

Country/entity	Colombia
Region	Americas
Agreement name	Agreement on the Victims of Conflict, 'Comprehensive System for Truth, Justice, Reparation and Non-repition, including the Special Jurisdiction for Peace; and Commitment on Human Rights
Date	15 Dec 2015
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Colombian Conflict (1964 -)

The Colombian conflict is really a set of conflicts and the peace agreements reflect both different processes relating to different conflict groups and dyads, and processes taking place at different times in a complex peace process history. The Colombian civil war has its roots in the late 1940s and the violent infighting between liberal and the conservative factions. Emerging from the liberal tradition with a thorough grounding in nationalist communist ideology, the Revolutionary Armed Forces of Colombia—People's Army (FARC) began its armed insurrection against the Colombian government in 1964. Other left-wing guerrillas emerged as well, most notably the socialist/populist M-19, which would later be integrated into the formal political system in the peace process of 1990s; the National Liberation Army (ELN), which has strong roots in liberation theology, and the Maoist Ejército Popular de Liberación (EPL) (also part of the 1990 process, less successfully). Several stages of peace processes were undertaken by the various sides, which were further complicated by the emergence of right-wing paramilitary 'self-defence' forces. The peace agreement between the Colombian government under President Uribe and the main alliance of the paramilitary groups, the United Self-Defence Forces of Colombia (AUC), concluded in 2005 and is still heavily disputed as several remnants are still active, but now subsumed under the heading 'Bacrim' (Bandas criminales). In addition, FARC and ELN maintain a military presence, but both demonstrate a strong interest in completing successful peace negotiations with the government, with the most recent agreements being between FARC and the Government.

Close

Colombian Conflict (1964 -)

Stage	Framework/substantive - partial
Conflict nature	Government
Peace process	Colombia V - Santos

Parties	The national government, the FARC-EP
Third parties	-
Description	The agreement provides for forms of transitional justice, and throughout calls for a 'gender' and territorially differentiated approach to the implementation of the measures to be adopted:

Agreement document	CO_20151215_borrador conjunto acuerdo sobre las victimas.pdf (opens in new tab) Download PDF
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Agreement document (original language)	CO_20151215_borrador-conjunto-acuerdo-sobre-las-victimas-del-conflicto.pdf (opens in new tab)
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Groups

Children/youth

Groups→Children/youth→Rhetorical
Page 13, Article 5.1.1.1.2. Mandate,

...

- The human and social impact of the conflict on the society, including the impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected women, boys, girls, children, adolescents, youth and the elderly, people with disabilities, indigenous peoples, peasant communities, Afro-Colombian, black, palenquero and raizal populations, the LGBTI population, displaced and exiled persons, the [women and men] defenders of human rights, trade unionists, journalists, and women and men farmers, traders and businessmen/women and entrepreneurs, among others.

Page 24, I. BASIC PRINCIPLES OF THE JUSTICE COMPONENT OF THE COMPREHENSIVE SYSTEM OF TRUTH, JUSTICE, REPARATION AND NON-REPETITION (CSTJRN),

...

7. Likewise, the consequences of such violations are more serious when committed against women or when it comes to victims belonging to the most vulnerable groups, subject to special protection, and who deserve reparation and special protection, including villages of indigenous, communities of Afro-descendant and other ethnically distinct groups, peasants, the poor, disabled, displaced people and refugees, girls, boys and adolescents, LGBTI people and elderly people.

Page 66, Article 5.2. Commitment with the promotion, respect and guarantee of human rights,

...

The end of the conflict is the best opportunity to achieve the rights of victims to truth, justice, reparation and non-repetition, and generally ensure the full realization of human rights for everyone, including women, children, adolescents, young and elderly people, persons with disabilities, indigenous peoples, peasant, Afro-Colombian populations, black, Palenqueras and Raizales, the LGBTI population and defenders of human rights, trade unionists, journalists, farmers, ranchers, traders and businessmen and -women; which also implies the adoption of affirmative action measures to fully guarantee the rights of those who have been most affected by the conflict. Peace as a fundamental right of all citizens is a necessary condition for the exercise and enjoyment of all other rights.

Groups→Children/youth→Substantive

Page 6, Article 5.1. Comprehensive System of Truth, Justice, Reparation and Non-repetition,

...

The Comprehensive System has a differentiated and gender-based approach, which is designed to respond to the particular characteristics of victimization in each territory and each population, and in particular to the needs of women and children.

Pages 9-10, Article 5.1.1.1. Commission for the Clarification of Truth, Coexistence and Non-repetition,

...

First, the Commission shall contribute to the clarification of what happened, in accordance with the elements of the mandate as described later, and offer a substantive explanation of the complexity of the conflict, in such a way as to promote a shared understanding in society, in particular of the least-known aspects of the conflict, as the impact of the conflict on children and adolescents and gender-based violence, among other matters. ...The Commission will develop an appropriate differential and gender approach that allows evidencing the differential forms in which the conflict affected women, children, adolescents, young people and older adults, to persons in situations of disability to indigenous peoples to peasant communities to Afro-Colombian black

Disabled persons

Groups→Disabled persons→Rhetorical
Page 13, Article 5.1.1.1.2. Mandate,

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- The human and social impact of the conflict on the society, including the impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected women, boys, girls, children, adolescents, youth and the elderly, people with disabilities, indigenous peoples, peasant communities, Afro-Colombian, black, palenquero and raizal populations, the LGBTI population, displaced and exiled persons, the [women and men] defenders of human rights, trade unionists, journalists, and women and men farmers, traders and businessmen/women and entrepreneurs, among others.

Page 24, SPECIAL JURISDICTION FOR PEACE, I. BASIC PRINCIPLES OF THE JUSTICE COMPONENT OF THE COMPREHENSIVE SYSTEM OF TRUTH, JUSTICE, REPARATION AND NON-REPETITION (CSTJNR), ...

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Groups→Disabled persons→Substantive

Page 11, Article 5.1.1.1.1. Guiding criteria,

...

Differentiated and gender-specific approach: in the development of its mandate and functions, the Commission will take into account the different experiences, differential impact and particular conditions of persons by reason of sex, gender, age, ethnicity or disability situation, including but not limited to the populations or sectors in conditions of vulnerability or especially affected by the conflict. Special attention will be paid to the victimization suffered by women.

Page 10, Article 5.1.1.1. Commission for the Clarification of Truth, Coexistence and Non-repetition,

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The Commission will develop an appropriate differential and gender approach that allows evidencing the differential forms in which the conflict affected women, children, adolescents, young people and older adults, to persons in situations of disability, to indigenous peoples, to peasant communities, to Afro-Colombian, black, palenquero and raizal populations, to the population LGBTI, to displaced persons and exiled, [women and men] defenders of human rights, trade unionists, journalists, and women and men farmers, traders and businessmen/women, among others. This should also contribute to the Colombian society's understanding of the specific ways in which the conflict

Elderly/age

Groups→Elderly/age→Rhetorical
Page 13, Article 5.1.1.1.2. Mandate,

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Groups→Elderly/age→Substantive

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Migrant workers No specific mention.

**Racial/ethnic/
national group**

Groups→Racial/ethnic/national group→Rhetorical

Page 3, Untitled Preamble,

... The armed conflict, which has multiple causes, has caused suffering and harm to the population unparalleled in our history. Millions of Colombian men and women are victims of forced displacement, there have been hundreds of thousands of deaths, tens of thousands of missing persons of all kinds and a large number of collectives and affected populations throughout the length and width of the territory, including peasant communities, indigenous, Afro-Colombian, black, palenquero, raizal, and Rom communities, political parties, social and trade union movements, economic guilds, among others. Without forgetting other forms of less visible but no less painful victimization, such as sexual violence, psychological effects, or even the presence of fear.

...

Groups→Racial/ethnic/national group→Substantive

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Religious groups No specific mention.

Indigenous people Groups→Indigenous people→Rhetorical

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Page 12, Article 5.1.1.1.2. Mandate,

...

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Page 66, Article 5.2. Commitment with the promotion, respect and guarantee of human rights,

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Other groups

Groups→Other groups→Substantive

[Summary] The agreement ensures throughout that a territorial, differential, and gender-based approach is adopted in the design, implementation and monitoring of the policies and strategies provided for in the agreement. This implicitly grants special attention to indigenous, rural communities and areas mostly affected by the conflict and requires to take into account the various threats, particularities and experiences of different people in their communities and territories.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive

Page 10, Article 5.1.1.1. Commission for the Clarification of Truth, Coexistence and Non-repetition,

...The Commission will develop an appropriate differential and gender approach that allows evidencing the differential forms in which the conflict affected women, children, adolescents, young people and older adults, to persons in situations of disability, to indigenous peoples, to peasant communities, to Afro-Colombian, black, palenquero and raizal populations, to the population LGBTI, to displaced persons and exiled, [women and men] defenders of human rights, trade unionists, journalists, and women and men farmers, traders and businessmen/women, among others. This should also contribute to the Colombian society's understanding of the specific ways in which the conflict reproduced historical mechanisms of discrimination and gender stereotypes, as a critical first step to having a more just and inclusive society. ...

