

<b>Country/entity</b>	Colombia
<b>Region</b>	Americas
<b>Agreement name</b>	Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace
<b>Date</b>	24/11/2016
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	No
<b>Agreement/conflict level</b>	Intrastate/intrastate conflict ( Colombian Conflict (1964 - ) )
<b>Stage</b>	Framework/substantive - comprehensive (Agreement)
<b>Conflict nature</b>	Government
<b>Peace process</b>	101: Colombia V - Santos
<b>Parties</b>	National Government of Colombia FARC-EP (Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo)
<b>Third parties</b>	Republic of Cuba and from the Kingdom of Norway Bolivarian Republic of Venezuela and the Republic of Chile
<b>Description</b>	This is the Final Agreement reached between the National Government of Colombia and the FARC-EP, in order to end the armed conflict and build a stable and lasting peace. The Agreement was first reached and signed on 24 August 2016, but was put to a referendum which narrowly failed to succeed, leading to revisions of the agreement and this version being signed as the final version. The agreement is only entered once, this being its final iteration.

The Agreement is composed in 6 parts, which were negotiated as separate agreements and then all agreed as a whole:

1. Towards a New Colombian Countryside: Comprehensive Rural Reform (p. 10-33)
2. Political Participation: A democratic opportunity to build peace (p. 34-56)
3. En of the Conflict (p. 57-103)
4. Solution to the Illicit Drugs Problem (p. 104-131)
5. Agreement regarding the Victims of the Conflict: "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence", including the Special Jurisdiction for Peace; and Commitment to Human Rights (p. 132-203)
6. Implementation, verification and public endorsement (p. 204-231)

There is also a final part of Protocols and Annexes (p. 232-322) mainly related to the Ceasefire agreement and the Amnesty Law, including a draft of the latter.

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**Agreement document** [Colombian Peace Agreement English Translation.pdf](#) []

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**Agreement document  
(original language)** [Map of Chapter Provisions for Colombia Peace Agreement .pdf](#) []

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## Groups

**Children/youth** [Rhetorical](#)  
Page 2, Preamble

Considering that the sum of the accords of which the new Final Agreement is composed, contributes to ... the rights of boys, girls and adolescents...

Page 3, Preamble

Emphasising that the new Final Agreement places special emphasis on the fundamental rights .... girls, boys and adolescents...

Page 6, Introduction

The conclusion of hostilities will first and foremost represent the end of the enormous suffering that the conflict has caused. Millions of Colombians, men and women alike, have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of communities have been affected in one way or another throughout the length and breadth of the country, including... adolescents...

Page 9, Introduction

We, the delegations of the National Government and the FARC-EP, reiterate our profound gratitude to all victims, social and human rights organisations, communities, including... young people..

Chapter 2

Page 42, 2.2. Democratic mechanisms for citizen participation, including those concerning direct participation, at various levels and in various subject areas

...

Through legal and technical assistance, support for the creation and consolidation of social movements and organisations. Notwithstanding the principle of equality, support will be given in the form of extraordinary measures to ... young people ...

Chapter 3

Page 81, 3.4.2. National Political Pact:

The country's desire to achieve a stable and long-lasting peace is based on the recognition of the need to overcome the armed conflict. The National Government and the new political movement that emerges from the transition of the FARC-EP to legal political activity undertake to promote a National Political Pact from the regions, with the aid of...young people...

Chapter 5

Page 143, 5.1.1.1.2. Mandate

- The human and social impact of the conflict on society, including its impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected women, children, adolescents, youths...

Page 154, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

7.- In addition, the consequences of such violations are most serious when they are committed against women or when victims belong to the most vulnerable groups, subjects of special protection, who deserve reparations and special protection, including ... children, and adolescents....

Pages 200-201, 5.2. Commitment to the promotion, respect and guarantee of human rights

The end of the conflict constitutes the best opportunity to realise the rights of the victims to truth, justice, reparations and non-recurrence, and in general to ensure the full realisation of the human rights of all, including those of children, adolescents, youths...

Chapter 6

Page 210, 6.1.3. Other measures to contribute to guaranteeing the implementation of the agreements

...

- In the implementation of everything agreed, the best interests of children and adolescents will be guaranteed, as well as their rights and their prevalence over the rights of everyone else.

[Anti-discrimination](#)

Chapter 2

Page 47, 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect

The Council will have the function of advising and monitoring the Government in implementing mechanisms and actions, which are to include:

The promotion of non-stigmatisation of groups in vulnerable circumstances or discriminated against, such as ... young people...

Chapter 6

Page 204, 6. Implementation, verification and public endorsement

General principles for implementation

- Respect for equality and non-discrimination: The implementation of this Agreement shall respect equality in all its aspects and equality of opportunity for everyone in accessing the different plans and programmes provided for in this Agreement, without any form of discrimination. Nothing contained in the Final Agreement shall be understood or interpreted as denying, restricting or infringing the rights of individuals, regardless of their ... age... nor shall it be understood or interpreted as denying, restricting or infringing the right to unhindered development of the personality or the right to freedom of conscience.

[Substantive](#)

Chapter 1

Pages 26-27,

1.3.2.1. Health

- The adoption of an equity- and gender-based approach that takes account of the health requirements of women, in accordance with their life cycle, including measures to address sexual and reproductive health, psychosocial care and the special measures for pregnant women and children in the areas of prevention, health promotion and treatment.

1.3.2.2. Rural education:

with the aim of providing a comprehensive service for early childhood, guaranteeing the coverage, quality and relevance of education, eradicating illiteracy in rural areas, helping the younger generation to remain part of the production sector in the countryside, and promoting involvement in rural development on the part of regional academic institutions, the National Government is to set up and implement the Special Rural Education Plan (Plan Especial de Educación Rural). Implementation of the Plan will take account of the following criteria

...

Improvement of the conditions of access of boys, girls and adolescents to the education system and assistance in enabling them to continue their education, through the provision of free access to materials, textbooks, school meals and transport.

Page 32, 1.3.3.5. Formalisation of the rural labour market and social protection:...

Implementation of the plan will take account of the following criteria:

...

Promoting schemes for protection during pregnancy, childbirth, breast-feeding and health services for newborns...

## Chapter 2

Page 35, 2., Preamble

The National Government and the FARC-EP recognise that:

The promotion not only of political pluralism but also social movements and organisations, particularly of women, young people and other sectors excluded from the exercise of politics and, in general, the democratic debate, requires new forums for dissemination in order that parties, organisations and communities involved in peacebuilding can gain access to space on national, regional and local channels and broadcasters.

## Chapter 3

Pages 75-76, 3.2.2.5. Reincorporation for minors who have left the FARC-EP camps

Minors who have left the camps of the FARC-EP since the beginning of the peace talks as well as those who leave during the process of the laying down of arms shall be the subject of special care and protection measures which will be discussed in the National Reincorporation Council within the framework of the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CMPVI) and which will include the guiding principles that will apply to minors and the guidelines for drawing up the Special Programme in accordance with what is established in Joint Communiqué No. 70 of 15 May 2016 to ensure restitution of their rights with an equity-based approach, prioritising their access to healthcare and education. These minors will be accorded all the rights, benefits and allowances established for the victims of the conflict as well as those deriving from their process of reincorporation in the terms contemplated in this Final Agreement and priority will be given to family reunification wherever possible, and to final placement in homes in their original communities or others of a similar nature, whilst at all times taking into account the best interests of the child.

Follow-up of these programs shall be conducted by the National Reincorporation Council to coordinate with the competent state bodies, with the support of social or specialist organisations charged with carrying out oversight in the terms of Joint Communiqué No. 70. The Special Reincorporation Programme for minors must be prepared by the National Reincorporation Council within a maximum of 15 days from when the Final Agreement is signed, based on the proposal submitted by the technical committee created by means of Joint Communiqué No. 70. When the programme has been approved, the National Government will process the amendments to the rules necessary to guarantee their implementation, always taking into account the best interests of the child and International Humanitarian Law.

The programme must guarantee the full reincorporation of the minor and his or her psycho-social accompaniment, with the oversight of social or specialist organisations in the terms set out in Joint Communiqué No. 70, as well as the location of minors at temporary reception sites in municipalities

near the TLZNs, guaranteeing the right to information for all participants, particularly children and adolescents.

Page 77, 3.2.2.7. Guarantees for a sustainable social and economic reincorporation

- Social programmes or plans In accordance with the results of the socioeconomic census, the plans or programmes necessary to safeguard the fundamental and basic rights of the population that is the subject of the present agreement shall be identified, such as rights to: formal education (primary and secondary, technical and technological, university) and education for work and human development, as well as validation and standardisation of knowledge and skills; housing; culture, recreation and sport; environmental protection and regeneration; psychosocial support; reunification of family units and extended families and elderly persons, including measures for the protection and care of children of members of the FARC-EP in the process of reincorporation.

Page 84, 3.4.3. National Commission on Security Guarantees for the dismantling of criminal organisations....

...

g. It shall plan and draw up strategies, within its jurisdiction, to identify the funding sources and patterns of criminal activity of the organisations and conduct that are the subject of this agreement; among those patterns shall be taken into account those that particularly affect ... children, adolescents ....

Page 87, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts...

...

- As an operating basis, this Unit shall take a multidimensional investigative approach which deals with the entire criminal chain of the organisations and conduct that are the subject of its mandate, including criminal conduct affecting... children and adolescents.

Page 89, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts...

Jurisdiction

The Special Unit:

- Shall implement specialised investigation methodological plans in relation to the most serious acts of victimisation undertaken against ... children, adolescents ...

Chapter 4

Page 105, 4, Preamble

That this new vision involves seeking evidence-based alternatives and providing a different and differentiated treatment to the issue of drug use, the problem of crops used for illicit purposes and organised crime associated with drug trafficking, which unduly exploits young people.

Page 120, 4.1.3.6. Components of the comprehensive plans for the substitution of crops

a. Immediate attention plan and development of rural productive projects

- For the community in general:
  - o Early childhood: in order to facilitate access to employment opportunities for women who are heads of households and to contribute to food security in early childhood, a programme of rural nurseries will be developed in the villages affected by crops used for illicit purposes.
  - o School population: in order to improve the food security of children of school age and maximise the numbers staying in education, a programme to build and fit out school canteens and supply food will be developed to ensure that every child attending school in the territories affected by crops used for

illicit purposes receives breakfast, without prejudice to the agreed in section 1 of the Special Plan for Rural Education, in particular the emergency plans referred to in section 1.3.4 of the Comprehensive Rural Reform, System for the progressive realisation of the right to food.

Page 122, 4.1.3.6. Components of the comprehensive plans for the substitution of crops

f. Timescales, targets and indicators The comprehensive plans for the substitution of crops and alternative agrarian development, like the Agreements, must include timescales for implementation with targets and indicators, including the commitments made by the community, so as to be able to measure the impact of projects on the conditions of well-being of communities – children ... and monitor the plan.

Page 123, 4.2. Public Health and Drug Use Prevention Programmes

Public Health and Drug Use Prevention Programmes Illicit drug use is a multi-causal phenomenon associated with the specific economic, social, family and cultural conditions of the society or environment of each person, and must be treated as a public health issue. The solution requires commitment and collaboration between the authorities, the community and the family, based around a policy of health promotion, prevention, comprehensive care and social inclusion, with particular emphasis on children and adolescents.

Page 124, 4.2.1.1. Principles:

The national policy to tackle illicit drug use will be guided by the following principles:

... • Equity-based and gender-based approach.. This approach should take into account the relationship between illicit drug use and violence against women, especially domestic violence and sexual violence. Measures will be provided for women, and adolescent and young girls. In any case, the actions implemented must respect the ancestral use of the coca leaf by indigenous communities.

Page 126, 4.2.1.4. Participatory action plans with territorial-based and population-focused approach:

These plans shall contain at least

- Actions to support and strengthen youth leadership processes so as to make a positive difference in various situations (schools, clubs, neighbourhoods, etc.).
- Special prevention programmes in educational institutions at different levels, to be extended to urban centres and rural areas, by involving headteachers, teachers, parents, and students, through comprehensive training initiatives.

... • Actions by the Government, families, communities and the education community to protect children and adolescents from consumption of illicit drugs.

## Chapter 5

Page 136., 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, Preamble

The Comprehensive System has an equity-based and gender-based approach, which adapts and responds to the particular characteristics of the victimisation in each territory and each population, and in particular to the needs of women and children.

Page 137, Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, a. Goals,

- Territorial-based, equity-based and gender-based approach, through the differentiated treatment of territories and populations, in particular of women and children victims, and of the most deprived and most vulnerable populations and communities, and therefore those most affected by the conflict.

Page 140, 5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la la Verdad, la Convivencia y la No Repetición)

First, the Commission shall help uncover the truth about what has happened, in accordance with the

aspects of the mandate described below, and offer an extensive explanation of the complexity of the conflict, so as to promote a shared understanding among society, in particular as regards the least known aspects of the conflict, such as the impact of the conflict on children and adolescents ....

...

Throughout its work the Commission will take an appropriate approach to learn about the different ways in which the conflict affected ... children, adolescents... inter alia. This should also help to raise awareness in Colombian society of the specific ways in which the conflict reproduced historical mechanisms of discrimination, as a fundamental first step towards a more just and inclusive society.

Page 161, 5.1.2. Justice

40.- ... forced displacement and the recruitment of minors will all be ineligible for an amnesty or pardon, in every case as established in the Rome Statute.

Pages 182-183, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

LIST OF SANCTIONS.

There are three types of sanction:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility:

... Sanctions relating to harm or injury caused to minors, women and other affected parties are also included, bearing in mind the need for the fullest possible reparations and redress to victims of the armed conflict.

Page 198, 5.1.4. Guarantees of non-recurrence

Secondly, by means of the recognition of what has occurred in the context of the conflict and of the clarification and rejection of the serious violations of human rights and serious breaches of international humanitarian law, including those that have been historically less visible such as those committed against ... children and adolescents...

Pages 220-221, 6.2.3. Safeguards and guarantees

e. In relation to victims of the conflict: "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence"

...

- A special harmonisation programme will be drawn up in collaboration with the representative organisations of the ethnic peoples, for the reincorporation of demobilised individuals belonging to such peoples, who opt to return to their communities, in order to guarantee the restoration of territorial harmony. An educational and communication strategy will be agreed for the dissemination of the principles of non-racial and ethnic discrimination against women, youngsters and girls demobilised from the conflict.

Page 307, APPENDIX I LAW ON AMNESTY, PARDON AND SPECIAL CRIMINAL TREATMENT

CHAPTER III AMNESTIES OR PARDONS GRANTED BY THE JUDICIAL PANEL FOR AMNESTY AND PARDON

a. ... child abduction...

Page 310, APPENDIX I LAW ON AMNESTY, PARDON AND SPECIAL CRIMINAL TREATMENT

CHAPTER IV JURISDICTION AND OPERATION OF THE JUDICIAL PANEL FOR DETERMINATION OF LEGAL SITUATIONS

10. - Decide on waiving criminal prosecution against persons who, having directly or indirectly

participated in the armed conflict as minors ...

Page 311, APPENDIX I LAW ON AMNESTY, PARDON AND SPECIAL CRIMINAL TREATMENT

Article 29. Assessment criteria of the Judicial Panel for Determination of Legal Situations.

Any persons to whom the crimes committed in the context of and due to the armed conflict may be subject to the decisions mentioned in this chapter, provided that they do not constitute: 1. ...child abduction....

Pages 317-318, APPENDIX I LAW ON AMNESTY, PARDON AND SPECIAL CRIMINAL TREATMENT

SECTION II MECHANISMS FOR DIFFERENTIATED SPECIAL PROCEEDINGS FOR AGENTS OF THE STATE

Article 45....

This mechanism is not appropriate in the case of: 1. ... abduction of minors...

Article 46....

When the foregoing has been established, the Judicial Panel will order a waiver of criminal prosecution provided that the conduct in question does not constitute ... abduction of minors...

Page 319,

...

Article 50.

The beneficiaries of temporary, conditional, early release. Agents of the state that meet the following requirements will be considered as beneficiaries of transitional, conditional early release: 1. They must have been convicted or tried for punishable acts committed due to, during, or directly or indirectly related to, the armed conflict. 2. The acts in question must not constitute ... abduction of minors...

Page 321,

Article 55. Beneficiaries of Imprisonment in a Military or Police Unit for members of the Military of the Police Forces. Members of the Military or the Police Forces who, at the moment when this law comes into effect, have been imprisoned for less than five (5) years will, in accordance with the provisions established for alternative sanctions in the Special Jurisdiction for Peace, continue to be imprisoned in a Military or Police Unit provided that they comply with the following concurrent requirements: ... 2. The crimes in question consist of ... abduction of minors

## **Disabled persons**

[Rhetorical](#)

Page 3, Preamble

Emphasising that the new Final Agreement places special emphasis on the ... the essential rights of persons with disabilities ....

CHAPTER 3

Page 81, 3.4.2. National Political Pact:

The country's desire to achieve a stable and long-lasting peace is based on the recognition of the need to overcome the armed conflict. The National Government and the new political movement that emerges from the transition of the FARC-EP to legal political activity undertake to promote a National Political Pact from the regions, with the aid of... disabled people...

Chapter 4

Page 124, 4.2.1.1. Principles Equity-based and gender-based approach: against a background of respect for human rights, to ensure the actions to tackle drug use implemented actually meet the needs of users and are effective and sustainable, it is necessary to identify vulnerability factors



associated ... disability status

## CHAPTER 5

Page 140, 5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición)

Throughout its work the Commission will take an appropriate approach to learn about the different ways in which the conflict affected women, children, adolescents, youths and the elderly, persons with disabilities

Pages 143-144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

The human and social impact of the conflict on society, including its impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected ... persons with disabilities...

Page 154, 5.1.2. Justice

### SPECIAL JURISDICTION FOR PEACE

#### I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

7.- In addition, the consequences of such violations are most serious when they are committed against women or when victims belong to the most vulnerable groups, subjects of special protection, who deserve reparations and special protection, including ...the disabled...

Pages 200, 5.2. Commitment to the promotion, respect and guarantee of human rights

The end of the conflict constitutes the best opportunity to realise the rights of the victims to truth, justice, reparations and non-recurrence, and in general to ensure the full realisation of the human rights of all, including those of ... persons with disabilities,

#### [Anti-discrimination](#)

#### Chapter 2

Page 47, 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect

The Council will have the function of advising and monitoring the Government in implementing mechanisms and actions, which are to include:

The promotion of non-stigmatisation of groups in vulnerable circumstances or discriminated against, such as ... disabled persons...

#### [Substantive](#)

#### Chapter 1

Page 27, 1.3.2.2. Technical assistance

Rural education: with the aim of providing a comprehensive service for early childhood, guaranteeing the coverage, quality and relevance of education, eradicating illiteracy in rural areas, helping the younger generation to remain part of the production sector in the countryside, and promoting involvement in rural development on the part of regional academic institutions, the National Government is to set up and implement the Special Rural Education Plan (Plan Especial de Educación Rural). Implementation of the Plan will take account of the following criteria:

...

A progressive increase in technical, technological and university quotas in rural zones, with fair access

for both men and women, including persons with a disability. Special measures will be implemented to incentivise access on the part of rural women and to encourage them to continue.

Page 31, 1.3.3.5. Formalisation of the rural labour market and social protection:

Formalisation of the rural labour market and social protection: ...

Implementation of the plan will take account of the following criteria

...

- Promoting the recruitment of persons with a disability.

## **Elderly/age** [Rhetorical](#)

Page 3, Preamble

Emphasising that the new Final Agreement places special emphasis on the fundamental rights ... of the elderly ...

Chapter 1

Page 11, 1. Towards a New Colombian Countryside: Comprehensive Rural Reform, Preamble

In the area of food and nutrition, the CRR aims to ensure that the entire rural and urban population in Colombia has sufficient access to and availability of the foodstuffs they need for proper nutrition, in terms of opportunity, quantity, quality and price, especially in the case of ... the elderly, prioritising the production of food and the generation of income.

Chapter 5

Page 154, 5.1.2., Justice

SPECIAL JURISDICTION FOR PEACE

I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

7.- In addition, the consequences of such violations are most serious when they are committed against women or when victims belong to the most vulnerable groups, subjects of special protection, who deserve reparations and special protection, including ... the elderly.

Pages 200-201, 5.2. Commitment to the promotion, respect and guarantee of human rights

The end of the conflict constitutes the best opportunity to realise the rights of the victims to truth, justice, reparations and non-recurrence, and in general to ensure the full realisation of the human rights of all, including those of the elderly...

[Anti-discrimination](#)

Chapter 2

Page 47, 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect

- The promotion of non-stigmatisation of groups in vulnerable circumstances or discriminated against, such as ...the elderly....

[Substantive](#)

Chapter 1

Page 13, 1., Principles

The following principles will be taken into account when implementing that which has been agreed under the heading "Toward a New Colombian Countryside: Comprehensive Rule Reform":

...

- Prioritisation: the comprehensive agrarian development policy is universal and its implementation

prioritises the most deprived and vulnerable populations and territories, and the communities most affected by poverty, neglect and the conflict; it focuses on small and medium-sized producers, men and women alike. The rights of the victims of the conflict, of boys and girls, women and the elderly, deserve special attention.

Page 31, 1.3.3.5., Formalisation of the rural labour market and social protection: ...

Implementation of the plan will take account of the following criteria:

...

The safeguarding of social protection through a regular economic benefit for workers in the countryside of retirement age, and an occupational risks subsidy proportionate to individual savings and that will include a state subsidy.

...

The extension of programmes for effective protection of the economic risk of old age to the elderly rural population in extreme poverty which is not covered by the social security system, taking account of the special needs of female members of the elderly population.

Pages 32-33, 1.3.3.5. Formalisation of the rural labour market and social protection:

The extension of programmes for effective protection of the economic risk of old age to the elderly rural population in extreme poverty which is not covered by the social security system, taking account of the special needs of female members of the elderly population

...

- The development of programmes to combat hunger and malnutrition, with national coverage, especially for the destitute rural population, pregnant and breast-feeding women, girls and boys and the elderly. These programmes will include emergency plans for the most vulnerable rural population and those in extreme poverty.

## Chapter 3

Page 77, 3.2.2.7. Guarantees for a sustainable social and economic reincorporation

- Social programmes or plans In accordance with the results of the socioeconomic census, the plans or programmes necessary to safeguard the fundamental and basic rights of the population that is the subject of the present agreement shall be identified, such as rights to: psychosocial support; reunification of family units and extended families and elderly persons...

## Chapter 4

Page 121, 4.1.3.6. Components of the comprehensive plans for the substitution of crops:

a. Immediate attention plan and development of rural productive projects

...

- For the community in general:
  - o The elderly: implementation of programmes to eradicate hunger among the elderly as per section 1.3.4 of the Comprehensive Rural Reform, System for the progressive realisation of the right to food.

## Chapter 5

Page 140, 5.1.1.1., Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la la Verdad, la Convivencia y la No Repetición)

Throughout its work the Commission will take an appropriate approach to learn about the different ways in which the conflict affected ... the elderly.... This should also help to raise awareness in Colombian society of the specific ways in which the conflict reproduced historical mechanisms of

discrimination, as a fundamental first step towards a more just and inclusive society.

Pages 143-144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

The human and social impact of the conflict on society, including its impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected ... the elderly... inter alia.

<b>Migrant workers</b>	No specific mention.
<b>Racial/ethnic/national group</b>	<p><b>Rhetorical</b></p> <p>Page 3, Preamble</p> <p>Emphasising that the new Final Agreement places special emphasis on the fundamental rights ...communities of African descent and other ethnically differentiated groups;</p> <p>Pages 6, Introduction</p> <p>The conclusion of hostilities will first and foremost represent the end of the enormous suffering that the conflict has caused. Millions of Colombians, men and women alike, have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of communities have been affected in one way or another throughout the length and breadth of the country, including... the Afro-Colombian, black, palenquero, raizal and Roma communities...</p> <p>Chapter 2</p> <p>Page 45, 2.2.3. Citizen participation through community, institutional and regional media</p> <p>The community, institutional and regional media must contribute to citizen participation and especially promote civic values, the acknowledgement of different ethnic and cultural identities...</p> <p>Chapter 3</p> <p>Page 81,3.4.2. National Political Pact:</p> <p>The country's desire to achieve a stable and long-lasting peace is based on the recognition of the need to overcome the armed conflict. The National Government and the new political movement that emerges from the transition of the FARC-EP to legal political activity undertake to promote a National Political Pact from the regions, with the aid of.... ethnic communities...</p> <p>Chapter 5</p> <p>Page 134, 5. Preamble</p> <p>The armed conflict, which has multiple causes, has inflicted suffering and loss on the people to a degree unparalleled in our history. Millions of Colombians have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of families, groups and communities have been affected throughout the length and breadth of the country, including ... the Afro-Colombian, black, palenquero, raizal and Roma communities, .... There have also been other, less visible but no less painful forms of victimisation, such as sexual violence, psychological damage or simply living in fear.</p>

Page 140, 5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la la Verdad, la Convivencia y la No Repetición)

Throughout its work the Commission will take an appropriate approach to learn about the different ways in which the conflict affected ... the Afro-Colombian, black, palenquero and raizal communities, the Roma community, .... This should also help to raise awareness in Colombian society of the specific ways in which the conflict reproduced historical mechanisms of discrimination, as a fundamental first step towards a more just and inclusive society.

