

LOOSE THREADS ON PEACE AND ARMED VIOLENCE: WOMEN, PEACE AND SECURITY¹

LOS HILOS SUELTOS DE LA
PAZ Y LA VIOLENCIA ARMADA:
MUJERES, PAZ Y SEGURIDAD

■ <https://doi.org/10.22431/25005227.vol52n1.9>

09

Loose Threads on Peace and Armed Violence: Women, Peace and Security¹

Los hilos sueltos de la paz y la violencia armada: mujeres, paz y seguridad

Typology: Review article

How to cite this article

Mejía, J.; Suárez, A. y Rey, N. (2022). Loose Threads on Peace and Armed Violence: Women, Peace and Security. *Administración & Desarrollo*, 52(1), 143-161. <https://doi.org/10.22431/25005227.vol52n1.9>

I Jean Carlo Mejía Azuero*

I Nesly Edilma Rey Cruz***

I Angélica del Pilar Suárez Mendoza**

Abstract

This document exposes the situation of women who have suffered war and violence in Colombian territory, deepening and exposing the problem that aggravates not only the different forms of violence such as physical, sexual and psychological, but also the discrimination that they suffer. In addition, the impact of the internal conflicts that still afflict the Colombian population and the way in which security guarantees are stalled are studied. On the other hand, the report includes the analysis for the control of arms in commercial matters and those peace initiatives that the Colombian state has implemented and provides both general and specific recommendations in terms of peace and security. The recommendations are made around

permanent surveillance and verification, the destruction of conventional weapons, explosive elements and ammunition with the proper registration. It is concluded that it is necessary to carry out a proper control of weapons, establishing custody protocols (guarantees of non-proliferation) so that they do not re-enter new models of common and/or armed crime, in the same way, more security guarantees must be offered. with a broad approach, for female ex-combatants: maintain unarmed, unarmed international observers who have experience in gender issues.

Keywords: laying down of weapons, peace agreements, women, ammunition, politics and security.

* This article is a product of the project entitled "A comparative analysis of the admissibility requirements of individual communications from the United Nations Committees", signed INVDER2959, developed within the line "International Law, Human Rights, International Humanitarian Law", corresponding to the "Public Law" group of the Center for Legal, Political and Social Research of the Faculty of Law of the Nueva Granada Military University. Project financed by the Vice-Rector for Research of the Nueva Granada Military University - validity 2019.

** Lawyer Magna Cum Laude, post doctorate in Law from the National University, Sesquicentennial promotion, Doctor of Law with thesis exalted as meritorious. Professor of the Faculty of Law and Director of the Legal Office of the Nueva Granada Military University. Email: jean.mejia@unimilitar.edu.co ORCID: <https://orcid.org/0000-0002-7022-7919> SCOPUS ID: 572062488304.

*** Lawyer from the Universidad Libre, Master in Defense of Human Rights before International Organizations from the Universidad Santo Tomás de Bogotá. With knowledge on voluntary principles in human rights, legal assistance for civilian victims and the armed forces of the armed conflict, especially survivors of antipersonnel mines, relatives of victims of forced disappearance and other victimizing acts. Email: angelicadelapilar9@gmail.com ORCID: <https://orcid.org/0000-0002-4357-3541>

**** Lawyer, Master in Human Rights and International Humanitarian Law from the Catholic University of Colombia and the Università Degli Studi Di Salerno Italy, specialist in Procedural Law, University professor of research methodology, public law, Human Rights and International Humanitarian Law, researcher in law, proofreader of style and variations of the Spanish language at the Autonomous University of Barcelona. Email: neslyrey@gmail.com ORCID <https://orcid.org/0000-0002-1581-175X>.

Resumen

El presente documento expone la situación de las mujeres que han padecido la guerra y la violencia en el territorio colombiano, profundiza y expone la problemática que agrava no solo las diferentes formas de violencia como la física, sexual y psicológica sino también, la discriminación que ellas padecen. Además, se estudia el impacto de los conflictos internos que aún afligen a la población colombiana y la forma cómo las garantías en materia de seguridad se ven estancadas. De otro lado, el informe recoge el análisis para el control de las armas en materia comercial y aquellas iniciativas de paz que ha implementado el Estado colombiano y se brindan recomendaciones tanto generales como específicas en materia de paz y seguridad. Las recomendaciones se hacen en torno a la vigilancia y verificación permanente, a la destrucción de las armas convencionales elementos explosivos y municiones con el debido registro. Se concluye que es necesario efectuar un adecuado control de las armas, fijando protocolos de custodia (garantías de no proliferación) para que no reingresen a nuevos modelos de delincuencia común o armada, de igual forma, se debe ofrecer más garantías de seguridad con un enfoque amplio, para las mujeres excombatientes: mantener observadores internacionales no armados ni uniformados que tengan experiencia en asuntos de género.

Palabras clave: dejación de armas, acuerdos de paz, mujeres, municiones, política y seguridad.

Introduction

This article focuses on the attention to women who have suffered and have been victims of the Colombian internal armed conflict, without neglecting the joint role of men, who, due to their

role, leads the greatest number of deaths in conflicts. The issues addressed are not merely theoretical but have legal implications that compromise the acuity related to ratified treaties on human rights (hereinafter Human Rights), international humanitarian law (hereinafter IHL) and the provisions of the Colombian domestic law, as well as the obligation of the State as responsible for guaranteeing the rights and duties contained in the different treaties and agreements that have been signed.

Likewise, the follow-up to the peace process, the laying down of arms and the guarantees in the framework of compliance in defense of human rights are considered. H H. Women's. Although there are guarantees for the safety of women, the circulation of weapons is also a fact, a situation that has been occurring in recent years with truly alarming figures. The importance of promoting in civil society the importance of carrying out actions for peace and the reduction of violent deaths that are common in highly vulnerable populations, based on the proper inspection of weapons, establishing protocols for their custody is pointed out. so that they do not enter new models of common crime again and, of course, that the fundamental pillar is to seek an early warning channel on armed violence against women with close communication and alliance with the State and institutions at the local level to rapid and effective responses to situations of risk of sexual, psychological and physical violence.

