administrative Department of Statistics of Colombia, 2005).

When it comes to violence against girls, the figures are not encouraging either. Between 2008 and 2012 were recorded in the framework of the conflict at least 48,9152 minor victims of sexual violence, 41,313 girls and 7,602 boys. This implies that about 274 children and adolescents have been attacked sexually daily in the national territory in the context of the war during the referred period (Coalition against the involvement of children and young people in the armed conflict in Colombia, 2014). Furthermore, many children endangered by conflict-related sexual violence have suffered this violation due to their recruitment into illegal armed groups, as revealed by the UN Office of the Special Representative of the General Secretary for Children and Armed Conflict.

From these data, it can be concluded that even in the post-conflict stage, sexual violence continues to be used in Colombia as a practice of appropriation of bodies and populations, through abuses that include rape, sexual mutilation, sexual slavery, forced pregnancies and abortions, trafficking in women and girls and other types of harassment aimed at humiliating the victims. They constitute a generalized practice that takes advantage of the conditions of subordination of women, their precarious economic conditions resulting from the lack of protection by the state, and the acceptance of existing ideas in the local culture, such as a woman's body is an object that belongs to men (M. Bouvier, 2016).

A process of hierarchization has produced discrimination and marginalization of women and girls victims of war and economic, political, and social domination, through the construction of criteria for classifying and differentiating women based on sex, identity, gender the family, and social position, the literacy rate, and the area in which they live. Adding to the precarious



institutional presence in rural areas of the country where the armed conflict has primarily developed, this has generated a pattern of systematic discrimination that highlights inequality and the lack of mechanisms and referral pathways that women must counterattack the side effects of the warfare.

Conflict-related sexual violence in Colombia needs to be understood in its social and cultural context. In addition to patriarchal systems based on domination and gender labels, there are other risk factors, such as gross inequalities, poverty, and competition for controlling natural resources, particularly land. These structural roots create a permissive context for the use of violence against women. Impunity for these crimes acts to reinforce, rather than challenge, these preexisting norms and patterns of discrimination against women, both inside and outside of the conflict (ABC Colombia, 2013). More importantly, in the framework of internal armed conflicts, discrimination in the context of sexual violence also constitutes a violation of several international instruments, including and Convention on the Elimination of All Forms of Discrimination against Women, its General recommendation No.30 on women in conflict prevention, conflict, and post-conflict situations, United Nations Security Council Resolution 1828, the first devoted to addressing sexual violence in conflict situations, as well as several follow-up resolutions including 1888 (2009), 1889 (2009) and 1960 (2009) aimed to prevent and respond to sexual violence during warfare.

Influences of historical and systematic discrimination deeply- rooted in male-controlled societies and stereotypes about Colombian women have generated even more visible patterns of intersectional discrimination against certain females, especially minorities, as will be discussed below.

## **II. The path to intersectional grounds of inequity derived from the armed conflict**

In addition to factors impacting all women, indigenous, *raizales*<sup>2</sup>, *palenqueras*<sup>3</sup>, and afro-Colombian women have to deal with a history of slavery and years of condoned violence against them. Coupled with racist perceptions that include a series of typecasts about women's bodies, this has resulted in even higher rates of violence against minorities, especially Afro-Colombian, indigenous, lesbian, and transgender women (Association of Displaced Afro-Colombians, 2009).

Sexual violence during war intersects with other forms of prejudice based on race, ethnicity, religion, sexual orientation, and gender identity. Many of the victims must face double and even triple discrimination situations, not only because they are women and are often seen as

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<sup>2</sup> The *raizal* population refers to the native population of the Islands of San Andrés, Providencia and Santa Catalina, descendants of the union between Europeans (mainly English, Spanish and Dutch) and African slaves. They are distinguished by their culture, language (Creole), religious beliefs (Baptist church) and historical past like the West Indian peoples from Jamaica and Haiti.