Page 200, 5.2. Commitment to the promotion, respect and guarantee of human rights

The commitment to respect and promotion of human rights in the process of reconciliation pursued as part of the achievement of peace, involves the recognition of the need to move forward with public policies of promotion of a political, democratic and participatory culture of respect for human rights. Such commitment also implies respect for cultural and ethnic diversity.

#### [Anti-discrimination](#)

Chapter 6

Page 204, 6. Implementation, verification and public endorsement, General principles for implementation

- Respect for equality and non-discrimination: The implementation of this Agreement shall respect equality in all its aspects and equality of opportunity for everyone in accessing the different plans and programmes provided for in this Agreement, without any form of discrimination. Nothing contained in the Final Agreement shall be understood or interpreted as denying, restricting or infringing the rights of individuals, regardless of their ... ethnic identity, ... nor shall it be understood or interpreted as denying, restricting or infringing the right to unhindered development of the personality or the right to freedom of conscience.

- Democratic principles: the interpretation and implementation of this Agreement and of the regulations which incorporate it into the legal system shall respect the unitary nature of the rule of law, political pluralism, individual freedoms, the separation of powers, the powers of the different branches of public authority, territorial integrity, economic freedom, the right of all citizens to own private property and the primacy of the inalienable rights of the individual, as well as society's different organisational endeavours and processes, particularly those of the rural, indigenous and Afro-Colombian, black, palenquero and raizal communities

#### [Substantive](#)

Chapter 1

Page 11, 1., Preamble

... Afro-descendent, raizal and palenquero communities, and other ethnic communities across Colombia's territories are contributing to the structural transformation of the countryside and in particular to the closing of the agricultural frontier, in favour of a sustainable socio-environmental planning. To that end, it is necessary to recognise and to support the Peasant Enterprise Zones (Zonas de Reserva Campesina) and cooperative groups within society.

Page 12, 1., Preamble

The plans and programmes agreed as part of the CRR are to have a ethnic-based .... perspective that will require the recognition and consideration of the economic, cultural and social needs, characteristics and peculiarities of Colombia's territories, of women throughout their life-cycle, of rural communities and groups in vulnerable circumstances and guaranteeing socio-environmental sustainability.

#### Page 13, 1., Principles

The following principles will be taken into account when implementing that which has been agreed under the heading “Toward a New Colombian Countryside: Comprehensive Rule Reform”:

...

- Well-being and quality of life: the ultimate objective is the eradication of poverty and the total realisation of the needs of citizens in rural areas, such that in the shortest possible time, the small-scale farmers and communities, including those of African descent and indigenous peoples, can fully exercise their rights and there can be a convergence between the quality of urban life and the quality of rural life, whilst at the same time complying with the territorial-based approach, the gender-based approach and having regard to the ethnic and cultural diversity of communities.

#### Page 19, 1.1.8., Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

Set up mechanisms for social dialogue between national, regional and local authorities, small-scale farmer communities and also indigenous, black, afro-descendent, raizal and palenquero communities, in addition to other communities where different ethnic and cultural groups coexist, and private-sector companies doing business in rural areas, with a view to creating formal spaces for discussion between actors with diverse interests, which allow the promotion of a common development agenda focusing on socio-environmental sustainability, the well-being of rural populations and economic growth with equity.

#### Page 22, 1.2.1. Objective:

the objective of the DPTFs is to achieve the structural transformation of the countryside and the rural environment and to promote an equitable relationship between rural and urban areas, with a view to guaranteeing:

...

The development of the small-scale farmer and family-run economy (based on cooperative, mutual, communal, microbusiness and solidarity association systems) and of the particular production methods of the indigenous, black, Afro-descendent, raizal and palenquero communities, through comprehensive access to land and to productive and social goods and services. The DPTFs will with equal emphasis play a part in inter-ethnic and inter-cultural spaces, with a view to the latter making effective progress towards development and harmonious coexistence...

#### Chapter 4

##### Pages 109-110, 4.1.1. Principles

Equity-based approach according to the conditions in each territory: the NCPS implemented must have a territorial-based and gender-based approach under the terms defined in the CRR (Chapter 1), i.e. it must recognise and take account of the economic, cultural and social issues, characteristics and needs of the territories and rural communities, in particular of indigenous communities and communities of African descent...

#### Chapter 5

##### Pages 143-144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

The human and social impact of the conflict on society, including its impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected ... the Afro-Colombian, black, palenquero and raizal communities, the Roma community... inter alia.

Page 153, 5.1.2. Justice

#### SPECIAL JURISDICTION FOR PEACE

##### I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

7.- In addition, the consequences of such violations are most serious when they are committed against women or when victims belong to the most vulnerable groups, subjects of special protection, who deserve reparations and special protection, including ... AfroColombian communities and other ethnically distinct groups...

...

The end of the conflict constitutes the best opportunity to realise the rights of the victims to truth, justice, reparations and non-recurrence, and in general to ensure the full realisation of the human rights of all, including... the Afro-Colombian, black, palenquero and raizal communities...

#### Chapter 6

Pages 217-221, 6.2. Chapter on Ethnic Perspectives

Summary: This section seeks to establish ethnicity as a transversal perspective in the interpretation and implementation of the peace agreement. This has implications for the six components of the agreement, including the rights of afro-descendants and indigenous people over lands, territories, and resources, their rights to restitution, the right to be consulted before any disposition, and the protection of their particular remembrance expressions.

This sections consists of:

6.2.1. Considerations (page 217)

6.2.2. Principles (page 218)

6.2.3. Safeguards and guarantees

Substantial safeguards for the interpretation and implementation of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia (pages 218-221)

a. In relation to Comprehensive Rural Reform pages (pages 218-219)

b. In relation to participation (page 218)

c. In relation to Security Guarantees of section 3.4. (page 218)

d. In relation to solution of the illicit drugs problem (page 219)

e. In relation to victims of the conflict: "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence" (page 220-221)

f. In relation to Implementation and Verification (page 221)

#### **Religious groups**

##### **Rhetorical**

Page 9, Introduction

We, the delegations of the National Government and the FARC-EP, reiterate our profound gratitude to all victims, social and human rights organisations, communities, including... churches and faith communities...

#### Chapter 3

Page 82, 3.4.2. National Political Pact:

The country's desire to achieve a stable and long-lasting peace is based on the recognition of the need to overcome the armed conflict. The National Government and the new political movement that emerges from the transition of the FARC-EP to legal political activity undertake to promote a National Political Pact from the regions, with the aid of ... churches, religious faiths, faith-based organisations and organisations in the religious sector...

## Chapter 4

Page 118, 4.1.3.5. Participative construction and development of the comprehensive community-based and municipal plans for the substitution of illicit crops and alternative agrarian development (Planes integrales comunitarios y municipales de sustitución y desarrollo alternativo, CPSAD):

- Monitoring and evaluation

... The Council may invite the participation of other social and economic sectors of the municipality such as ... churches....

## Chapter 5

Pages 200, 5.2. Commitment to the promotion, respect and guarantee of human rights

The end of the conflict constitutes the best opportunity to realise the rights of the victims to truth, justice, reparations and non-recurrence, and in general to ensure the full realisation of the human rights of all, including... members of churches, religious faiths, faith-based and religious organisations...

### Anti-discrimination

## Chapter 2

Page 47, 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect

The Council will have the function of advising and monitoring the Government in implementing mechanisms and actions, which are to include:

The promotion of non-stigmatisation of groups in vulnerable circumstances or discriminated against, such as ... religious minorities.

## Chapter 6

Pages 204-207, 6. Implementation, verification and public endorsement, General principles for implementation

- Respect for freedom of religion: implies recognition of and respect for the practice of any expression of religiosity, worship, belief or faith, without any form of discrimination or stigmatisation. The implementation of the Final Agreement shall promote active participation by churches, religious faiths, faith-based organisations and organisations of the religious sector in peacebuilding

- Respect for equality and non-discrimination: The implementation of this Agreement shall respect equality in all its aspects and equality of opportunity for everyone in accessing the different plans and programmes provided for in this Agreement, without any form of discrimination. Nothing contained in the Final Agreement shall be understood or interpreted as denying, restricting or infringing the rights of individuals, regardless of ... religious beliefs, opinions, ....

### Substantive

## Chapter 5

Page 188, 5.1.3.1. Acts of early acknowledgment of collective responsibility

Collective acts will be formal, public and solemn and will be carried out at both national and regional level. The National Episcopal Conference (Conferencia Nacional Episcopal) will coordinate these acts with the support of Inter-church Dialogue for Peace (Diálogo Intereclesial por la Paz, DIPAZ) and other churches, in discussion with victims' and human rights organisations, among others. The coordinators must ensure that the acts meet the expectations both of victims and of communities, avoid re-victimisation, empower victims and help to lay the foundations underpinning coexistence and non-recurrence to be developed by the Truth, Coexistence and Non-Recurrence Commission.



#### Page 3, Preamble

Emphasising that the new Final Agreement places special emphasis on the fundamental rights... of vulnerable social groups such as indigenous peoples...

#### Page 6, Introduction

The conclusion of hostilities will first and foremost represent the end of the enormous suffering that the conflict has caused. Millions of Colombians, men and women alike, have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of communities have been affected in one way or another throughout the length and breadth of the country, including... indigenous peoples...

#### Chapter 1

##### Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Indigenous... palenquero communities, and other ethnic communities across Colombia's territories are contributing to the structural transformation of the countryside and in particular to the closing of the agricultural frontier, in favour of a sustainable socio-environmental planning. To that end, it is necessary to recognise and to support the Peasant Enterprise Zones (Zonas de Reserva Campesina) and cooperative groups within society.

##### Page 13, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

###### Principles

The following principles will be taken into account when implementing that which has been agreed under the heading "Toward a New Colombian Countryside: Comprehensive Rule Reform":

...

- Well-being and quality of life: the ultimate objective is the eradication of poverty and the total realisation of the needs of citizens in rural areas, such that in the shortest possible time, the small-scale farmers and communities, including those of African descent and indigenous peoples, can fully exercise their rights and there can be a convergence between the quality of urban life and the quality of rural life, whilst at the same time complying with the territorial-based approach, the gender-based approach and having regard to the ethnic and cultural diversity of communities.

#### Chapter 5

##### Page 134, 5. Agreement regarding the Victims of the Conflict.... preamble

The armed conflict, which has multiple causes, has inflicted suffering and loss on the people to a degree unparalleled in our history. Millions of Colombians have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of families, groups and communities have been affected throughout the length and breadth of the country, including ... indigenous peoples... inter alia.

##### Pages 200, 5.2. Commitment to the promotion, respect and guarantee of human rights

The end of the conflict constitutes the best opportunity to realise the rights of the victims to truth, justice, reparations and non-recurrence, and in general to ensure the full realisation of the human rights of all, including those of ... indigenous peoples...

#### Chapter 6

Pages 206-207, 6. Implementation, verification and public endorsement, General principles for implementation

- Democratic principles: the interpretation and implementation of this Agreement and of the regulations which incorporate it into the legal system shall respect the unitary nature of the rule of law, political pluralism, individual freedoms, the separation of powers, the powers of the different branches of public authority, territorial integrity, economic freedom, the right of all citizens to own private property and the primacy of the inalienable rights of the individual, as well as society's different organisational endeavours and processes, particularly those of the rural, indigenous ... communities.

Pages 220-221, 6.2.3. Safeguards and guarantees

...

- The sources of funding for the implementation of the agreements will not involve those agreements on budgetary matters that have already been made between the National Government and the Indigenous and Afro-Colombian Peoples, set out in the current National Development Plan and other policies consulted and agreed.

[Substantive](#)

Chapter 1

Page 19, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

Set up mechanisms for social dialogue between national, regional and local authorities, small-scale farmer communities and also indigenous, ... in addition to other communities where different ethnic and cultural groups coexist

Page 22, 1.2.1. Objective: the objective of the DPTFs is to achieve the structural transformation of the countryside and the rural environment and to promote an equitable relationship between rural and urban areas, with a view to guaranteeing:

...

The development of the small-scale farmer and family-run economy (based on cooperative, mutual, communal, microbusiness and solidarity association systems) and of the particular production methods of the indigenous ... through comprehensive access to land and to productive and social goods and services. The DPTFs will with equal emphasis play a part in inter-ethnic and inter-cultural spaces, with a view to the latter making effective progress towards development and harmonious coexistence...

Chapter 4

Page 105, 4. Solution to the Illicit Drugs Problem, Preamble

That the policy must maintain the recognition of the ancestral and traditional uses of the coca leaf, as part of the cultural identity of the indigenous community and the possibility of use of crops used for illicit purposes for medical or scientific purposes and other legitimate uses that are established.

Page 124, 4.2.1.1. Principles: The national policy to tackle illicit drug use will be guided by the following principles:

- ... • Equity-based and gender-based approach.. This approach should take into account the relationship between illicit drug use and violence against women, especially domestic violence and sexual violence. Measures will be provided for women, and adolescent and young girls. In any case, the actions implemented must respect the ancestral use of the coca leaf by indigenous communities.

Pages 109-110, 4.1.1. Principles

Equity-based approach according to the conditions in each territory: the NCPS implemented must

have a territorial-based and gender-based approach under the terms defined in the CRR (Chapter 1), i.e. it must recognise and take account of the economic, cultural and social issues, characteristics and needs of the territories and rural communities, in particular of indigenous communities and communities of African descent...

## Chapter 5

Page 140, 5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la la Verdad, la Convivencia y la No Repetición)

Throughout its work the Commission will take an appropriate approach to learn about the different ways in which the conflict affected ... indigenous peoples....

Pages 143-144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

The human and social impact of the conflict on society, including its impact on economic, social, cultural and environmental rights, and the different ways in which the conflict indigenous peoples, rural communities... inter alia.

Pages 180-181, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

73.- The state will need to consult with the indigenous peoples regarding the form and opportunity in which the decisions adopted or to be adopted by their respective jurisdictions regarding conduct covered by this judicial component can be transferred to this latter's jurisdiction. This will be unless there is prior and express acceptance of the jurisdiction of the judicial component of the CS.

## Chapter 6

Summary: see also coding for racial groups, chapter 6, which also references indigenous communities.

Pages 206-207, 6. Implementation, verification and public endorsement, General principles for implementation

- Democratic principles: the interpretation and implementation of this Agreement and of the regulations which incorporate it into the legal system shall respect the unitary nature of the rule of law, political pluralism, individual freedoms, the separation of powers, the powers of the different branches of public authority, territorial integrity, economic freedom, the right of all citizens to own private property and the primacy of the inalienable rights of the individual, as well as society's different organisational endeavours and processes, particularly those of the rural, indigenous ... communities.

## Other groups

### Rhetorical

Page 6-7, Introduction

The conclusion of hostilities will first and foremost represent the end of the enormous suffering that the conflict has caused. Millions of Colombians, men and women alike, have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of communities have been affected in one way or another throughout the length and breadth of the country, including... rural communities...

Page 9, Introduction

We, the delegations of the National Government and the FARC-EP, reiterate our profound gratitude to all victims, social and human rights organisations, communities, including... the small-scale farmers...

## Chapter 1

Page 10, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

A genuine structural transformation of the countryside requires the adoption of measures to promote appropriate use of the land in accordance with its suitable purposes and to stimulate the titling, restitution and equitable distribution thereof, by guaranteeing progressive access to rural property to those who live in the countryside, and, in particular, ... to the most vulnerable communities.

Page 16, 1.1.3. Beneficiary persons:

the beneficiaries of the plan of land distribution, the comprehensive subsidy and the special credit, will be male and female farm workers without land or with insufficient land, with priority being given to the victimised rural population....

## Chapter 2

Page 42, 2.2. Democratic mechanisms for citizen participation, including those concerning direct participation, at various levels and in various subject areas

...

Through legal and technical assistance, support for the creation and consolidation of social movements and organisations. Notwithstanding the principle of equality, support will be given in the form of extraordinary measures to ... groups historically discriminated against.

Page 52, 2.3.2. Promotion of electoral participation

Support for the management arrangements offered by the electoral organisation to stimulate and to facilitate electoral participation on the part of the most vulnerable and most isolated populations (rural, marginalised...)

Page 54, 2.3.5. Promotion of a democratic and participatory political culture

... Special emphasis will be placed on the most vulnerable populations such as rural communities, ... The content of these campaigns will incorporate values to challenge multiple forms of discrimination.

## Chapter 5

Page 134, 5. Agreement regarding the Victims of the Conflict.... preamble

The armed conflict, which has multiple causes, has inflicted suffering and loss on the people to a degree unparalleled in our history. Millions of Colombians have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of families, groups and communities have been affected throughout the length and breadth of the country, including rural communities...

Pages 200, 5.2. Commitment to the promotion, respect and guarantee of human rights

The end of the conflict constitutes the best opportunity to realise the rights of the victims to truth, justice, reparations and non-recurrence, and in general to ensure the full realisation of the human rights of all, including those of ... rural communities... , farmers, ranchers

## Chapter 6

Pages 206-207, 6. Implementation, verification and public endorsement, General principles for implementation

...

- Democratic principles: the interpretation and implementation of this Agreement and of the regulations which incorporate it into the legal system shall respect the unitary nature of the rule of law, political pluralism, individual freedoms, the separation of powers, the powers of the different branches

of public authority, territorial integrity, economic freedom, the right of all citizens to own private property and the primacy of the inalienable rights of the individual, as well as society's different organisational endeavours and processes, particularly those of the rural... communities.

#### Anti-discrimination

#### Chapter 5

Page 140, 5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el esclarecimiento de la la Verdad, la Convivencia y la No Repetición)

Throughout its work the Commission will take an appropriate approach to learn about the different ways in which the conflict affected ... rural communities... farmers, ranchers... inter alia. This should also help to raise awareness in Colombian society of the specific ways in which the conflict reproduced historical mechanisms of discrimination, as a fundamental first step towards a more just and inclusive society.

#### Substantive

#### Chapter 2:

Summary: Certain sections of Chapter 2 deal with human rights defenders (see also civil society)

Sections include:

2.1.2.2. Security guarantees for leaders of social movements and organisations and those defending human rights. See also civil society

#### Chapter 4

Summary: Chapter 4 which deals with illicit crops and drugs makes numerous references to small-scale farmers, rural populations. (see coding for chapter 4 on drugs, natural resources, business, traditional leaders)

Selected provisions:

Pages 110-111, 4.1.2. Aims

... As established in Item 1, the Peasant Enterprise Zones are agrarian initiatives that contribute to the construction of peace, the safeguarding of the political, economic, social and cultural rights of small-scale farmers, to development with socioenvironmental and food sustainability and to the reconciliation of Colombian citizens. As a consequence, it will be considered a priority to deal with the measures laid out in section 1.1.10 of the CRR and in particular those relating to PEZs.

- Strengthening the participation and capabilities of small-scale farmer's organisations... to provide support (technical, financial, human support, inter alia) for their projects.

These plans shall contain at least

- Evidence-based actions to reduce harm, aimed at minimising the negative impact of drug use on the user him/herself, on the family and on the community, giving priority to more vulnerable groups such as the homeless...

Pages 143-144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

The human and social impact of the conflict on society, including its impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected ... rural communities

Page 153, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

7.- In addition, the consequences of such violations are most serious when they are committed against women or when victims belong to the most vulnerable groups, subjects of special protection, who deserve reparations and special protection, including ... rural communities,

**Refugees/displaced persons**

**Rhetorical**

Page 3, Preamble

Emphasising that the new Final Agreement places special emphasis on the fundamental rights .... Of those displaced by the conflict;

Chapter 1

Page 13, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform Principles

The following principles will be taken into account when implementing that which has been agreed under the heading "Toward a New Colombian Countryside: Comprehensive Rule Reform":

...

Reinstatement: the reinstatement of the rights of victims of displacement and dispossession, and the reversal of the effects of the conflict and neglect on communities and territories.

Chapter 2:

Page 52, 2.3.2. Promotion of electoral participation

Support for the management arrangements offered by the electoral organisation to stimulate and to facilitate electoral participation on the part of the most vulnerable and most isolated populations (... displaced persons ...)

Chapter 5

Page 154, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

7.- In addition, the consequences of such violations are most serious when they are committed against women or when victims belong to the most vulnerable groups, subjects of special protection, who deserve reparations and special protection, including ... the displaced and refugees...

**Substantive**

Chapter 1

Page 16, 1.1.3. Beneficiary persons:

the beneficiaries of the plan of land distribution, the comprehensive subsidy and the special credit, will be male and female farm workers without land or with insufficient land, with priority being given to the victimised rural population, ... displaced persons.

Chapter 2

Page 52, 2.3.2. Promotion of electoral participation

Support for the management arrangements offered by the electoral organisation to stimulate and to facilitate electoral participation on the part of the most vulnerable and most isolated populations (... displaced persons ...)

Page 55, 2.3.6. Promotion of the political representation of populations and zones particularly affected by the conflict and neglect

In any event, candidates must be people who regularly live in said territories or have been displaced from them and are in the process of returning. Candidates may be registered by significant groups of citizens or organisations in an electoral district, such as rural organisations, organisations of victims (including displaced people) ...

## Chapter 5

Page 134, 5. Agreement regarding the Victims of the Conflict... preamble

The armed conflict, which has multiple causes, has inflicted suffering and loss on the people to a degree unparalleled in our history. Millions of Colombians have been victims of forced displacement

Page 184, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

LIST OF SANCTIONS.

...

1. Participation in/implementation of effective reparation programmes for displaced rural people.

Pages 193-194, 5.1.3.5. Collective processes of return of displaced persons and reparations of victims abroad

In developing this Agreement and in the context of the end of the conflict, the National Government will introduce specific collective territorial- and gender-based programmes to return and relocate displaced persons on the one hand, and accompanied and assisted return plans for victims abroad on the other. The coordination of such plans will be strengthened at territorial level by other aspects of the Victim Reparation Policy, particularly collective reparation and land restitution programmes, and by implementation of the agreement "Towards a New Colombian Countryside: Comprehensive Rural Reform", where applicable.

Measures will be taken accordingly to guarantee collective or individual returns and relocations in conditions of safety and dignity according to a voluntary approach involving the following elements:

- Identification of territories: return and relocation plans will prioritise areas in which the DPTFs are implemented and other territories in which collective reparation plans are developed and will be coordinated with land restitution processes.
- Interinstitutional coordination: return and relocation plans will be coordinated, where applicable, with the various plans and programmes agreed, particularly the DPTFS, rural housing and water plans, measures to provide access to land, income generation, boosting of the small-scale farmer economy and programmes to clear and decontaminate areas of APM, IED, UXO or ERW, and with land restitution processes.
- Security in territories for return: in areas in which return and relocation plans are to be prioritised, the Government will set up the security measures necessary to guarantee life and personal integrity in communities, which will always participate in this process.
- Strengthening of community advocates: The Government will take the necessary measures to strengthen the community advocates (defensores comunitarios) programme, and in particular their functions of protection and promotion of human rights, so that they can effectively monitor the processes of land restitution, return and relocation of displaced persons and victims abroad, including refugees and exiles, which form part of these processes, and can support and assist the victims in order to guarantee access to the institutional services offered with regard to realisation of their rights. With regard to the large number of victims who had to leave the country as a consequence of

different human rights violations and breaches of international humanitarian law (IHL) during the conflict, the National Government, in fulfilment of this Agreement, will strengthen the programme of recognition and reparation of victims abroad, including refugees and exiles victimised during the conflict, by means of the implementation of “supported and assisted return” plans. The assisted return will consist of promoting conditions to facilitate their return to the country and the construction of their life project, including decent reception conditions through the coordination of these plans with the specific institutional services offered, to progressively guarantee access to basic rights, decent employment, housing, health and education at all levels according to each person’s individual needs. Priority will be given to their relocation to the places they had to leave, respecting the wishes of the victim. The Government will adopt the necessary measures to coordinate these plans, where appropriate, with the different plans and programmes agreed, in particular the DPTFs. All this is without prejudice to the different measures that, in an end-of-conflict scenario, have to be adopted to drive forward and promote the return of exiles and other Colombians who left the country because of the conflict.