Consequently, the following research question is asked: What are the recommendations that should be taken into account in the process of laying down arms and ceasefire in Colombia within the framework of the final peace agreement, which allows women to live free from armed violence? To answer this question, it is intended to

make an exploration of the existing documentation from the descriptive-hermeneutic research method that allows offering a starting point and possible solutions around the laying down of weapons, in order to build recommendations applicable to this process within the framework of the peace agreement signed in 2017 between the FARC guerrillas and the State.

Genders and War

The history of war is a history of death, weapons and suffering. But the gender perspective on her has focused on men and women have been relegated to the hopeful role that he will return home at the end of the war, this, although real, only reflects a small part of a complex reality. This article focuses on women who are victims of armed conflicts, without neglecting the joint role of men, who, due to their role, lead the highest number of deaths in conflicts, both in the role of victim and perpetrator.

Alexievich (1985) referred to those who had no voice at the end of World War II (1939 to 1945), questioning why only women? and it is answered; because war takes men, most never return, women stay at home, those who look for the disappeared, those who care for the traumas of war with love. But, some also wield weapons. In this regard, a woman's testimony narrates the following in the work: "while several men stood in line waiting in silence, she realized that there were many young people who were in the tomb, coming to cry for them and for their son." (Alexievich, 1985, p. 169).

The antimilitarist vision that has been developing since the First World War and that is strengthened in the Second, is based on the idea of States abandoning the resolution of conflicts through dialogue to resolve them by means of

war, and the patriarchal military domination that implies the transit of human beings to the war of no return. During all of this, the impact on the lives of women is imminent, as detailed in the work of Alexievich (1985), where the testimonies of several women who participated in the war and whose rights were already violated are collected. be it to punish the enemy or to break up communities. For example, it is portrayed that in the middle of one of the confrontations they shot at some combatants until they ran out of ammunition and as if that were not enough, they set them on fire. Then, the Germans decided to walk them already dead in a car to show them to the community, the fathers and mothers watched, but did not cry or make any gesture of pity because they would kill them (Alexievich, 1985, p. 156).

On the other hand, the rivalries between the military powers caused a large accumulation of weapons and military spending, including a large number of conventional, biological, nuclear and chemical weapons, not to mention the unjustified attacks that have called for the conflict by the generous dividends from the arms trading business. It is for this reason that the disarmament awareness processes carried out by women throughout the world are of the utmost importance, generating a profound impact on new legislation for the protection of women in conflict and violence, but not enough after the hesitant periods following the war, when from new internal and international conflicts, the violation and violation of human rights has grown. H H. and of the population, as well as the disregard of IHL norms through the implementation of torture methods such as the one that harms only women: sexual violence.

The issues addressed in this writing are not merely theoretical but have legal implications that compromise the understanding related to rati-

fied DD treaties. Human Rights, IHL and domestic law, as well as the obligation of the State as responsible for guaranteeing the rights and fulfilling the duties contained in the American Convention on Human Rights (OAS, 1969) and other concordant national and international instruments, as the also known Convention of Belém do Pará (OEA, 1994), which adopts protection measures for women in their rights and integrity and their vindication in society. Without leaving aside the resolutions of the United Nations Organization (hereinafter UN) on conventional weapons and especially Resolution 1325 of 2000 on women, peace and security.

Indeed, the protection of women has a reinforced obligation under the American Convention on Human Rights. H H. and the provisions of the Belém do Para Convention, since these instruments impose on the States the duty to be guarantors and safeguard women, even if the internal regulations in Colombia are not entirely efficient to achieve their objective, among other things due to the non-compliance of citizens, due to the ineffectiveness of the institutions and due to the absence of tools and mechanisms for prevention and reparation. To indicate some of the transgressions against women in addition to the applicable criminal types without distinction of sex or gender, there is the concept of violence against women introduced into the legal system from Law 1257 of 2008 in its article 2, which , is complemented by the types of violence against women that are described in article 4: physical, patrimonial, psychological and sexual damage.

Only until 2008 were they introduced in Colombia This type of provision expresses the state's concern for offering affirmative actions that, in the words of Dworkin (1977), would be actions of reverse discrimination in favor of women in compliance with international obligations con-

tracted with the signing of instruments such as the Convention of Belem do So that since 1994 it has demanded protection for women in these scenarios that are not only related to gender and partner violence, provisions that were subsequently strengthened with the issuance of regulatory decrees of this law in 2011, evidencing to the date a worrying panorama, among other things due to the low capacity of the institutions for care, prevention, justice and reparation and despite the criminalization of femicide in the Penal Code with the issuance of Law 1761 of 2015.

In addition to the above, there is concern about the lack of initiatives that address the gaps in regulation, complete and updated registration of firearms, as well as their control and trade.

Security and disarmament

Laying down of arms in the implementation of the agreements: what happens with security guarantees and women's rights?

Problematic

This point considers the follow-up to the peace process when the Revolutionary Armed Forces of Colombia (hereinafter FARC) and specifically the delivery of their weapons and guarantees in the defense of women's human rights. In addition, this document includes a brief historical framework on the delivery and laying down of weapons at the national and international level.

Additionally, possible early warnings have been identified on the issue of security in conflict zones, and recommendations are then offered for the future arms control process in the country, based on the UN studies and reports in this regard. This document has a line with Resolution 1325 of 2000 on women and peace.

Preliminary Matter

Although at first the purpose of weapons was defensive, with the birth of civilizations they took on an offensive character in the desire to seek power and possession of the land, weapons began to represent power and dominance, factors that according to Foucault² men they naturally desire as a means to achieve their ambitions. Therefore, by having a development of weapons within a State, the possibility grows that it does not represent an institution that establishes and guarantees security to its society, but on the contrary, there is a risk that that security is threatened by the lethal use of weapons.

Currently, the concept of weapons has gone beyond the limits of the defensive and the offensive, so that several categories have been created such as conventional, non-conventional, nuclear, chemical and bacteriological weapons that, for the purposes of this document, "they facilitate gender, sexual, and domestic violence, massacres, human trafficking, and armed conflicts" (Ronderos et al., 2016, p. 48), this regarding the effect that weapons have on the daily lives of women. women, so they are key factors in the consequences of disarmament. In the Colombian situation, political violence is associated with internal conflicts and is characterized by violations of human rights. H H. The development of the national armed conflict has left death, suffering, barbarism and poverty to the civilian population; Within the eleven facts identified by Law 1448 of 2011, women have

been victims of crimes such as torture, sexual violence³, homicide⁴, forced displacement⁵ or antipersonnel mines⁶.