<sup>3</sup> The *palenqueros* population is conformed of the descendants of the enslaved who, through acts of resistance and freedom, took refuge in the territories of the North Coast of Colombia since the XV century called *Palenques*, and are settled in four departments of the country.

weak, inferior, and even objects created to satisfy the combatants' sexual desires, but also because they belong to other minorities traditionally excluded. This is even more visible in the most remote rural areas of Colombia, where access by the state is complex, leaving them at the mercy of armed groups that take advantage of this situation to commit all kinds of abuses. In other cases, the lack of access to education and employment force girls and women to submit to sexual violence, since many of them do not have sources of income or have lost a male family member due to the conflict, so they must take care of their homes; therefore, numerous women and children are trafficked and prostituted, a situation that also generates a pattern of prejudice against them.

Using stereotypes about females' bodies also constitutes a form of discrimination. Sexual violence is often used as a tactic of war, reinforcing gender inequalities and normalizing this kind of abuse even after a conflict has concluded. Rape, as with all terror warfare, is not exclusively an attack on the body- it is an attack on the 'body-politic.' Its goal is not to maim or kill one person but to control an entire socio-political process by crippling it. It is an attack directed equally against personal identity and cultural integrity (Bouta, Frerks, & Bannon, 2005). During the armed confrontations, women are targeted by armed groups to wound the enemy, dehumanize the victim, and spread fear in the community. Many women that suffer sexual violence can be stigmatized, experiencing a continuum commonly rooted in preexisting conditions of violence that exist in their lives even during peacetime. Some are internally displaced, which places them in an even greater state of vulnerability, as they are forced to give up their homes, daily activities, and community.

Furthermore, LGBTI people who are often among the least protected of all groups face additional perils created by the chaotic environment and breakdown of law and order (Margalit, 2018). Many cases of corrective rape <sup>4</sup> against lesbians and trans women have been documented. Some of them were forced to leave their homes after they had suffered intimidation and death threats during "corrective violence" or "population cleansing" campaigns carried out by armed groups. Many NGOs advocating for their rights have concluded that these forms of abuse are used as a mechanism of inequality aggravating institutional deficiencies and socially constructed prejudices based on sexual and gender stereotypes, creating a specific "normalization of violence" to impose heteronormative patterns in society.

Another factor worsening discrimination is the absence of action plans to guarantee access to justice and integrated attention to survivors. Occasionally the state itself re-victimizes these women through barriers to denounce the aggressors, delays in investigations, lack of personnel, and justice administrators such as judges and prosecutors trained in gender approaches. The fragmentation of armed actors transiting between regions makes it even more

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<sup>4</sup> As defined by UN Women, corrective rape is a form of sexual violence of perpetrated against someone based on their sexual orientation or gender identity. It is intended to force the victim to conform to heterosexuality or normative gender identity.



difficult for survivors to identify perpetrators. There are significant issues within the Colombian justice system perpetuating inequality and contributing to impunity for crimes of sexual nature. According to the Ombudsman's Office, at least 81.7 percent of survivors do not report the attacks. An independent study carried out by a Colombian NGO produced a slightly higher figure of 82.1 percent (Oxfam, 2017). Although the government argues that every year the Attorney General's Office carries out an institutional training plan to equip judicial officials better to correctly identify the root causes of sexual violence, offering a program in mainstreaming a gender perspective in the administration of justice and strengthening its training plan so that prosecutors and judicial officials can achieve the standards required for investigating cases of sexual violence, reality demonstrates that concrete actions are still needed to tackle impunity, investigating and prosecuting these offenses effectively.

Consequently, all this cross-cutting convergence of many vulnerability factors can intensify human rights violations against women living in a situation of precarious danger triggered by the armed conflict. A lethal combination of poverty, gender stereotypes, racial discrimination, lack of education produce forms of inequality that intertwine and aggravate when their victims are in the middle of a war. The Inter-American Court of Human Rights has stated that all these grounds constitute a form of structural discrimination, referring to the confluence in a single person or group of persons who are victims of discrimination of the violation of different types of rights. The convergence of multiple biases increases the devastating effects on the human dignity of the persons who suffer from them and result in a greater and more diverse violation of rights than when these discriminations are constituted concerning a single right (Inter-American Court of Human Rights, 2020).

