Country/entity	Colombia
Region	Americas
Agreement name	Political Constitution of Colombia
Date	1 Jul 1991
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 - comprehensive
Conflict nature	Government
Peace process	Colombia I - Gaviria
Parties	National Constituent Assembly (Political Parties, Guerrilla Groups, Civil Society, Indigenous peoples)

Third parties	-
Description	New Constitution emerging from National Constituent Assembly, which involved political parties, civil society, indigenous peoples, and political reps of guerilla groups.

Agreement document	CO_1991_PoliticalConstitution.pdf (opens in new tab) | Download PDF

Women, girls and gender

Participation

Participation→Effective participation
Page 7, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 40:
Any citizen has the right to participate in the establishment, exercise, and control of political power. To make this decree effective the citizen may:
... 7. Agree to undertake public functions and responsibilities, except for those Colombian citizens, native-born or naturalized, who hold dual citizenship. An Act shall spell out this exception and shall determine the cases where they apply.
The authorities shall guarantee the adequate and effective participation of women in the decision-making ranks of the public administration.
Participation→Citizenship
Page 7, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 40:
Any citizen has the right to participate in the establishment, exercise, and control of political power. To make this decree effective the citizen may:
... 7. Agree to undertake public functions and responsibilities, except for those Colombian citizens, native-born or naturalized, who hold dual citizenship. An Act shall spell out this exception and shall determine the cases where they apply.
The authorities shall guarantee the adequate and effective participation of women in the decision-making ranks of the public administration.

Page 21, TITLE III. ON THE POPULATION AND THE TERRITORY CHAPTER I. ON NATIONALITY, ARTICLE 96
The following are Colombian nationals:
1. By birth:
a. Colombian natives, upon one of two conditions: that the father or the mother have been Colombian natives or nationals or that, being children of aliens, either parent was domiciled in the Republic at the time of birth; and,
b. The children of a Colombian father or mother born abroad who have later established their domicile in the Colombian territory or registered in a consular office of the Republic.
Participation→Other
Page 26, TITLE IV. ON DEMOCRATIC PARTICIPATION AND POLITICAL PARTIES, CHAPTER II. ON POLITICAL PARTIES AND POLITICAL MOVEMENTS, Article 108:
...
The internal by-laws of the political parties and movements shall determine the matters of conscience to
which this regime does not apply and may establish sanctions for the disregard of their guidelines by
members of the parliamentary groups which shall comprise various levels up to the expulsion from the
party and may include the loss of voting rights as member of Congress, Deputy, Councillor or
alderman/alderwoman (edil) for the remainder of the term for which the person concerned was elected.

Page 32-33, TITLE VI. ON THE LEGISLATIVE BRANCH, CHAPTER I. ON ITS COMPOSITION AND FUNCTIONS, ARTICLE 134:
…
There shall be no temporary absence, with the exception of women who stay away from due to maternity leave. The resignation of a member of a popularly elected body once he or she has been formally involved in criminal proceedings for crimes committed in Colombia or abroad in relation to membership in, promotion or funding of illegal armed groups, drug-trafficking, or crimes against the system of democratic participation or against humanity, shall entail the loss of his/her status as member of Congress, deputy,

Equality

Equality→Equality (general)
Page 3, TITLE II. ON RIGHTS, GUARANTEES, AND DUTIES CHAPTER I. ON FUNDAMENTAL RIGHTS, ARTICLE 13:
All individuals are born free and equal before the law, shall receive equal protection and treatment from the authorities, and shall enjoy the same rights, freedoms, and opportunities without any discrimination on account of gender, race, national or family origin, language, religion, political opinion, or philosophy.
The State shall promote the conditions so that equality may be real and effective and shall adopt measures in favor of groups that are discriminated against or marginalized. The State shall especially protect those individuals who on account of their economic, physical, or mental condition are in obviously vulnerable circumstances and shall sanction the abuses or ill-treatment perpetrated against them.

Page 24, CHAPTER II. ON POLITICAL PARTIES AND POLITICAL MOVEMENTS
ARTICLE 107:
...
The political parties and movements shall organize themselves democratically and shall have as their guiding principles transparency, objectivity, morality, the equality of sexes, and the duty to present and disseminate their political programs.
Equality→Social equality
Page, 13, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 53:
The Congress shall issue a labor statute. The appropriate law shall take into account at least the following minimal fundamental principles:
Equality of opportunity for workers; minimum essential and flexible remuneration proportional to the amount and quality of work; stability in employment; irrevocability of minimum benefits established in labor regulations; options to negotiate about and reconcile uncertain and arguable rights; a situation more favorable to the worker in case of doubt in the application and interpretation of the formal bases of the law; the primacy of facts over established formalities in issues of labor relations; guarantees to social security, training, instruction, and necessary rest; special protection of women, mothers, and minor-age workers.

Particular groups of women

Particular groups of women→Pregnancy/maternity

Page 7-8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS,
ARTICLE 43 Women and men have equal rights and opportunities. Women cannot be subjected to any type of discrimination. During their periods of pregnancy and following delivery, women shall benefit from the special assistance and protection of the State and shall receive from the latter food subsidies if they should thereafter find themselves unemployed or abandoned. The State shall support the female head of household in a special way.

Page 32-33, TITLE VI. ON THE LEGISLATIVE BRANCH, CHAPTER I. ON ITS COMPOSITION AND FUNCTIONS, ARTICLE 134: … There shall be no temporary absence, with the exception of women who stay away from due to maternity leave. The resignation of a member of a popularly elected body once he or she has been formally involved in criminal proceedings for crimes committed in Colombia or abroad in relation to membership in, promotion or funding of illegal armed groups, drug-trafficking, or crimes against the system of democratic participation or against humanity, shall entail the loss of his/her status as member of Congress, deputy, councillor or alderman/alderwoman and shall not result in his/her replacement by the next candidate on the list. Temporary absence does not give rise to replacement.