**Social class** [Rhetorical](#)  
Chapter 1

Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Men and women in the small-scale farmer, indigenous, black, Afro-descendent, raizal and palenquero communities, and other ethnic communities across Colombia’s territories are contributing to the structural transformation of the countryside and in particular to the closing of the agricultural frontier, in favour of a sustainable socio-environmental planning. To that end, it is necessary to recognise and to support the Peasant Enterprise Zones (Zonas de Reserva Campesina) and cooperative groups within society.

Chapter 6

Pages 205-207, 6. Implementation, verification and public endorsement, General principles for implementation

- Territorial integration and social inclusion: the measures taken during the implementation must promote the integration of territories within the regions and the integration of the regions within the country, as well as the inclusion of the different populations and communities, in particular those most affected by the conflict and those which have lived in conditions of poverty and marginalisation.

[Substantive](#)

Chapter 1

Pages 16-17, 1.1.10. Closure of the agricultural frontier and protection of reserve areas:

- Provide support to rural communities currently living alongside or within areas requiring the special environmental management detailed previously, working with them to structure plans for their development, including re-settlement programmes or programmes for community rehabilitation of forests and the environment, which are compatible with and contribute to the objectives of closing the agricultural frontier and preserving the environment, such as: the provision of environmental services, with special acknowledgement and appreciation of intangible cultural and spiritual aspects, and protecting the social interest; sustainable food production and silvopasture systems; reforestation; Peasant Enterprise Zones (Zonas de Reserva Campesina – ZRC, hereinafter PEZ); and, in general, other sustainable forms of organisation of the rural population and economy.
- In order to promote appropriate use of land, in addition to the new cadastral structure and property tax progressivity (1.1.9.), the National Government shall adopt such measures and create such



incentives as are necessary to prevent and to promote solutions to conflicts between land suitability and actual use, taking into account the environmental zoning plan addressed herein and the principle of well-being and quality of life. Land appropriated from the Forest Reserve Areas mentioned in this Agreement will be prioritised to small-scale farmers without land or with insufficient land, via various forms of organisation or association, including the Peasant Enterprise Zones, which will contribute to the closure of the agricultural frontier, the strengthening of the small-scale farmer economy and family-run agriculture.

Pages 20-21, 1.1.10. Closure of the agricultural frontier and protection of reserve areas

Provide support to rural communities currently living alongside or within areas requiring the special environmental management detailed previously, working with them to structure plans for their development, including re-settlement programmes or programmes for community rehabilitation of forests and the environment, which are compatible with and contribute to the objectives of closing the agricultural frontier and preserving the environment, such as: the provision of environmental services, with special acknowledgement and appreciation of intangible cultural and spiritual aspects, and protecting the social interest; sustainable food production and silvopasture systems; reforestation; Peasant Enterprise Zones (Zonas de Reserva Campesina - ZRC, hereinafter PEZ); and, in general, other sustainable forms of organisation of the rural population and economy.

...

- In order to promote appropriate use of land, in addition to the new cadastral structure and property tax progressivity (1.1.9.), the National Government shall adopt such measures and create such incentives as are necessary to prevent and to promote solutions to conflicts between land suitability and actual use, taking into account the environmental zoning plan addressed herein and the principle of well-being and quality of life. Land appropriated from the Forest Reserve Areas mentioned in this Agreement will be prioritised to small-scale farmers without land or with insufficient land, via various forms of organisation or association, including the Peasant Enterprise Zones, which will contribute to the closure of the agricultural frontier, the strengthening of the small-scale farmer economy and family-run agriculture.

#### CHAPTER 4

Page 110, 4.1.2. Aims

- Contributing to the closure of the agricultural frontier, regeneration of ecosystems and sustainable development, under the terms agreed in section 1.1.10 of the CRR. With this aim, the NCPS will support the development plans of the Peasant Enterprise Zones (Zonas de Reserva Campesina, PEZ) established and which may be established, as well as other forms of organisation or association, in cases where these overlap with areas affected by crops used for illicit purposes. As established in Item 1, the Peasant Enterprise Zones are agrarian initiatives that contribute to the construction of peace, the safeguarding of the political, economic, social and cultural rights of small-scale farmers, to development with socioenvironmental and food sustainability and to the reconciliation of Colombian citizens. As a consequence, it will be considered a priority to deal with the measures laid out in section 1.1.10 of the CRR and in particular those relating to PEZs.

Page 153, 5.1.2. Justice

#### SPECIAL JURISDICTION FOR PEACE

##### I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

7.- In addition, the consequences of such violations are most serious when they are committed against women or when victims belong to the most vulnerable groups, subjects of special protection, who deserve reparations and special protection, including ... the poorest

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## Gender

### **Women, girls and gender**

Summary: The agreement in its entirety makes consistent references to women.

#### Chapter 1

Page 10, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform, Preamble

A genuine structural transformation of the countryside requires ... rural women

Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform, Preamble

...

The CRR recognises the productive and reproductive role of women ...

Pages 11-12, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform, Preamble

In the area of food and nutrition, the CRR aims to ensure that the entire rural and urban population in Colombia has sufficient access to and availability of the foodstuffs... especially in the case of boys and girls, pregnant or breast-feeding women, and the elderly, prioritising the production of food and the generation of income.

...

The plans and programmes agreed as part of the CRR are to have a gender-based .... perspective that will require the recognition and consideration of the economic, cultural and social needs, characteristics and peculiarities of ... women throughout their life-cycle...

Page 14, 1.1.1. Comprehensive Rural Reform Land Fund

With a view to achieving the democratisation of access to land... especially rural women ... the National Government is to create a Land Fund for the free distribution of land.

Page 15, 1.1.2. Other mechanisms for promoting access to land:

...

Comprehensive purchase subsidy: the National Government will grant a comprehensive subsidy for the purchase of land by beneficiaries (see 1.1.3.) in priority areas... and will include specific measures to facilitate the access of women to the subsidy.

Page 16,

1.1.3. Beneficiary persons:

the beneficiaries of the plan of land distribution, the comprehensive subsidy and the special credit, ... including... rural women, female heads of households ...

1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production:

Furthermore, the National Government will, to the same end, set in motion ... legal advice and special training for women regarding their rights and access to justice, together with specific measures for overcoming barriers that constitute obstacles to the recognition and protection of women's rights over land. The participation of women and women's organisations in the various spaces created for conciliation and the resolution of conflicts concerning land use and possession will be promoted.

Page 22, 1.2. Development Programmes with a Territorial-Based Focus (DPTFs)

...

The recognition and promotion of community organisations, including organisations of rural women, enabling them to become protagonists in the structural transformation of the countryside;

Page 26, 1.3.2.1. Health:

The adoption of an equity- and gender-based approach that takes account of the health requirements of women, in accordance with their life cycle, including measures to address sexual and reproductive health, psychosocial care and the special measures for pregnant women and children in the areas of prevention, health promotion and treatment.

...

The promotion of vocational training for women in disciplines that are not the traditional preserve of women.

Page 28, 1.3.3.1. Stimuli for a solidarity and cooperative economy:

with the aim of stimulating different associative forms of work ... especially in rural women... the National Government will set up and implement the National Plan to Foment the Rural Solidarity and Cooperative Economy (Plan nacional de fomento a la economía solidaria y cooperativa rural).

Implementation of the plan will take account of the following criteria:

- ... agro-ecological production and women's organisations.

Page 32, 1.3.3.5. Formalisation of the rural labour market and social protection: ...

Implementation of the plan will take account of the following criteria:

...

Promoting schemes for protection during pregnancy, childbirth, breast-feeding and health services for newborns, by progressively extending the coverage and enhancing the quality of family health and subsidy systems, with particular focus on rural working women.

## Chapter 2

Page 34, 2. Political participation: A democratic opportunity to build peace, Preamble

Taking account of the fact that women face greater social and institutional barriers in terms of political participation, as a result of deep-rooted discrimination and inequality, as well as structural conditions of exclusion and subordination, there will be significant challenges in guaranteeing their right to participation, and facing up to and transforming these historical conditions will involve developing affirmative measures that will safeguard women's participation in the various areas of political and social representation. To that end, the situation and condition of women in all contexts and in all special aspects will have to be acknowledged.

Page 35, 2. Political participation: A democratic opportunity to build peace, Preamble

The National Government and the FARC-EP recognise that:

In consolidating citizen participation on the part of women, their social agendas have to be appreciated and their contribution to public life as political subjects has to be recognised, especially in the area of the promotion and defence of their rights.

... The promotion not only of political pluralism but also social movements and organisations, particularly of women, young people and other sectors excluded from the exercise of politics and, in general, the democratic debate, requires new forums for dissemination in order that parties, organisations and communities involved in peacebuilding can gain access to space on national, regional and local channels and broadcasters.

Pages 36-37, 2.1.1.1. Statute of guarantees for the exercise of political opposition

...In addition, the following political groups representing the opposition will be called to take part in the Commission: the Marcha Patriótica political movement and the Congreso de los Pueblos political movement, and also two experts delegated by the FARC-EP. The Commission will provide the forums or mechanisms for receiving input and proposals from other political groups wishing to take part in the discussion. Care will be taken to ensure that the parties, movements and other groups called to

the Commission include female representation.

Page 37, 2.1.2. Security guarantees for the exercise of politics

...The new System will incorporate special measures for women, and these are to include positive evaluation of their involvement in public life.

Page 38, 2.1.2.1. Comprehensive Security System for the Exercise of Politics

Appropriate regulations and institutions: • Creation of a high-level unit:

Page 40, 2.1.2.1. Comprehensive Security System for the Exercise of Politics:

The System will include the following elements:

d. Evaluation and follow-up:

• ... This system will include specific information as to risks and threats concerning the participation and the political, social and community representation of women...

Page 42, 2.2. Democratic mechanisms for citizen participation, including those concerning direct participation, at various levels and in various subject areas

...

Through legal and technical assistance, support for the creation and consolidation of social movements and organisations. Notwithstanding the principle of equality, support will be given in the form of extraordinary measures to organisations of women...

Page 45, 2.2.3. Citizen participation through community, institutional and regional media

...In addition, in an end-of-conflict scenario, the community, institutional and regional media will play a part in the development and promotion of a culture of participation... its content incorporating non-discriminatory values and respect for the rights of women to a life free from violence.

Page 47, 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect

The Council will have the function of advising and monitoring the Government in implementing mechanisms and actions, which are to include:

The promotion of non-stigmatisation of groups in vulnerable circumstances or discriminated against, such as women...

Page 48, 2.2.5. Citizen control and oversight

The citizen control and oversight mechanisms envisaged will include effective participation by women.

Pages 49-50, 2.2.6. Policy for strengthening democratic, participatory planning

a.

...

To promote female participation in the Territorial Councils.

d. ...The National Government will adopt measures to facilitate the effective participation of women in this scenario, including measures to make it possible to overcome obstacles concerning women's carer and reproductive roles...

...

Page 54, 2.3.5. Promotion of a democratic and participatory political culture

... women...

... A programme to promote political participation and leadership by women.

Page 55, 2.3.6. Promotion of the political representation of populations and zones particularly affected by the conflict and neglect

In any event, candidates must be people who regularly live in said territories or have been displaced from them and are in the process of returning. Candidates may be registered by significant groups of citizens or organisations in an electoral district, such organisations of women...

Pages 55-56, 2.3.7. Promotion of women's political and citizen participation within the context of this Agreement...

Page 56, 2.3.8. Creation of a new space for providing media access to political movements and parties

...

This channel will also be a way in which to provide information on the work of victims' organisations, social movements and organisations, to promote a democratic culture of peace and reconciliation and of non-discriminatory values with respect for the right of women to a life free of violence. Summary: The agreement in its entirety makes consistent references to women.

### Chapter 3

Page 69, 3.2. Reincorporation of the FARC-EP into civilian life – in economic, social and political matters – in accordance with its interests

... Every component of the reincorporation process shall have an equity-based approach, with a particular emphasis on women's rights.

Page 72, 3.2.1.2. Political representation

These spokespeople must be called to all sessions in which the corresponding draft legislative acts or laws are discussed and may intervene with the same powers as the Congressmen and -women during the legislative procedure, apart from the vote. The requirements for carrying out their work shall be defined in conjunction with the Ministry of the Interior.

Page 81, 3.4.1. Guiding principles

Gender-based approach...

Page 81, 3.4.2. National Political Pact:

...The National Government and the new political movement that emerges from the transition of the FARC-EP to legal political activity undertake to promote a National Political Pact from the regions, with the aid of...women's organisations..

Page 84, 3.4.3. Control of inputs

...

g. It shall plan and draw up strategies, within its jurisdiction, to identify the funding sources and patterns of criminal activity of the organisations and conduct that are the subject of this agreement; among those patterns shall be taken into account those that particularly affect women...

Page 87, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts...

...

• As an operating basis, this Unit shall take a multidimensional investigative approach which deals with the entire criminal chain of the organisations and conduct that are the subject of its mandate, including criminal conduct affecting women...

Page 89, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts...

Jurisdiction

The Special Unit:

- Shall implement specialised investigation methodological plans in relation to the most serious acts of victimisation undertaken against women....

Chapter 4

Page 104, 4. Solution to the Illicit Drugs Problem, Preamble

That many regions and communities across the country, especially those in conditions of poverty and neglect, have been directly affected by the cultivation, production and sale of illicit drugs, leading to a deepening of their marginalisation, inequality, gender-based violence and a lack of development.

...

That these phenomena have a severe influence on specific forms of violence that particularly affect women, victims of human trafficking, sexual exploitation and violence resulting from the use of illicit drugs, among others, which requires the training of women in the planning and monitoring of action to combat this kind of violence.

Pages 109-110, 4.1.1. Principles

Equity-based approach according to the conditions in each territory: the NCPS implemented must ... recognise and take account of the economic, cultural and social issues, characteristics and needs of the territories and rural communities, in particular .... of women in these communities and territories...

Page 111, 4.1.2. Aims

- Strengthening the participation and capabilities of small-scale farmer's organisations, including rural women's organisations, to provide support (technical, financial, human support, inter alia) for their projects.
- Involving women as active subjects in the agreement processes in relation to voluntary substitution, recognising their active role in the processes of rural development

Page 112, 4.1.3. Description and elements of the National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes

....It will be ensured that women are involved in the planning, implementation, monitoring and evaluation of the comprehensive plans for the substitution of crops used for illicit purposes and alternative agrarian development, and that women receive training to prevent gender-based violence associated with drugs.

Page 124, 4.2.1.1. Principles: The national policy to tackle illicit drug use will be guided by the following principles:

... • Equity-based and gender-based approach.. This approach should take into account the relationship between illicit drug use and violence against women, especially domestic violence and sexual violence. Measures will be provided for women, and adolescent and young girls.

Chapter 5

Page 134, 5. Agreement regarding the Victims of the Conflict.... preamble

The armed conflict, which has multiple causes, has inflicted suffering and loss on the people ... such as sexual violence, psychological damage or simply living in fear.

Page 146, 5.1.1.1.4. Duties:

- Ensure that the gender-based approach runs through each and every aspect of the Commission, by creating a gender-based task force in charge of specific technical tasks, investigation and holding of hearings, inter alia.... for liaising with women's ... organisations.

Page 154, 5.1.2. Justice

#### SPECIAL JURISDICTION FOR PEACE

##### I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

7.- In addition, the consequences of such violations are most serious when they are committed against women or when victims belong to the most vulnerable groups, subjects of special protection, who deserve reparations and special protection, including indigenous peoples, AfroColombian communities and other ethnically distinct groups, religious communities, rural communities, the poorest, the disabled, the displaced and refugees, children, and adolescents, the LGBTI population and the elderly.

8.- The judicial component will function in a way that emphasises the needs of women and child victims.... Reparations must be in line with the United Nations' call for all peace agreements to adopt a gender focus, recognising reparative and restorative measures, the special suffering of women, and the importance of their active and fair participation in the judicial component of the CS.

Page 179, 5.1.2. Justice

#### SPECIAL JURISDICTION FOR PEACE

##### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

67.- ...It will be formed according to criteria of equal participation by men and women and respect for ethnic and cultural diversity, and members will be elected through a selection process that reassures Colombian society and its different sectors.

The Unit will have a special investigation team for cases of sexual violence. Special provisions on handling evidence will be established for acts of sexual violence, as given in the Rome Statute.

Pages 182-183, 5.1.2. Justice.

#### SPECIAL JURISDICTION FOR PEACE

##### LIST OF SANCTIONS.

There are three types of sanction:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility:

... Sanctions relating to harm or injury caused to minors, women...

Page 192, 5.1.3.4.1. Emotional recovery measures at individual level

In order to address and help to alleviate the suffering of victims in the context of the end of the conflict, the National Government and the FARC-EP have agreed that in developing this agreement the National Government will undertake to broaden the public coverage and regional scope and improve the quality of psychosocial care to ensure the emotional recovery of victims in accordance with the specific harm or injury they have suffered, including the particular impact of sexual violence.

Page 198, 5.1.4. Guarantees of non-recurrence

Secondly, by means of the recognition of what has occurred in the context of the conflict and of the clarification and rejection of the serious violations of human rights and serious breaches of international humanitarian law, including those that have been historically less visible such as those committed against women.

Pages 200-201, 5.2. Commitment to the promotion, respect and guarantee of human rights  
The end of the conflict constitutes the best opportunity to realise the rights of the victims ... including those of women...

#### Chapter 6

Pages 204-205, 6. Implementation, verification and public endorsement, General principles for implementation

- Gender-based approach...

Page 207, 6.1. Implementation and verification mechanisms

...

d. In order to assist with monitoring the approach and guaranteeing the rights of women in the implementation of the Final Agreement, a special forum (Instancia Especial) shall be set up comprising representatives from 6 national and regional Colombian women's organisations, to maintain a permanent dialogue with the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CMPVI). Its composition and functioning shall be defined in consultation with the women's organisations and in the context of the CMPVI.

Page 208, 6.1.1. Framework Plan for Implementation of the Agreements

... The Framework Plan will include as a priority the practical and strategic needs of women, identifying the multiple discriminations that must be addressed for the execution of the agreements. Furthermore, in respect of the implementation of the agreements, it will drive forward public policies, programmes and reforms that take into account the particular requirements of women ... including impact indicators that make it possible to identify the progress of implementation in that regard.

Page 217, 6.2.3. Safeguards and guarantees

A cross-cutting approach will be incorporated, encompassing ethnicity, gender, women, family and generation.

Pages 220-221, 6.2.3. Safeguards and guarantees

e. In relation to victims of the conflict: "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence"

...

An educational and communication strategy will be agreed for the dissemination of the principles of non-racial and ethnic discrimination against women...

### **Men and boys**

#### [Gender neutral wording](#)

Summary: The agreement in its entirety makes consistent references to a gender-based approach.

Selected provisions:

#### Chapter 1

Page 10, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Within the context of this Agreement to End the Armed Conflict, the Comprehensive Rural Reform (Reforma Rural Integral), hereinafter referred to as CRR, lays the foundation for the structural transformation of the countryside, creates conditions for well-being of the rural population – men and women – thereby contributing to the building of a stable and long-lasting peace.

Page 11, 1., Preamble

In the area of food and nutrition, the CRR aims to ensure that the entire rural and urban population in Colombia has sufficient access to and availability of the foodstuffs they need for proper nutrition, in



terms of opportunity, quantity, quality and price, especially in the case of boys and girls, ... prioritising the production of food and the generation of income.

Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform, Preamble

This structural transformation also requires the promotion of equality between men and women through the adoption of specific measures to guarantee that men and women are involved in and benefit from implementation of this Agreement on an equal basis.

Pages 13-14, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Principles

The following principles will be taken into account when implementing that which has been agreed under the heading "Toward a New Colombian Countryside: Comprehensive Rule Reform":

...

- Participation: the planning, implementation and monitoring of plans and programmes will move forward with the active participation of communities – men and women – and this is furthermore a guarantee of transparency together with accountability, citizen oversight and special supervision on the part of competent bodies.

...

- Prioritisation: the comprehensive agrarian development policy is universal and its implementation prioritises the most deprived and vulnerable populations and territories, and the communities most affected by poverty, neglect and the conflict; it focuses on small and medium-sized producers, men and women alike. The rights of the victims of the conflict, of boys and girls, women and the elderly, deserve special attention.

Chapter 2

Page 35, 2. Political participation: A democratic opportunity to build peace, Preamble

Peacebuilding further requires citizen mobilisation and participation in areas of public interest and, in particular, in the implementation of this Agreement. This involves, first, the strengthening of guarantees and capabilities, in order that male and female citizens alike, brought together in different social and political movements and organisations, can carry on their activities and thereby contribute to the expression of the interests of a pluralist, multicultural society via different means, including social protest.

Page 38, 2.1.2. Security guarantees for the exercise of politics

The new Comprehensive System will, within the institutions of the state, political movements and parties, social movements and organisations and communities in general, further the promotion of a culture of respect for difference and an interest in the prevention of violence against those exercising politics.

Chapter 3

Page 81, 3.4.1. Guiding principles

....Strengthening the administration of justice: in a scenario of ending the conflict and building a stable and long-lasting peace, the measures adopted must contribute to ensuring citizens' access to independent, timely, effective and transparent justice, in conditions of equality, whilst respecting and promoting alternative mechanisms for resolving conflicts across the country's territories, such that fundamental rights and impartiality are ensured, preventing any form of private justice and confronting the conduct and organisations that are the subject of this agreement. These measures also have to contribute to ensuring the administration of effective justice in cases of gender-based

violence, free from stereotypes regarding LGBTI persons, with sanctions proportional to the seriousness of the act.

#### Chapter 4

Summary: Chapter 4, which deals with illicit crops and drugs makes consistent reference to gender neutral provisions such as adopting a gender-based approach. See coding for chapter 4 on drugs, natural resources, development (national economic plans)

#### Chapter 5

Page 178, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

##### SPECIAL JURISDICTION FOR PEACE

##### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

65... All these individuals will need to be highly qualified and they must include experts in different areas of law, with a focus on knowledge of international humanitarian law, human rights or conflict resolution. The Tribunal will need to be formed according to criteria of equal participation by men and women and respect for ethnic and cultural diversity, and members will be elected through a selection process that reassures Colombian society and its different sectors.

##### Other

Page 6, Introduction

The conclusion of hostilities will first and foremost represent the end of the enormous suffering that the conflict has caused. Millions of Colombians, men and women alike, have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of communities have been affected in one way or another throughout the length and breadth of the country, including... boys...

#### **LGBTI** [LGBTI \(positive\)](#)

Page 3, Preamble

Emphasising that the new Final Agreement places special emphasis on the fundamental rights of .... the LGBTI community...

#### Chapter 2

Page 47, 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect

The Council will have the function of advising and monitoring the Government in implementing mechanisms and actions, which are to include:

The promotion of non-stigmatisation of groups in vulnerable circumstances or discriminated against, such ... the LGBTI population...

Page 54, 2.3.5. Promotion of a democratic and participatory political culture

... Special emphasis will be placed on the most vulnerable populations such as LGBTI groups. The content of these campaigns will incorporate values to challenge multiple forms of discrimination

#### Chapter 3

Page 81, 3. End of the Conflict, 3.4. "Agreement on guarantees of security and the fight against criminal organisations...Preamble

...Strengthening the administration of justice: in a scenario of ending the conflict and building a stable and long-lasting peace, the measures adopted must contribute to ensuring citizens' access to independent, timely, effective and transparent justice, in conditions of equality, whilst respecting and promoting alternative mechanisms for resolving conflicts across the country's territories, such that fundamental rights and impartiality are ensured, preventing any form of private justice and confronting the conduct and organisations that are the subject of this agreement. These measures also have to contribute to ensuring the administration of effective justice in cases of gender-based violence, free from stereotypes regarding LGBTI persons, with sanctions proportional to the seriousness of the act.

#### 3.4.2. National Political Pact:

The country's desire to achieve a stable and long-lasting peace is based on the recognition of the need to overcome the armed conflict. The National Government and the new political movement that emerges from the transition of the FARC-EP to legal political activity undertake to promote a National Political Pact from the regions, with the aid of... LGBTI organisations...

Page 84, 3.4.3. National Commission on Security Guarantees for the dismantling of criminal organisations and criminal acts...

...

g. It shall plan and draw up strategies, within its jurisdiction, to identify the funding sources and patterns of criminal activity of the organisations and conduct that are the subject of this agreement; among those patterns shall be taken into account those that particularly affect women, children, adolescents and the LGBTI community.

Page 89, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts

Jurisdiction

The Special Unit:

- Shall implement specialised investigation methodological plans in relation to the most serious acts of victimisation undertaken against women, children, adolescents and the LGBTI community by the organisations and conduct that are the subject of this agreement.