Up to this point, this paper has identified the causes of gender-based violence in the context of armed conflict, how they perpetuate discrimination patterns against women and girls, and the intersectional approach that affects it. Although the Concluding Observations offer a wide range of recommendations on various relevant topics within sexual violence during warfare, some problematic situations were not contextualized, even though these also constitute a form of intolerance and a severe violation of women's human rights. The third part of this essay will focus mainly on the lack of analysis on gender-based violence and indiscriminate recruitment of women, girls, and LGBTI people.

### **III. Beyond the Concluding Observations. The other women who have been forgotten in the war**

In its concluding observations, the CEDAW Committee introduces a framework on the status of the rights of women and girls in the country, making some recommendations regarding gender violence in the context of the armed conflict. Surprisingly, this report does not reference three situations that perpetuate existing discrimination and prejudice against victims of violence; these are sexual abuse against the LGBTI population, women with disabilities, female combatants, and the recruitment of girls for sexual exploitation.

Firstly, The Committee recognizes the discrimination to which lesbian, bisexual and transgender women are subjected. However, it limits the report to make recommendations in the areas of access to justice, representation in public life, implementation and recognition of same sex-marriages, and training civil servants to handle such requests; it barely addresses sexual violence in the context of the armed conflict as a ground of discrimination for LGBTI people. One of the few specific recommendations regarding this matter can be found in point 26 of the Concluding Observations, when it recalls general recommendation No. 35 on gender-based violence against women, as follows:

*"The Committee recommends that the State party: Strengthen its efforts, as a matter of priority and within a specific time frame, to implement the national plan for the prevention of gender-based violence against women and girls, including violence in institutions, in particular targeting indigenous women, Colombian women of African descent, rural women, women with disabilities and lesbian, bisexual and transgender women."*

As noted, the Committee only includes general mandates for one of the most significant issues of the war in Colombia. It does not even mention intersex people in his report, even though they are also victims of all kinds of abuse. On the other hand, documents from various nongovernmental organizations highlight the mistreatment, prejudice, and exclusion of people with sexual orientations and gender identities that do not conform with heteronormative patterns.

In addition, the state hardly references LGBTI persons in its response report to the questions posed by the Committee; only two specific mentions can be found in this sense:

*"Concerning cross-sectoral discrimination, the Ministry of the Interior is working for, and with different population groups in vulnerable situations, including indigenous peoples; Afro-Colombians; persons from the Palenquero and Raizal ethnic groups; Roma; women; lesbian, gay, bisexual, transgender and intersex persons; persons with disabilities; and human rights defenders (...) As the leading peace policy body, the Office of the High Commissioner for Peace held strategic meetings in 2018 with women's and lesbian, gay, bisexual and transgender organizations to ensure their involvement in peacebuilding."*

By contrasting the two reports, it could be inferred that sexual violence in the armed conflict does not constitute a source of discrimination for LGBTI persons. Yet, the power relations on which the armed confrontations are developed have transgressed the sex and gender systems, placing them in a vulnerable context that leads to inequality for various reasons such as race, sex, and poverty. In this context, the conflict is used as a way of judgment, subordination, the humiliation of the person with diverse sexual orientation or gender identity (Caribe Afirmativo Corporation, 2019).

Data collection from independent organizations estimates the inclusion of 1,818 victims of LBT due to the occurrence of violence in war. Among these victims, the Unit for the Attention and Comprehensive Reparation to Victims has registered 366 cases where the alleged aggressor is considered a paramilitary group and 287 cases in which the alleged aggressor is a guerrilla group (Colombia Diversa, 2017).