On the other hand, the Attorney General's Office has stated that only fifty-three sentences were imposed in cases of femicide between 2015 and 2017 (in many of them the intimidation is carried out with firearms), a figure that was growing in the following years and even more so with the confinement due to the COVID-19 pandemic as of 2020, the year in which eighty investigations of femicide were reported, thirty-four of them having occurred in this year (Delgado, 2020) . In addition, after five years of typifying femicide as an autonomous crime, "705 convictions" were reported (Delgado, 2020, para. 1) imposed throughout the country. According to the Legal Medicine report for the year 2021, ninety appraisals of deaths due to femicide were carried out this year (Revelo, 2020, p. 88). Finally, for the year 2021, the Sisma Mujer Corporation reported a growth of 12.3% in cases of femicide in Colombia compared to the previous year and a worrying panorama regarding sexual violence whose victims are 80% minors (Swissinfo, 2022).

In addition to the above, it is identified that, in the armed conflict, women and children represent the most vulnerable link, suffer sexual violence due to age and gender, which, historically, has been used as an instrument of domination and fear, today little documented and difficult to measure by the institutions since from the approach to the victims who survived there was an underreporting becau-

² "The subject of power imposes the law (moral and legal) must have it to impose it. On a daily basis, power makes use of violence, thus snatching its own resources and other nations through violence (new objective of pastoral power according to Foucault) through weapons" (Foucault as cited in Abrego, 2015, p. 1,735).

³ Sexual violence: according to the Sisma Corporation for the year 2016 it is estimated that more than 85% of the examinations carried out by Legal Medicine corresponded to women for this fact, while 14% were men. This means that for every male victim of this cause, six women were sexually violated (Corporación Sisma Mujer, 2017) .

⁴ Homicide: according to the National Institute of Legal Medicine (2017) by 2016, more than 500 women lost their lives due to firearms in Colombia.

⁵ Forced displacement: it has been established that in the country the highest rate of victims of forced displacement are Afro-Colombian, Raizal and Palenquera women (Victims Unit, 2017).

⁶ Antipersonnel mines: 2006 was the year with the highest number of victims due to this violence in Colombia (Directorate for Comprehensive Action against Antipersonnel Mines - AICMA, 2022).

se it was considered a “taboo” (Colombia Truth Commission, 2018, para. 3).

The problem of the suffering of the victims, who are mostly women and minors, goes beyond the physical and psychological, as it transcends their families, their communities, thus affecting the role that each one plays in a country in the process of development, whose culture and steps to a better future are frustrated by the force of armed violence. Thus, as stated above, the victims feel that the State, being an authority that guarantees the security of its people, has a responsibility towards them, by preventing such suffering or violations of human rights. H H. are caused in what is called guarantees of non-repetition.

Security guarantees and women's rights

From illegal circulation to gun rental

Although there are guarantees for the safety of women, on the other hand there is the illegal circulation of weapons, which is an alarming situation. For example, in 2002 in Bogotá, the rental business of firearms such as submachine guns, shotguns, fragmentation grenades, revolvers, pistols, AK-47 assault rifles and various ammunition, had the following price range:

A revolver cost around 50,000 pesos (COP) for short work, 100,000 pesos (COP) less than a pistol, quite far from the 300,000 pesos (COP) that a mini-Uzi submachine gun can reach and far above are the 500,000 pesos (COP) that it costs to rent an AK-47 rifle (Revista Semana, 2002, para. 5)

In addition, the rental includes a load of ammunition. The owners of these weapons, according to

the article, are not related to traffickers, they only acquired them on the black market and trade them to different groups, hit men or assailants, either for short or longer rental periods (Revista Semana, 2002).

By 2012, weapons were rented for COP 50,000, such as machine guns and rifles, customers could be ordinary people or people with a criminal record. In 2016, in Cúcuta, weapons were rented for COP 100,000, with them crimes such as extortion and homicides were committed for the sale of narcotic substances in neighborhoods of the Commune One of Cúcuta (Colprensa, 2016, para. 4). The seriousness of this situation stems from clandestine weapons stores dismantled by the authorities of the National Army and the National Police, with a large number of arsenals for rent. An example of this was what was recorded in Cúcuta, where the following were seized:

Suppliers: 2 rifles, 59 pistols, 10 submachine guns; 18 revolver barrels, 22,918 cartridges, 3 pistols, 416 cartridges, 7 correct pistols, 1 shotgun, 3 pairs of revolver grips, 2,042 various ammunition, 9 revolvers and 302 multi-load cartridges (Colprensa, 2016, par. 6) .

During 2017, this practice was also reflected in Barranquilla, where between COP 500,000 and COP 1 million were charged per revolver, and minors were used to transport it. With this scenario, and the proliferation of illicit weapons, insecurity in the lives of the entire population, especially women, increases (Corcho, 2017). For Vásquez (2017), weapons of illegal origin exceed the capacities of the State and emphasizes that small arms are used to achieve the objectives of criminal organizations. That is why the scenario is worrisome due to the trafficking of arms, due to the difficult tracking of the routes of this trade, and the large numbers of crimes committed with this weaponry.

Likewise, another point of view is highlighted by Vásquez (2017) and that is that determining the size of the small arms market is a difficult task, given the impossibility of registering the transfers made on the black market, the observation of movements licit commercial allows us to get closer to an idea of the dimensions of the phenomenon. According to the *Small Arms Survey* (2012, p. 1) research project, illicit international transfers of small arms, their parts and ammunition are approximately USD 8.5 million annually.

With the application of current international regulations on arms control and women's rights in Colombia, among other provisions of domestic law, it is necessary to apply regulations and respond to effective application in cases of violence against women and acts of discrimination. In this sense and in this context, they should be included in the legislative reforms of *fast track* the rights inspired by these regulations.