## Chapter 4

Page 124, 4.2.1.1. Principles: The national policy to tackle illicit drug use will be guided by the following principles:

... • Equity-based and gender-based approach: against a background of respect for human rights, to ensure the actions to tackle drug use implemented actually meet the needs of users and are effective and sustainable, it is necessary to identify vulnerability factors associated with age, gender, disability status, socioeconomic status and geographical location or membership of the LGBTI population, etc. Such actions should pay particular attention to the needs of adolescents in rural and urban areas.

Page 126, 4.2.1.4. Participatory action plans with territorial-based and population-focused approach: These plans shall contain at least

- Actions to raise awareness and guide the community and institutions to prevent stigmatisation of drug users, taking into account in particular the difference in impact on women and the LGBTI population.
- Actions to expand and improve access to and the range of care and assistance provided by qualified persons to drug users, including treatment and rehabilitation, and that promote, inter alia, affirmative action for women and the LGBTI population...

## Chapter 5

Page 134, 5. Agreement regarding the Victims of the Conflict.... preamble

The armed conflict, which has multiple causes, has inflicted suffering and loss on the people to a degree unparalleled in our history. Millions of Colombians have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of families, groups and communities have been affected throughout the length and breadth of the country, including ... the LGBTI population ...

Page 140, 5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la la Verdad, la Convivencia y la No Repetición)

Throughout its work the Commission will take an appropriate approach to learn about the different ways in which the conflict affected ... the LGBTI community ... This should also help to raise awareness in Colombian society of the specific ways in which the conflict reproduced historical mechanisms of discrimination, as a fundamental first step towards a more just and inclusive society.

Pages 143-146, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

The human and social impact of the conflict on society, including its impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected ...the LGBTI community, ....

5.1.1.1.4. Duties:

.... • Ensure that the gender-based approach runs through each and every aspect of the Commission, by creating a gender-based task force in charge of specific technical tasks, investigation and holding of hearings, inter alia. This task force will not be the only one addressing this topic, but it shall bear the responsibility for reviewing methodologies in order to ensure that all the Commission's instruments include this approach, and for liaising with ... LGBTI organisations.... This shall be achieved without prejudice to the necessary autonomy of the Commission in determining its structure and working methodology.

Page 154, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

7.- In addition, the consequences of such violations are most serious when they are committed against women or when victims belong to the most vulnerable groups, subjects of special protection, who deserve reparations and special protection, including ... the LGBTI population ....

Pages 200, 5.2. Commitment to the promotion, respect and guarantee of human rights

The end of the conflict constitutes the best opportunity to realise the rights of the victims to truth, justice, reparations and non-recurrence, and in general to ensure the full realisation of the human rights of all, including... the LGBTI community...

## Chapter 6

Page 204, 6. Implementation, verification and public endorsement, General principles for implementation

• Respect for equality and non-discrimination: The implementation of this Agreement shall respect

equality in all its aspects and equality of opportunity for everyone in accessing the different plans and programmes provided for in this Agreement, without any form of discrimination. Nothing contained in the Final Agreement shall be understood or interpreted as denying, restricting or infringing the rights of individuals, ... on account of their membership of the LGBTI community, or for any other reason; nor shall it be understood or interpreted as denying, restricting or infringing the right to unhindered development of the personality or the right to freedom of conscience.

**Family** Chapter 1

Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform, Preamble  
Broadly, the CRR acknowledges the fundamental role of the rural, family-run and community-based economies ....

Page 12, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform, Preamble  
Comprehensive rural development will move forward within the context of globalisation and insertion policies therein on the part of the state, demanding particular attention to national agricultural production and especially rural, family-run and community-based systems of production.

Page 12, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform  
Principles

The following principles will be taken into account when implementing that which has been agreed under the heading “Toward a New Colombian Countryside: Comprehensive Rule Reform”:

...

- Comprehensive development of rural areas: the development of rural areas depends on a proper balance between the various existing forms of production – family farming, agro-industry, tourism, agriculture on a commercial scale-; on competitiveness and the need to promote and encourage investment in rural areas with entrepreneurial vision and for the productive purposes as a condition for their development; and on promotion and encouragement on an equal basis of links between small-scale rural production and other production models, which could be vertical or horizontal and on a different scale. In any case, the rural, family-run and community-based economy will be promoted and protected and measures will be adopted to develop and strengthen it.
- Equality and a gender-based approach: acknowledgement of women as independent citizens with rights, who, irrespective of their marital status, or relationship to their family or community...

Page 18, 1.1.5. Large-scale titling of small and medium-sized rural property

...

- Where the titled property is smaller than a Family-run Agricultural Unit (Unidad Agrícola Familiar, UAF) (FAU)<sup>2</sup>, the registered small property owner may also benefit from the Land Fund access plan and alternative mechanisms, such as purchase credits and subsidies with a view to helping to curb the proliferation of unproductive smallholdings.

Page 18, 1.1.6. Inalienable and non-seizable land: with a view to guaranteeing the well-being and quality of life of beneficiaries and avoiding the concentration of land distributed by means of free allocation or comprehensive purchase subsidy or registered vacant land, such land will be inalienable and non-seizable for a period of 7 years. The distributed land, and land that is acquired by means of the comprehensive purchase subsidy, that have received comprehensive support but yet, within this period, cease to be worked upon by the beneficiaries (except in cases of force majeure or fortuitous circumstance) or are used unlawfully, will pass to the Land Fund. The social function of rural property and, in particular, family farming methods, will be promoted and protected at all times.

Page 21, 1.1.10. Closure of the agricultural frontier and protection of reserve areas

... Land appropriated from the Forest Reserve Areas mentioned in this Agreement will be prioritised to small-scale farmers without land or with insufficient land, via various forms of organisation or association, including the Peasant Enterprise Zones, which will contribute to the closure of the agricultural frontier, the strengthening of the small-scale farmer economy and family-run agriculture.

Page 22, 1.2.1. Objective:

the objective of the DPTFs is to achieve the structural transformation of the countryside and the rural environment and to promote an equitable relationship between rural and urban areas, with a view to guaranteeing:

...

The development of the small-scale farmer and family-run economy (based on cooperative, mutual, communal, microbusiness and solidarity association systems) and of the particular production methods of the indigenous, black, Afro-descendent, raizal and palenquero communities, through comprehensive access to land and to productive and social goods and services. The DPTFs will with equal emphasis play a part in inter-ethnic and inter-cultural spaces, with a view to the latter making effective progress towards development and harmonious coexistence...

Page 24, 1.3. National plans for Comprehensive Rural Reform

Poverty is overcome not simply by improving families' income, but by ensuring that boys and girls, men and women have adequate access to public goods and services. This is the basis of a decent life.

Pages 25, 1.3.1.2. Irrigation infrastructure:

with the aim of supporting small-scale family-run agricultural production and boosting the rural economy in general by guaranteeing democratic and environmentally sustainable access to water, the National Government will set up and implement the National Irrigation and Drainage Plan (Plan Nacional de Riego y Drenaje) for the rural, family-run and community-based economies.

Summary: see also National Economic Plan for provisions on developing family-run economies.

Selected Provisions:

Pages 29-32, 1.3.3. Stimuli for agricultural production and the solidarity and cooperative economy. Technical assistance. Subsidies. Credit. Income generation. Marketing. Formalisation of the labour market.

1.3.3.2. Technical assistance:

with the aim of strengthening production capacities in the rural, family-run and community-based economies to develop rural productive projects and to stimulate technological innovation processes, the National Government will design and implement a Comprehensive National Technical, Technological and Research-Incentive Assistance Plan (Plan nacional de asistencia integral técnica, tecnológica y de impulso a la investigación).

- Guaranteeing the provision of the comprehensive technical and technological assistance service (advances in terms of technico-productive, organisational, social, management, administration, IT, finance, marketing and training) for production in the rural, family-run and community-based economies in a decentralised manner. Comprehensive technical and technological assistance is a free-of-charge public service for men and women who benefit from the Land Fund and for small-scale producers, with priority being given to women who are heads of families, and will include a progressive subsidy for medium-sized producers.

1.3.3.3. Subsidies, income generation and credit:

in addition to the subsidies that the National Government will grant to the rural, family-run and community-based economies through the plans and programmes relating to land distribution, technical assistance, housing, infrastructure and, in general, all social goods and services falling

under the heading of comprehensive access, the National Government will design and implement a Plan for Supporting and Consolidating Income Generation in the Rural, Family-run and Community-based Economies and Medium-sized Producers with Lower Income Levels (Plan para apoyar y consolidar la generación de ingresos de la economía campesina, familiar y comunitaria, y de los medianos productores y productoras con menores ingresos).

...

- Adopting a system of guarantees to facilitate access by the rural, family-run and communitybased economies to agricultural credit.

...

- In light of the agreements in section 1.1.6 relating to inalienability and non-seizability, the provision of soft, flexible, appropriate and subsidised credit lines for the rural, family-run and community-based economies and complementary activities.

- Promoting subsidised harvest insurance for the agricultural produce of the rural, family-run and community-based economies in all their forms.

...

- Alongside subsidised credit handbooks, comprehensive information and mentoring will be provided as a priority to small rural producers in the use of portfolio normalisation mechanisms, enabling them to return to production in the rural, family-run and communitybased economies on their holdings, with a view to safeguarding their livelihood.

1.3.3.4. Marketing: with the aim of guaranteeing suitable conditions for marketing goods arising from the production of the rural, family-run and community-based economies and improving their availability as a guarantee of the right to nutrition, the National Government will set up and implement the National Plan for the Promotion of Marketing the Products of the Rural, Familyrun and Community-based Economies (Plan nacional para la promoción de la comercialización de la producción de la economía campesina, familiar y comunitaria), which will have affirmative measures to promote the economic empowerment of rural women.

1.3.3.6. Associations: the Government will encourage and promote associations, production chains and productive partnerships between small, medium and large producers as well as processors, traders and exporters in order to guarantee large-scale, competitive production that forms part of added value chains that help improve living conditions of the rural inhabitants in general and small producers in particular. For that purpose, it will provide technical, legal and economic assistance (credit or financing) to small producers in order to guarantee family and associative projects that are balanced and economically sustainable.

## Chapter 3

Page 69, 3.2. Reincorporation of the FARC-EP into civilian life - in economic, social and political matters - in accordance with its interests

... The reincorporation into civilian life shall be a comprehensive, sustainable process of an exceptional and transitory nature which takes into account the interests of the community of the FARC-EP, its members and their families, aimed at strengthening the social fabric across the country's territories as well as coexistence and reconciliation among the inhabitants; furthermore, it is aimed at developing and deploying socially productive activities and local democracy.

Pages 75-76, 3.2.2.5. Reincorporation for minors who have left the FARC-EP camps

... These minors will be accorded all the rights, benefits and allowances established for the victims of the conflict as well as those deriving from their process of reincorporation in the terms contemplated in this Final Agreement and priority will be given to family reunification wherever possible, and to final placement in homes in their original communities or others of a similar nature, whilst at all times taking into account the best interests of the child.

Page 77, 3.2.2.7. Guarantees for a sustainable social and economic reincorporation

- Social programmes or plans In accordance with the results of the socioeconomic census, the plans or programmes necessary to safeguard the fundamental and basic rights of the population that is the subject of the present agreement shall be identified, such as rights to: psychosocial support; reunification of family units and extended families and elderly persons, including measures for the protection and care of children of members of the FARC-EP in the process of reincorporation.

## Chapter 4

Page 110,

### 4.1.1. Principles

- Voluntary substitution: On the basis of the decision and commitment of cultivators to abandon crops used for illicit purposes, voluntary substitution is a fundamental principle of the Programme, in order to build trust among communities and create conditions that can contribute to solving the problem of crops used for illicit purposes, without detriment to the economic, social and environmental sustainability of the communities and the territories in question. This involves action for promoting voluntary substitution and defining, together with the communities, crop substitution alternatives that are sustainable from an economic and socio-environmental perspective and sufficient to strengthen family-run economies, ensuring decent living conditions....

### 4.1.2. Aims

The National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes will be implemented within the framework and as a part of the Comprehensive Rural Reform (CRR) and must achieve the following aims:

- Overcoming the conditions of poverty in rural communities, and in particular the family cores that form such communities...

Page 119, 4.1.3.6. Components of the comprehensive plans for the substitution of crops:

a. Immediate attention plan and development of rural productive projects

... At the same time, as part of the Comprehensive Rural Reform (CRR), long-term rural productive projects will be structured together with growers and small-scale producers in the territory— men and women— to provide families with better income and decent living conditions.

Page 120, 4.1.3.6. Components of the comprehensive plans for the substitution of crops:

a. Immediate attention plan and development of rural productive projects

.... Temporary employment opportunities for harvesters, both those who have settled in the region and those who have not: the identification of community projects and other sources of employment arising as a result of the Comprehensive Rural Reform (CRR), in which priority will be given to members of the households of harvesters' families.

Page 122, 4.2. Public Health and Drug Use Prevention

Programmes Illicit drug use is a multi-causal phenomenon associated with the specific economic, social, family and cultural conditions of the society or environment of each person, and must be treated as a public health issue. The solution requires commitment and collaboration between the authorities, the community and the family, based around a policy of health promotion, prevention, comprehensive care and social inclusion, with particular emphasis on children and adolescents.

## Chapter 5

Page 134, 5. Agreement regarding the Victims of the Conflict.... preamble



The armed conflict, which has multiple causes, has inflicted suffering and loss on the people to a degree unparalleled in our history. Millions of Colombians have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of families, groups and communities have been affected throughout the length and breadth of the country, including rural communities, indigenous peoples, the Afro-Colombian, black, palenquero, raizal and Roma communities, persons due to their religious beliefs, political parties, social and trade-union movements, the LGBTI population and economic associations, inter alia. There have also been other, less visible but no less painful forms of victimisation, such as sexual violence, psychological damage or simply living in fear.

Page 144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

- The impact of the conflict on those who directly took part in it as combatants, and on their families and surroundings.

Pages 180-181, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

...

For conduct committed prior to the signing of the Final Agreement only, when there is an extradition request involving relatives, up to the second degree of consanguinity or first degree by marriage, of members of the FARC-EP or a person accused of or noted in an extradition request of being a member of that organisation, this situation may be submitted to the Review Chamber of the Tribunal for Peace to decide whether the request involves events or conduct related to said membership, or alleged membership, of the FARC-EP on the part of the relative of the person whose extradition is being called for. Should this be the case, because it relates to an accusation or indictment of conduct that has never before been the object of an extradition request and does not meet the conditions for this, the Chamber will be able to refuse the extradition and, in this case, decide whether the action or conduct is the jurisdiction of the CS or whether it needs to be investigated or prosecuted through Colombia's ordinary criminal jurisdiction. The above situation will need to be submitted to the Review Chamber for any of the former members of the FARC-EP that have signed the Final Peace Agreement.

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## State definition

### **State definition** [Nature of state \(general\)](#)

Page 3, Preamble

Emphasising that Colombia has signed International treaties and declarations that enshrine equality, non-discrimination against persons and tolerance as universal conduct, not only as principles, but as values that must be applied and defended as a prerequisite for bringing about peace and economic and social progress for all peoples, and emphasising that tolerance consists of "harmony in difference"...

Page 4, Preamble

Extolling and enshrining the justice that is to come inasmuch as it acknowledges essential fundamental rights for new and future generations, such as the right to protected land, the right to the conservation of the human species, the right to be aware of one's origins and identity, the right to know the truth with regard to events occurring before one's birth, the right to exemption from liability for acts committed by earlier generations, the right to the preservation of freedom of choice, and other rights, notwithstanding the rights of victims of any age or generation to truth, justice and

reparations;

Having regard to the fact that the new vision of a Colombia at peace enables us to achieve a sustainable society that is united in diversity and that is based not only on consideration for human rights but on mutual tolerance, protection of the environment, respect for nature and its renewable and non-renewable resources and biodiversity;

#### Pages 6-7, Introduction

The Final Agreement recognises, without any discrimination whatsoever, the primacy of the inalienable rights of the person as a basis for coexistence in the public and private spheres, and the family as the fundamental nucleus of society and the rights of its members. The implementation of the Agreement must be governed by recognition of the equality and protection of the pluralism of Colombian society, without any discrimination. The conditions in order for equality to be real and effective will be guaranteed in its implementation and affirmative measures will be adopted in favour of groups that are discriminated against or marginalised, taking a territorial-based, equity-based and gender-based approach into consideration.

Additionally, the participation of and dialogue between the various sectors of society will contribute to building a climate of trust and promoting a culture of tolerance, respect and peaceful coexistence in general, which is an objective of all the accords. Decades of conflict have led to deep mistrust within society, especially in the territories most affected by the conflict.

#### Chapter 2

Page 34, 2. Political participation: A democratic opportunity to build peace, Preamble,  
The National Government and the FARC-EP recognise that:

Within the context of the end of the conflict, building and consolidating peace requires an expansion of democracy to allow new forces to emerge on the political scene in order to enrich debate and deliberation concerning the major problems confronting the nation, thereby strengthening pluralism and thus the representation of different visions and interests in society, with due safeguards for participation and inclusion in politics. It is important to expand and to qualify democracy as a prerequisite for achieving a solid basis for forging the peace.

...

In consolidating the peace, it is necessary to guarantee pluralism, facilitating the constitution of new political movements and parties that will contribute to the debate and to the democratic process and will involve sufficient guarantees for the exercising of political opposition and genuine power alternatives. At the end of the conflict, democracy requires a strengthening of the safeguards of political participation.

Peace consolidation also requires the promotion of peaceful coexistence, tolerance and non-stigmatisation, ensuring conditions of respect for democratic values and thereby greater respect for those exercising political opposition.

Page 35, 2. Political participation: A democratic opportunity to build peace, Preamble  
Peacebuilding further requires citizen mobilisation and participation in areas of public interest and, in particular, in the implementation of this Agreement. This involves, first, the strengthening of guarantees and capabilities, in order that male and female citizens alike, brought together in different social and political movements and organisations, can carry on their activities and thereby contribute to the expression of the interests of a pluralist, multicultural society via different means, including social protest.

... The promotion not only of political pluralism but also social movements and organisations, particularly of women, young people and other sectors excluded from the exercise of politics and, in general, the democratic debate, requires new forums for dissemination in order that parties, organisations and communities involved in peacebuilding can gain access to space on national, regional and local channels and broadcasters.

## Chapter 6

Pages 206-207, 6. Implementation, verification and public endorsement, General principles for implementation

- Democratic principles: the interpretation and implementation of this Agreement and of the regulations which incorporate it into the legal system shall respect the unitary nature of the rule of law, political pluralism, individual freedoms, the separation of powers, the powers of the different branches of public authority, territorial integrity, economic freedom, the right of all citizens to own private property and the primacy of the inalienable rights of the individual, as well as society's different organisational endeavours and processes, particularly those of the rural, indigenous and Afro-Colombian, black, palenquero and raizal communities.

Page 217, 6.2.2. Principles

In interpreting and implementing all the components of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia

In interpreting and implementing the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia, with an ethnic-based approach, account will be taken, among others, of the following principles: free determination, autonomy and self-government, participation, consultation and prior free and informed consent; social, economic and cultural identity and integrity, rights over land, territories and resources, which involve the recognition of their ancestral territorial practices, the right to restitution and strengthening of territoriality, the current mechanisms for legal protection and security of the land and territories occupied or owned ancestrally and/or traditionally.

[State configuration](#)

Page 6, Introduction

Secondly, the end of the conflict will herald a new Chapter in our nation's history. It will be an opportunity to initiate a phase of transition that will contribute to greater territorial integration...

## Chapter 1

Pages 23-24, 1.2. Development Programmes with a Territorial-Based Focus (DPTFs)

The systems for participation established for the preparation of Development Programmes with a Territorial-Based Focus seek to strengthen participation by citizens in decisions that affect them within the framework of the Constitution, promote solidarity associations and invigorate local democracy.

## Chapter 6

Pages 205-207, 6. Implementation, verification and public endorsement, General principles for implementation

...

The constitutional basis whereby the Colombian state is administratively decentralised is reaffirmed, as is the autonomy of the regional bodies, according to the principles of concurrence, coordination and subsidiarity; the implementation shall, therefore, be carried out in coordination with and with the support of local authorities. The implementation of the Agreement must be carried out with full

respect for the powers of the regional authorities, without detriment to its content.

...

- Democratic principles: the interpretation and implementation of this Agreement and of the regulations which incorporate it into the legal system shall respect the unitary nature of the rule of law... territorial integrity....

#### Page 217, 6.2.2. Principles

Principles In interpreting and implementing all the components of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia

In interpreting and implementing the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia, with an ethnic-based approach, account will be taken, among others, of the following principles: free determination, autonomy and self-government .... strengthening of territoriality, the current mechanisms for legal protection and security of the land and territories occupied or owned ancestrally and/or traditionally.

#### Page 226, 6.4. International accompaniment component

...The international accompaniment is an endeavour to contribute to strengthening the guarantees for the fulfilment of the agreements. It must respect Colombia's constitutional and legal order, have respect for the internal sovereignty and the duty to guarantee the human rights of the citizens. Its role is to support and endorse the joint efforts for the implementation of the agreements to be successfully achieved.

#### [Self determination](#)

#### Chapter 2

#### Page 37, 2.1.2. Security guarantees for the exercise of politics, preamble

The Comprehensive Security System for the Exercise of Politics will be structured in keeping with a concept of security that focuses on the individual, is based on the principles of sovereignty, non-intervention and free determination of the people...

#### Chapter 3

Page 79, 3.4. Agreement on guarantees of security and the fight against criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks"

Chapter 2 of the Agreement also establishes that "The Comprehensive Security System for the Exercise of Politics shall be structured in line with a person-centred security concept, based on the principles of sovereignty, non-intervention and self-determination of peoples...

#### Chapter 4

Page 153, SPECIAL JURISDICTION FOR PEACE I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

4.- The state has the autonomy to establish special jurisdictions or legal systems, deriving from the provisions of the UN Charter on the sovereignty and self-determination of nations, and from principles of international law, including international humanitarian law, international law on human rights and international criminal law.

#### Chapter 6

Principles In interpreting and implementing all the components of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia

In interpreting and implementing the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia, with an ethnic-based approach, account will be taken, among others, of the following principles: free determination, autonomy and self-government

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## Governance

### **Political institutions (new or reformed)**

#### [New political institutions \(indefinite\)](#)

##### Chapter 1

Pages 18-19, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

Create a high-level body within the framework of the powers of the National Government, which will be responsible for drawing up general guidelines aimed at indicative planning for land use to coordinate, collate and harmonise sector policies, considering the characteristics of its suitability, the common good and territorial-based visions of rural development formulated in participative forums that will provide men and women alike, and the territorial Final Agreement 24.11.2016 19 authorities, with equitative representation.

Page 38, 2.1.2.1. Comprehensive Security System for the Exercise of Politics

The System will include the following elements:

a. Appropriate regulations and institutions:

- Creation of a high-level unit:

- o This unit will set in place a Comprehensive Security System for the Exercise of Politics and will guarantee the implementation, functioning and supervision thereof.

- o This unit will be accountable to the Office of the President of the Republic and will establish mechanisms for ongoing dialogue with political movements and parties, especially those in opposition, and the new movement arising from the transition of the FARC-EP to legal political activity. The mechanisms will include, inter alia, a system of planning, information and monitoring, and a follow-up and evaluation commission (see sub-paragraph d). The unit will promote effective dialogue with women.

- o This unit will oversee the functioning of the system and will serve as the primary link with other state institutions, such as the Office of the Ombudsman (Defensoría del Pueblo), the Office of the Attorney General (Fiscalía General de la Nación) and the Office of the Inspector General (Procuraduría General de la Nación).
- A review of the regulatory framework for increasing the penalties for crimes against those exercising politics

##### Chapter 3

Page 83, 3.4.3. National Commission on Security Guarantees for the dismantling of criminal organisations and criminal acts...

In compliance with what has been agreed under section 2.1.2.1. in relation to the Comprehensive Security System for the Exercise of Politics, sub-paragraph d, which relates to the implementation of the Commission for Monitoring and Evaluation of the Performance of the Comprehensive System for Protection and Progress in the Dismantling of criminal organisations and all those that threaten the exercise of politics, the National Government and the FARC-EP agree that the Government shall create and start up the National Commission on Security Guarantees, which will have the aim of planning and monitoring of public and criminal policies in terms of dismantling any organisation or

conduct covered by this agreement that threatens the implementation of the accords and the construction of peace. The Commission will also harmonise those policies in order to ensure the implementation thereof. The monitoring and evaluation of the performance of the comprehensive system for protection shall be carried out by the High-Level Unit included in section 3.4.7.1.1. of this agreement...

Page 85, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts...