Pages 13-14, Article 5.1.1.1.2. Mandate,

...

- The human and social impact of the conflict on the society, including the impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected women, boys, girls, children, adolescents, youth and the elderly, people with disabilities, indigenous peoples, peasant communities, Afro-Colombian, black, palenquero and raizal populations, the LGBTI population, displaced and exiled persons, the [women and men] defenders of human rights, trade unionists, journalists, and women and men farmers, traders and businessmen/women and entrepreneurs, among others. ...
- The displacement and land dispossession in the context of the conflict and its consequences. ...

Page 24, I. BASIC PRINCIPLES OF THE JUSTICE COMPONENT OF THE COMPREHENSIVE SYSTEM OF TRUTH, JUSTICE, REPARATION AND NON-REPETITION (CSTJRN), Article 7, Likewise, the consequences of such violations are more serious when committed against women or when it comes to victims belonging to the most vulnerable groups, subject to special protection, and who deserve reparation and special protection, including villages of indigenous, communities of Afro-descendant and other ethnically distinct groups, peasants, the poor, disabled, displaced people and refugees, girls, boys and adolescents, LGBTI people and elderly people.

Pages 58-60, Article, 5.1.3.5. Collective return processes for people in displacement situation, and reparation of victims living abroad,

Collective processes of return of displaced persons and compensation to victims overseas:

The National Government, in development of this Agreement and in the context of the end of the conflict, will launch on the one hand collective programs on the return and relocation of persons in a situation of displacement with a territorial and gender specific approach, and on the other hand put in place return plans which will assist victims outside Colombia and strengthen their connection with the implementation of other components of the policy of redress of victims at the territorial level, in particular the collective reparations programs and for the restitution of the land, and with the implementation of the agreement called "Toward a new Colombian field: comprehensive rural reform", in cases where it is appropriate to do so.

To that end, measures will be implemented to guarantee individual or collective returns and relocations under conditions of safety, dignity, and voluntariness, which will take into account the following elements: 28

- Identification of territories. The return and relocation plans will be prioritized in the same areas where RDPTAs will be implemented and other territories in which plans for collective reparation are to be developed, and in coordination with land restitution

Social class No specific mention.

Gender

Women, girls and gender

[Summary: The agreement provides for forms of transitional justice, and throughout calls for a 'gender differentiated' approach to the implementation of the measures to be adopted. The text below is not an exhaustive list of women, girls and gender references of the agreement. See the full details in the gender sub-categories in the PA-X Women.]

Page 3, Untitled Preamble:

The armed conflict, which has multiple causes, has caused suffering and harm to the population unparalleled in our history. Millions of Colombian men and women are victims of forced displacement, there have been hundreds of thousands of deaths, tens of thousands of missing persons of all kinds and a large number of collectives and affected populations throughout the length and width of the territory, including peasant communities, indigenous, Afro-Colombian, black, palenquero, raizal, and Rom, political parties, social and trade union movements, guilds economic, among others. Without forgetting other forms of less visible but no less painful victimization, such as sexual violence, psychological effects, or even the presence of fear.

Page 5, 5.1. Comprehensive System for Truth, Justice, Reparation and Non-Repetition:

The Comprehensive System has a differentiated and gender-based approach, which is designed to respond to the particular characteristics of victimization in each territory and each population, and in particular to the needs of women and children.

Page 5-6, 5.1. Comprehensive System for Truth, Justice, Reparation and Non-Repetition, Goals:

In summary, the different measures and mechanisms of the Comprehensive System should contribute to the fulfillment of the following purposes:

...

Territorial, differentiated and gender-based approach, through the differentiated treatment of territories and populations, in particular of women and boy and girl victims, and of the most deprived and most vulnerable populations and collective groups, that are most affected by the conflict.

Page 8, 5.1.1.1 Commission for the Clarification of Truth, Coexistence and Non-Repetition:

The Commission must fulfill three fundamental objectives, which as a whole contribute to the non-Repetition of the conflict:

In the first place, the Commission shall contribute to the clarification of what happened, in accordance with the elements of the mandate as described later, and offer a substantive explanation of the complexity of the conflict, in such a way as to promote a shared understanding in society, in particular of the least-known aspects of the conflict, as the impact of the conflict on children and adolescents and gender-based violence, among other matters.

Page 9, 5.1.1.1 Commission for the Clarification of Truth, Coexistence and Non-Repetition:

And thirdly, the Commission should promote coexistence in the territories, in the understanding that coexistence is not a matter of simple sharing of the same social and political space, but involves the creation of an environment that allows the transformative peaceful resolution of conflicts and the construction of the broadest culture of respect and tolerance in democracy. This will promote an atmosphere of dialogue and create spaces in which the dignity of victims will be restored, individual and collective recognition of responsibility will take place, and in general the respect and confidence of citizens in each other, cooperation and solidarity, social justice, gender equity, and a democratic culture that fosters tolerance, promotes the good life, free us from indifference to the problems of others, will be consolidated. The Commission shall contribute to the construction of a peace based on the truth, the knowledge and

Men and boys

Gender→Men and boys→Gender neutral wording

Page 3, Untitled Preamble,

... The armed conflict, which has multiple causes, has caused suffering and harm to the population unparalleled in our history. Millions of Colombian men and women are victims of forced displacement, there have been hundreds of thousands of deaths, tens of thousands of missing persons of all kinds and a large number of collectives and affected populations throughout the length and width of the territory, including peasant communities, indigenous, Afro-Colombian, black, palenquero, raizal, and Rom communities, political parties, social and trade union movements, economic guilds, among others. Without forgetting other forms of less visible but no less painful victimization, such as sexual violence, psychological effects, or even the presence of fear. ...

Pages 6-7, Article 5.1. Comprehensive System of Truth, Justice, Reparation and Non-repetition,

... •Territorial, gender and differential approach, through the differentiated treatment of territories and populations, in particular of women and boy and girl victims, and of the most deprived and most vulnerable populations and collective groups, that are most affected by the conflict. ...

Page 10, Article 5.1.1.1. Commission for the Clarification of Truth, Coexistence and Non-repetition,

...The Commission will develop an appropriate differential and gender approach that allows evidencing the differential forms in which the conflict affected women, children, adolescents, young people and older adults, to persons in situations of disability, to indigenous peoples, to peasant communities, to Afro-Colombian, black, palenquero and raizal populations, to the population LGBTI, to displaced persons and exiled, [women and men] defenders of human rights, trade unionists, journalists, and women and men farmers, traders and businessmen/women, among others. This should also contribute to the Colombian society's understanding of the specific ways in which the conflict reproduced historical mechanisms of discrimination and gender stereotypes, as a critical first step to having a more just and inclusive society. ...

Page 12, Article 5.1.1.1.2. Mandate,

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• The human and social impact of the conflict on the society, including the impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected women, boys, girls, children, adolescents, youth and the elderly, people with disabilities, indigenous peoples, peasant communities, Afro-Colombian, black, palenquero and raizal populations, the LGBTI population, displaced and exiled persons, the [women and men] defenders of human rights, trade unionists, journalists, and women and men farmers, traders and businessmen/women and entrepreneurs, among others. ...

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LGBTI

Gender→LGBTI→LGBTI (positive)

Page 10, Article 5.1.1.1. Commission for the Clarification of Truth, Coexistence and Non-repetition,

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Page 16, Article 5.1.1.1.4. Functions,

... •To ensure the mainstreaming of a gender approach in the entire scope of the work of the Commission, with the creation of a working group on gender that can contribute specific tasks of a technical nature, including but not limited to research, preparation of hearings on gender. This working group will not be the only one to address gender, but shall take responsibility for the review of methodologies for all the work of the Commission as regards a gender approach and coordinate with women's organizations and LGBTI. The foregoing is without prejudice to the necessary autonomy of the Commission in the definition of its structure and methodology of work. ...

Page 24, I. BASIC PRINCIPLES OF THE JUSTICE COMPONENT OF THE COMPREHENSIVE SYSTEM OF TRUTH, JUSTICE, REPARATION AND NON-REPETITION (CSTJRN), Article 7, Likewise, the consequences of such violations are more serious when committed against women or when it comes to victims belonging to the most vulnerable groups, subject to special protection, and who deserve reparation and special protection, including villages of indigenous, communities of Afro-descendant and other ethnically distinct groups, peasants, the poor, disabled, displaced people and refugees, girls, boys and adolescents, LGBTI people and elderly people.