Initiatives in Peace, Politics and Security Beyond Conflict: Arms Control and the Arms Trade Treaty (ATT)

The Colombian State must guarantee the security of everyone in the territory, as stated by the Constitutional Court when it refers to the constitutional scope of security: security must be understood as a fundamental constitutional value, being a guarantee preserved by the State, guaranteeing the effectiveness of fundamental rights (Constitutional Court of Colombia, Judgment T-078 of 2013).

Colombia contemplates within its system norms for the regulation of the carrying of weapons, in the Political Constitution it is affirmed that only the government can carry out the

manufacture of weapons, explosives and war ammunition. If people wish to possess them, they must have a permit from said authority (Political Constitution of Colombia, 1991, article 223). However, this provision has been sued as unconstitutional on the grounds that since it is a monopoly of the Colombian State, it turns out that this is the only one that can manufacture and export weapons. In this regard, the Constitutional Court in one of its rulings has stated that for private individuals to possess them, it must be with a permit granted by the State. (Constitutional Court of Colombia, Judgment C-296 of 1995).

For its part, the National Institute of Military Industry (hereinafter Indumil) is the state entity in charge of supplying weapons to the government itself. Within the previous fragment of the cited article it is established that the only one that can manufacture, export or import weapons is the Government, for this reason it refers to these as general regulations. From the commercial point of view, a series of rules were established, for example, weapons require licenses and permits to be used, they have tariffs for both firearms and ammunition established by the Directorate of National Taxes and Customs (in forward DIAN).

To have an approach on imports and exports in Colombia for the year 2016 they represented about USD 31 million. According to DANE, arms imports and exports were USD 31.8 million (López, 2017, para. 1). For its part, Colombia, as a state party to the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials⁷ (OEA, 1997) is called upon to establish measures to promote the regulations and controls of firearms.

⁷ This convention was introduced into the national legal system through Law 737 of 2002.

After the presidential signing for the 68th General Assembly of the United Nations (UN, 2013) of the Arms Trade Treaty (hereinafter TCA) (UN, 2014), Colombia attended a series of meetings through the Foreign Ministry between the States, those of the Preparatory Committee between the period from 2010 to 2014 and together with the cooperation of different non-governmental institutions to its sessions to learn about the TCA, issue objections and be signed to assume the commitments of the same.

The TCA sought to regulate an industry that produces USD 79.9 billion annually around the world, observing between 2008 and 2015 that 80.39% of the transactions carried out were with developing countries, including the United States and France (López, 2017, paragraph 22). The cooperation between the States during the last years has created different instruments on the rules at the international level in the emission of weapons and at the national level, in the applicability of rules and controls so that they do not lead the illicit path.

With everything and that the fulfillment of the TCA seeks to stop the violations of the DD. H H. Within the framework of IHL, its articles warn about the risk that is run when using a weapon, among which the threat to security and peace stands out, which could also generate a violation of human rights and encourage crimes in the that the exporting State is part of (UN, 2014, article 7). However, for the year 2017, the Constitutional Court, when making the respective control of the approval of the TCA treaty through the issuance of Law 1782 of 2016, declared it unconstitutional for not having the approval and compliance with the requirements of the procedure. for the laws that approve an international treaty; it also concluded that there were irremediable procedural defects (Constitutional Court of Colombia, Sentence C-047 of 2017).

To date, the Colombian State is in arrears to begin the legislative process in the Congress of the Republic to issue a law that approves the TAC treaty to be incorporated into the legal system and thus include the urgent provisions on weapons of fire.

On the other hand, it is important to highlight the implementation of the points of the peace agreement in Colombia in this regard. For example, the Kroc Institute, in its follow-up to compliance with this agreement, has indicated that in the first years it emphasized demilitarization by the FARC. Advancing in this way in point 3 (End of the conflict) and point 6 (Mechanisms of implementation, endorsement and verification) (Escuela Nacional Sindical, 2021, p. 16).

The most recent report delivered by the Kroc Institute also highlighted that when starting the Comprehensive System of Truth, Justice, Reparation and Non-Repetition, in which entities such as the Truth Commission, the Search Unit for the Disappeared and the JEP have been able to forge the will and autonomy to carry out the mandates, thus achieving way to have greater legitimacy for the victims (Kroc, 2020, as cited in Escuela Nacional Sindical, 2021, p. 16).

In the same sense, it is recognized that of the stipulated agreement, 25% of the commitments have been implemented, 15% have advanced intermediately and 36% have started but have not made any further progress (Escuela Nacional Sindical, 2021, p. 17).

Meanwhile, the Amnesty or Pardon Chamber, known by its acronym SAI, has held different hearings to impose the regime with people who have appeared or have accepted the peace process, who have the duty, among others, to lay down their weapons, taking into account

account the provisions of point number 3 of the peace agreement. It is important to mention that this point included those responsibilities in the bilateral ceasefire. According to the Attorney General's Office, the foregoing is considered one of the processes of disposition and delivery of weapons that has delivered the most endowments by ex-combatants (2020, p. 179).

For González et al. (2019) the peace agreement is a complement to the historical struggles and social mobilizations (p. 28). Following the delivery of weapons by the FARC, the creation of the statutory law of the administration of justice in the Special Jurisdiction for Peace (Law 1957 of 2019). Said law states that the Special Justice for Peace, known by its acronym JEP, in verifying compliance with the delivery of weapons and in the sanctions imposed on those who fail to comply with point number 3, is in charge of determining the execution of the sanction and this will be feasible in the Chamber for the recognition of truth and responsibility (Law 1957 of 2019, article 141).

The control of small and light weapons: the importance of normative integration in the lives of women

The UN indicates that the problem with light and small arms is the ease with which they are usually obtained, being the preferred weapons for current internal conflicts because they are cheap, easy to hide and handle (UN, 2001a). As a result of this problem, the OAS, through the program of comprehensive action on small and light weapons, joins the purpose of reducing the trafficking and proliferation of small and light weapons (OAS, 2021).

Another of the problems generated by small arms is illegal trafficking that affects the security of nations, thus aggravating the internal conflicts that are experienced within them and affect human rights. H H. (National Police of Colombia and Central Directorate of Judicial Police, 2004, p. 64). Recently, the UN has proposed "providing information to national authorities on good practices in small arms so that they know the most reliable policies and methods of proven effectiveness" (UN, 2021, para. 2) and of course in the conference of the Seventh Biennial Meeting of States, ensures the commitment to comply with international human rights laws for decisions on the national transfer of small arms (UN, 2021, para. 6).