In an end-of-conflict scenario and with the aim of ensuring the effectiveness of the fight against criminal organisations and their support networks, including those which have been labelled as successors of paramilitarism, which represent the greatest threat to the implementation of the accords and the construction of peace, the National Government shall drive forward the measures necessary for the creation and start-up, within the framework of the ordinary jurisdiction, of a Special Investigation Unit for the dismantling of criminal organisations and their support networks, including the criminal organisations that have been labelled as successors of paramilitarism, in accordance with what has been established in number 74 of section 5.1.2 of the Agreement on the Comprehensive System for Truth, Justice, Reparations and NonRecurrence. The Unit will be maintained for the period of time necessary for it to conclude its mandate.

Page 90, 3.4.7.1.1. High-Level Unit of the Comprehensive Security System for the Exercise of Politics (Instancia de Alto nivel del Sistema Integral de Seguridad para el Ejercicio de la Política)

In compliance with what has been established in section 2.1.2.1, sub-paragraph a, of the agreement on Political Participation, the High-Level Unit shall have the aim of implementing the Security System for the Exercise of Politics, ensuring the functioning, coordination and supervision thereof. Likewise, the Unit shall be the space for discussion and monitoring relating to the security and protection of the members of social and political movements and parties, in particular those forming the opposition, and the new movement that emerges from the transition of the FARC-EP to legal political activity and its members in the process of reincorporation into civilian life. The High-Level Unit of the Comprehensive Security System for the Exercise of Politics (Agreement on Political Participation: section 2.1.2.1) shall develop and implement the following components of the Security System

Page 92, 3.4.7.3. Presidential Delegate:

The President of the Republic shall appoint a delegate attached to the Administrative Department of the Presidency who shall be in charge of the Technical Secretariat of the High-Level Unit and shall be responsible for the planning, information and monitoring system (section 2.1.2., indent a) and for coordinating and monitoring the protection and security measures adopted in this respect. He/she shall hold ongoing discussions with members of the social and political movements and human rights advocates, and also the political party that emerges from the transition of the FARC-EP to legal political activity and the members of the FARC-EP in the process of reincorporation into civilian life.

Page 92, 3.4.7.4. Comprehensive protection programme for the members of the new political party or movement ...

The National Government undertakes the commitment to implement a comprehensive protection programme in accordance with what is set out in the agreement "Political participation: A democratic opportunity to build peace", section 2.1.2.1, indent c, which shall have the aim of protecting the members of the new political movement or party that emerges from the transition of the FARC-EP to legal activity, and its offices and activities, as well as the former members of the FARC-EP who are being reincorporated into civilian life and the families of all the aforesaid, in accordance with the level of risk. This Programme, which shall be assigned to the Administrative Department of the Presidency of the Republic, under the supervision of the Presidential Delegate in the High-Level Unit of the

Comprehensive Security System for the Exercise of Politics, shall have administrative and financial autonomy and shall coordinate with the relevant state institutions on a permanent and operational basis. The measures established in this item shall apply to the representatives of the FARC-EP who are in the process of reincorporation into civilian life and are assigned with the performance of tasks in the peace process, who are appointed by the Peace Delegation of the FARC-EP, in accordance with what is established in the Final Agreement and as from the signing thereof.

Page 93, 3.4.7.4.1. 3.4.7.4.1. Specialised Sub-directorate on Security and Protection at the National Protection Unit (Subdirección especializada de seguridad y protección en la UNP)

The National Government shall create a sub-directorate within the National Protection Unit (NPU), specialising in security and protection, for the members of the new political movement or party that emerges from the transition of the FARC-EP to legal activity, and its activities and offices, as well as the former members of the FARC-EP who are being reincorporated into civilian life and the families of all the aforesaid, in accordance with the level of risk.

The Specialised Sub-directorate on Security and Protection shall involve the active and permanent participation of no less than two representatives of the new political movement or party that emerges from the transition of the FARC-EP to legal political activity, and its structure and function shall be defined by the National Government and the FARC-EP. This Specialised Sub-directorate on Security and Protection shall ensure the administration, functioning and operation of the Technical Committee on Security and Protection (Mesa Técnica de Seguridad y Protección) and the Security and Protection Corps (Cuerpo de Seguridad y Protección) created in the present agreement

Page 93, 3.4.7.4.2. Technical Committee on Security and Protection:

The National Government shall set up a Technical Committee on Security and Protection, hereafter the Technical Committee, with the participation of the National Government and the FARC-EP, which will begin its operations immediately upon signing of this Agreement, in order to develop, coordinate, monitor and make suggestions for the implementation of a Strategic Plan on Security and Protection (Plan Estratégico de Seguridad y Protección), which will include tangible and intangible measures (intangible measures are considered to mean prevention measures against stigmatisation) for the members of the new political movement or party that emerges from the transition of the FARC-EP to legal activity, and its offices and activities, as well as the former members of the FARC-EP who are being reincorporated into civilian life and the families of all the aforesaid, in accordance with the level of risk.

Page 95, 3.4.7.4.3. Security and Protection Corps

The National Government shall create a Security and Protection Corps, in accordance with what is established in this agreement, with a mixed composition, consisting of trusted personnel from the new political movement or party that emerges from the transition of the FARC-EP to legal activity, which shall coordinate and have a direct contact with the National Police, which shall in turn appoint contacts for each security and protection scheme, at national, departmental and municipal level according to the operating scheme established.

Page 99, 3.4.9. Instrument for prevention and monitoring of the criminal organisations that are the subject of this agreement

In accordance with what has been defined in the "Agreement on Political Participation" in section 2.1.2.1, sub-paragraph b, a new prevention and warning system for rapid response to the presence, operations and/or activities of the criminal organisations and conduct that are the subject of this agreement shall be set up in the Office of the Ombudsman, in coordination with the National Government and the Special Investigation Unit, and the National Committee on Security Guarantees shall be involved in the planning thereof. The System must combine permanent monitoring and early

warning activities for the deployment of a rapid response on the ground. It shall act in coordination with human rights organisations and communities. This system shall issue early warnings autonomously without having to consult with or submit its decisions to any other institution...

## Chapter 5

Page 202, 5.2.3. Prevention and protection of human rights

Creation of an advisory committee convened by the Office of the Ombudsman (Defensoría del Pueblo) to advise and make recommendations to the National Government, to state institutions and to human rights organisations, with regard to human rights and peace. The Office of the Ombudsman and representatives of human rights organisations will agree on its composition and functioning.

### **Constitution's affirmation/renewal**

Page 2, Preamble

Bearing in mind that Article 22 of the Political Constitution of the Republic of Colombia establishes peace as a right and as a mandatory duty; that Article 95 states that the exercising of the rights and freedoms enshrined in the Constitution implies responsibilities, which include striving towards the achievement and maintenance of peace;

...

Bearing in mind the fact that the new Final Agreement encompasses each and every one of the accords reached in developing the Agenda of the General Agreement signed in Havana in August 2012; and that in order to achieve that, the parties, always and at every stage, have upheld the spirit and scope of the rules of the National Constitution

...

Recalling that Article 94 states that “the declaration of the rights and guarantees enshrined in the Constitution and in current international conventions must not be understood as the negation of others that, intrinsic to the human individual, are not expressly mentioned therein”...

Page 3, Preamble

Emphasising that, further to what is underlined above, the state, pursuant to Article 13 of the Political Constitution of Colombia, must guarantee the various aspects of the right to equality and non-discrimination, which must tend towards bringing about conditions that allow the effective protection of persons who are clearly in a position of weakness and the punishment of abuses committed against them;

## Chapter 1

Page 13, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform  
Principles

The following principles will be taken into account when implementing that which has been agreed under the heading “Toward a New Colombian Countryside: Comprehensive Rule Reform”:

...

Land titling: that is to say, combating unlawful possession and ownership of land and guaranteeing the rights of men and women who are the legitimate holders and owners, so that violence is never again used as a means of solving land-related disputes. Nothing established in the Agreement affects the constitutional right to private property.

## Chapter 2

Pages 36-37, 2.1.1.1. Statute of guarantees for the exercise of political opposition



In order to make progress in fulfilling the constitutional obligation (article 112) to fully regulate the rights of political parties and movements that declare themselves to be in opposition to the Government, the political movements and parties with legal status will be called together in the form of a Commission to define the outline of the statute of guarantees for political movements and parties that declare themselves in opposition.

Page 42, 2.2. Democratic mechanisms for citizen participation, including those concerning direct participation, at various levels and in various subject areas

...

A guarantee of the right to timely, free access to official information within the context of the Constitution and of the law, with such legal adaptations as may be necessary for the implementation of the agreements.

Page 54, 2.3.5. Promotion of a democratic and participatory political culture

To promote a democratic, participatory culture, the National Government will implement the following measures:

Promotion of democratic values, political participation and the mechanisms thereof, to guarantee and enhance knowledge of them and their effective use, thereby consolidating the exercising of the rights enshrined in the Constitution....

### Chapter 3

Page 70, 3.2.1.1. Guarantees for the new political movement or party

The political movement or party thus recognised must comply with the requirements for preservation of legal status and shall be subject to the grounds for loss thereof as provided for other political movements and parties in accordance with the Constitution

### Chapter 5

Page 157, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

##### II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

... 24.- The Constitution allows amnesties or pardons to be granted for the crime of rebellion and other politically motivated crimes.

Page 159, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

##### II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

... The creation and functioning of the Special Jurisdiction for Peace will have no effect on the current rules applicable to those who have held the office of President of the Republic, in accordance with the provisions of Article 174 of the Political Constitution of Colombia at the time of approving this document. Should the SJP be apprised of information that compromises a person having held the office of President of the Republic, this information will be referred to the House of Representatives of Congress for issues within their jurisdiction, said referral will take place whenever considered appropriate by the SJP, once it has undertaken the relevant verifications.

Page 171, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction

for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

#### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

...

52...

- Paragraph:

Action to enforce constitutional rights (acción de tutela) may be taken against the actions or omissions of any bodies of the Special Jurisdiction for Peace which have violated, violate or threaten fundamental rights.

Actions to enforce constitutional rights against court decisions issued by the SJP shall only be appropriate on account of a manifestly unlawful act or where the affect on the fundamental right is a direct consequence of the decision, on account of being inferred from its operative part, and, all avenues of appeal within the Special Jurisdiction for Peace having been exhausted, there is no suitable mechanism for defending the right which is violated or threatened. In the case of violations affecting due process, the action to enforce constitutional rights must be brought after the appropriate avenue of appeal before the bodies of the SJP has been exhausted.

The petition for actions to enforce constitutional rights must be filed in the Tribunal for Peace, which is the only court competent to hear it. It will be decided in the first instance by the Review Chamber and, in the second instance, by the Appeals Chamber. The judgment relating to the petition may be reviewed by the Constitutional Court in accordance with the following rules:

The decision regarding the selection of the judgment to be reviewed in relation to enforcement of constitutional rights shall be made by a panel comprising two justices of the Constitutional Court, chosen by drawing lots, and two justices of the Special Jurisdiction for Peace. The judgment will be selected if all four justices vote in favour of its selection.

Review judgments shall be handed down in a plenary session of the Constitutional Court. If the Court finds that the invoked right has been violated, it will declare that fact and specify the nature of the violation, without overturning, invalidating or setting aside the decision of the body of the Special Jurisdiction for Peace, or excluding the facts and conduct examined in the action to enforce constitutional rights from the jurisdiction of the Special Jurisdiction for Peace. The judgment shall be referred to the Tribunal for Peace for it to issue the appropriate decision regarding the protected right. The decision, ruling or order issued by the SJP body in compliance with the judgment of the Constitutional Court may not be the subject of further action to enforce constitutional rights.

Page 197, 5.1.3.7. Participatory adaptation and strengthening of the Policy of caring for and comprehensive reparation of victims, in the context of the end of the conflict and contribution to material reparation for the victims

In accordance with the provisions of this Agreement, the FARC-EP shall make material reparation to the victims, using the above-mentioned property and assets and within the framework of the comprehensive reparation measures, following the criteria established by the case law of the Constitutional Court with regard to war resources.

#### Chapter 6

Page 205, 6. Implementation, verification and public endorsement, General principles for implementation

...

The constitutional basis whereby the Colombian state is administratively decentralised is reaffirmed, as is the autonomy of the regional bodies, according to the principles of concurrence, coordination and subsidiarity; the implementation shall, therefore, be carried out in coordination with and with the support of local authorities. The implementation of the Agreement must be carried out with full respect for the powers of the regional authorities, without detriment to its content.

Pages 214-215, 6.1.9. Priorities for regulatory implementation

In accordance with the provisions of the Final Agreement, the National Government will guarantee the following schedule of legislative implementation: The Final Agreement shall be incorporated in accordance with constitutional requirements. As a priority, the following draft legislation will be processed urgently in accordance with the procedure established in Legislative Act 1 of 2016 or by means of some other Legislative Act in the event that the foregoing procedure is no longer valid:

...

h. Suspension of orders to capture members of the FARC-EP or persons accused of being members or of collaborating with that organisation and suspension of the procedures of extradition of such persons until the entry into force of the Amnesty Law and of the constitutional rule on the prohibition of extradition established in number 72 of the Special Jurisdiction for Peace. Adoption of measures on the civil and legal status of all the members of the FARC-EP which will enable the strict application of that established in number 72 of the Special Jurisdiction for Peace.

Page 218, 6.2.2. Principles

In interpreting and implementing all the components of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia with an ethnic-based approach, account is taken of the principles enshrined in legislation at the international and constitutional levels...

6.2.3. Safeguards and guarantees

Substantial safeguards for the interpretation and implementation of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia. The principal and non-subsidiary nature of free and informed prior consultation and the right to cultural objection as a guarantee of non-recurrence will be respected, whenever appropriate. Consequently, the phase of implementation of the agreements, as far as ethnic peoples are concerned, should be carried out in guaranteeing the right to prior free and informed consultation respecting constitutional and international standards.

Pages 220-221, 6.2.3. Safeguards and guarantees

e. In relation to victims of the conflict: "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence"

...

- In the framework of the implementation of the Special Jurisdiction for Peace, mechanisms will be created for liaison and coordination with the Special Indigenous Jurisdiction according to the mandate of Article 246 of the Constitution and, when appropriate, with the AfroColombian ancestral authorities.

Page 226, 6.4. International accompaniment component

The international accompaniment is an endeavour to contribute to strengthening the guarantees for the fulfilment of the agreements. It must respect Colombia's constitutional and legal order, have respect for the internal sovereignty and the duty to guarantee the human rights of the citizens. Its role is to support and endorse the joint efforts for the implementation of the agreements to be successfully achieved....

## OTHER AGREEMENTS

Pages 289-290, AGREEMENT OF 7 NOVEMBER 2016

I.- To implement the right to peace, once the Final Agreement to end the armed conflict and build a stable and lasting peace has been approved, the National Government, by means of the special legislative procedure for peace or by means of some other legislative act, if the former procedure is no longer valid, shall immediately set in train a legislative act repealing article 4 of Legislative Act 01 of 2016 and incorporating the following transitional article regarding the Final Agreement into the Political Constitution:

"Transitional article XX:

"To implement the right to peace, the content of the Final Agreement to end the armed conflict and

build a stable and lasting peace, signed on 12 November 2016, where it relates to the rules of international humanitarian law or fundamental rights defined in the Political Constitution and rights related to those rights, shall be an obligatory parameter for interpretation and a point of reference for the implementation and validity of the rules and laws implementing and developing the Final Agreement.

...

II.- Prior and automatic control of constitutionality: The laws and legislative acts processed under the Special Legislative Procedure for Peace shall undergo a single and automatic check for constitutionality after they come into effect. The constitutionality of legislative acts shall be checked only in relation to procedural defects in their formation. Statutory laws shall undergo prior control, in accordance with the provisions of article 153 of the Constitution. The time allocated for such checking of laws and legislative acts shall be reduced to a third of that allocated under the ordinary procedure and may not be extended. Constitutional control relating to the implementation of the Final Agreement by means of ordinary laws shall be single and automatic and shall take place after these come into effect.

**Constitutional reform/making**

Chapter 3

Page 72, 3.2.1.2. Political representation

a. Congress of the Republic After the signing of the Final Agreement and the laying down of arms by the FARC-EP, and in order to facilitate its transition to legal political activity and to ensure a situation to promote its ideological platform, the National Government shall put in place the constitutional and legal reforms necessary to ensure, on a temporary basis, the political representation in the Congress of the Republic of the new political movement or party, during two constitutional periods as from 20 July 2018...

Chapter 5

Page 160, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

36.- The imposition of any sanction in the CS will not legally hinder a person from political participation or limit the exercise of any right, active or passive, to political participation, the parties will agree the relevant constitutional reforms in this regard.

Chapter 6

Pages 214-216,

6.1.9. Priorities for regulatory implementation

b. Legislative Act to incorporate a transitional article into the Political Constitution, according to the agreement of 9 November 2016.

... c. Law or Legislative Act creating the Unit for the investigation and dismantling of criminal organisations, including the successors of paramilitarism, established in Item 74 of the agreement creating the Special Jurisdiction for Peace. Incorporation into the Constitution of the prohibition of the promotion, organisation, funding or official and/or private use of paramilitary structures or practices.

... i. Constitutional and legal reform on guarantees and participation for the new political party or movement that arises from the transition of the FARC-EP to legal political life, including the modification of the second sentence of transitional Article 67 of the Political Constitution in order to

guarantee political participation.

...

k. Constitutional or legal rules or reforms necessary for the Four-Year Implementation Plan, with its corresponding Multi-Year Investment Plan, to be incorporated in the National Development Plan for the respective period.

6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

n. Constitutional and legal reforms relating to the electoral system and organisation with special emphasis on the basis of recommendations made by the Electoral Mission.

## **Elections** Chapter 2

Summary: Parts of chapter 2 deal with reform of electoral system.

Sections include:

2.3.3. Promotion of transparency

2.3.3.1. Measures to promote transparency in electoral processes (Page 52-53);

2.3.3.2. Transparency measures for allocation of government expenditure on public advertising (page 53);

2.3.4. Reform of the electoral regime and organisation (page 53)

2.3.6. Promotion of the political representation of populations and zones particularly affected by the conflict and neglect (pages 54-55)

Selected provisions:

Page 35, 2. Political participation: A democratic opportunity to build peace, Preamble

On the one hand, these guarantees will be based on fairer distribution of public resources designed for political movements and parties and greater transparency in the electoral process. There will have to be a series of immediate measures, especially in the regions where risks and threats persist, and also a comprehensive review of the electoral system and the composition and functions of the electoral authorities.

On the other hand, there will have to be greater guarantees for the exercising of political opposition. The review and modernisation of the electoral organisation and system must make provision for greater participation by citizens in the electoral process. Greater electoral participation additionally requires inclusive measures that will facilitate the exercising of this right, especially in outlying zones or zones affected by the conflict and neglect, taking account of the specific difficulties of women living in these zones in exercising this right.

Page 39, 2.1.2.1. Comprehensive Security System for the Exercise of Politics:

The System will include the following elements:

c. Protection:

...Specialised protection, based on risk evaluation, for the following persons: those elected by the people, those who declare themselves in political opposition, and leaders - male and female - of political movements and parties. For the purposes of involvement in politics, the evaluation will take account of the specific risks facing these persons

Page 52, 2.3.2. Promotion of electoral participation

Support for the management arrangements offered by the electoral organisation to stimulate and to facilitate electoral participation on the part of the most vulnerable and most isolated populations

(rural, marginalised, displaced persons and victims), and in particular:

Promoting a broadly participatory diagnostic exercise with a gender-based approach concerning the obstacles that face such populations in exercising the right to vote, and adopting the corresponding measures.

Adopting mechanisms to facilitate access to voting stations on the part of communities living in isolated and outlying zones.

With a view to promoting greater electoral transparency, the National Government, together with the competent authorities, will guarantee the implementation of the following measures:

...Setting up a national electoral guarantee tribunal and special section tribunals in electoral districts where there is the greatest risk of electoral fraud. The electoral districts will be defined in accordance with reporting and warnings received by the electoral organisation from the authorities, citizens, non-governmental organisations specialising in the overseeing of electoral processes, and political movements and parties, inter alia.

...Promoting the involvement of social organisations and movements, or any other citizens' organisation, in the monitoring and control of electoral processes.

### Chapter 3

#### Pages 70-71, 3.2.1.1. Guarantees for the new political movement or party

- Legal status

When the process for the laying down of arms has been finalized, the plenipotentiaries of the FARC-EP at the Negotiation Table (Mesa de Conversaciones) shall formally declare and register at the National Electoral Council the decision to transform into a political movement or party, the act of constitution, its regulations, the ethics code, the ideological platform and the appointment of its officers....

- Operation

As a measure to facilitate the transition of the FARC-EP to legal political activity, the political movement or party that it forms shall receive an annual allowance, between its date of registration and 19 July 2026, equivalent to the average received by the political parties or movements with legal status for their operation in the elections prior to the signing of the Final Agreement.

- Election campaigns

The campaigns of the candidates for the Presidency and the Senate of the Republic registered by the political movement or party that emerges from the transition of the FARC-EP to legal political activity, to participate in the elections in 2018 and 2022, shall be funded predominantly by the state in accordance with the following rules: i) In the case of presidential campaigns, the appropriate state funding shall be granted to candidates that meet the requirements of the law, in accordance with the provisions applicable to said campaigns; ii) In the case of Senate campaigns, candidates shall receive anticipated state funding equivalent to 10% of the expenses limit fixed by the electoral authority; iii) the above state funding shall not be subject to reimbursement, provided that the funds allocated have been used for the purposes established by law.

#### Page 73, 3.2.1.2. Political representation

c. Reforms for the democratic opportunity to build peace The implementation of the reforms decided in the Agreement on "Political participation: A democratic opportunity to build peace" constitutes an essential condition for ensuring a sustainable process of reincorporation of the FARC-EP into civilian life in political matters. Within the process established in Legislative Act 01 of 2016, priority shall be given to the presentation and approval of the Statute of Opposition and the reform of the electoral system.

## Chapter 6

Page 215, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

b. Law and/or implementing rules on political participation: creation of Special Transitory Electoral Districts for Peace, expansion of spaces for outreach of political parties and movements including communication and dissemination media.

...

j. Laws and/or implementing rules on guarantees and promotion of the participation of citizens and society, especially of the communities of the Special Electoral Districts for Peace.

...

n. Constitutional and legal reforms relating to the electoral system and organisation with special emphasis on the basis of recommendations made by the Electoral Mission.

Page 217, 6.1.11. Priority implementation

....

c. Delimitation of the special electoral districts for peace and criteria for the adoption of the agreed special rules.

Page 219, 6.2.3. Safeguards and guarantees

b. In relation to participation

The full and effective participation of representatives of the ethnic authorities and their representative organisations will be guaranteed in the different forums created in the framework of the implementation of the Final Agreement, in particular those enshrined in Chapter 2 and the participatory planning forums. Measures will be taken to guarantee the inclusion of candidates from the ethnic peoples in the lists of the Special Transitory Electoral Districts for Peace (Circunscripciones Transitorias Especiales de Paz, CTEP), when their electoral district coincides with their territories.

## **Electoral commission**

### Chapter 2

Pages 52-53, 2.3.3.1. Measures to promote transparency in electoral processes

With a view to promoting greater electoral transparency, the National Government, together with the competent authorities, will guarantee the implementation of the following measures:

...Setting up a national electoral guarantee tribunal and special section tribunals in electoral districts where there is the greatest risk of electoral fraud. The electoral districts will be defined in accordance with reporting and warnings received by the electoral organisation from the authorities, citizens, non-governmental organisations specialising in the overseeing of electoral processes, and political movements and parties, inter alia.

Page 53, 2.3.4. Reform of the electoral regime and organisation

To ensure greater autonomy and independence of the organisation of elections, including the National Electoral Council (Consejo Nacional Electoral), or such institution as might act in its stead, and to modernise the electoral system and make it more transparent in order thus to provide greater guarantees for political participation under equal conditions and to improve the quality of democracy, a special electoral mission will be set up after signature of the Final Agreement. The mission will be composed of seven high-level experts, the majority of whom shall be Colombian citizens, as follows: one representative from the MOE (Electoral Observation Mission - Misión de Observación Electoral) and six experts to be selected from organisations, which will include the Carter Center, the Department of Political Science of the National University of Colombia, the Department of Political Science of the University of Los Andes, and the Netherlands Institute for Multiparty Democracy

(NIMD).

The Mission will start its work immediately after the signature of the Final Agreement. Within a period of six months, the Mission will submit its recommendations based, inter alia, on good national and international practices, the input received from political movements and parties and from the electoral authorities, and taking account of the specific problems faced by women vis-à-vis the electoral system. The Mission will advance a broad-based, effective process of participation with all political parties, movements and groupings in order to obtain the broadest possible consensus in the production of the Final Report. The National Government will use these recommendations to make such regulatory and institutional changes as are necessary.

## **Political parties reform** [Rebels transitioning to political parties](#)

### Chapter 3

Summary: chapter 3 deals with security guarantees of new political parties and members.