Page 66, Article 5.2. Commitment with the promotion, respect and guarantee of human rights,

...The end of the conflict is the best opportunity to achieve the rights of victims to truth, justice, reparation and non-repetition, and generally ensure the full realization of human rights for everyone, including women, children, adolescents, young and elderly people, persons with disabilities, indigenous peoples, peasant, Afro-Colombian populations, black, Palenqueras and Raizales, the LGBTI population and defenders of human rights, trade unionists, journalists, farmers, ranchers, traders and businessmen and -women; which also implies the adoption of affirmative action measures to fully guarantee the rights of those who have been most affected by the conflict. Peace as a fundamental right of all citizens is a necessary condition for the exercise and enjoyment of all other

Family

Pages 18-20, Article 5.1.1.2. Unit for the Search of Missing Persons in the context and due to the conflict,

The National Government and the FARC-EP agree that in order to establish what happened to people reported as missing as a result of actions carried out by State Agents, members of the FARC-EP or any organization that has participated in the conflict, and thus to help meet the victims' rights to truth and reparation, the National Government will put in operation - within the framework of the end of conflict and after the signing of the Final Agreement -, a high-level special unit of exceptional and transitory nature, to include participation of victims, to search for all missing persons in the context and due to the armed conflict (hereinafter UBPD). This unit will be of a humanitarian nature and will be part of the Comprehensive System of Truth, Justice, Reparation and Non-repetition. It will have the necessary independence and administrative and financial autonomy to ensure it can function during the period of fulfillment of its duties.

The UBPD will direct, coordinate and contribute to the implementation of humanitarian operations under the SIVJNR in particular to search and locate missing persons who are alive, and in cases of death, if possible identify and ensure the dignified return of the remains of persons missing due to the armed conflict.

Whether located or not, the UBPD will deliver an official report to the families, with information obtained on what happened to the person or persons reported as disappeared.

...

- To promote inter-institutional coordination on guidance and psycho-social care for the families of those persons missing in the context and due to the armed conflict. ²⁸

...

...

- To ensure whenever possible the dignified return of remains of those persons who are missing due to the armed conflict to their families, while respecting different ethnic and cultural traditions. ...²⁹

Page 47, III.- PROCEDURE, BODIES AND SANCTIONS OF THE JUSTICE COMPONENT OF THE CSTJNR, Article 72,

... In the event the conduct occurred before the signing of the Final Agreement, it will be sent to the Chamber of Acknowledgment to be dealt with; in such a situation extradition is always prohibited. If the alleged conduct occurred after the signing of the Final Agreement, it will be sent to the competent authority for its investigation and sentencing in Colombia, without excluding the possibility of extradition.²⁸

As regards conducts committed prior to the signing of a final agreement, if there exists a request for extradition regarding family members up to the second degree of relationship and the first degree of affinity, of members of the FARC-EP or of a person accused of belonging to that organization, it can be submitted to the Section of Review of the Peace Tribunal so that it can decide if the request relating to the family member whose extradition is being requested is motivated by facts or conducts related to the membership, or accusation of membership of the FARC-EP. Where this is the reason and the claim or accusation relate to conducts that have never been a reason for extradition requests before, or which do not meet the requirements for it, the Section can deny the extradition and in this case decide if the fact or the conduct is competence of the CSTJNR or if it should be investigated and judged by ordinary criminal jurisdiction. A case such as this should be submitted to the Review Section by any of the former members of the FARC-EP who signed the Final Peace Agreement. ...

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society	[Summary: As the agreement's aim is to address the victims of the conflict, references to victims, victims' organizations and their inclusion in the peace process are made throughout the document. All bodies created under the Comprehensive System of Truth, Justice, Reparation and Non-repetition offer channels for victims' participation and also with regard to the re-integration of former fighters and reparations the affected communities are considered a central and active part. Furthermore, the Unit for the Search of Missing Persons in the context and due to the conflict will be structured and staffed with the advice of the International Committee of the Red Cross, and the International Commission on Missing Persons. The National Episcopal Conference and the support of the Interchurch Dialogue for Peace will support the organization of public events of acknowledgement.]
Traditional/ religious leaders	<p>Page 4, Untitled Preamble, ... Simultaneously, we expanded the mechanisms of participation. More than 3.0000 victims participated in four forums in Colombia, organized by the United Nations and the National University, and sixty victims traveled to Havana to give direct testimony at the Conversation Table and offer their recommendations, supported by the Episcopal Conference, the United Nations and the National University. On top of that, the 17 thousand proposals, sent to the Conversation Table by the victims and other citizens through different means. All the proposals that we received from the victims were crucial to reaching the agreements. ...</p> <p>Page 53, Article 5.1.3.1. Timely measures for the acknowledgment of collective responsibilities, ... All collective acts will be formal, public and solemn, and will be held both at a national level and in the territories, for which the National Episcopal Conference, with the support of the Interchurch Dialogue for Peace, DIPAZ (Acronym in Spanish) and other churches will be invited to coordinate these events, directly consulting the victims ´ and human rights organizations, among others. The coordinators should encourage acts that meet the expectations of victims and communities, empower them, prevent further victimization, and contribute to laying the foundations on which to promote peaceful coexistence and guarantees of non-repetition. ...</p>
Public administration	No specific mention.
Constitution	No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general

Page 2,

Consequently, the state has the duty to promote and protect all human rights and fundamental freedoms, and it is every citizen's duty not to violate the human rights of their fellow citizens. The infringements of economic, social and cultural rights that might have occurred within the framework of the conflict shall be taken into account for purposes of compensation, considering the principles of universality, equality and progressiveness.

Page 46, III.- PROCEDURE, BODIES AND SANCTIONS OF THE JUSTICE COMPONENT OF THE CSTJNR.

72. Extradition shall not be allowed nor will any measures aimed to protect the possibility of extradition regarding facts or conducts covered by the System, caused by or occurred during the internal armed conflict or on the occasion of it until its end, whether these constitute crimes eligible for amnesty or not so eligible, and especially for no political offence, of rebellion or related to the mentioned, whether committed inside or outside of Colombia.

Page 59, 5.1.3.5. Collective return processes for people in displacement situation, and reparation of victims living abroad.

- Strengthening of communitarian defenders: The Government will take the necessary measures to strengthen the communitarian defenders program, and particularly its functions of protection and promotion of human rights, for them to effectively accompany the processes of land restitution

Pages 65-66, 5.2. Commitment with the promotion, respect and guarantee of human ... The National Government on behalf of the Colombian State reiterates its commitment to the protection of human rights and to those who work for this cause. It is the duty of the Colombian State to promote, protect, respect and guarantee human rights, including economic, social, cultural and environmental, with a differentiated and gender approach in accordance with the principles of equality and progressiveness, and the guarantee of the right to peace, especially in those areas most affected by the conflict.

...

The end of the conflict context will ensure a culture of legality, the free debate of ideas, the effective participation of citizens and their organizations in decision-making, respect for those who think differently and for those who exercise opposition, the intensification of the culture of human rights, protection of cultural diversity and autonomy

Bill of rights/similar No specific mention.

Treaty incorporation

Page 1, Untitled Preamble, Article 4,
Participation of victims: The debate on the satisfaction of the rights of victims of serious human rights violations and International Humanitarian Law infractions during the conflict necessarily requires the participation of victims by various means and at different moments.

Pages 5-6, Article 5.1. Comprehensive System of Truth, Justice, Reparation and Non-repetition,
... The Comprehensive System is based on the principle of acknowledgment of the victims as citizens with rights; the acknowledgment that there should exist full Truth as regards what happened; the principle of acknowledgment of responsibility by all those who participated in a direct or indirect way in the conflict and were involved in some way in serious human rights violations and serious breaches of International Humanitarian Law; the principle of satisfaction of the rights of the victims with regard to truth, justice, reparation and non-repetition, on the basis of no-exchange of impunity, taking into account also the basic principles of the Special Jurisdiction for Peace, one of which provides that “the caused harm should be repaired and restored whenever possible”.

...
International experience shows that the effectiveness of these measures is increased if applied in a connected and complementary way. Therefore the System is intended to be comprehensive, so that the measures achieve maximum justice and accountability for violations of human rights violations and the breaches of international humanitarian law that occurred during the conflict. The comprehensiveness of the System should also contribute to the establishment of truth about the conflict and the construction of historical memory.

We consider that a broad and genuine response to the rights of victims -in the framework of the implementation of all other agreements, which also guarantee their rights- provides a foundation for justice.