The second critical issue not addressed by the Committee is sexual violence against former female combatants. They often suffer double discrimination when they try to rejoin society. Many of them experience prejudice for transgressing the socially constructed norms about gender and the role of women in society by fighting in the combats and actively participating in armed confrontations. Therefore, they face various difficulties when accessing education and health programs in the post-conflict. In its final report, the Committee only recommends the resocialization of women soldiers in war, remaining silent about the severe sexual abuse they have been subjected to, jeopardizing their integrity and the security of their families. As combatants, some women were forcibly pregnant, forced to have abortions, and others were turned into sex slaves in the service of male combatants.

The Office of the Ombudsperson reported 189 cases of sexual violence, primarily affecting women. Of these, 19 concerned former FARC-EP members are undergoing social reintegration (Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 2021). Regarding this matter, the Colombian government only referred to the submission of a work plan to the Commission and the presentation of the strategy for reintegrating women ex-combatants, not giving further details of how that strategy is being implemented.

Finally, the Committee did not refer to the risks of recruiting girls by armed groups, even when it violates international humanitarian law precepts. Article 4.3.c of Protocol II, additional to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts, clearly states: "*children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.*" Facing the risk of their children being recruited, entire families and communities were internally displaced, either because some family members or the community had already been enlisted or because they had been threatened with recruitment. (Amnesty International, 2008). These girls also face different forms of discrimination based on mindsets rooted in a purely male approach to armed forces, creating a favorable environment for such abuse (Parliamentary Assembly of the Council of Europe, 2015).

It is challenging to conjecture why these three points were not analyzed in detail in the report. Political reasons and lack of official statistics can give some ideas on how complex the Colombian armed conflict is. However, this lack of approach to intersectional grounds of discrimination against LGBTI women, female combatants, and recruitment of girls is even more unforeseen considering that the country has ratified other international instruments that

impose similar obligations regarding the protection of these groups of women, such as The Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and finally at the regional level The Convention Belém do Pará, which is a crucial instrument regarding the protection of women's right in Latin America.

## Conclusions

Despite the notable progress achieved since the signing of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace between the Government of Colombia and the Revolutionary Armed Forces of Colombia, the implementation of concrete provisions, including those related to gender equality, remains disproportionate, posing a challenge to the consolidation of inclusive and sustainable peace.

Five years have passed since the signing of the peace agreements and three since the publication of the concluding observations; there are still enormous concerns on the protection, access to justice, and mechanisms of non-repetition of gender violence based on the armed conflict. The use of these attacks is far from being sporadic. On the contrary, they are systematic and generalized assaults based on power relations, control of territory, and the use of women's bodies as a form of humiliation. Gender stereotypes still prevail in a primarily patriarchal society and interconnect with other historical forms of discrimination against indigenous and Afro-descendant, LGBTI, former combatant women, and girls, highlighting the intersectional approach of violence and its relationship to the patterns of inequality faced by them.

The Colombian government still has countless challenges to comply with its international obligations regarding protecting women and girls, particularly victims of conflict-related abuses. It must first attack the roots of violence based on sexist social systems that relieve women of reproductive and caregiving roles. It is also necessary to train officials on gender issues to have the appropriate human capital to investigate and punish sexual abuse in war and fill the current justice system's structural gaps. Ensuring a holistic gender-focused approach and publicly acknowledging the scale of mass abuses committed in the armed conflict are also further steps to bear in mind. Finally, the state must strengthen its collaboration with civil society organizations, especially those that advocate for the defense of human rights and use their knowledge as part of the interdisciplinary peacebuilding process in the country.

## References

National Administrative Department of Statistics of Colombia. (2005). La visibilización estadística de los grupos étnicos colombianos (The statistical visibility of Colombian ethnic groups). Bogotá: DANE.