Currently, the role of congressmen has been preponderant in the approval of laws for the protection of women's rights. However, the road is long and there is still a need to fulfill the commitments to respect access to rights in the face of international treaties and current internal regulations, that is, there are regulations on disarmament that have not exceeded the requirements to be ratified by states such as the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (OAS, 1997), evidence of this is that it is estimated that approximately 33% of the homicides that they occur in the world, they occur in Latin America and the Caribbean (Center for Latin American Studies on Insecurity and Violence. CELIV, 2017, par. 1).

However, Protocol V on explosive remnants of war (International Committee of the Red Cross, 2003) was created due to the need to agree on new rules for States to protect the community from the consequences generated by weapons

and, of course, to Cooperate with non-governmental and international institutions in the protection of human rights and the removal of explosive remnants of war. Regarding this protocol, no inclusion has been made in the Colombian standard. Faced with this situation, the national government has spoken out, and mentions that said protocol must be complied with, which is made difficult by the security conditions in some parts of the territory. However, it cannot be ignored that through Protocol II on the prohibition of antipersonnel mines, booby traps and explosives (International Committee of the Red Cross, 1996) Colombia currently has the necessary regulations and operational capacity to control demining and assist victims of this violence.

Now, on the scope of the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition of the United Nations Convention against Transnational Organized Crime (ONU, 2001b) in Colombia the position has been not to ratify the instrument to the extent that disagreement has been expressed that explosive devices have been excluded from the protocol, in particular, from the section on its definitions, as well as with the scope of application of the same that does not include transfers of firearms, their parts, components and ammunition. It must be considered that, in relation to the provisions related to the marking of weapons, including ammunition, the instrument should contemplate an effective international system that would allow the tracing of weapons found on the illegal route and with this it would contribute to the protection of the DD. H H.

Towards the year 2017, the Symposium on Women and Security was held (United Nations Regional Center for Peace, Disarmament and De-

velopment in Latin America and the Caribbean. UNLIREC, 2017) in which Colombia presented a summary on the legislative commitments on the matter, including the *Action Program for the prevention, combat and overthrow of illegal arms trafficking* (ONU, 2001a) for which, the intervention of women in the formulation of policies on small arms was included only until 2018. In this symposium, the importance of article 7 of the TCA (ONU, 2014) was highlighted, which deals with evaluating arms exports, but while the instrument is ratified, it is recommended that the National Coordination Committee for the Prevention, Combat and Eradication of Illicit Traffic in Small and Light Weapons created by Decree 4508 of 2006, includes non-governmental institutions that work for disarmament, who carry out work on the matter in different areas, both in support of victims of arms trafficking and in those that generate socio-legal research and advocacy work.

One of the programs with the longest history in the destabilizing accumulation, misuse, practical orientation and prevention of the illicit trade of small arms and light weapons is carried out through MOSAIC, which is part of the UN, it is a program of action. In said program, some of the considerations are made with a gender perspective; for example, essential elements are included such as committing to agreements on small arms control, including gender equality and female empowerment (ONU, 2018, p. 13), as well as the development of regional and national policies to build peace and human security through which the gender perspective will be incorporated.

For Sanjurjo (2021), Latin American states regulate the use and possession of small arms and the analysis presented around the comparison of the situation experienced in the different Latin American countries concludes that in the use of small arms and light weapons in each of the countries

is made in restrictive ways that have a license and registration (p. 87).

Meanwhile, the United Nations Regional Center for Peace, Disarmament and Development in Latin America and the Caribbean, known by its acronym UNLIREC for the year 2021, held a meeting in which several governments at the global level met with the purpose of examining the advances and challenges to the inclusion of gender recommended in the women, disarmament, non-proliferation and arms control program under the campaign of activism against gender violence that seeks to combat, eliminate and prevent the illicit trafficking of light weapons (United Nations Regional Center for Peace, Disarmament and Development in Latin America and the Caribbean, 2021).

The foregoing is due to the fact that the aforementioned meeting under the program reinforces the commitment to contribute to gender considerations in the implementation of actions and policies pertaining to the prevention of armed violence, control of light weapons, and finally, in combating the illicit trafficking of such weapons. Meanwhile, the UN has recognized the need and importance of having women actively participate in decision-making, thus reaffirming that States broadly incorporate gender aspects in their execution (ONU, 2019, p.2).

It is significant to add that the priorities of the national government should be aimed at the ratification of these regulations and promoting legislation that addresses the arms trade and prevents violence related to them, especially the production of specialized legislation on femicide, to favor the acceptance of national action plans and other implementation mechanisms on Resolution 1325 of 2000 that include arms control, in addition to setting ammunition as one of the main factors in

agreements on the illicit trafficking of light weapons And small.

In addition to the above, in the Colombian military industry there is a system for marking ammunition and weapons, in this regard Indumil points out that the marking of weapons "is carried out in accordance with technical specifications in which a unique number of element, year of manufacture, manufacturer and in the case of rifles, the destination of the weapon is related (Army, Navy, Police, etc.)" (as cited in Mejía et al., 2020, p. 84), instead, for the marking of the ammunition, it is done in the "vanilla culotte" if it is "war ammunition, the manufacturer, year and batch of manufacture are contemplated" and with respect to "personal defense ammunition, they are marked with the manufacturer and caliber" (Indumil, 2017, as cited in Mejía et al., 2020, p. 84).

To conclude in this regard, there are preponderant regulations to be included in the Colombian legislative system, due to the support that the country has had in terms of cleaning areas with war materials and, on the other hand, of the controls of the purchase and sale of weapons and the marking of parts and ammunition, some of which have been complied with by the State, this would help complement the DD regulations. H H. that are needed to prevent deaths in the country.