To meet that end, and advance the fight against impunity, the Comprehensive System combines judicial mechanisms that allow investigation and punishment of serious human rights violations and serious breaches of International Humanitarian Law, as provided for by the Special Jurisdiction for Peace, with complementary extra-judicial mechanisms that contribute to clarifying the truth of what happened, searching for missing loved ones and repairing the damage caused to individuals, groups and entire territories. ...

Page 8, Article 5.1. Comprehensive System of Truth, Justice, Reparation and Non-repetition,

... • Special Jurisdiction for Peace: This will consist of a number of justice Chambers, including a Chamber of Amnesty and Pardon, and a Peace Tribunal, to administer justice and investigate, clarify, prosecute and punish those responsible for serious human rights violations and serious breaches of International Humanitarian Law. ...

Page 13, Article 5.1.1.1.2. Mandate;

The mandate of the Commission is to clarify and promote the recognition of:

- Practices and acts that constitute serious human rights violations and serious breaches of International Humanitarian Law, particularly those that reflect patterns or have a large-scale nature and that occurred in the context of the conflict. This will include consideration of the complexity of the contexts and the territorial dynamics in which those violations and breaches occurred. ²⁹

...

Page 17, Article 5.1.1.1.5. Selection process: ²⁹

...The selection will be based exclusively on the nominations, and the election shall take into account individual selection criteria such as ethics and integrity, the impartiality

Civil and political rights

Human rights and equality→Civil and political rights→Equality

Page 2 Untitled Preamble, Article 10,

Rights perspective: Any agreement we reach on the items of the Agenda and in particular the 5th item "Victims" should contribute to the protection and guarantee of the effective enjoyment of the rights of all. Human rights are inherent to all human beings in an equal way, which means they belong to humans just by virtue of being one. Therefore, the recognition of human rights is not a concession, they are universal, indivisible and interdependent and must be considered in a comprehensive, just and equitable way. Consequently, the state has the duty to promote and protect all human rights and fundamental freedoms, and it is every citizen's duty not to violate the human rights of their fellow citizens. The infringements of economic, social and cultural rights that might have occurred within the framework of the conflict shall be taken into account for purposes of compensation, considering the principles of universality, equality and progressiveness.

Page 7, 5.1. Comprehensive System of Truth, Justice, Reparation and Non-repetition, Goals,

Coexistence and reconciliation, by building trust in each other through the positive transformation brought by the peace agreements within society, especially through the acknowledgment of the victims, recognition and establishment of responsibilities, and in general by the acknowledgment by the whole society of the need to seize this opportunity to build a better future based on social justice, respect and tolerance.'

Page 10, Article 5.1.1.1. Commission for the Clarification of Truth, Coexistence and Non-repetition,

... Third, the Commission should promote coexistence in the territories, in the understanding that coexistence is not a matter of simple sharing of the same social and political space, but involves the creation of an environment that allows the transformative peaceful resolution of conflicts and the construction of the broadest culture of respect and tolerance in democracy. This will promote an atmosphere of dialogue and create spaces in which the dignity of victims will be restored, individual and collective recognition of responsibility will take place, and in general the respect and confidence of citizens in each other, cooperation and solidarity, social justice, gender equity, and a democratic culture that fosters tolerance, promotes the good life, free us from indifference to the problems of others, will be consolidated. The Commission shall contribute to the construction of a peace based on the truth, the knowledge and recognition of a bloody past that must be overcome. ...

Page 11, Article 5.1.1.1.1. Guiding criteria,

Centrality of victims: The Commission's efforts will be focused on ensuring the participation of the victims of the conflict, assuring their honouring and contributing to the satisfaction of their right to the truth in particular and of their rights to justice, comprehensive reparation and guarantees of non-repetition in general, paying due regard to pluralism and equality. All of the above should also contribute to the transformation of their living conditions.

...

Page 65, Article 5.2. Commitment with the promotion, respect and guarantee of human rights,

... The National Government on behalf of the Colombian State reiterates its commitment to the protection of human rights and to those who work for this cause. It is the duty of the Colombian State to promote, protect, respect and guarantee human rights, including economic, social, cultural and environmental, with a differentiated and gender approach in accordance with the principles of equality and progressiveness, and the guarantee of the right to peace, especially in those areas most affected by the conflict

Socio-economic rights No specific mention.

Rights related issues

Citizenship

No specific mention.

Democracy

Page 10, Article 5.1.1.1. Commission for the Clarification of Truth, Coexistence and Non-repetition,

... Third, the Commission should promote coexistence in the territories, in the understanding that coexistence is not a matter of simple sharing of the same social and political space, but involves the creation of an environment that allows the transformative peaceful resolution of conflicts and the construction of the broadest culture of respect and tolerance in democracy. This will promote an atmosphere of dialogue and create spaces in which the dignity of victims will be restored, individual and collective recognition of responsibility will take place, and in general the respect and confidence of citizens in each other, cooperation and solidarity, social justice, gender equity, and a democratic culture that fosters tolerance, promotes the good life, free us from indifference to the problems of others, will be consolidated. The Commission shall contribute to the construction of a peace based on the truth, the knowledge and recognition of a bloody past that must be overcome. ...

Page 13, Article 5.1.1.1.2. Mandate,

... • The impact of the conflict on the exercise of politics and on the functioning of democracy as a whole, including the impact on political and social movements and parties, particularly the opposition. ...

Pages 64-65, Article 5.1.4. Guarantees of non-repetition,

... The guarantee of rights, including economic, social, cultural and environmental rights of rural people by implementing the Comprehensive Rural Reform intended to contribute to their well-being and good living conditions; strengthening the exercise of political rights, promoting a culture of democracy and human rights and guarantees for reconciliation, coexistence, tolerance and non-stigmatization, and guarantees for mobilization and social protest, by implementing the Democratic Opening for Peace-building; the measures to protect and guarantee the rights of the population living in areas affected by illicit crops and contribute to overcoming poverty, marginalization and weak institutional presence by implementing agreed programs and measures for the Solution to the Problem of Illicit Drugs and the effective prosecution of criminal organizations and networks linked to drug trafficking at the national and regional level; and the measures agreed at Point 5 "Victims" and Point 3 "End of Conflict", respond primarily to a logic of non-repetition of the conflict and guarantee of human rights of all. The Government reiterates its commitment to the implementation of the agreements. ...

Pages 65-66, Article 5.2. Commitment with the promotion, respect and guarantee of human rights,

... In the new scenario of peace-building and democratic opening, citizen participation and the exercise of rights will help achieving the rights of all, beyond its simple enunciation.

...

The commitment of respect and promotion of human rights in the process of reconciliation that will take place as part of the achievement of peace implies the acknowledgment of the need to advance public policies to promote a political, democratic and participative culture of respect for human rights. Besides, this commitment implies respect for cultural and ethnic diversity. ...

Page 67, Article 5.2.1. Strengthening of the mechanisms of promotion of human rights,

... • Strengthening of the process of implementing the National Education Plan for Human Rights, through, among other matters: ²⁸

The incorporation of the Final Agreement and the final report of the Commission for the Clarification of Truth, Coexistence and Non-repetition into the National Education Plan for Human Rights. ²⁹

Coordination with the programs to promote a democratic and participatory political

Detention procedures	No specific mention.
Media and communication	<p>Rights related issues→Media and communication→Media roles</p> <p>Page 15, Article 5.1.1.1.4. Functions,</p> <p>... • To implement a strategy for dissemination, pedagogy and communication with the media to report about the advances and developments of the fulfillment of the functions of the Commission during its operation, designed to ensure the broadest possible participation. The Government will adopt the necessary measures for the Commission to have a broad access to public media. The final report, in particular should have the broadest and most accessible distribution possible, including the development of cultural and educative initiatives, such as the promotion of exhibitions or inclusion in the educational curriculum. In addition, the conclusions of the Commission must be taken into account by the National Museum of Memory. ...</p>
Mobility/access	<p>Page 43, III.- PROCEDURE, BODIES AND SANCTIONS OF THE JUSTICE COMPONENT OF THE CSTJRN, Article 60,</p> <p>... To fulfil the reparative and restorative functions of the punishment, the punishments of the SJP that will be imposed on those who acknowledge truth and responsibility before the Chamber of Acknowledgment, regarding certain very serious offences, will have a minimum duration of five years and a maximum duration of eight years. They will include effective restrictions of freedom and rights, such as freedom of residence and movement that are necessary for its execution, and should also ensure non- repetition. ...</p> <p>Page 49, Article I.- Sanctions applicable to persons that comprehensively acknowledge truth in the Chamber for the Acknowledgment of Truth and Responsibilities, The sanctions inherent to the system, according to the established by article 60, are of a restorative and reparative nature, as are restrictions of rights, such as the freedom of residence and mobility. The sanctions must guarantee non-repetition.²⁸</p> <p>...</p> <p>Page 68, Article 5.2.3. Prevention and protection of human rights,</p> <p>... • In accordance with the agreed within the point of Political Participation, the necessary measures and policy adjustments will be undertaken to provide full guarantees for mobilization and social protest, as part of the constitutional right to freedom of expression, assembly and opposition, favoring dialogue and civility in dealing with these kind of activities. ²⁹</p> <p>...</p>

Protection measures

Rights related issues→Protection measures→Protection of groups

Page 2,

These principles were taken into account throughout the discussion in the development of Point 5 – Victims, and should be used to assist its implementation:

7. Guarantees for protection and security. Protecting the life and personal integrity of the victims is the first step towards the satisfaction of other rights.