- National Center for Historical Memory. (2017). La guerra inscrita en el cuerpo. Informe Nacional de violencia sexual en el conflicto armado (The war inscribed in the body. National report on sexual violence in the armed conflict). Bogotá: CNMH.
- Colombian Commission of Jurists. (2020). Boletín No.9 del Observatorio sobre la Jurisdicción Especial Para la Paz (Bulletin No.9 of the Observatory on the Special Jurisdiction for Peace). Bogotá: Observatorio sobre la JEP de la Comisión Colombiana de Juristas.
- M. Bouvier, V. (2016). Gender and the role of women in Colombia's peace process. New York: UN Women.
- ABC Colombia. (2013). Colombia: Women, Conflict-Related Sexual Violence and the Peace Process. London: ABC Colombia, Corporación Sisma Mujer & the U.S. Office on Colombia.
- Coalition against the involvement of children and young people in the armed conflict in Colombia. (2014). Que dejen de cazar a las niñas y los niños. Informe sobre violencia sexual contra niños, niñas y adolescentes en el conflicto armado colombiano (Stop hunting girls and boys. Report on sexual violence against children and adolescents in the Colombian armed conflict). Bogotá: Justicia de Genero para los Derechos en Crisis de las Mujeres, Niños y Niñas Colombianas Afectadas por el Conflicto Armado.
- Association of Displaced Afro-Colombians. (2009). The human rights situation of internally displaced afro-Colombian women: Life in the Face of Adversity. Bogotá: Report presented to the Committee for the Elimination of Racial Discrimination (CERD) in its 75 Period of Sessions in which the Report presented by the Colombian State will be considered.
- Inter-American Court of Human Rights, Case of the Workers of the Fireworks Factory in Santo Antônio de Jesus and their Families vs. Brazil (July 15, 2020).
- Bouta, T., Frerks, G., & Bannon, I. (2005). Gender, Conflict and Development. Washington D.C.: The International Bank for Reconstruction and Development.
- Oxfam. (2017). Survey on the Prevalence of Sexual Violence Against Women in the Context of the Colombian Armed Conflict (2010-2015). Bogotá: Identidad Desarrollo Publicitario SAS.
- Margalit, A. (2018). Still a blind spot: The protection of LGBT persons during armed conflict and other situations of violence. International Review of the Red Cross, 237-265.

- Colombia Diversa. (2017). Vivir bajo sospecha. Estudios de caso: personas LGBT víctimas del conflicto armado en Vistahermosa y San Onofre (Live under suspicion. Case studies: LGBT victims of the conflict armed in Vistahermosa and San Onofre). Bogotá: NGO Colombia Diversa.
- Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. (2021). Conflict-related sexual violence. Report of the Secretary-General. New York: United Nations Security Council.
- Amnesty International. (2008). Colombia: ‘Leave us in peace!’ Targeting civilians in the internal armed conflict – facts and figures’.
- Parliamentary Assembly of the Council of Europe. (2015). Women in the armed forces: promoting equality, putting an end to gender-based violence. Doc. 13697, Reference 4118.
- Committee on the Elimination of Discrimination against Women. (2019). Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. List of issues and questions in relation to the ninth periodic report of Colombia. New York: United Nations.
- Committee on the Elimination of Discrimination against Women. (2019). Concluding observations on the ninth periodic report of Colombia. New York: UN Nations.
- Caribe Afirmativo Corporation. (2019). Nosotras resistimos: informe sobre violencias sobre personas LGBT en el marco del conflicto armado en Colombia. Bogotá: Report delivered to the Commission for the Clarification of the Truth, Coexistence and Non-Repetition.
- Committee on the Elimination of Discrimination Against Women. (1995). Progress achieved in the implementation of the Convention on the Elimination of all Forms of Discrimination against Women. New York: United Nations Department of Public Information.
- UN Women. (2020, December 13). Asia and the Pacific. Retrieved from Frequently Asked questions (FAQ) about CEDAW: <https://asiapacific.unwomen.org/en/focus-areas/cedaw-human-rights/faq#whatareconcludingobser>