The road to civilian life for one of the oldest guerrilla groups in the world is just beginning. This has left vital steps in the reduction of homicides in the country, in view of this, for the date of the signing of the Peace Agreement in the Colón theater in Bogotá, the Resource Center for Conflict Analysis (CERAC, 2017) reported that as of May 31, 2017, there have been no fatalities or people injured by FARC actions. However, as the years went by, the cases of massacres increased where the victims were among social leaders, ex-combatants of the

FARC, dissidents of this guerrilla, common criminals, among others. In this regard, Indepaz points out that in 2021, 96 massacres were reported throughout the national territory, totaling 338 victims (Indepaz, 2021, p. 2), number of massacres that grew unlike the previous year when 91 massacres were reported, totaling 381 victims throughout 66 municipalities of the country (Indepaz, 2021, p. 10).

At this point, a call for investigation should be made by the entities in charge, with a view to protecting this part of the population from a possible systematization of their deaths because they are leaders and activists in favor of the rights of the people, for the sake of safeguarding and maintaining the path beyond the agreements.

However, in terms of women and according to the reports studied, it is observed that the female sex always presents a lower percentage than the number of men who die by homicide in Colombia⁸, for example, by the year 2016, 997 cases of death of women were reported. women for homicide. In addition, the report presented that, the higher the schooling of women, the greater the risk of being victims, a factor that must be taken into account to reinforce protection alerts, as well as the risk of single women compared to other factors of sexual relationships. partner (World Bank, 2018, p. 111). In 2020, the National Institute of Legal Medicine and Forensic Sciences reported the death of 865⁹ women by homicide, a figure that grew in 2021 when 978¹³ victims of this type of crime were reported, representing 50% of the causes of death in the country (2021, p. 2.).

According to the Attorney General's Office (as cited in El Espectador, 2016, para. 5) in the last

decade, 34,571 femicide processes have been carried out, presenting 3,658 convictions for these. That is, an impunity of about 90%. With these revealing figures, it is contemplated that women suffer from discrimination based on their gender to such an extent that it threatens their lives, although it must be remembered that the State is the guarantor in the protection of the right to life.

Conclusions

Women and peace

In the framework of the execution of the Final Agreement between the Colombian government and the FARC through the process of monitoring the delivery of weapons and the reduction of fire and hostilities, the Women's International League for Peace and Freedom (Limpal) discovers some of the recommendations in a general way for said abandonment, that is, permanent surveillance and verification, the destruction of conventional weapons, that explosive elements and ammunition be produced with due registration.

The registry is a valuable tool both for processes related to the Specialized Justice for Peace and for ordinary justice, which gives practical meaning to the concept of transparency in arms matters. On the other hand, it is important because it can facilitate the exchange of information with other States to determine the arms transfer routes that have taken place during the conflict and thus offer a presumed origin of the sale or exchange of these, in order to setting public policies at the international level on these practices.

Likewise, keeping these records guarantees historical memory for both the processes of the

⁸ For example, while in 2020 the death of 2,724 women was reported, in this same year 18,874 men died.

⁹ In 2020, a total of 2,724 women died due to homicide, transport events, accidentally, and suicide.

¹⁰ In 2021, a total of 3,290 women died due to homicide, transport events, accidentally, and suicide.

Truth Commission, JEP, and other academic research scenarios, it is also a tool to strengthen the guarantees of non-repetition. It is important to keep in mind that weapons cannot be destroyed as they are evidence, in many cases, related to transitional justice. Those that can be destroyed must be transformed into symbolic elements that dignify, protect, and vindicate the memory of the victims and the communities, these symbolic elements must be duly consulted and advised with the communities, but not without first showing a theoretical framework in accordance with the cultural customs of each population.

It is important to activate an early warning channel on armed violence against women with close communication and alliance with the State and institutions at the local level for rapid and effective responses, in situations of violence against women in the areas surrounding the sites of laying down of arms

It is necessary to fulfill the mandate of accompaniment and surveillance in the reintegration process that takes place in the normalization zones of the FARC and subsequently the dismantling of the zones in accordance with numeral 7 of Resolution 1325 of 2000 and knowing the aspects crucial in laying down weapons in the framework of the peace process between the Colombian government and the FARC.

It is important to encourage those institutions that are part of civil society to get involved in an issue that is definitive for the country in terms of peace and the reduction of violent death with an emphasis on highly vulnerable populations and differential approaches.

Security recommendations

According to the UN Program for the development of guarantees, the diversion of weapons should be oriented towards the prohibition of military weapons for the civilian population, a proper marking of imports and exports, to apply security standards to stocks government; Likewise, take into account a unified and computerized registry of weapons registered by country in the procedure for issuing weapons licenses, prohibition of possession of weapons for abusers domestic, periodic reviews, technical driving tests, minimum age of possession.

It is necessary to carry out a proper control of weapons, establishing custody protocols (guarantee of non-proliferation) so that models of armed crime do not occur again. Similarly, security guarantees must be offered even more with a broad approach, for women ex-combatants: maintain international observers who are not armed or uniformed and have experience in gender issues.

The distribution of responsibilities between the national and international institutions involved, in terms of guarantees and complaints in the event of possible cases of human rights violations. HH., thus, it is proposed to carry out an early warning channel for effective prevention, which complies with UN Resolution 1325 of 2000 and focuses on the recommendations given by CEDAW.

It is necessary to activate an early warning channel on armed violence against women with close communication and alliance with the State and institutions at the local level for rapid and effective responses, in situations of risk of violence against women.



It is important to encourage civil society institutions to commit to an issue that is definitive for the country in terms of peace and the reduction of violent death, with an emphasis on highly vulnerable populations and differential approaches.