See FURTHER coding from chapter 3 on DDR; political power sharing; 'security guarantees'; 'Crime/Organised Crime'; Criminal justice reform (Criminal Justice System Reform);

Sections include:

3.2.1. Political reincorporation (page 70)

3.2.1.1. Guarantees for the new political movement or party, which include provisions on: legal status, Funding and technical assistance, Operation, Election campaigns, access to media, security

3.2.1.2. Political representation (see political power sharing)

a. Congress of the Republic

b. Participation in the National Electoral Council

c. Reforms for the democratic opportunity to build peace

3.2.2.4. Accreditation and transition to legal status

3.4.7.4. Comprehensive protection programme for the members of the new political party or movement that emerges from the transition of the FARC-EP to legal activity, and its activities and offices, as well as the former members of the FARC-EP who are being reincorporated into civilian life and the families of all the aforesaid, in accordance with the level of risk.

Selected provisions include:

Page 70, 3.2.1. Political reincorporation

The transition of the FARC-EP from an armed organisation to a new legal political movement or party, which benefits from rights and complies with the obligations and duties inherent to constitutional order, is an essential condition for ending the armed conflict, building a stable and long-lasting peace and, in general, for strengthening democracy in Colombia. To that end, the necessary guarantees and conditions shall be adopted to facilitate the creation and functioning of the new party or political movement that emerges from the transition of the FARC-EP to legal political activity, after the signing of the Final Agreement and the laying down of arms.

In view of all the foregoing and as a development of the political component of the reincorporation of the FARC-EP into civilian life, in accordance with its interests, as covered in the General Agreement, the following special rules are agreed:

Page 70, 3.2.1.1. Guarantees for the new political movement or party

- Legal status

Upon signing the Final Agreement, the National Electoral Council (Consejo Nacional Electoral) will



process the registration application submitted by the political group of citizens in full exercise of their rights, which has the aim of promoting the creation of the future political movement or party that emerges from the transition of the FARC-EP to legal political life.

When the process for the laying down of arms has been finalized, the plenipotentiaries of the FARC-EP at the Negotiation Table (Mesa de Conversaciones) shall formally declare and register at the National Electoral Council the decision to transform into a political movement or party, the act of constitution, its regulations, the ethics code, the ideological platform and the appointment of its officers. By virtue of this formal act, the political movement or party, with the name that it adopts, shall be recognised for all purposes and under equal conditions, as a political movement or party with legal status (personería jurídica), and the National Government shall process in advance any legislative reforms that may be required.

The political movement or party thus recognised must comply with the requirements for preservation of legal status and shall be subject to the grounds for loss thereof as provided for other political movements and parties in accordance with the Constitution and the law, except for accreditation of a certain number of members, presentation at political contests and the obtaining of a minimum voting threshold, during the period of time between its date of registration and 19 July 2026.

#### Page 74, 3.2.2.4. Accreditation and transition to legal status

An expedite procedure will be established for accreditation and transition to legality for non-armed members of the FARC-EP. The persons accredited will have their judicial status defined by being granted a pardon through the legal instruments in force if the Amnesty Law is not yet in force. They will be released, albeit at the disposal of the SJP, if they are accused of crimes that may not be subject to amnesty under the Amnesty Law agreed to in the Final Agreement. All the provisions established in the "Agreement of 20 August 2016" that are favourable to them will be applied to them to facilitate the implementation of the timetable for the process of laying down of arms under the Agreement of 23 June 2016.

## Chapter 6

#### Page 217, 6.1.11. Priority implementation

....

h. Installation of the Technical Committee on Security and Protection and Implementation of the Security and Protection Protocol, and of the rules regulating the protection of members of the new movement or political party that emerges from the transition of the FARC EP to legal political life and of their families in accordance with the level of risk, 15 days after the signature of the Final Agreement.

#### Pages 225-226, 6.3.3. United Nations Political Mission for Verification

...

The National Government will send a communication to the Secretary-General of the United Nations requesting the support required for the purposes of this Agreement.

The content of the texts of the Agreements to be verified are as follows:

Agreement 3.2. Reincorporation of the FARC-EP into civilian life - economic, social and political - in compliance with its interests. The contents of the Agreement which must, in particular, be verified are:

a Political reincorporation

b. Guarantees for the new party or political movement which results from the movement of the FARC-EP into political life.

...

The contents of the Agreement which must, in particular, be verified are:

...

b. Comprehensive Security System for the Exercise of Politics, in particular for the members of the FARC-EP and their families.

[Other political parties reform](#)

Chapter 2

Summary: Chapter two deals with reform of political parties.

Selected provisions:

Page 36, 2. Political participation: A democratic opportunity to build peace, Preamble

Similarly, it is necessary to create the conditions and to provide the safeguards for the organisations that rose up in arms to be transformed into political movements or parties, and to play an active part in the shaping, exercising and control of political power in order that their proposals and projects might constitute a power alternative.

Page 37, 2.1.2. Security guarantees for the exercise of politics

As part of a modern, qualitatively new concept of security that, within the context of the end of the conflict, is based on respect for human dignity, the promotion of and respect for human rights, and the defence of democratic values, particularly the protection of the rights and freedoms of those involved in politics, and especially those who, in the wake of the ending of the armed conflict, become members of the political opposition and thus have to be recognised and treated as such, the National Government will set up a new Comprehensive Security System for the Exercise of Politics (Sistema Integral de Seguridad para el Ejercicio de la Política).

Page 51, 2.3.1.1. Measures to promote access to the political system

Within the context of the end of the conflict and with the aim of consolidating the peace, obstacles will be removed and institutional changes implemented in order that political movements and parties can acquire and retain legal status and, in particular, in order to facilitate the transition of social movements and organisations with a political role towards their establishment as political movements or parties. To that end, the following measures will be promoted:

Freeing the gaining and retention of legal status (*personería jurídica*) for political movements and parties from the requirement of achieving a minimum threshold in Congress elections and, as a result, redefining the requirements for the constitution of political movements and parties. In order to avoid the indiscriminate proliferation of political parties and movements, a minimum number of affiliates will be required in order for their legal status to be recognised.

Designing a system for the gradual acquisition of rights by political movements and parties, in accordance with their electoral performance at municipal, departmental and national level. The new system will retain the requirements with regard to votes in elections of the Senate and/or House of Representatives in the ordinary constituencies currently in existence, for the acquisition of all rights to financing, access to resources and to register candidates for elected offices and corporations.

The system will incorporate an eight-year transition arrangement, including funding and dissemination of programmes, to promote and to stimulate the new political movements and parties of national standing that break through onto the political scene for the first time, as well as others

that have had representation in Congress and have lost that representation.

## Chapter 5

Page 215, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

...

c. Law and/or rules of the system for funding of parties including the increase in their funding, and especially, of the political organisation or movement that emerges from the peace agreements.

...

g. Law and/or implementing rules on the Comprehensive System of Security Guarantees for the political organisation that emerges from the peace agreements.

### **Civil society**

Page 6, Introduction

... Millions of Colombians... have been affected in one way or another throughout the length and breadth of the country, including... social and trade-union movements,

Page 9, Introduction

We, the delegations of the National Government and the FARC-EP, reiterate our profound gratitude to all victims, social and human rights organisations, communities, including... academia

Chapter 1: Summary:

Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform, Preamble

Participation is also a guarantee of the greater inclusion of rural communities ...

Page 19, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

Set up mechanisms for social dialogue between national, regional and local authorities... which allow the promotion of a common development agenda focusing on socio-environmental sustainability, the well-being of rural populations and economic growth with equity.

Page 20, 1.1.9. Formation and updating of the rural cadastre and of the rural property tax:

- Guaranteed broad and effective participation by citizens to ensure information transparency. In any event, cadastral matters pertaining to rural communities will require the involvement of its members. At no time will the agreements herein affect the rights acquired by the indigenous and Afro-descendent communities or other rural communities.

Page 22, 1.2. Development Programmes with a Territorial-Based Focus (DPTFs)

...

The recognition and promotion of community organisations, including organisations of rural women, enabling them to become protagonists in the structural transformation of the countryside.

Page 23, 1.2.4. Participation mechanisms:

the active participation of the various communities — men and women — in conjunction with the authorities of territorial bodies, is the basis of the DPTFs. To that end, forums will be set up at the various territorial levels to guarantee citizens' participation in the competent authorities' decision-making process to develop what has been agreed in the CRR, attended by representatives of the communities, including rural women and their organisations...

- To guarantee community involvement in the execution of the works and their upkeep;

Pages 23-24, 1.2. Development Programmes with a Territorial-Based Focus (DPTFs)

The systems for participation established for the preparation of Development Programmes with a Territorial-Based Focus seek to strengthen participation by citizens in decisions that affect them within the framework of the Constitution, promote solidarity associations and invigorate local democracy....

Page 26, 1.3.2.1. Health:

- Infrastructure construction and improvement based on a broad, participative diagnosis...

Chapter 2:

Summary: certain sections of chapter 2 deal with security of social movements and human rights defenders (also see coding for democracy).

These include:

2.1.2.2. Security guarantees for leaders of social movements and organisations and those defending human rights (pages 40-41);

2.2. Democratic mechanisms for citizen participation, including those concerning direct participation, at various levels and in various subject areas

2.2.1. Guarantees for social organisations and movements (pages 41-44);

2.2.2. Guarantees for mobilisation and peaceful protest (44-45);

2.2.3. Citizen participation through community, institutional and regional media (45-46)

Selected provisions include:

Page 35, 2. Political participation: A democratic opportunity to build peace, Preamble

The National Government and the FARC-EP recognise that:

Peacebuilding further requires citizen mobilisation and participation in areas of public interest and, in particular, in the implementation of this Agreement. This involves, first, the strengthening of guarantees and capabilities, in order that male and female citizens alike, brought together in different social and political movements and organisations, can carry on their activities and thereby contribute to the expression of the interests of a pluralist, multicultural society via different means, including social protest.

Page 36, 2.1.1. Rights and guarantees for the exercise of political opposition in general

The exercise of politics is not restricted exclusively to participation in the political and electoral system, and for that reason the creation of spaces for democracy and pluralism in Colombia requires acknowledgement ... of the forms of action open to social and popular movements and organisations  
....

Page 38, 2.1.2. Security guarantees for the exercise of politics

The new Comprehensive System will, within the institutions of the state, political movements and parties, social movements and organisations ...

Page 47, 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect

The Council will have the function of advising and monitoring the Government in implementing mechanisms and actions, which are to include:

...

The promotion of respect for labour in furtherance of peacebuilding and reconciliation, and different political and social movements and organisations.

The promotion of respect for the work of social and human rights organisations, particularly those monitoring government management and those opposing governmental policy.

... The provision of training to social movements and organisations and also to male and female public officials in management posts at national, departmental and municipal levels, to help them address and resolve conflicts.

Pages 52-53, 2.3.3.1. Measures to promote transparency in electoral processes

...Promoting the involvement of social organisations and movements, or any other citizens' organisation, in the monitoring and control of electoral processes.

Page 56, 2.3.8. Creation of a new space for providing media access to political movements and parties

...

This channel will also be a way in which to provide information on the work of victims' organisations, social movements and organisations, to promote a democratic culture of peace and reconciliation and of non-discriminatory values with respect for the right of women to a life free of violence, and also to publicise progress made in terms of implementing the plans and programmes agreed with the context of this Agreement. A commission will set up with representatives from the most representative political movements and parties and social movements and organisations to advise on scheduling for the channel.

#### Chapter 4

Summary: Chapter 4 deals with illicit crops (see coding for Drugs, chapter 4, Development, chapter 4). Reference is made throughout this chapter to the importance of involving communities in crop substitution and developing development programmes to support these efforts.

Important sections include:

4.1.3. Description and elements of the National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes, The National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes will include the following elements:

4.1.3.2. Agreements with communities (Page 113-114).

4.1.3.5. Participative construction and development of the comprehensive community-based and municipal plans for the substitution of illicit crops and alternative agrarian development (Planes integrales comunitarios y municipales de sustitución y desarrollo alternativo, CPSAD) (pages 115-116), including

- Community assemblies (page 115);
- Comprehensive community-based and municipal plans for substitution of illicit crops and alternative agrarian development (pages 116-117)
- Monitoring and evaluation (page 118)

Selected provisions:

Page 110, 4.1.2. Aims

The National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes will be implemented within the framework and as a part of the Comprehensive Rural Reform (CRR) and must achieve the following aims:

- Promoting the voluntary substitution of crops used for illicit purposes by driving forward the comprehensive community-based and municipal plans for substitution of crops used for illicit

purposes and alternative agrarian development, drawn up in dialogue with and with the direct participation of the communities involved.

Page 126, 4.2.1.4. Participatory action plans with territorial-based and population-focused approach: These plans shall contain at least

.... This offer will take into account various specialist initiatives of civil society with qualified experience in the processes of rehabilitation and social integration of consumers, including bodies and organisations from the religious sector and the organisations of the various communities.

Page 127, 4.2.1.5. Evaluation and monitoring of the actions implemented to tackle drug use

... This system will involve participatory bodies for monitoring and evaluation at municipal and departmental level, including the authorities, scientific institutions, specialised centres, educational institutions, parents' associations, religious communities, social organisations, experts and drug users themselves, etc.

## Chapter 5

Summary: Reference is repeatedly made to victims organisations throughout chapter 5.

Selected provisions:

Page 135, 5. Agreement regarding the Victims of the Conflict.... preamble

At the same time, we broadened the mechanisms for participation. More than 3,000 victims took part in four forums held in Colombia, organised by the United Nations and the National University, and sixty victims travelled to Havana to deliver their testimonies directly to the Negotiation Table and offer their recommendations, with the support of the Episcopal Conference, the United Nations and the National University of Colombia. In addition, more than 17,000 proposals were submitted by the victims and other citizens, by various means, to the Negotiation Table. All the proposals that we received from the victims were fundamental for achieving the agreements.

Page 144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

- The impact of the conflict on the exercise of politics and the operation of democracy as a whole, including the impact on political and social parties and movements, particularly those in opposition.

Pages 149-150, 5.1.1.2. Special Unit for the Search for Persons deemed as Missing in the context of and due to the armed conflict (Unidad para la Búsqueda de Personas dadas por Desaparecidas en el contexto y en razón del conflicto)

The SUSPM will have the following functions:

- To strengthen and speed up the processes for identifying remains, in coordination with the National Institute of Legal Medicine and Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses).

....

- The SUSPM will have the necessary powers and capacity to fulfil these functions, in coordination with the state institutions, the Truth, Coexistence and Non-Recurrence Commission, and with the active involvement of victims' and human rights organisations.

...

- To promote alliances with specialist national and international organisations in order to facilitate the fulfilment of its functions.

Page 152, 5.1.1.2. Special Unit for the Search for Persons deemed as Missing in the context of and due to the armed conflict (Unidad para la Búsqueda de Personas dadas por Desaparecidas en el contexto y en razón del conflicto)

- Formation:

The SUSPM will have a director who will need to be Colombian and who will be chosen by the “Mechanism for selecting Justices of the Special Jurisdiction for Peace” agreed by the parties on 12 August 2016 for the selection of justices, prosecutors and other members of the Special Jurisdiction for Peace, on the basis of criteria of suitability and excellence drawn up bearing in mind the suggestions of the International Committee of the Red Cross and the International Commission on Missing Persons.

In terms of how the SUSPM is structured, the director will receive recommendations and suggestions from the National Search Commission for the Disappeared, victims’ organisations, the International Committee of the Red Cross and the International Commission on Missing Persons.

Page 153, 5.1.2. Justice: SPECIAL JURISDICTION FOR PEACE

I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

1.- “States have a legal obligation to address the rights of the victims and, with the same intensity, the obligation to prevent further acts of violence and to achieve peace in an armed conflict by the means at its disposal. Peace as a product of a negotiation is offered as a morally and politically superior alternative to peace as a result of the annihilation of the opponent. Therefore, international human rights law should consider that peace is a right and that the state must achieve it.”

Pages 165-179, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

48.- The Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct will have the following functions:

c. To receive reports from Colombian victims’ and human rights organisations with regard to acts committed during or because of the armed conflict, as well as from judicial or administrative sources. The procedure provided for in paragraph h) of this Item shall apply to those reports.

...

54.- The First Instance Chamber of the Tribunal for Peace in Cases of Absence of Acknowledgement of Truth and Responsibility will have the following functions:

a. To prosecute persons and, where appropriate, convict or acquit them. The Chamber may order the trial to take place in a public hearing and in the presence of victims’ organisations....

...

64.- The Judicial Panel for Determination of Legal Situations will be able to apply mechanisms to terminate proceedings, with a view to extinguishing criminal liability, when this relates to contexts linked to exercising the right of protest or internal disturbance. The state authorities, social organisations, unions, human rights organisations and processes...

Pages 190-191, 5.1.3.3.3. National collective reparation plans

In the context of the end of the conflict, the National Government will strengthen national collective reparation plans in developing this Agreement. These plans will be gender-based and will be aimed at communities consisting, inter alia, of ... social parties and movements...

Page 195, 5.1.3.7. Participatory adaptation and strengthening of the Policy of caring for and comprehensive reparation of victims, in the context of the end of the conflict and contribution to material reparation for the victims

taking into account the different existing policy efforts, will make it possible to adjust them to the needs of a peacebuilding scenario. In order to implement this, an event with broad-based participation will be announced and held with ... academic experts, specialised organisations and organisations of human rights advocates.

Page 198, 5.1.4. Guarantees of non-recurrence

Secondly, by means of the recognition of what has occurred in the context of the conflict and of the clarification and rejection of the serious violations of human rights and serious breaches of international humanitarian law, ... as well as the rejection of the violence against collectives, social and trade union movements...

Page 202, 5.2.3. Prevention and protection of human rights

- Design, drawing up and execution of a National Plan for Human Rights with the effective participation of human rights advocates' organisations and social organisations and movements...

Chapter 6

Page 210, 6.1.4. Promotion of the participation of social and community organisations in the execution

Recognising the differentiated capacities of the regions and in order to promote the participation of the communities in the execution of projects within the framework of the implementation of the Agreements, the National Government will set in motion the necessary reforms in order to make possible the contracting with social and community organisations, with appropriate technical support, especially in the areas that have been prioritised for setting in motion the DPTFS.

Page 210, 6.1.5. Integrated Information System and measures for transparency in the Implementation  
The National Government will set in motion the following measures:

...

- Citizen oversight boards and public transparency watchdog organisations: in accordance with that agreed in section 2.2.5, a plan will be established to support the creation and promotion of oversight boards and transparency watchdog organisations especially in the areas where the DPTFs are implemented.

Page 213, 6.1.7.1. Expanded CMPVI

In order to ensure the participation of civil society in the follow-up and verification of the agreements, the CMPVI will hold periodic expanded sessions to which it may invite the National Council for Reconciliation and Coexistence and any agreed representation of civil society. The CMPVI will present to the Council and to the other representatives of civil society the progress in the implementation and will receive all the information that they wish to contribute.

Page 216, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

...

m. Rules for the creation, promotion and strengthening of the mechanisms of citizen control and oversight and of transparency watchdog organisations.

Page 224, 6.3. International verification component of the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CMPVI) (Comisión de Seguimiento, Impulso y Verificación a la Implementación del Acuerdo Final, CSIVI)

Summary: sections entitled • Technical Secretariat • Technical support outline the monitoring roles



and responsibilities of Kroc Institute. See further coding for enforcement for chapter 6.

Selected provisions:

Pages 225-226, 6.3.3. United Nations Political Mission for Verification

...

The National Government will send a communication to the Secretary-General of the United Nations requesting the support required for the purposes of this Agreement.

The content of the texts of the Agreements to be verified are as follows:

Agreement 3.4. Guarantees of security and the fight against the criminal organisations responsible for murders and massacres or which attack human rights defenders, social movements or political movements, including the criminal organisations which have been named as the successors of paramilitarism and their support networks and the pursuit of criminal behaviour which threatens the implementation of the agreements and the building of peace.

Page 229, 6.4.2. International accompaniment

... The reports produced by the thematic accompaniment components shall be systematically supplied to the Kroc Institute for International Peace Studies at the University of Notre Dame (USA), which the National Government and the FARC-EP have agreed to have as one of the components providing technical observation to develop the assessment and monitoring model of the CMPVI. ...the Organisation of Ibero-American States for Education, Science and Culture (Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura, OEI) is asked to support the reincorporation process into civilian life. The German Government shall also be asked to form part of the accompanying countries that will support the issues referred to in Chapter 5, in regard to the subjects of Victims and Special Jurisdiction for Peace (SJP).

**Traditional/religious  
leaders**

Chapter 4

Pages 112-113, 4.1.3. Description and elements of the National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes

...In order to strengthen the capabilities of the NCPS and contribute to the effectiveness thereof in achieving the aim of creating conditions of well-being and quality of life for the population affected by crops used for illicit purposes and ensuring a definitive solution to the problem of crops used for illicit purposes, the NCPS may link up community leaders.

Chapter 6

Page 220, 6.2.3. Safeguards and guarantees

e. In relation to victims of the conflict: "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence"

- The design and execution of the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence will respect the exercise of the jurisdictional functions of the traditional authorities within their territorial area in accordance with the current national and international standards.

Page 251, Protocol for the section on Monitoring and Verification: CODE OF CONDUCT FOR THE MEMBERS OF THE MVM for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA)

We shall at all times:

- Respect the laws, customs and traditions, culture and religion of the people living in the areas in which we work...

## Public administration Chapter 1

### Page 16, 1.1.3. Beneficiary person

Those benefitting from the land distribution plan and the comprehensive subsidy will be selected by the competent administrative authority, with the participation of local communities – men and women..

The competent administrative authority will draw up a single register of potential beneficiaries of the free allocation plan and the comprehensive subsidy which will be used as a basis for the implementation of these schemes.

## Chapter 2

### Pages 42-43, 2.2.1. Guarantees for social organisations and movements

Promotion of the creation of networks of social movements and organisations, particularly of persons who have been in a situation of political exclusion, to give a higher profile to leaders and to guarantee their capacity for full dialogue with the public authorities.

..

The creation of a tool that makes it possible to assess, to give a higher profile to and to encourage management of the public authorities, with respect to the participation of social movements and organisations.

### Page 48, 2.2.5. Citizen control and oversight

...

- Promote a comprehensive institutional campaign of publicising citizens' rights and the obligations and duties of the authorities in the area of participation and control of the public authorities by citizens, and also the administrative and judicial mechanisms aimed at ensuring effective compliance therewith.

### Page 49, 2.2.6. Policy for strengthening democratic, participatory planning

...

- To make such regulatory adjustments as are necessary for the concepts, pronouncements and monitoring reports emanating from the participatory planning units to be addressed by the public authorities in dialogue and exchange forums.
- To ensure that the concepts of the Territorial Planning Councils are addressed by the public authorities as a matter of priority.

## Chapter 3

### Page 87, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts...

The public servants forming the Unit shall be selected by the Director, applying the special mechanisms for selection, incorporation and monitoring of the performance of the officers, prioritising high standards of transparency, effectiveness in civil service.

## Chapter 5

### Page 143, 5.1.1.1.2. Mandate

- The collective responsibilities – of the state, including those of the Government and the other public authorities, of the FARC-EP, of the paramilitaries, as well as those of any other group, organisation or institution, domestic or international, that took part in the conflict in any way for the practices and deeds referred to in the preceding paragraph.

Page 145, 5.1.1.1.4. Duties:

- Prepare a final report that takes account of the different contexts, reflects on the investigations carried out into all the aspects of the mandate, and contains the conclusions and recommendations resulting from its work. The Commission's report shall be officially submitted by public act to the public authorities and to Colombian society as a whole.

Page 190, 5.1.3.3.2. Collective reparation plans with a territorial-based focus

- Coexistence and reconciliation measures: Measures to address the damage done to the social fabric and to promote coexistence within communities, including victims, former members of paramilitary organisations, members of the FARC-EP in the process of reincorporation into society and third parties who may have participated in the conflict in some way, as well as measures to build and strengthen confidence between the public authorities and communities.

Page 192, 5.1.3.4.2. Psychosocial rehabilitation plan for coexistence and non-recurrence

- Promotion of agreements for peaceful coexistence within communities, which include victims and persons who may have participated directly or indirectly in the conflict, and confidence-building between the public authorities and communities.

Chapter 6

Page 206, 6. Implementation, verification and public endorsement, preamble

...

Efficacy, efficiency and suitability: to which end the time and resources associated with the implementation shall be optimised through special mechanisms and efficient public administration, reducing formalities and simplifying processes and instruments. The Government officials responsible for implementing the plans and programmes shall be suitable and satisfy the relevant technical and meritocratic requirements.