..

10. Rights perspective: Any agreement we reach on the items of the Agenda and in particular the 5th item "Victims" should contribute to the protection and guarantee of the effective enjoyment of the rights of all.

Page 23, SPECIAL JURISDICTION FOR PEACE I. BASIC PRINCIPLES OF THE JUSTICE COMPONENT OF THE COMPREHENSIVE SYSTEM OF TRUTH, JUSTICE, REPARATION AND NON-REPETITION (CSTJNR)

2. The goals of the justice component of the Comprehensive System of Truth, Justice, Reparation and Non Repetition – from now on CSTJNR- are to satisfy the right of victims to justice, offer truth to the Colombian society, protect the rights of victims,

Page 24, SPECIAL JURISDICTION FOR PEACE I. BASIC PRINCIPLES OF THE JUSTICE COMPONENT OF THE COMPREHENSIVE SYSTEM OF TRUTH, JUSTICE, REPARATION AND NON-REPETITION (CSTJNR)

7. Likewise, the consequences of such violations are more serious when committed against women or when it comes to victims belonging to the most vulnerable groups, subject to special protection, and who deserve reparation and special protection, including villages of indigenous, communities of Afro-descendant and other ethnically distinct groups, peasants, the poor, disabled, displaced people and refugees, girls, boys and adolescents, LGBTI people and elderly people.

Pages 38-39, III.- PROCEDURE, BODIES AND SANCTIONS OF THE JUSTICE COMPONENT OF THE CSTJNR.

51 (b) To decide the measures of protection applicable to victims, witnesses and others who are part of the proceedings.

52....

In the event that sentences of the Sections violate fundamental rights of a victim with direct and legitimate interest, he/she can apply for protection by filing of an appeal before the Section of Appeals, which must be resolved within 10 days.

Page 41,

52 (f) At the request of the Investigation and Indictment Unit, to adopt protective and precautionary measures to ensure the proper conclusion of the process.

Page 67, • 5.2.2. Strengthening protection mechanisms work performed by human rights defenders and their organizations

On the other hand, the National Government, recognizing the work of human rights defenders, commits to help strengthen organizations in defense of human rights, particularly those working in rural settings as part of the already agreed in Point 2 regarding the guarantees for social organizations and movements, security guarantees, recognition and non-stigmatization; and to maintain a permanent dialogue with them to address their reports, diagnoses and recommendations. To this end and within the framework of the agreement on point 2 "Political participation", a protocol for comprehensive protection will be developed in concert with the organizations of human rights defenders, including those who do their work in a rural context.

Rights related issues→Protection measures→Other

Page 50, I.- Sanctions applicable to persons that comprehensively acknowledge truth in the Chamber for the Acknowledgment of Truth and Responsibilities:

A. - Rural areas.

... 2. Participation/Execution in/of programs for the protection of the environment in reserve areas.

Page 30 of 50

Page 66, 5.2. Commitment with the promotion, respect and guarantee of human

the overcoming of poverty, environmental protection and territorial approach in the

Other No specific mention.

Rights institutions

NHRI Rights institutions→NHRI→Mentions of NHRI
Pages 67-68, Article 5.2.1. Strengthening of the mechanisms of promotion of human rights,
... •Strengthening of the information system on the situation of human rights taking into account the progress of the National Human Rights System. ...

Pages 67-68, Article 5.2.3. Prevention and protection of human rights,
•Design, development and implementation of a National Human Rights Plan with the effective participation of the organizations of human rights defenders and social organizations and movements that, taking into account the different existing policies, allow to fit the needs of a scenario of peace building.
...
•Creation of an advisory committee convened by the Ombudsman to advise and make recommendations to the National Government, to State institutions and human rights organizations, on matters of human rights and peace. The Ombudsman and representatives of human rights organizations will agree its composition and functioning.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 15, Article 5.1.1.1.4. Functions,
... • To implement a strategy for dissemination, pedagogy and communication with the media to report about the advances and developments of the fulfillment of the functions of the Commission during its operation, designed to ensure the broadest possible participation. The Government will adopt the necessary measures for the Commission to have a broad access to public media. The final report, in particular should have the broadest and most accessible distribution possible, including the development of cultural and educative initiatives, such as the promotion of exhibitions or inclusion in the educational curriculum. In addition, the conclusions of the Commission must be taken into account by the National Museum of Memory. ...

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights	<p>Land, property and environment→Land reform/rights→Property return and restitution Pages 60-61, Article 5.1.3.6. Land restitution measures, With the purpose of boosting and strengthening land restitution processes in an end-of-conflict context and, furthermore, ensuring the articulation of the land restitution processes with the collective reparation processes, development programs with a territorial approach, as well as with other plans and programs resulting from the implementation of the Final Agreement, we have agreed that:</p> <ul style="list-style-type: none">• The application of the land restitution policy will comply to the technical criteria relating to the historical intensity of dispossession and conditions for the return, considering the recommendations concerning territorial focusing made by victims' organizations and experts, among other matters. The territorial entities must participate actively in the implementation of the restitution policy and contribute to the very formulation of the territorial development plans giving comprehensive attention to the populations to benefit from the restitution processes, including attention to investments in infrastructure and public services. 28• The population that will benefit from the restitution processes will receive technical and financial support for the reconstruction of their life projects and strategies to generate income, strategies for the substitution of the illicit use of crops, strategies for recovery and reconstruction of social fabric; and strengthening of the organizational processes and the construction of historical memory for reconciliation. 29• The information resulting from the inscriptions in the registry of forcibly despoiled and abandoned lands and the subsequent sentences referring to land restitution, will be included in the Registry of Victims in order to harmonize the registration and the access to the different measures of reparation.
Pastoralist/ nomadism rights	No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Tangible

Page 15, Article 5.1.1.1.4. Functions,

... • To implement a strategy for dissemination, pedagogy and communication with the media to report about the advances and developments of the fulfillment of the functions of the Commission during its operation, designed to ensure the broadest possible participation. The Government will adopt the necessary measures for the Commission to have a broad access to public media. The final report, in particular should have the broadest and most accessible distribution possible, including the development of cultural and educative initiatives, such as the promotion of exhibitions or inclusion in the educational curriculum. In addition, the conclusions of the Commission must be taken into account by the National Museum of Memory. ...

Land, property and environment→Cultural heritage→Promotion

Page 20, Article 5.1.1.2. Unit for the Search of Missing Persons in the context and due to the conflict,

... • To ensure whenever possible the dignified return of remains of those persons who are missing due to the armed conflict to their families, while respecting different ethnic and cultural traditions. ...

Page 50, LIST OF SANCTIONS, Article I.- Sanctions applicable to persons that comprehensively acknowledge truth in the Chamber for the Acknowledgment of Truth and Responsibilities,

... The project may include, amongst others, the following work, tasks or activities, which must not be incompatible with public State policies on the matter, provided that the previous are in accordance with the ethnic and cultural traditions and customs of the communities.

Page 53, Article 5.1.3.4.2 Psycho-social rehabilitation plan for coexistence and non-repetition,

... - Restoration and generation of social, cultural, artistic, recreational and sports activities related to the interchange between citizens, and to the coexistence of communities. ...

Page 66, Article 5.2. Commitment with the promotion, respect and guarantee of human rights,

... The end of the conflict context will ensure a culture of legality, the free debate of ideas, the effective participation of citizens and their organizations in decision-making, respect for those who think differently and for those who exercise opposition, the intensification of the culture of human rights, protection of cultural diversity and autonomy, encouraging the peaceful resolution of conflicts, strengthening access to justice in conditions of equality, social inclusion, welfare and good living conditions of the population, social justice, the overcoming of poverty, environmental protection and territorial approach in the implementation of public policies. ...