References

- Alexiéovich, S. (1985). *La guerra no tiene rostro de mujer*. Debate. <https://cursoshistoriavdemexico.files.wordpress.com/2018/09/alexiev-svetlana-la-guerra-no-tiene-rostro-de-mujer-historia-de-las-mujeres-del-ejercito-rojo-1.pdf>
- Asamblea Nacional Constituyente. (1991). Constitución Política de Colombia. Gaceta Constitucional 116 de julio 20 de 1991.
- Banco Mundial. (2018). *Homicidios intencionales (por cada 100.000 habitantes)*. Banco Mundial.
- Centro de Estudios Latinoamericanos sobre Inseguridad y Violencia. CELIV. (2017). *Boletín n.º 8*. Centro de Estudios Latinoamericanos sobre Inseguridad y Violencia.
- Centro de Recursos para el Análisis del Conflicto. CERAC. (2017). *Monitor del cese del fuego bilateral y de hostilidades: reporte final*. CERAC.
- Centro Regional de las Naciones Unidas para la Paz, el Desarme y el Desarrollo en América Latina y el Caribe. UNLIREC. (2017). *Primer Simposio sobre mujeres y seguridad de UNLIREC se llevó a cabo en Perú para más de 40 mujeres "Fuerzas de Cambio" de la Región*. UNLIREC.
- Centro Regional de las Naciones Unidas para la Paz, el Desarme y el Desarrollo en América Latina y el Caribe. UNLIREC. (2021). *Encuentro Regional "A 20 años de la adopción del programa de acción sobre armas pequeñas y ligeras (PoA): avances y desafíos en la inclusión de las consideraciones de género*. UNLIREC.
- Colprensa. (2016). *Alquiler de armas, el bajo costo del delito*. El Universal. <https://www.eluniversal.com.co/colombia/cucuta/alquiler-de-armas-el-bajo-cost-del-delito-219713-OREU324138>.
- Comisión de la Verdad Colombia. (2018). *La violencia sexual por cuenta del conflicto armado era un tabú. No se hablaba de este delito: lideresa del Pacífico*. <https://web.comisiondelaverdad.co/actualidad/noticias/la-violencia-sexual-por-cuenta-del-conflicto-armado-era-un-tabu-no-se-habla-ba-de-este-delito-lideresa-del-pacifico>.
- Comité Internacional de la Cruz Roja. (1996). *Protocolo sobre prohibiciones o restricciones del empleo de minas, armas trampa y otros artefactos según fue enmendado el 3 de mayo de 1996 (Protocolo II)*. CICR. <https://www.icrc.org/es/doc/resources/documents/misc/treaty-1980-cccw-protocol-2-amended-1996-5tdl6g.htm>.
- Comité Internacional de la Cruz Roja. (2003). *Protocolo V sobre los restos explosivos de guerra (Protocolo V)*. CICR. <https://www.icrc.org/es/doc/resources/documents/misc/treaty-1980-cccw-protocol-5-erw-5x6lck.htm>.
- Congreso de la República. (2002). Ley 737 de 2002. Por medio de la cual se aprueba la Convención Interamericana contra la fabricación y el tráfico ilícitos de armas de fuego, municiones, explosivos y otros materiales relacionados adoptada en Washington, D. C., el catorce de noviembre de mil novecientos noventa y siete (1997). 5 de marzo de 2002. Diario Oficial 44.734.

- Congreso de la República. (2008). Ley 1257 de 2008. Por la cual se dictan normas de sensibilización, prevención y sanción de formas de violencia y discriminación contra las mujeres, se reforman los Códigos Penal, de Procedimiento Penal, la Ley 294 de 1996 y se dictan otras disposiciones. 4 de diciembre de 2008. Diario Oficial 47.193.
- Congreso de la República. (2011). Ley 1448 de 2011. Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones. 10 de junio de 2011. Diario Oficial 48.096.
- Congreso de la República. (2015). Ley 1761 de 2015. Por la cual se crea el tipo penal de feminicidio como delito autónomo y se dictan otras disposiciones. (Rosa Elvira Cely). 6 de julio de 2015. Diario Oficial 49.565.
- Congreso de la República. (2016). Ley 1782 de 2016. Por medio de la cual se aprueba el "Tratado sobre el Comercio de Armas", adoptado por la Asamblea General de las Naciones Unidas mediante Resolución 67/234B de 2 de abril de 2013 y suscrito en la ciudad de Nueva York, el 24 de septiembre de 2013. 20 de mayo de 2016. Diario Oficial 49.879.
- Congreso de la República. (2019). Ley 1957 de 2019. Estatutaria de la Administración de Justicia en la Jurisdicción Especial para la Paz. 6 de junio de 2019. Diario Oficial 50.976.
- Corcho, G. (2017). *Desmantelan "oficina de alquiler de armas" en Rebolo*. <https://www.elheraldo.co/judicial/desmantelan-oficina-de-alquiler-de-armas-en-rebolo-319540>.
- Corporación Sisma Mujer. (2017). *Del fin de la guerra a la erradicación de la violencia sexual contra las mujeres: un reto para la paz. Comportamiento de la violencia sexual contra niñas y mujeres en Colombia durante 2016*. Boletín n.º 12. Sisma Mujer.
- Corte Constitucional de Colombia. (1995). Sentencia C- 296 de julio 6. M. P. Cifuentes Muñoz, E.
- Corte Constitucional de Colombia. (2013). Sentencia T- 078 de febrero 14. M. P. Mendoza Martelo, G.
- Corte Constitucional de Colombia. (2017). Sentencia C-047 de febrero 1. M. P. Vargas Silva, L.
- Delgado, J. (2020). *Más de 700 condenas por feminicidio en 5 años gracias a Ley Rosa Elvira Cely*. El País. <https://www.elpais.com.co/judicial/mas-de-700-condenas-por-feminicidio-en-5-anos-gracias-a-ley-rosa-elvira-cely.html>
- Dirección para la Acción Integral contra Minas Antipersonal. AICMA. (2022). *Estadísticas de Asistencia Integral a las Víctimas de MAP y MUSE*. Acción Contraminas.
- Dworkin, R. (1977). *Los derechos en serio*. Gerald Duckworth & Co.
- El Espectador. (2016). *En Colombia hay cuatro feminicidios al día, la impunidad es del 90 %*. El Espectador. <https://www.elespectador.com/colombia/mas-regiones/en-colombia-hay-cuatro-feminicidios-al-dia-la-impunidad-es-del-90-article-613624/>
- Escuela Nacional Sindical. (2021). *Cuaderno sindical Proceso de Paz en Colombia y sus implicaciones en el trabajo decente y la Agenda 2030*. Fundación Primero de Mayo de la Confederación Sindical de Comisiones Obreras.