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## Power sharing

### **Political power sharing**

#### [Proportionality in legislature](#)

Chapter 2

Page 35, 2. Political participation: A democratic opportunity to build peace, Preamble

In addition, peacebuilding requires the territories most affected by the conflict and neglect to have, in a transition phase, greater representation in the Congress of the Republic in order to ensure the political inclusion of these territories and their people and also the representation of their interests.

Page 51, 2.3.1.1. Measures to promote access to the political system

...

Designing a system for the gradual acquisition of rights by political movements and parties, in accordance with their electoral performance at municipal, departmental and national level. The new system will retain the requirements with regard to votes in elections of the Senate and/or House of Representatives in the ordinary constituencies currently in existence, for the acquisition of all rights to financing, access to resources and to register candidates for elected offices and corporations.

Page 51, 2.3.1.2. Measures for promoting equal conditions in the political contest

To establish a fairer distribution of resources, measures will be taken:

- To increase the percentage distributed equally between the political movements or parties

represented in Congress and to increase the level of funding of political movements and parties.

- To extend spaces for publicising the political programme of political movements or parties represented in Congress.

## Chapter 3

### Pages 72-73, 3.2.1.2. Political representation a. Congress of the Republic

After the signing of the Final Agreement and the laying down of arms by the FARC-EP, and in order to facilitate its transition to legal political activity and to ensure a situation to promote its ideological platform, the National Government shall put in place the constitutional and legal reforms necessary to ensure, on a temporary basis, the political representation in the Congress of the Republic of the new political movement or party, during two constitutional periods as from 20 July 2018:

- It may register single lists of its own candidates or in coalition with other political movements and/or parties with legal status, for the ordinary electoral district for the Senate of the Republic and for each of the ordinary territorial-based electoral districts in which the House of Representatives is elected.
- These lists shall compete under equal conditions in accordance with the ordinary rules for all of the seats elected in each electoral district. In the Senate, a minimum of 5 seats shall be guaranteed, including those obtained in accordance with the ordinary rules. In the House of Representatives, a minimum of 5 seats shall be guaranteed, including those obtained in accordance with the ordinary rules. For this purpose, in the House of Representatives, a seat shall be assigned to each of the 5 lists that obtain the most votes and have not obtained a seat.

From the entry into force of the Final Agreement, the political group formed with the object of promoting the creation of the future political movement or party that emerges from the transition of the FARC-EP to legal political life shall appoint 3 spokespeople in each of the chambers (Senate and House of Representatives), who must be citizens in full exercise of their rights, exclusively so that they can participate in debates on the legal or constitutional reform bills dealt with by means of the Special Legislative Process for Peace that is the subject of Legislative Act 01 of 2016. These spokespeople must be called to all sessions in which the corresponding draft legislative acts or laws are discussed and may intervene with the same powers as the Congressmen and -women during the legislative procedure, apart from the vote. The requirements for carrying out their work shall be defined in conjunction with the Ministry of the Interior.

### b. Participation in the National Electoral Council

The political movement or party that emerges from the transition of the FARC-EP to legal political activity may appoint, on a temporary basis, a delegate before the National Electoral Council, who will have a voice but not a vote and may participate in the deliberations of that body. c. Reforms for the democratic opportunity to build peace The implementation of the reforms decided in the Agreement on “Political participation: A democratic opportunity to build peace” constitutes an essential condition for ensuring a sustainable process of reincorporation of the FARC-EP into civilian life in political matters. Within the process established in Legislative Act 01 of 2016, priority shall be given to the presentation and approval of the Statute of Opposition and the reform of the electoral system.

## Other

## Chapter 2

### Pages 36-37, 2.1.1.1. Statute of guarantees for the exercise of political opposition

In order to make progress in fulfilling the constitutional obligation (article 112) to fully regulate the rights of political parties and movements that declare themselves to be in opposition to the Government, the political movements and parties with legal status will be called together in the form

of a Commission to define the outline of the statute of guarantees for political movements and parties that declare themselves in opposition. In addition, the following political groups representing the opposition will be called to take part in the Commission: the Marcha Patriótica political movement and the Congreso de los Pueblos political movement, and also two experts delegated by the FARC-EP.

Page 40, 2.1.2.1. Comprehensive Security System for the Exercise of Politics:

The System will include the following elements:

d. Evaluation and follow-up:

- A planning, information and monitoring system, which will be inter-institutional in nature and include representation of political movements and parties, will be set up and will make it possible to evaluate performance and results and at the same time to adapt strategy and procedures in order to guarantee conditions of security in the exercising of politics. This system will include specific information as to risks and threats concerning the participation and the political, social and community representation of women. Said system will be permanently accompanied by international organisations to be agreed on with the new parties or movements arising in the wake of the signature of the Final Agreement and all other political movements and parties wishing to take part.
- Accountability in the form of public reports prepared by the high-level unit.
- A commission will be set up to monitor and evaluate the performance of the comprehensive system for protection and Progress in the dismantling of criminal organisations and of all those that threaten the exercising of politics. The Commission will include representation from political movements and parties.
- A committee will be set up and implemented to provide impetus for investigations into crimes against those exercising politics and especially against those posing a threat to the opposition.

Page 46, 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect

...

With this aim, the Government will set up a National Council for Reconciliation and Coexistence (Consejo Nacional para la Reconciliación y la Convivencia), which will be composed of representatives from government, the Office of the Inspector General, the Office of the Ombudsman, representatives appointed by political movements and parties, including such movement as may arise from the transition of the FARC-EP to legal political activity, social movements and organisations, particularly those involving women, the rural population, trade associations, ethnic minorities, churches, religious faiths, organisations based on faith and organisations in the religious sector, the education sector, inter alia.

...

The Council will have the function of advising and monitoring the Government in implementing mechanisms and actions, which are to include:

The design and implementation of a programme of reconciliation, coexistence and antistigmatisation, with the involvement of territorial-based bodies....

Page 53, 2.3.4. Reform of the electoral regime and organisation

To ensure greater autonomy and independence of the organisation of elections, including the National Electoral Council (Consejo Nacional Electoral), or such institution as might act in its stead, and to modernise the electoral system and make it more transparent in order thus to provide greater guarantees for political participation under equal conditions and to improve the quality of democracy, a special electoral mission will be set up after signature of the Final Agreement. The mission will be composed of seven high-level experts, the majority of whom shall be Colombian citizens, as follows: one representative from the MOE (Electoral Observation Mission - Misión de Observación Electoral) and six experts to be selected from organisations, which will include the Carter Center, the

Department of Political Science of the National University of Colombia, the Department of Political Science of the University of Los Andes, and the Netherlands Institute for Multiparty Democracy (NIMD).

#### Page 61, 3.1.3. Monitoring and verification

The MVM will be a tripartite technical mechanism composed of representatives from the National Government (Colombian State Armed Forces, which include both the Military Forces and the National Police), the FARC-EP, and an international component comprising a political mission with unarmed UN observers made up principally of observers from the member states of the Community of Latin American and Caribbean States (CELAC).

### Chapter 3

#### Pages 73-74, 3.2.2.3. Institutional organisation - National Reincorporation Council (Consejo Nacional de Reincorporación, NRC)

The National Reincorporation Council (NRC) shall be created, comprising two (2) members of the Government and two (2) members of the FARC-EP, in order to define the activities, establish the timeline and monitor the reincorporation process, in accordance with the terms agreed with the Government.

#### Page 81, 3.4.1. Guiding principles

Institutional joint responsibility and coordination: in a scenario of ending the conflict and building a stable and long-lasting peace, the coordination and joint responsibility between all the institutions of the state is necessary to ensure the effectiveness of the measures adopted in relation to security, in respect of which it will be necessary to ensure that national, departmental and municipal institutions work together.

#### Pages 91-93, 3.4.7.1.1

The Unit shall be composed of:

- The President of the Republic.
- The Minister for the Interior.
- The Minister for Defence.
- The Human Rights Advisor to the Presidency of the Republic.
- The Commander of the Military Forces.
- The Director of the National Police.
- The Director of the National Protection Unit (Unidad Nacional de Protección, NPU).

• The High-Level Unit shall ensure the permanent participation of the new political movement that emerges from the transition of the FARC-EP to legal political activity.

The National Government shall ensure the participation in the High-Level Unit of political movements and parties, in particular of those whose security has been affected, victims' organisations, human rights organisations and social movements, including women's organisations. Delegates from international human rights organisations with a presence in Colombia and other delegates from state entities and supervisory bodies (the Office of the Attorney General, the Office of the Inspector General, the Office of the Comptroller General and the Office of the Ombudsman) may be invited to join the High-Level Unit if this is deemed relevant.

### Chapter 5

#### Pages 202-203, 5.3. Additional agreement on the "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence"

In the Tribunal for Peace, justice will be administered by a minimum of 20 Colombian Justices. Four (4) expert foreign jurists shall also be chosen to act as amici curiae.

On the Judicial Panels of the Special Jurisdiction for Peace, justice will be administered by 18 Colombian Justices. Six (6) expert foreign jurists shall also be chosen to act as amici curiae. The Justices will not have to be career judges and no age limit will be applied. The selection mechanism

established in Item 68 will choose the aforementioned Justices and foreign jurists - a total of 38 Justices and 10 foreign jurists - and up to a third more - that is, 13 Justices who must be available as reserve or substitute Justices and 4 foreign jurists who must be available as amici curiae. The President will formalise the appointment of and swear in the Justices of the Special Jurisdiction for Peace, the foreign jurists and the Director of the Investigation and Prosecution Unit. If need be, the plenary of Justices of the Special Jurisdiction for Peace will make the necessary appointments from the list of deputy or substitute Justices or the list of deputy or substitute foreign jurists selected by the selection mechanism.

## **Territorial power sharing**

### **Other**

Agreement summary: local, territorial, regional focus

Page 3, Preamble

...that it is an essential goal of national reconciliation to construct a new territorial-based welfare and development paradigm to the benefit of broad sectors of the population that have hitherto been the victims of exclusion and despair...

Chapter 1

Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Comprehensive rural development is a decisive factor in driving forward regional integration and equitable social and economic development of the country. The CRR must successfully achieve an in-depth transformation of the rural situation in Colombia: greater inclusion at a regional level...

Pages 11-12, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

The CRR applies universally, and its implementation prioritises the territories most affected by the conflict, poverty and neglect, through Development Programmes with a Territorial-Based Focus, such as reconciliation instruments in which all involved work towards the supreme goal of peace, as a right and a mandatory duty.

Page 12, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

The plans and programmes agreed as part of the CRR are to have a territorial-based, .... perspective

Page 13, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Principles

...

- Well-being and quality of life: ... whilst at the same time complying with the territorial-based approach, the gender-based approach and having regard to the ethnic and cultural diversity of communities.

Page 16, 1.1.4. Comprehensive access:

when implementing the principles of well-being and quality of life, holistic approach and access to land, the National Government will ... scale up the provision of public goods and services within the context of the Development Programmes with a Territorial-Based Focus (Planes de Desarrollo con Enfoque Territorial - PDET, hereinafter referred to as DPTFs).

Page 19, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

4) the particular social, cultural and economic aspects of each one of the country's different territories. The foregoing is without prejudice to the powers of local authorities to plan and guide the development of the territory over which they have jurisdiction and regulate the use, transformation

and occupation of space in coordination with the national authorities and within the framework of preparation and approval of plans and schemes for territorial planning.

Page 19, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

Set up mechanisms for social dialogue between national, regional and local authorities...

Page 23, 1.2.1. Objective:

the objective of the DPTFs is to achieve the structural transformation of the countryside and the rural environment and to promote an equitable relationship between rural and urban areas, with a view to guaranteeing:

...

1.2.3. Action plans for regional transformation: in order to fulfil the objectives of the DPTFs, an action plan for regional transformation will have to be prepared for each prioritised zone. This action plan must include all levels of territorial planning, result from a participatory process and reflect dialogue between the local authorities and communities. The plans must address:

The territorial-based approach to rural communities that takes account of the socio-historic, cultural, environmental and productive characteristics of territories and their inhabitants and also their needs, which will be differentiated on the basis of their membership of groups in vulnerable circumstances as well as land suitability, so that sufficient public investment resources can be deployed in harmony with the nation's tangible and intangible values.

...

1.2.4. Participation mechanisms: the active participation of the various communities — men and women — in conjunction with the authorities of territorial bodies, is the basis of the DPTFs. To that end, forums will be set up at the various territorial levels to guarantee citizens' participation in the competent authorities' decision-making process to develop what has been agreed in the CRR, attended by representatives of the communities...

Pages 23-24, 1.2. Development Programmes with a Territorial-Based Focus (DPTFs)

The systems for participation established for the preparation of Development Programmes with a Territorial-Based Focus seek to strengthen participation by citizens in decisions that affect them within the framework of the Constitution, promote solidarity associations and invigorate local democracy...

1.2.5. Means:

the DPTFs will be the mechanism of implementation in the prioritised zones for the various national plans arising from the Agreement.

The National Government will channel the necessary resources to guarantee the design and implementation of the action plans for structural transformation, in conjunction with territorial bodies.

1.2.6. Follow-up and evaluation:

the action programmes and plans for regional transformation in each prioritised zone will include local, regional and national follow-up and evaluation mechanisms...

Chapter 2

Page 35, 2. Political participation: A democratic opportunity to build peace, Preamble

In addition, peacebuilding requires the territories most affected by the conflict and neglect to have, in a transition phase, greater representation in the Congress of the Republic in order to ensure the political inclusion of these territories and their people and also the representation of their interests.

Page 43, 2.2. Democratic mechanisms for citizen participation, including those concerning direct



participation, at various levels and in various subject areas

....

The local authorities must, in a timely manner, attend to such applications and proposals and must forward them to the appropriate destination in order that they can be addressed promptly and efficiently

Page 45, 2.2.2. Guarantees for mobilisation and peaceful protest

Within the context of public policy concerning the strengthening, promotion and guarantee of participation on the part of social movements and organisations, the Government will consolidate and expand citizens' participative forums for dialogue and for the preparation of local, municipal, departmental and national agendas...

Pages 49-50, 2.2.6. Policy for strengthening democratic, participatory planning

...

With the aim of strengthening participation in the preparation, discussion, implementation monitoring, and evaluation of the planning and budgeting processes and promoting the impact thereof on administration decisions, the National Government undertakes to carry out the following actions:

a. A review of the functions and composition of Territorial Planning Councils (Consejos Territoriales de Planeación), in order:

... To adopt measures aimed at encouraging the composition of the Territorial Planning Councils ...

To guarantee the involvement of the Councils in the preparation, discussion, implementation monitoring, and evaluation of the Plans. Mechanisms are to be set up for dialogue between them and the approval units.

To strengthen involvement on the part of Local Administrative Boards (Juntas Administradoras Locales) in the preparation of development plans.

...

To ensure that the concepts of the Territorial Planning Councils are addressed by the public authorities as a matter of priority.

...

The provision of technical assistance to the municipal and departmental authorities that so require, for the purposes of the participatory formulation of various planning tools.

... Connections between territorial and national planning units

.... e. Consolidation and promotion of the preparation of participatory budgets that take account of gender and women's rights at local level, with the following aims:

Chapter 3

3.1.4.1. Transitional Local Zones for Normalisation (TLZNs)

Summary: this section provides for the setting up of TLZNs which are transitional, temporary and territorial-based

Selected provisions include:

Page 66, 3, 3.1.6. Logistics

Locally, the MVM has a logistics section coordinated by a member of the international component. This tripartite section of the local unit is responsible for defining aspects concerning the logistics necessary for the functioning of the TLZNs; in addition, it is responsible for guaranteeing appropriate and timely arrival of supplies to such zones.

Page 69, 3.2. Reincorporation of the FARC-EP into civilian life – in economic, social and political matters – in accordance with its interests

... The reincorporation into civilian life shall be a comprehensive, sustainable process of an exceptional and transitory nature which takes into account the interests of the community of the FARC-EP... it is aimed at developing and deploying socially productive activities and local democracy.

Pages 73-74, 3.2.2.3. Institutional organisation - National Reincorporation Council (Consejo Nacional de Reincorporación, NRC)

...There will likewise be peer Territorial Reincorporation Councils under the terms and conditions and with the functions defined by the NRC. These Councils shall be set up when the Final Agreement is signed. The NRC may call upon institutions, social organisations or international bodies in carrying out its functions.

#### Chapter 4

Summary: Chapter 4 deals with illicit crops (see coding for Drugs, chapter 4, Development, chapter 4). A number of provisions deals specifically with territories.

Important sections include:

4.1.1. Principles (page 109), in particular Integration in the Comprehensive Rural Reform (CRR):

4.1.3.5. Participative construction and development of the comprehensive community-based and municipal plans for the substitution of illicit crops and alternative agrarian development (Planes integrales comunitarios y municipales de sustitución y desarrollo alternativo, CPSAD), in particular

- Comprehensive community-based and municipal plans for substitution of illicit crops and alternative agrarian development (pages 117-118)

- Integration with the DPTF (page 118)

4.2.1.2. National Attention System for Illicit Drug Users (Sistema Nacional de Atención al Consumidor de Drogas Ilícitas), in particular

4.2.1.4. Participatory action plans with territorial-based and population-focused approach (pages 125-126)

#### Chapter 5

Summary: Chapter 5 makes references throughout regarding the importance of territorial-based approaches.

Selected provisions:

Page 141, 5.1.1.1.1. Guiding criteria:

... • Territorial-based approach: ...

Page 176, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

60.-...

As regards the members of an organisation signing a peace agreement with the Government, the period of time for which they remain in Transitional Local Zones for Normalisation (TLZNs) shall be regarded, where applicable, as time spent complying with the sanction, provided that during that time period they have carried out tasks, work or activities with a reparative content. At the end of the period for which they remain in the TLZNs, the tasks, work or activities with reparative content carried out by individuals at the disposal of the Special Jurisdiction for Peace shall also be regarded as time spent complying with any sanction which may be imposed on them, provided that those tasks, work or activities are carried out in a perfectly defined and verifiable territorial location....

Page 189, 5.1.3.2. Concrete contributions to reparations

... This will result from early acknowledgement of responsibility, where applicable, in coordination with collective territorial-based reparation programmes where necessary.

#### Pages 190-191, 5.1.3.3.1. Reparations-based approach of Development Programmes with a Territorial-Based Focus (DPTFs)

The aim of a focus on the level of victimisation and its impact as a criterion defining areas where the DPTFs will be put into effect is to provide redress. Their implementation will accordingly seek to provide redress for victims and communities.

#### Pages 190-191, 5.1.3.3.2. Collective reparation plans with a territorial-based focus

Summary: this section includes provisions on strengthening reparations processes by adopting a territorial approach. It is stated that collective reparation plans with a territorial-based focus must incorporate the following aspects:

- Material and symbolic measures to address harm
- Coexistence and reconciliation measures
- Coordination
- Action plans
- Participation mechanisms
- Measures to contribute to reparations.

#### Pages 193-194, 5.1.3.5. Collective processes of return of displaced persons and reparations of victims abroad

In developing this Agreement and in the context of the end of the conflict, the National Government will introduce specific collective territorial- and gender-based programmes to return and relocate displaced persons on the one hand, and accompanied and assisted return plans for victims abroad on the other...

...

#### Chapter 6

#### Pages 205-206, 6. Implementation, verification and public endorsement, General principles for implementation

- Territorial integration and social inclusion: ...

...

Public policy must promote the strengthening of institutions and ensure that the state's response in the territory is comprehensive and effective, with the active participation of regional and local authorities in the decision-making processes and in monitoring the implementation of the Final Agreement in their territories.

...

In particular, the measures must help to strengthen the management capacities of departments, municipalities and other regional bodies, to enable them to provide leadership in coordinating the plans and programmes necessary to build peace; they must also promote the coordination of the national, departmental and municipal authorities to ensure that they act in an integrated, coordinated, joined-up and organised manner.

#### Page 209, 6.1.2. Measures to incorporate the implementation of the agreements with territorial-based resources

In order to contribute towards guaranteeing the implementation of the agreements and to coordinate efforts between the different levels of Government:

- The necessary reforms will be processed in order to ensure that the departmental and municipal development plans incorporate measures to guarantee the implementation of the agreements, including in the prioritised territories the action plans for the regional transformation of the DPTFs.

- Mechanisms and measures will be promoted to ensure that with resources of the General Transfer System (Sistema General de Participaciones) and of the General Royalties System (Sistema General de Regalías) a contribution is made toward the funding of the implementation of the agreements, including in the prioritised territories the action plans for the regional transformation of the DPTFS. Royalties will provide another source of resources for the implementation of the Agreement in the regions, so that these projects support the development of their municipalities and departments.
- The departmental and municipal development plans will be inputs for the formulation of the four-year plans and multi-year plans that form part of the Framework Plan for implementation. In the same way, measures will be adopted to encourage the incorporation in the territorial development plans of those elements that ensure consistency with the Framework Plan for Implementation. In cases where the territorial-based strategies involve two or more departments, as is the case of the DPTFS, the respective plans will have to be adjusted to ensure that efforts and resources come together in the prioritised zones.

Page 211, 6.1.5. Integrated Information System and measures for transparency in the Implementation  
The National Government will set in motion the following measures:

...

- Periodic accountability mechanisms: different accountability mechanisms will be set in motion including public hearings, at the different levels and on the part of entities at national and territorial level. ..

Pages 212, 6.1.6. Functions of the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CMPVI) (this sections lists the functions of CMPVI)

- o Produce periodic reports showing a breakdown of the progress of implementation. Occasionally, it may generate thematic, specialist or territorial-based reports related to the components of the agreements.

Pages 216-217, 6.1.11. Priority implementation

a. In respect of the areas prioritised by the DPTFs and immediate action plans:

To define in accordance with the established criteria the areas in which the 16 Development Programmes with a Territorial-Based Focus will be implemented.

As progress is made in the implementation of the DPTFs in the prioritised areas, the Government will, subject to the availability of resources, be able to bring other DPTFs into operation in areas that meet the criteria established in the agreement...

In those municipalities that are not prioritised for now for the implementation of the DPTFs where Transitional Local Zones for Normalisation and Transitional Local Points for Normalisation are established, an immediate action plan will be implemented to coordinate and execute acts and projects to reactivate these territories socially and economically.

Page 219, 6.2.3. Safeguards and guarantees

a. In relation to Comprehensive Rural Reform

- Development Programmes with a Territorial-Based Focus (DPTFs), which are planned for implementation in the territories of indigenous and Afro-Colombian communities...

Pages 225-226, 6.3.3. United Nations Political Mission for Verification

...

The contents of the Agreement which must, in particular, be verified are:

- c. Comprehensive Security and Protection Programmes for the communities and organisations across the country's territories.

Chapter 1

Page 24, 1.2.5. Means:

the DPTFs will be the mechanism of implementation in the prioritised zones for the various national plans arising from the Agreement. The National Government will channel the necessary resources to guarantee the design and implementation of the action plans for structural transformation, in conjunction with territorial bodies.

Page 28, 1.3.3.1. Stimuli for a solidarity and cooperative economy

... The National Government will set up and implement the National Plan to Foment the Rural Solidarity and Cooperative Economy (Plan nacional de fomento a la economía solidaria y cooperativa rural). Implementation of the plan will take account of the following criteria:

- Stimulating the solidarity and cooperative economy as a means for channelling resources and services to the rural population

Chapter 2

Page 35, 2. Preamble

... On the one hand, these guarantees will be based on fairer distribution of public resources designed for political movements and parties and greater transparency in the electoral process. There will have to be a series of immediate measures, especially in the regions where risks and threats persist, and also a comprehensive review of the electoral system and the composition and functions of the electoral authorities.

Page 51, 2.3.1.2. Measures for promoting equal conditions in the political contest

To establish a fairer distribution of resources, measures will be taken:

- To increase the percentage distributed equally between the political movements or parties represented in Congress and to increase the level of funding of political movements and parties.
- To extend spaces for publicising the political programme of political movements or parties represented in Congress.

Chapter 6

Page 209, 6.1.2. Measures to incorporate the implementation of the agreements with territorial-based resources

- Mechanisms and measures will be promoted to ensure that with resources of the General Transfer System (Sistema General de Participaciones) and of the General Royalties System (Sistema General de Regalías) a contribution is made toward the funding of the implementation of the agreements, including in the prioritised territories the action plans for the regional transformation of the DPTFS. Royalties will provide another source of resources for the implementation of the Agreement in the regions, so that these projects support the development of their municipalities and departments.

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including in the prioritised territories the action plans for the regional transformation of the DPTFs.

- Mechanisms and measures will be promoted to ensure that with resources of the General Transfer System (Sistema General de Participaciones) and of the General Royalties System (Sistema General de Regalías) a contribution is made toward the funding of the implementation of the agreements, including in the prioritised territories the action plans for the regional transformation of the DPTFS. Royalties will provide another source of resources for the implementation of the Agreement in the regions, so that these projects support the development of their municipalities and departments.