Land, property and environment→Cultural heritage→Other

Page 15, Article 5.1.1.1.4. Functions,

... • These spaces may include public forums for discussion and reflection or cultural ceremonies, so that those who participated directly or indirectly in the conflict may carry out acts of acknowledgment of responsibility and appeal for forgiveness, in its various dimensions, both for the damage the suffering caused to the people, and for the political and social impact of their actions. These forums will be used to provide explanations relating to events, contribute to reparation, make commitments of non-repetition and peace building. In this way, they should contribute to truth and peaceful coexistence throughout the land. ...

Environment

Page 50, LIST OF SANTICTIONS, A. Rural Areas, Article 2,
Participation/Execution in/of programs for the protection of the environment in reserve areas.

Page 51, LIST OF SANTICTIONS, A. Rural Areas, Article 8,
Participation/Execution in/of programs for environmental recovery of areas affected by illicit crop cultivation.

Pages 54-55, Article 5.1.3.2. Concrete measures to contribute to reparation,
... The FARC-EP commits to the re-incorporation process to civilian life and, as part of this process, to carry out actions that contribute to reparation for any harmed caused, which may include, participation in infrastructure reconstruction projects in those territories most affected by the conflict, involvement in cleaning and decontamination programs to remove anti-personnel mines (APM), improvised explosive artifacts (IEA) and unexploded ordnance (UXO) or explosive remnants of war (ERW), participation in programs for the substitution of the illicit use of crops, contribution with the searching, location, identification and recovery of remains of the persons reported as missed or dead during and within the context of the conflict, and participation in environmental restoration programs such as reforestation.

The National Government and the FARC-EP invite those who have participated directly or indirectly in the conflict and caused harm, to participate with concrete reparation actions within the framework of the Comprehensive System.

Pages 64-65, Article 5.1.4. Guarantees of non-repetition,
... The guarantee of rights, including economic, social, cultural and environmental rights of rural people by implementing the Comprehensive Rural Reform intended to contribute to their well-being and good living conditions; strengthening the exercise of political rights, promoting a culture of democracy and human rights and guarantees for reconciliation, coexistence, tolerance and non-stigmatization, and guarantees for mobilization and social protest, by implementing the Democratic Opening for Peace-building; the measures to protect and guarantee the rights of the population living in areas affected by illicit crops and contribute to overcoming poverty, marginalization and weak institutional presence by implementing agreed programs and measures for the Solution to the Problem of Illicit Drugs and the effective prosecution of criminal organizations and networks linked to drug trafficking at the national and regional level; and the measures agreed at Point 5 "Victims" and Point 3 "End of Conflict", respond primarily to a logic of non-repetition of the conflict and guarantee of human rights of all. The Government reiterates its commitment to the implementation of the agreements. ...

Page 66, Article 5.2. Commitment with the promotion, respect and guarantee of human rights,
... The end of the conflict context will ensure a culture of legality, the free debate of ideas, the effective participation of citizens and their organizations in decision-making, respect for those who think differently and for those who exercise opposition, the intensification of the culture of human rights, protection of cultural diversity and autonomy, encouraging the peaceful resolution of conflicts, strengthening access to justice in conditions of equality, social inclusion, welfare and good living conditions of the population, social justice, the overcoming of poverty, environmental protection and territorial approach in the implementation of public policies. ...

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees

Page 2, Untitled Preamble, Article 7,
Guarantees for protection and security. Protecting the life and personal integrity of the victims is the first step towards the satisfaction of other rights. 28

Page 12, Article 5.1.1.1. Guiding criteria,
... Security conditions: The Commission will assess the security conditions needed for the development of its activities and will coordinate with the State authorities as regards the implementation of the necessary security measures, both for the commissioners and for those who participate in the activities of the Commission. ...

Page 44, III.- PROCEDURE, BODIES AND SANCTIONS OF THE JUSTICE COMPONENT OF THE CSTJNR, Article 62,
The places where the sanctions will be implemented will be monitored as well as having in place security and surveillance to ensure the life and physical integrity of the sentenced persons. Any movement of the person in order to carry out compliance with the punishment will be monitored by a national or international body agreed by the parties. The removal of sanctioned people must be compatible with the enforcement of the sanctions.
Within the justice component of the CSTJNR, a body will be created to verify compliance with the sanctions. This body will also grant the necessary authorizations for displacements that are not compatible with the compliance of the sanction.

Page 59, Article 5.1.3.5. Collective return processes for people in displacement situation, and reparation of victims living abroad,
... 28

- Security in the territories in order to return: In the areas prioritized for the implementation of return and relocation plans, the Government will establish the necessary security measures to guarantee the life and personal integrity of the communities, counting in any case, with their participation. ...

Page 67, Article 5.2.2. Strengthening protection mechanisms work performed by human rights defenders and their organizations, 28
On the other hand, the National Government, recognizing the work of human rights defenders, commits to help strengthen organizations in defense of human rights, particularly those working in rural settings as part of the already agreed in Point 2 regarding the guarantees for social organizations and movements, security guarantees, recognition and non-stigmatization; and to maintain a permanent dialogue with them to address their reports, diagnoses and recommendations. To this end and within the framework of the agreement on point 2 "Political participation", a protocol for comprehensive protection will be developed in concert with the organizations of human rights defenders, including those who do their work in a rural context. ...

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR

Security sector→DDR→DDR programmes

Pages 29-30, II.- CONTENT, SCOPE AND LIMITS OF THE GRANTING OF AMNESTY AND PARDON, AS WELL AS OTHER SPECIAL TREATMENTS, Article 38,

According to this provision, the political and related offences committed as part of rebellion by the persons that are part of rebel groups with whom a peace agreement is being signed, will be granted amnesty or pardon. Respecting matters agreed to in the Final Agreement and in the present document, regulations on amnesty will determine in a clear and precise way the offences that will be eligible for amnesty or pardon and the criteria for related offences. Membership of a rebel group will be determined by a list, previously handed over by the relevant group, according to what has been established by the parties for its verification. Political and related crimes can include, for example, rebellion, sedition, military uprising, as well as illegal possession of weapons, death in combat compatible with International Humanitarian Law, and agreement to commit an offence to the purpose of rebellion and other related offences. The same criteria for amnesty or pardon will be applied to persons who are investigated or punished for the offence of rebellion or related offences, without requiring them to self-identify as rebels. Before the entry into force of the Final Agreement, the following issues will be coordinated: decommissioning of arms and the re-incorporation of the FARC-EP to civil life, the entry into force of the justice component of the CSTJRN and the effective access to amnesty. In the case of the FARC-EP, participation in the CSTJRN will be subject to leaving down arms according to the agreed in point 3.2 of the General Agreement for the termination of the conflict and the construction of a stable and lasting peace of August 26, 2012.

Page 50, Article I.- Sanctions applicable to persons that comprehensively acknowledge truth in the Chamber for the Acknowledgment of Truth and Responsibilities, ... The sanctions will be executed, as far as the FARC-EP is concerned, in coordination with the agreed on leaving aside arms and re-incorporating FARC-EP to civil life. ...

Pages 54-55, Article 5.1.3.2. Concrete measures to contribute to reparation, ... The FARC-EP commits to the re-incorporation process to civilian life and, as part of this process, to carry out actions that contribute to reparation for any harmed caused, which may include, participation in infrastructure reconstruction projects in those territories most affected by the conflict, involvement in cleaning and decontamination programs to remove anti-personnel mines (APM), improvised explosive artifacts (IEA) and unexploded ordnance (UXO) or explosive remnants of war (ERW), participation in programs for the substitution of the illicit use of crops, contribution with the searching, location, identification and recovery of remains of the persons reported as missed or dead during and within the context of the conflict, and participation in environmental restoration programs such as reforestation.

The National Government and the FARC-EP invite those who have participated directly or indirectly in the conflict and caused harm, to participate with concrete reparation actions within the framework of the Comprehensive System.

Page 56, 5.1.3.3.2 Plans for collective reparation with a territorial approach, ... • Coexistence and reconciliation measures: Measures aimed at addressing harm caused in the social fabric and promoting coexistence within communities including victims, former members of paramilitary organizations, members of the FARC-EP in process of re-incorporation to civilian life, and others who might have had some participation in the conflict. Also, measures to build and strengthen trust between public authorities and communities. ...

Page 57, Article 5.1.3.4.2 Psycho-social rehabilitation plan for coexistence and non-repetition,

By establishing the peaceful relations of trust between the public authorities and

**Intelligence
services**

No specific mention.

**Parastatal/rebel
and opposition
group forces**

[Summary: For DDR provisions please see 'DDR' category.]

Page 13, Article 5.1.1.1.2. Mandate:,

... • Collective responsibilities of the State – including the Government and the rest of public authorities-, of the FARC-EP, of the paramilitaries, and of any other group, organization or institution –national or international- that had any participation in the conflict with respect to the practices and facts referred to in the previous paragraph. ...