- González, A., Mora, A., Jiménez, C., Muñoz, C., Fajardo, D., Machuca, D., Carrero, D., Santiago, E., Toloza, F., Méndez, J., Silva, J., Puello-Socarrás, J., Torres-Henao, J., Montero, L., Naranjo, S. y Nijmeijer, T. (2019). *El acuerdo de paz en Colombia. Entre la perfidia y la potencia transformadora*. CLACSO.
- Indepaz. (2021). *Masacres cometidas en Colombia durante el 2020, 2021 y 2022*. Indepaz.
- Instituto Nacional de Medicina Legal y Ciencias Forenses. (2021). *Boletín estadístico mensual diciembre 2021*. INMLCF.
- López, R. (2017). *Comercio de armas movió US\$31,8 millones en el 2016*. Portafolio.co. <https://www.portafolio.co/negocios/millonario-negocio-de-armas-en-colombia-502620>
- Mejía, J., Suárez, A. y Rey, N. (2020). Municiones en Colombia. Aspectos generales normativos. *Administración & Desarrollo*, 50(1), 74-112.
- OEA. (1969). *Convención Americana sobre Derechos Humanos Suscrita en la Conferencia Especializada Interamericana sobre Derechos Humanos (B-32)*. 24. https://www.oas.org/dil/esp/tratados_B-32_Convencion_Americana_sobre_Derechos_Humanos.pdf
- OEA. (1994). *Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer. Convención Belém do Pará*. Comisión Nacional de los Derechos Humanos. https://www.cndh.org.mx/sites/all/doc/programas/mujer/Material_difusion/convencion_BelemdoPara.pdf
- OEA. (1997). *Convención Interamericana contra la Fabricación y el Tráfico Ilícitos de Armas de Fuego, Municiones, Explosivos y otros Materiales relacionados*. https://www.oas.org/36ag/espanol/doc_referencia/Convencion_CIFTA.pdf
- OEA. (2021). *Programa de acción integral en armas pequeñas y ligeras*. OEA. <https://www.oas.org/es/sms/dps/prog-pacam.asp>
- ONU. (2001a). *Conferencia internacional de las Naciones Unidas sobre el comercio ilícito de armas en todos sus aspectos*. ONU. <https://www.un.org/es/conf/smallarms/about.htm>
- ONU. (2001b). *Protocolo contra la fabricación y el tráfico ilícitos de armas de fuego, sus piezas y componentes y municiones, que complementa la convención de las Naciones Unidas contra la delincuencia organizada transnacional*. Naciones Unidas.
- ONU. (2013). *68° Período de Sesiones. Orden del día y programa de trabajo*. Naciones Unidas. <https://www.un.org/es/ga/68/agenda/>
- ONU. (2014). *Tratado sobre el comercio de las armas*. Naciones Unidas. <https://thearmstreaty.org/hyper-images/file/TratadosobreelComerciodeArmas/TratadosobreelComerciodeArmas.pdf?templateId=137280>
- ONU. (2018). *Compendio de implementación modular de control de armas pequeñas. Niños, adolescentes, jóvenes y armas pequeñas y ligeras*. MOSAIC. <https://iansa.org/wp-content/uploads/2021/04/MOSAIC-06.20-2018SV1.0.pdf>
- ONU. (2019). *El comercio ilícito de armas pequeñas y armas ligeras en todos sus aspectos*. Naciones Unidas.

- ONU. (2021). *Boletín informativo n.º 7. UNODA*. <https://www.un.org/disarmament/es/boletín-informativo-no-7-oct-2021/>
- Policía Nacional de Colombia y Dirección Central de Policía Judicial. (2004). El control de las armas ligeras: retos y desafíos para el nuevo milenio. *Revista Criminalidad Colombia*, 1(47), 60-73.
- Presidencia de la República. (2006). *Decreto 4508 por el cual se establece el Comité de Coordinación Nacional para la Prevención, Combate y Erradicación del Tráfico Ilícito de Armas Pequeñas y Ligeras en todos sus Aspectos*. <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=22462>
- Procuraduría General de la Nación. (2020). *Segundo informe al Congreso sobre el estado de avance de la implementación del acuerdo de paz*. Procuraduría General de la Nación.
- Revelo, A. (2020). Comportamiento del homicidio. Colombia 2020. *Forensis*, 84-128.
- Consejo de Seguridad de las Naciones Unidas. (2000). *Resolución 1325 de 2000. Aprobada por el Consejo de Seguridad en su sesión 4213ª, celebrada el 31 de octubre de 2000*. <https://acnur.org/fileadmin/Documentos/BDL/2006/1759.pdf>
- Revista Semana. (2002). *Se alquilan para matar*. Semana.com. <https://www.semana.com/nacion/articulo/se-alquilan-para-matar/54786-3/>
- Ronderos, K., Salcedo, D., Tibaduiza, Z., Chaves, V., Rojas, M. y Ariza, E. (2016). *Desarmando la vida. Reflexiones sobre la Resolución 1325, El desarme y las mujeres en Colombia*. Limpal Colombia.
- Sanjurjo, D. (2021). Las políticas de control de armas pequeñas en América Latina. *Revista Latinoamericana de Estudios de Seguridad*, (30), 73-91.
- Small Arms Survey. (2012). *Pieza por pieza. La transferencia lícita de piezas de repuesto y accesorios*. <https://www.smallarmssurvey.org/sites/default/files/resources/Small-Arms-Survey-2012-Chapter-8-summary-SPA.pdf>.
- Swissinfo. (2022). *En 2021 hubo 210 feminicidios en Colombia, la cifra más alta de últimos años*. SWI swissinfo.ch. https://www.swissinfo.ch/spa/colombia-feminicidios_en-2021-hubo-210-feminicidios-en-colombia--la-cifra-m%C3%A1s-alta-de-%C3%BAltimos-a%C3%B1os/47418486
- Unidad de Víctimas. (2017). *En Colombia, 414.000 mujeres afrodescendientes son víctimas de desplazamiento forzado*. <https://www.unidad-victimas.gov.co/es/enfoques-diferenciales/en-colombia-414000-mujeres-afrodescendientes-son-victimas-de-desplazamiento>
- Vásquez, J. (2017). *Comercio y tráfico de armas pequeñas y ligeras: análisis sistémico de un problema global* [Trabajo de Grado]. Universidad Externado de Colombia.