Particular groups of women→Other

Page 7-8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 43:
Women and men have equal rights and opportunities. Women cannot be subjected to any type of discrimination. During their periods of pregnancy and following delivery, women shall benefit from the special assistance and protection of the State and shall receive from the latter food subsidies if they should thereafter find themselves unemployed or abandoned.
The State shall support the female head of household in a special way.

Page 32-33, TITLE VI. ON THE LEGISLATIVE BRANCH, CHAPTER I. ON ITS COMPOSITION AND FUNCTIONS, ARTICLE 134:
…
There shall be no temporary absence, with the exception of women who stay away from due to maternity leave. The resignation of a member of a popularly elected body once he or she has been formally involved in criminal proceedings for crimes committed in Colombia or abroad in relation to membership in, promotion or funding of illegal armed groups, drug-trafficking, or crimes against the system of democratic participation or against humanity, shall entail the loss of his/her status as member of Congress, deputy, councillor or alderman/alderwoman and shall not result in his/her replacement by the next candidate on the list. Temporary absence does not give rise to replacement.

International law

International law→General IHRL, IHL and IL

Page 7, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 42
The family is the basic nucleus of society. It is formed on the basis of natural or legal ties, through the free decision of a man and woman to contract matrimony or through the responsible resolve to comply with it.

New institutions

No specific mention.

Violence against women	Violence against women→Sexual violence Page 8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 44: The following are basic rights of children: life, physical integrity, health and social security, a balanced diet, their name and citizenship, to have a family and not be separated from it, care and love, instruction and culture, recreation, and the free expression of their opinions. They shall be protected against all forms of abandonment, physical or moral violence, sequestration, sale, sexual abuse, work or economic exploitation, and dangerous work. They shall also enjoy other rights upheld in the Constitution, the laws, and international treaties ratified by Colombia. Page 60-61, CHAPTER VII. ON THE PUBLIC FORCE, ARTICLE 221: ... The military or police criminal justice system shall not have jurisdiction over crimes against humanity, and crimes of genocide, forced disappearances, extrajudicial executions, sexual violence, torture, or forced displacement. Police, Martial or Military Tribunals shall have jurisdiction only over violations of international humanitarian law committed by members of the public force, except in the offenses mentioned above.
Transitional justice	No specific mention.

Institutional reform Institutional reform→Constitution-making/reform

[Summary] This constitution contains references providing for a reform on women's issues including treaty incorporation, rights protection etc.

Institutional reform→Emergency/criminal law/corruption reform

Page 60-61, CHAPTER VII. ON THE PUBLIC FORCE, ARTICLE 221:

...

The military or police criminal justice system shall not have jurisdiction over crimes against humanity, and crimes of genocide, forced disappearances, extrajudicial executions, sexual violence, torture, or forced displacement. Police, Martial or Military Tribunals shall have jurisdiction only over violations of international humanitarian law committed by members of the public force, except in the offenses mentioned above.

Institutional reform→Police

Page 60-61, CHAPTER VII. ON THE PUBLIC FORCE, ARTICLE 221:

...

The military or police criminal justice system shall not have jurisdiction over crimes against humanity, and crimes of genocide, forced disappearances, extrajudicial executions, sexual violence, torture, or forced displacement. Police, Martial or Military Tribunals shall have jurisdiction only over violations of international humanitarian law committed by members of the public force, except in the offenses mentioned above.

Institutional reform→DDR, army, parastatal or rebel forces

Page 60-61, CHAPTER VII. ON THE PUBLIC FORCE, ARTICLE 221:

...

The military or police criminal justice system shall not have jurisdiction over crimes against humanity, and crimes of genocide, forced disappearances, extrajudicial executions, sexual violence, torture, or forced displacement. Police, Martial or Military Tribunals shall have jurisdiction only over violations of international humanitarian law committed by members of the public force, except in the offenses mentioned above.

Institutional reform→Public administration

Page 26, TITLE IV. ON DEMOCRATIC PARTICIPATION AND POLITICAL PARTIES, CHAPTER II. ON POLITICAL PARTIES AND POLITICAL MOVEMENTS, Article 108:

The internal by-laws of the political parties and movements shall determine the matters of conscience to which this regime does not apply and may establish sanctions for the disregard of their guidelines by members of the parliamentary groups which shall comprise various levels up to the expulsion from the party and may include the loss of voting rights as member of Congress, Deputy, Councillor or alderman/alderwoman (edil) for the remainder of the term for which the person concerned was elected.

Page 93, TITLE XI. ON THE TERRITORIAL ORGANIZATION, CHAPTER IV. ON THE SPECIAL REGIME, ARTICLE 322:

...

In each of the localities there shall be an administrative board, popularly elected for periods of four (4) years, which shall be composed of no fewer than seven aldermen/ alderwomen, in accordance with the determination of the District Council made on the basis of the respective population.

Development	Development→Health (general) Page 8, CHAPTER II. ON SOCIAL, ECONOMIC, AND CULTURAL RIGHTS, ARTICLE 44 The following are basic rights of children: life, physical integrity, health and social security, a balanced diet, their name and citizenship, to have a family and not be separated from it, care and love, instruction and culture, recreation, and the free expression of their opinions. They shall be protected against all forms of abandonment, physical or moral violence, sequestration, sale, sexual abuse, work or economic exploitation, and dangerous work. They shall also enjoy other rights upheld in the Constitution, the laws, and international treaties ratified by Colombia.
Implementation	No specific mention.
Other	No specific mention.