Page 16, Article 5.1.1.1.5. Selection process,

The Commission will be composed of 11 commissioners. Selection will be by way of a selection procedure that offers guarantees of legitimacy, impartiality and independence to the whole Colombian society and particularly to the victims. The nomination process will be broad and pluralist, ensuring that all sectors of society, including but not limited to victims, will be able to nominate candidates.

The commissioners will be elected by a selection committee. This committee will be composed by 9 members. The government and the FARC-EP, will select 6 members of the committee by mutual agreement through a mechanism to be agreed. The remaining members will be the delegates of 3 persons or organizations to be agreed in the negotiations. Every member of the selection committee must inspire confidence in citizens. ...

Pages 18-19, Article 5.1.1.2. Unit for the Search of Missing Persons in the context and due to the conflict,

The National Government and the FARC-EP agree that in order to establish what happened to people reported as missing as a result of actions carried out by State Agents, members of the FARC-EP or any organization that has participated in the conflict, and thus to help meet the victims' rights to truth and reparation, the National Government will put in operation - within the framework of the end of conflict and after the signing of the Final Agreement -, a high-level special unit of exceptional and transitory nature, to include participation of victims, to search for all missing persons in the context and due to the armed conflict (hereinafter UBPD). This unit will be of a humanitarian nature and will be part of the Comprehensive System of Truth, Justice, Reparation and Non-repetition. It will have the necessary independence and administrative and financial autonomy to ensure it can function during the period of fulfillment of its duties. ...

Page 24, SPECIAL JURISDICTION FOR PEACE, I. BASIC PRINCIPLES OF THE JUSTICE COMPONENT OF THE COMPREHENSIVE SYSTEM OF TRUTH, JUSTICE, REPARATION AND NON-REPETITION (CSTJRN), Article 10,

After the hostilities end, amnesty for the rebels will be conditioned on the termination of the rebellion of the respective armed organizations and on the accomplishment of the matters established by the Final Agreement, without undermining the provisions of point 23 and 27. What constitutes 'termination of rebellion' in order to have access to amnesty or pardon will be defined in the Final Agreement.

Page 26, II.- CONTENT, SCOPE AND LIMITS OF THE GRANTING OF AMNESTY AND PARDON, AS WELL AS OTHER SPECIAL TREATMENTS, Article 23,

When hostilities come to an end, according to IHL, the Colombian State can grant an amnesty "as broad as possible". To the rebels who belong to organizations that have subscribed to a final peace agreement, as specified in article 10, as well as to those persons who have been accused or condemned for political or related offences through orders handed down by justice, the broadest possible amnesty will be granted, respecting the principles established in the present document, according to the provisions of article 38.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs

Page 14, Article 5.1.1.1.2. Mandate,

... • The relationship between the conflict and the illicit use of crops, production and commercialization of illicit drugs, and money-laundering deriving from the phenomenon of drug trafficking. The processes of strengthening of the social fabric in communities, and the experiences of collective or individual resilience within communities. ...

Page 49, LIST OF SANCTIONS, Article I.- Sanctions applicable to persons that comprehensively acknowledge truth in the Chamber for the Acknowledgment of Truth and Responsibilities,

... This present list enumerates sanctions designed in relation to compliance with the reached agreements, among others, I. Comprehensive Rural Reform, II. Political Participation and IV. Replacement and eradication of illicit crops, which form part of the dialogue's agenda. In addition, sanctions for damage caused to children, women and other affected individuals will be incorporated. This addresses the need for reparation and restoration for victims of the armed conflict to the greatest extent possible. ...

Page 51, LIST OF SANCTIONS, Article I.- Sanctions applicable to persons that comprehensively acknowledge truth in the Chamber for the Acknowledgment of Truth and Responsibilities, A. - Rural areas, Article 7, Participation/Execution in/of programs for the substitution of illicit crop cultivation.

Page 51, LIST OF SANCTIONS, Article I.- Sanctions applicable to persons that comprehensively acknowledge truth in the Chamber for the Acknowledgment of Truth and Responsibilities, A. - Rural areas, Article 8, Participation/Execution in/of programs for environmental recovery of areas affected by illicit crop cultivation.

Page 51, LIST OF SANCTIONS, Article I.- Sanctions applicable to persons that comprehensively acknowledge truth in the Chamber for the Acknowledgment of Truth and Responsibilities, A. - Rural areas, Article 9, Participation/Execution in/of programs for the construction and improvement of road infrastructure needed for the commercialization of agricultural products in zones of illicit crop substitution.

Pages 54-55, Article 5.1.3.2. Concrete measures to contribute to reparation,
... The FARC-EP commits to the re-incorporation process to civilian life and, as part of this process, to carry out actions that contribute to reparation for any harm caused, which may include, participation in infrastructure reconstruction projects in those territories most affected by the conflict, involvement in cleaning and decontamination programs to remove anti-personnel mines (APM), improvised explosive artifacts (IEA) and unexploded ordnance (UXO) or explosive remnants of war (ERW), participation in programs for the substitution of the illicit use of crops, contribution with the searching, location, identification and recovery of remains of the persons reported as missed or dead during and within the context of the conflict, and participation in environmental restoration programs such as reforestation.

The National Government and the FARC-EP invite those who have participated directly or indirectly in the conflict and caused harm, to participate with concrete reparation actions within the framework of the Comprehensive System.

Page 60, Article 5.1.3.6. Land restitution measures,

... • The population that will benefit from the restitution processes will receive technical and financial support for the reconstruction of their life projects and strategies to generate income, strategies for the substitution of the illicit use of crops, strategies for recovery and reconstruction of social fabric; and strengthening of the organizational processes and the construction of historical memory for reconciliation. ²⁹

Terrorism No specific mention.

Transitional justice No specific mention.
general

Amnesty/pardon

Transitional justice→Amnesty/pardon→Amnesty/pardon proper

Page 8,

... • Special Jurisdiction for Peace: This will consist of a number of justice Chambers, including a Chamber of Amnesty and Pardon, and a Peace Tribunal, to administer justice and investigate, clarify, prosecute and punish those responsible for serious human rights violations and serious breaches of International Humanitarian Law. ...

Page 24, I. BASIC PRINCIPLES OF THE JUSTICE COMPONENT OF THE COMPREHENSIVE SYSTEM OF TRUTH, JUSTICE, REPARATION AND NON-REPETITION (CSTJRN), Article 10, After the hostilities end, amnesty for the rebels will be conditioned on the termination of the rebellion of the respective armed organizations and on the accomplishment of the matters established by the Final Agreement, without undermining the provisions of point 23 and 27. What constitutes 'termination of rebellion' in order to have access to amnesty or pardon will be defined in the Final Agreement.

Page 24, I. BASIC PRINCIPLES OF THE JUSTICE COMPONENT OF THE COMPREHENSIVE SYSTEM OF TRUTH, JUSTICE, REPARATION AND NON-REPETITION (CSTJRN), Article 11, With regard to cases that are not eligible for amnesty or pardon, it will be necessary to define the legal situation and set out the sanctions stated in the CSTJRN, when all the components of the CSTJRN have become operational.

Page 26, II.- CONTENT, SCOPE AND LIMITS OF THE GRANTING OF AMNESTY AND PARDON, AS WELL AS OTHER SPECIAL TREATMENTS, Article 23,

When hostilities come to an end, according to IHL, the Colombian State can grant an amnesty "as broad as possible". To the rebels who belong to organizations that have subscribed to a final peace agreement, as specified in article 10, as well as to those persons who have been accused or condemned for political or related offences through orders handed down by justice, the broadest possible amnesty will be granted, respecting the principles established in the present document, according to the provisions of article 38.

Page 27, II.- CONTENT, SCOPE AND LIMITS OF THE GRANTING OF AMNESTY AND PARDON, AS WELL AS OTHER SPECIAL TREATMENTS, Article 24,

The Constitution allows the granting of amnesty or pardon for the offence of rebellion and other political and related offences.

Page 27, II.- CONTENT, SCOPE AND LIMITS OF THE GRANTING OF AMNESTY AND PARDON, AS WELL AS OTHER SPECIAL TREATMENTS, Article 25,

There are offences that are not eligible for amnesty or pardon, according to articles 40 and 41 of this document. Crimes against humanity cannot receive amnesty nor other crimes proscribed in the Rome Statute.

Page 27, II.- CONTENT, SCOPE AND LIMITS OF THE GRANTING OF AMNESTY AND PARDON, AS WELL AS OTHER SPECIAL TREATMENTS, Article 26,

It is necessary to provide a clear description of those crimes eligible for amnesty or pardon and those that are not, for the purpose of legal certainty. To that end, the regulations for amnesty that will be adopted will respect the principles established in the present document of creation of the SJP. When determining the conducts that are eligible for amnesty or pardon, a principle of acting favorably towards the proposed recipient of the amnesty or pardon, in cases where international law does not establish a clear prohibition of amnesty or pardon regarding the conducts the rebels, or other accused persons are charged with. The 'principle of favorability' will be applied to all those to whom the SJP applies. Page 46 of 50

Page 27, II.- CONTENT, SCOPE AND LIMITS OF THE GRANTING OF AMNESTY AND PARDON

Courts

Transitional justice→Courts→National courts

The Special Jurisdiction for Peace (SJP) is designed to be the justice component of the Comprehensive System of Truth, Justice, Reparation and Non Repetition (CSTJRN). The CSTJRN in its functioning should focus on making an end to impunity. Its primary aim is to satisfy the right of the victims to justice and offer truth to the Colombian society and thereby contribute to a sustainable peace. The SJP is a special jurisdiction to carry out judicial functions autonomously, primarily regarding serious breaches of International Human Rights Law or International Humanitarian Law. It is going to enter into force within the terms established in the Final Agreement. Among the basic principles guiding the SJP is a strong focus on women and child victims, as well as other vulnerable groups (poor, disabled, indigenous or elderly people). The SJP is a special jurisdiction to carry out judicial functions autonomously, primarily regarding serious breaches of International Human Rights Law or International Humanitarian Law. Therefore, its legal reference frameworks mainly include International Human Rights Law (IHRL) and International Humanitarian Law (IHL).

For detailed provisions on ‘amnesty’ please see entry in amnesty category.

The SJP will have jurisdiction over all those cases related to the armed conflict, even if the accused are not members of the armed rebel organizations. For conducts committed within, as a result of and in direct or indirect relationship with the armed conflict, the SJP will prevail over other criminal, disciplinary or administrative decisions. In addition, it will also have competence over financing or collaboration with paramilitary groups and State agents who may have committed crimes related to the armed conflict and within its context. Existing regulations on persons who have exercised the Presidency of the Republic will not be modified with the creation of the SJP. Where peaceful protests, the defense of human rights or the leadership of civil society groups had been punished, a mechanism of special treatment will be able to extinguish responsibility.

Procedure, Bodies and Sanctions of the SJP

The SJP will consist of the following bodies:

- Chamber of Acknowledgment of Truth, Responsibility and establishment of facts and conducts,
- Peace Tribunal,
- Chamber for Amnesty or Pardon,
- Chamber for the Definition of legal situations (for those cases not dealt by the definitions or other cases that hadn’t been foreseen)
- Investigation and Indictment Unit (satisfying the right of the victims to justice when there has been no collective or individual acknowledgment of responsibility).

The Chamber of Acknowledgment of Truth’s task will be to decide whether the cases fall within the competence of the SJP. To achieve this, it will be in close cooperation with various national justice bodies and civil organizations. Acknowledgment of truth and responsibility for the performance of acts can be made individually or collectively, orally or by letter sent to the Chamber of recognition of truth and responsibility, within one year from the Chamber has been inaugurated.

The Chamber of Amnesty and Pardon will apply special legal treatments for crimes that are eligible for amnesty or pardon, taking into account the recommendations of the Chamber for the Acknowledgment of Truth and Responsibility and the Establishment of facts.

The task of the Chamber for the Definition of legal situations will be to define the legal situation of those accessing the SJP, primarily those who cannot be granted amnesty or pardon and those who cannot be held accountable before the Tribunal, to be granted amnesty or pardon.

The Investigation and Indictment Unit’s function is to investigate (and charge) before the Peace Tribunal in cases when there has been no collective or individual acknowledgment of responsibility. It will also deal with cases that have been sent by the Chamber for the

Mechanism

[Summary: The entire agreement provides for mechanisms dealing with the past. It primarily explains the setup of the Comprehensive System of Truth, Justice, Reparation and Non Repetition. The Comprehensive System of Truth, Justice, Reparation and Non Repetition (CSTJNR) shall be based on the principle of acknowledgement of the victims' rights and that there should exist full truth on what happened during the armed conflict. The different mechanisms and measures of the Comprehensive System of Truth, Justice, Reparation and Non-repetition agreed by the National Government and the FARC-EP have the overarching goal of contributing to the prevention and guarantee of non-repetition of the violations and the conflict itself, by guaranteeing human rights and fighting impunity. Responsibility should be established for serious human rights violations and breaches of International Humanitarian Law during the conflict as well as repairing the harm that had been caused. The CSTJNR shall combine judicial mechanisms in form of the Special Jurisdiction for Peace and extra-judicial mechanisms, contributing to clarifying the truth. In addition to the Special Jurisdiction for Peace, judicial mechanisms will be created, such as a unit for the investigation and dismantling of criminal organizations (including paramilitarism). The Comprehensive System will be based on a gender approach, responding in particular to the victimization of women and children. (For references to those groups please see corresponding categories.)] The outset goals of the CSTJNR are: Accountability, non-repetition, a territorial, gender and differential approach, legal security, coexistence and reconciliation and legitimacy. Its components encompass:

- Commission for the Clarification of Truth, Coexistence and Non-repetition

The commission will be put into force with the adoption of the Final Agreement. It will be extra-judicial and independent. The three main goals of the commission shall be the clarification of what happened during the conflict, the contribution to recognition and the promotion of coexistence. It will be guided by the following criteria: The centrality of the victims, impartiality and independence, a transitory character, participation, a territorial and gender-specific approach, the coordination with other peace building measures, coexistence and reconciliation. The commissioners will be exempted from the obligation to report crimes and their opinions and conclusions will not be judicially questioned. Prior to commencing its work, the Commission will establish procedures that ensure the due guarantees and a fair, dignified and non-discriminatory treatment of those who participate in it. The commission's mandate encompasses - among other - acts constituting serious human rights violations and breaches of International Humanitarian Law, collective responsibilities of State authorities and other groups and institutions. The time period under study is limited to the period of the conflict and the commission itself is of temporary nature.

The commissions functions include (among other) the investigation of elements of its mandate, the creation of national and regional spaces (such as public forums), the establishment of relations with victims' organizations and the preparation of a final report. The Commission will be composed of 11 commissioners who will be selected by a selection committee, composed by members from the government and the FARC-EP. The Commission will work for 3 years and a monitoring committee shall be set up to monitor the implementation of the recommendations of the Commission.

- Special Jurisdiction for Peace (for details see further down)
- Guarantees of non-repetition

The Special Jurisdiction for Peace (SJP) is designed to be the justice component of the Comprehensive System of Truth, Justice, Reparation and Non Repetition (CSTJNR). The CSTJNR in its functioning should focus on making an end to impunity. Its primary aim is to satisfy the right of the victims to justice and offer truth to the Colombian society and thereby contribute to a sustainable peace. The SJP is a special jurisdiction to carry out judicial functions autonomously, primarily regarding serious breaches of International

Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	[Summary: The aim of this agreement is to provide redress for the victims of the Colombian armed conflict. To place the victims in the center of the resolution of the conflict, a Comprehensive System of Truth, Justice, Reparation and Non Repetition shall be created. For a detailed summary please see 'transitional justice mechanism'.]
Missing persons	<ul style="list-style-type: none"> • Special unit for the search for missing persons in the context and due to the armed conflict <p>The Special Unit will direct, coordinate and contribute to the implementation of humanitarian operations under the CSTJNR in particular to search and locate missing persons who are alive, and in cases of death, if possible identify and ensure the dignified return of the remains of persons missing due to the armed conflict. Its nature is humanitarian and extra-judicial. Among its functions are the provision of a detailed report to the relatives, the dignified return of remains and the promotion of inter-institutional coordination on guidance and psycho-social care for the families. The Special Unit will coordinate its actions with the Commission for the Clarification of Truth, Coexistence and Non-repetition and it will have a director, who must be Colombian.</p>
Reparations	<p>Transitional justice→Reparations→Material reparations</p> <p>[Summary: The aim of this agreement is to provide redress for the victims of the Colombian armed conflict. To place the victims in the center of the resolution of the conflict, a Comprehensive System of Truth, Justice, Reparation and Non Repetition shall be created. For a detailed summary please see 'transitional justice mechanism'.]</p> <ul style="list-style-type: none"> • Comprehensive reparation measures for peace-building
Reconciliation	[Summary: The term 'reconciliation' is mentioned numerous times throughout the agreement, als reconciliation is among the aims of the agreement. For a detailed summary please see 'transitional justice mechanism'.]

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source <http://colombiapeace.org/official-documents/>