**Military power sharing** No specific mention.

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## Human rights and equality

### **Human rights/RoL**

Page 1, Preamble:

Recognising that in the ballot boxes NO prevailed over YES, although that does not mean a rejection of the right to peace or of fundamental rights;

Page 2, Preamble

Considering that the sum of the accords of which the new Final Agreement is composed, contributes to the fulfilment of fundamental rights, such as political, social, economic and cultural rights;

Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Comprehensive rural development is a decisive factor in driving forward regional integration and equitable social and economic development of the country. The CRR must successfully achieve an in-depth transformation of the rural situation in Colombia:... guaranteed full enjoyment of citizens' rights

Page 22, 1.2.1. Objective:

the objective of the DPTFs is to achieve the structural transformation of the countryside and the rural environment and to promote an equitable relationship between rural and urban areas, with a view to guaranteeing:

...

— by enabling them to exercise their political, economic, social and cultural rights and reversing the effects of poverty and conflict

Chapter 2

Page 37, 2.1.2. Security guarantees for the exercise of politics

As part of a modern, qualitatively new concept of security that, within the context of the end of the conflict, is based on respect for human dignity, the promotion of and respect for human rights, and the defence of democratic values, particularly the protection of the rights and freedoms of those involved in politics, and especially those who, in the wake of the ending of the armed conflict, become members of the political opposition and thus have to be recognised and treated as such, the National Government will set up a new Comprehensive Security System for the Exercise of Politics (Sistema Integral de Seguridad para el Ejercicio de la Política).

Page 38, 2.1.2.1. Comprehensive Security System for the Exercise of Politics

Under the precepts set forth above, the National Government will set in motion a Comprehensive Security System for the Exercise of Politics, understanding security as a democratic value and adopting a humanistic approach, that must inspire action by the state. The System must serve as

effective guarantee of the rights and freedoms of those who are exercising politics within the concept of democratic rules

Page 54, 2.3.5. Promotion of a democratic and participatory political culture

...Advancing towards a democratic, participatory political culture implies the promotion and safeguarding of the value and the significance of politics as a means whereby political, economic, social, environmental and cultural rights can be fulfilled...

Chapter 3

Page 63, 3.1.4.1. Transitional Local Zones for Normalisation (TLZNs)

Full effectiveness of the rule of law within the TLZNs is guaranteed and for that purpose the functioning of the civilian authorities will be maintained without restriction. The (non-armed) civilian authorities present in the Zones will remain and will continue to carry on their functions therein, notwithstanding that which is agreed in the BDCCH. The TLZNs may not be used for political demonstrations.

Page 69, 3.2. Reincorporation of the FARC-EP into civilian life – in economic, social and political matters – in accordance with its interests

...The reincorporation of the FARC-EP is based on the recognition of individual freedoms and free exercise of the individual rights of all those who are currently members of the FARC-EP and in the process of reincorporation...

Page 78, 3. 3.4. "Agreement on guarantees of security and the fight against criminal organisations... Preamble

....It shall observe the rules of international human rights law (IHRL) in order to protect the population.

Pages 79-81, 3.4. "Agreement on guarantees of security and the fight against criminal organisations... Preamble

...The state holds the monopoly on the legitimate use of arms with the aim of ensuring that all Colombians have full exercise of all their human rights.

Moreover, the FARC-EP makes the commitment to contribute in an effective manner to the building and consolidation of peace, within the scope of its capacities, to promote the content of the agreements and to respect fundamental rights.

3.4.1. Guiding principles

The Government and the FARC-EP agree the following guiding principles:

Respect, guarantee, protection and promotion of human rights: the state is the guarantor of the free and full exercise of the rights and freedoms of the people and communities across the country's territories.

To safeguard the legitimate monopoly of force and of the use of arms by the state across the country's territories: in a scenario of ending the conflict and building a stable and longlasting peace, the measures adopted must safeguard the legitimate monopoly of force and of the use of arms by the state, in order to ensure respect and fundamental rights for all citizens. Legitimacy derives from compliance with the obligation to ensure that all Colombians have full exercise of their fundamental rights, under the principles of legality, necessity and proportionality.

Strengthening the administration of justice: in a scenario of ending the conflict and building a stable and long-lasting peace, the measures adopted must contribute to ensuring citizens' access to independent, timely, effective and transparent justice, in conditions of equality, whilst respecting and promoting alternative mechanisms for resolving conflicts across the country's territories, such that

fundamental rights and impartiality are ensured, preventing any form of private justice and confronting the conduct and organisations that are the subject of this agreement. These measures also have to contribute to ensuring the administration of effective justice in cases of gender-based violence, free from stereotypes regarding LGBTI persons, with sanctions proportional to the seriousness of the act.

## Chapter 4

### Page 106, 4., Preamble

That the solution to the problem of crops used for illicit purposes by means of the structural transformation across the country's territories and the creation of well-being conditions involves the application and respect of the principles and regulations of the rule of law on the part of institutions and citizens.

### Pages 110-111, 4.1.1. Principles

- Respect and application of the principles and regulations of the rule of law and coexistence of citizens: the achievement of the structural transformations of the territories guaranteeing the well-being and quality of life of the communities affected by the presence of crops used for illicit purposes and the transition towards legal economies involves the application and respect, by institutions and citizens, of the principles and regulations of the rule of law, the strengthening of democratic values, coexistence of citizens and the observance of human rights.

### 4.1.2. Aims

... As established in Item 1, the Peasant Enterprise Zones are agrarian initiatives that contribute to the construction of peace, the safeguarding of the political, economic, social and cultural rights of small-scale farmers, to development with socioenvironmental and food sustainability and to the reconciliation of Colombian citizens. As a consequence, it will be considered a priority to deal with the measures laid out in section 1.1.10 of the CRR and in particular those relating to PEZs.

- Ensuring that the national territory is free from crops used for illicit purposes, whilst respecting human rights, the environment and well-being.
- Strengthening the presence of state institutions in the territories affected by crops used for illicit purposes, promoting the comprehensive development and satisfaction of the rights of all citizens; ensuring the security, coexistence and observance and protection of human rights; and ensuring the provision of infrastructure, public services, education, access to media, inter alia, such that respect and application of the principles and regulations of the rule of law are ensured.

Page 122, 4.2.1.1. Principles: The national policy to tackle illicit drug use will be guided by the following principles:

- Human rights-based approach: actions aimed at preventing and tackling drug use, as well as reducing risks and harm, must be set against a background of respect for and effective enjoyment of the rights of the persons involved, including non-stigmatisation and nondiscrimination against the user and decisions not to prosecute owing to drug use.

## Chapter 5

Summary: chapter 5 deals with victims and rights-related issues.

Selected Provisions:

Page 136, 5. Agreement regarding the Victims of the Conflict... preamble

We understand that a broad, genuine response to the rights of victims – alongside the implementation of all the other agreements, which also guarantee rights – forms the basis for justice.



Page 199, 5.1.4. Guarantees of non-recurrence

...

The guarantee of rights, including economic, social, cultural and environmental rights, of the rural population by means of the implementation of the Comprehensive Rural Reform which contributes to their well-being and quality of life; the strengthening of the exercise of political rights, the promotion of a democratic culture and of human rights...

Summary: pages 199-201 under section '5.2. Commitment to the promotion, respect and guarantee of human rights' reiterates commitments to supporting human rights. See also section on HR Protection Measures.

Chapter 6

Page 204, 6. Implementation, verification and public endorsement, General principles for implementation

- Rights-based approach: The implementation of all the agreements reached must contribute to the protection and guarantee the effective enjoyment of the rights of everyone. Human rights are inherent in all human beings equally, which means that they belong to them simply on account of being human. Consequently, recognising them is not a concession, since they are universal, indivisible and interdependent imperatives and must be considered in a global, just and equitable manner. It is, therefore, the duty of the state to promote and protect all fundamental rights and liberties, without any form of discrimination, respecting the pro homine principle, and it is the duty of all citizens not to violate the human rights of their fellow citizens, applying the principles of universality, equality and progressiveness.

Page 263, Protocol and Annexes to the section on DEPLOYMENTS IN THE FIELD AND ZONES in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA)

... Operation of the TLZNs and TLPNs In the TLZNs and TLPNs the full rule of law is guaranteed, and to this end the civilian authorities will operate normally, with no restrictions. The TLZNs and the TLPNs are not to be used for political demonstrations. Meetings may be held to teach people about the process.

**Equality** Page 3, Preamble

Emphasising that, further to what is underlined above, the state, pursuant to Article 13 of the Political Constitution of Colombia, must guarantee the various aspects of the right to equality and non-discrimination, which must tend towards bringing about conditions that allow the effective protection of persons who are clearly in a position of weakness and the punishment of abuses committed against them;

...

Emphasising that Colombia has signed International treaties and declarations that enshrine equality, non-discrimination against persons and tolerance as universal conduct, not only as principles, but as values that must be applied and defended as a prerequisite for bringing about peace and economic and social progress for all peoples, and emphasising that tolerance consists of "harmony in difference";

Page 6, Introduction

... The implementation of the Agreement must be governed by recognition of the equality and protection of the pluralism of Colombian society, without any discrimination...

CHAPTER 1

Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Comprehensive rural development is a decisive factor in driving forward regional integration and equitable social and economic development of the country. The CRR must successfully achieve an in-depth transformation of the rural situation in Colombia:... greater equality

Page 12, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Principles

The following principles will be taken into account when implementing that which has been agreed under the heading "Toward a New Colombian Countryside: Comprehensive Rule Reform":

- Structural transformation: that is to say, the transformation of the rural reality, through fairness, equality and democracy...

Page 22, 1.2.1. Objective:

the objective of the DPTFs is to achieve the structural transformation of the countryside and the rural environment and to promote an equitable relationship between rural and urban areas, with a view to guaranteeing:

Page 24, 1.3. National plans for Comprehensive Rural Reform

The central objective of the national plans for Comprehensive Rural Reform is, on the one hand, to overcome poverty and inequality, in order to achieve the well-being of the rural population, and on the other, the integration of and closing of the gap between rural and urban areas. In accordance with this Agreement, the competent authorities must draw up and start up National Plans in the territory.

Page 26, 1.3.2.1. Health:

with the aim of bringing healthcare services closer to communities, particularly vulnerable groups and persons, strengthening the infrastructure and the quality of the public network in rural zones and improving the suitability and the relevance of service provision, a National Rural Health Plan (Plan Nacional de Salud Rural) will be set up and implemented. Implementation of the the Plan will take account of the following criteria:

...

The adoption of an equity- and gender-based approach that takes account of the health requirements of women, in accordance with their life cycle, including measures to address sexual and reproductive health, psychosocial care and the special measures for pregnant women and children in the areas of prevention, health promotion and treatment.

Page 31, 1.3.3.5. Formalisation of the rural labour market and social protection:

the National Government will do its utmost to strengthen the social security and protection system for the rural population, with an equity-based approach and taking into account the particular situation of women.

Chapter 2

Page 45, 2.2.3. Citizen participation through community, institutional and regional media

... In addition, in an end-of-conflict scenario, the community, institutional and regional media will play a part in the development and promotion of a culture of participation, equality and non-discrimination...

Page 54, 2.3.5. Promotion of a democratic and participatory political culture

A democratic, participatory political culture must enhance equality between citizens, a humanistic approach, solidarity and social cooperation, and provide transparent management of public affairs, outlawing cronyism and corruption. In addition, it should foment the handling of disputes using political mechanisms, and outlaw violence as a method of political action

Page 45, 2. Political participation: A democratic opportunity to build peace, 2.2. Democratic

### Chapter 3

Page 69, 3.2. Reincorporation of the FARC-EP into civilian life – in economic, social and political matters – in accordance with its interests

...The reincorporation of the FARC-EP is based on the recognition of individual freedoms and free exercise of the individual rights of all those who are currently members of the FARC-EP and in the process of reincorporation. The reincorporation provided for in this agreement shall be complementary to the agreements already made. Every component of the reincorporation process shall have an equity-based approach, with a particular emphasis on women's rights

Page 81, 3.4.1. Guiding principles

Territorial-based and equity-based approach: within the framework of ending conflict and building a stable and long-lasting peace, the security measures adopted must have a territorial-based and equity-based approach that takes into account the different threats and the characteristics and experiences of the diverse people, of the communities and of the territories, in order to implement the plans and programmes for peacebuilding and provide guarantees to the population, including the new political movement that emerges from the transition of the FARC-EP to legal political activity and its members in the process of reincorporation into civilian life, in order thus to contribute to greater governability, legitimacy and effective exercise of the rights and freedoms of the citizens.

### Chapter 4

Summary: chapter 4 addresses illicit crops and drugs (see coding for natural resources and drugs for chapter 4). Throughout the chapter reference is consistently made to the need for an equity-based approach.

Important sections include:

Page 105, 4. Solution to the Illicit Drugs Problem, Preamble

That all the foregoing has contributed to undermining values and peaceful coexistence and has constituted a factor that harms the possibility of progressing towards social inclusion, equality of opportunity between men and women and the expansion of democracy.

That these new policies will have a general focus on human rights and public health, with an equity-based and gender-based approach, and must be adjusted over time on the basis of evidence, lessons of best practice and the recommendations of national and international specialist organisations and experts....

### Chapter 5

Page 142, 5.1.1.1.1. Guiding criteria:

... • Equity-based and gender-based approach: In carrying out its mandate and functions, the Commission will take into account the different experiences, different impacts and individual conditions of people, populations and sectors being discriminated against or that are vulnerable or particularly affected by the conflict, inter alia. Special attention will be afforded to victimisation

suffered by women.

## Chapter 6

Page 204, 6. Implementation, verification and public endorsement, General principles for implementation

- Rights-based approach... It is, therefore, the duty of the state to promote and protect all fundamental rights and liberties, without any form of discrimination, respecting the pro homine principle, and it is the duty of all citizens not to violate the human rights of their fellow citizens, applying the principles of universality, equality and progressiveness.
- Respect for equality and non-discrimination: The implementation of this Agreement shall respect equality in all its aspects and equality of opportunity for everyone in accessing the different plans and programmes provided for in this Agreement, without any form of discrimination. Nothing contained in the Final Agreement shall be understood or interpreted as denying, restricting or infringing the rights of individuals, regardless of their gender, age, religious beliefs, opinions, ethnic identity, on account of their membership of the LGBTI community, or for any other reason; nor shall it be understood or interpreted as denying, restricting or infringing the right to unhindered development of the personality or the right to freedom of conscience.

## **Democracy** Page 6, Introduction

Secondly, the end of the conflict will herald a new Chapter ... to strengthening our democracy, bringing it to all corners of the country and ensuring that social conflicts can be resolved through institutional channels, with full guarantees for those taking part in politics.

## Chapter 1

Page 10, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

....

A genuine structural transformation of the countryside requires the adoption of measures to promote appropriate use of the land in accordance with its suitable purposes and to stimulate the titling, restitution and equitable distribution thereof, ... by legalising and democratising property and promoting broader ownership of land, so that it fulfils its social function.

Page 12, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform  
Principles

The following principles will be taken into account when implementing that which has been agreed under the heading "Toward a New Colombian Countryside: Comprehensive Rule Reform":

- Structural transformation: that is to say, the transformation of the rural reality, through fairness, equality and democracy...

Pages 13-14, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform  
Principles

The following principles will be taken into account when implementing that which has been agreed under the heading "Toward a New Colombian Countryside: Comprehensive Rule Reform":

...

State presence: in order to build a stable and long-lasting peace, the presence of the state in rural areas will be broad and effective, and will be reflected in the democratic fulfilment of all citizens' rights, men and women alike.

## Chapter 2

Summary: Sections of chapter 2 deal with a range of issues relating to democracy (see also coding for

civil society)

2.2. Democratic mechanisms for citizen participation, including those concerning direct participation, at various levels and in various subject areas.

2.2.1. Guarantees for social organisations and movements (41-44); 2.2.2. Guarantees for mobilisation and peaceful protest (44-45); 2.2.3. Citizen participation through community, institutional and regional media (45-46); 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect (46-47); 2.2.5. Citizen control and oversight (47-48); 2.2.6. Policy for strengthening democratic, participatory planning

2.3. Effective measures to promote greater participation in national, regional and local politics in all sectors, including the most vulnerable population, under conditions of equality and with guarantees of security.

2.3.1. Promotion of political pluralism (pages 50-51); 2.3.1.1. Measures to promote access to the political system (page 51); 2.3.1.2. Measures for promoting equal conditions in the political contest (page 51); 2.3.2. Promotion of electoral participation (pages 51-52); 2.3.3. Promotion of transparency 2.3.3.1. Measures to promote transparency in electoral processes (pages 52-53); 2.3.3.2. Transparency measures for allocation of government expenditure on public advertising (page 53); 2.3.4. Reform of the electoral regime and organisation (page 53); 2.3.5. Promotion of a democratic and participatory political culture (page 54); 2.3.6. Promotion of the political representation of populations and zones particularly affected by the conflict and neglect (pages 54-55); 2.3.7. Promotion of women's political and citizen participation within the context of this Agreement (page 55-56); 2.3.8. Creation of a new space for providing media access to political movements and parties (page 56).

Selected provisions:

Page 34, 2. Political participation: A democratic opportunity to build peace, Preamble  
The National Government and the FARC-EP recognise that:

Within the context of the end of the conflict, building and consolidating peace requires an expansion of democracy to allow new forces to emerge on the political scene in order to enrich debate and deliberation concerning the major problems confronting the nation, thereby strengthening pluralism and thus the representation of different visions and interests in society, with due safeguards for participation and inclusion in politics. It is important to expand and to qualify democracy as a prerequisite for achieving a solid basis for forging the peace.

Peacebuilding must be addressed by society as a whole and requires the involvement of everyone, without distinction, and thus it is necessary to encourage participation and decisionmaking on the part of society as a whole in Colombia; peacebuilding is a right and also a mandatory duty, forming the basis for setting Colombia on the road to peace with social justice and to reconciliation, heeding its people's clamour for peace. This includes strengthening social movements and organisations and providing more robust spaces for involvement in order that citizens can contribute in a positive and effective way, and in order that democracy can be invigorated and enhanced.

... The signing and implementation of the Final Agreement will contribute to an extension and consolidation of democracy in as much as it will involve the laying down of arms and the outlawing of violence as a method of political action for each and every one of Colombia's citizens, in order to make the transition to a country where democracy rules, with full guarantees for those taking part in politics and thereby opening up new areas for participation.

In consolidating the peace, it is necessary to guarantee pluralism, facilitating the constitution of new political movements and parties that will contribute to the debate and to the democratic process and will involve sufficient guarantees for the exercising of political opposition and genuine power alternatives. At the end of the conflict, democracy requires a strengthening of the safeguards of political participation.

#### Page 36, 2.1.1. Rights and guarantees for the exercise of political opposition in general

The exercise of politics is not restricted exclusively to participation in the political and electoral system, and for that reason the creation of spaces for democracy and pluralism in Colombia requires acknowledgement not only of the opposition role of political movements and parties but also of the forms of action open to social and popular movements and organisations that might in the future come to act in opposition to the policies of the national government and departmental/municipal authorities.

#### Page 36, 2.1.1.1. Statute of guarantees for the exercise of political opposition

The exercise of political opposition is a cornerstone of the process of building a broad-based democracy, peace with social justice and national reconciliation, particularly in the wake of the signing of a Final Agreement that will provide the space for new political movements and parties requiring full guarantees for the exercising of politics to arise.

#### Page 37, 2.1.2. Security guarantees for the exercise of politics

As part of a modern, qualitatively new concept of security that, within the context of the end of the conflict, is based on respect for human dignity, the promotion of and respect for human rights, and the defence of democratic values, particularly the protection of the rights and freedoms of those involved in politics, and especially those who, in the wake of the ending of the armed conflict, become members of the political opposition and thus have to be recognised and treated as such, the National Government will set up a new Comprehensive Security System for the Exercise of Politics (Sistema Integral de Seguridad para el Ejercicio de la Política).

The Comprehensive Security System is conceived within the context of guarantees of rights and freedoms and it seeks to ensure the promotion and protection of individuals, and respect for life and freedom of thought and opinion, thereby strengthening and consolidating democracy.

#### Page 38, 2.1.2.1. Comprehensive Security System for the Exercise of Politics

Under the precepts set forth above, the National Government will set in motion a Comprehensive Security System for the Exercise of Politics, understanding security as a democratic value and adopting a humanistic approach, that must inspire action by the state. The System must serve as effective guarantee of the rights and freedoms of those who are exercising politics within the concept of democratic rules.

### Chapter 3

#### Page 73, 3.2.1.2. Political representation

c. Reforms for the democratic opportunity to build peace The implementation of the reforms decided in the Agreement on "Political participation: A democratic opportunity to build peace" constitutes an essential condition for ensuring a sustainable process of reincorporation of the FARC-EP into civilian life in political matters. Within the process established in Legislative Act 01 of 2016, priority shall be given to the presentation and approval of the Statute of Opposition and the reform of the electoral

system.

#### Chapter 4

Page 105, 4. Solution to the Illicit Drugs Problem, Preamble

That all the foregoing has contributed to undermining values and peaceful coexistence and has constituted a factor that harms the possibility of progressing towards social inclusion, equality of opportunity between men and women and the expansion of democracy.

#### Chapter 5

Page 200, 5.2. Commitment to the promotion, respect and guarantee of human rights

In the new scenario of peacebuilding and democratic opportunity, citizen participation and the exercise of rights will not just be items on a list, but will contribute to the realisation of everybody's rights....

In the new scenario of peacebuilding and democratic opportunity, citizen participation and the exercise of rights will not just be items on a list, but will contribute to the realisation of everybody's rights.

The commitment to respect and promotion of human rights in the process of reconciliation pursued as part of the achievement of peace, involves the recognition of the need to move forward with public policies of promotion of a political, democratic and participatory culture of respect for human rights. Such commitment also implies respect for cultural and ethnic diversity.

#### Chapter 6

Pages 205-207, 6. Implementation, verification and public endorsement, General principles for implementation

- Strengthening and coordinating institutions: to build a stable and lasting peace and in general to guarantee the democratic protection of the rights of all citizens, it is necessary to strengthen the institutional presence of the state in the territory.
- Strengthening democracy and "building on what has already been built": Implementing the agreed plans and programmes must take into account development initiatives and processes and recognise the efforts of society in peacebuilding in the regions, to "build on what has already been built" and strengthen democracy, eradicating corruption, any lack of transparency, cronyism and any other action which degrades the other principles.

...

- Democratic principles: the interpretation and implementation of this Agreement and of the regulations which incorporate it into the legal system shall respect the unitary nature of the rule of law, political pluralism, individual freedoms, the separation of powers, the powers of the different branches of public authority, territorial integrity, economic freedom, the right of all citizens to own private property and the primacy of the inalienable rights of the individual, as well as society's different organisational endeavours and processes, particularly those of the rural, indigenous and Afro-Colombian, black, palenquero and raizal communities

### Protection measures

#### Other

#### Chapter 5

Pages 201-203, 5.2.1. Strengthening of the mechanisms for promotion of human rights:

- Promotion of respect for human rights and of a culture of human rights for the building of peace and reconciliation.

- Strengthening of the system of information on the human rights situation, taking into account the progress of the National System of Human Rights.
- Strengthening of the system of monitoring of the human rights situation at national and regional level, taking into account the early warning system.
- Strengthening of the process of implementation of the National Plan for Human Rights Education by means, inter alia, of:
  - o The inclusion of the Final Agreement and of the Final Report of the Truth, Coexistence and Non-Recurrence Commission in the National Plan for Human Rights Education.
  - o Coordination with the programmes for promotion of a democratic and participatory political culture of Chapter 2 “Political Participation: A democratic opportunity to build peace”, in particular for overcoming the stigmatisation associated with the conflict.
  - o The strengthening of the measures of non-formal education through the launching of public campaigns for recognition of human rights and prevention of violation of such rights.

#### 5.2.2. Strengthening of the mechanisms for protection of the work performed by human rights advocates and their organisations

Furthermore, the National Government, recognising the work of human rights advocates, undertakes to contribute to the strengthening of human rights defence organisations, in particular those that work in rural contexts, in the framework of that already agreed in Chapter 2 in relation to the guarantees for social organisations and movements, guarantees of security, recognition and non-stigmatisation; and to maintain with them an ongoing dialogue to respond to their reports, diagnoses and recommendations. For this, and in the framework of that agreed in Chapter 2 “Political participation”, a protocol for comprehensive protection will be drawn up in collaboration with human rights advocates’ organisations, including those that carry out their work in rural environments. The National Government will strengthen the coordination with the Office of the Attorney General (Fiscalía General de la Nación), for driving forward and following up, case-by-case, accusations and investigations of violations of the rights of human rights advocates. Public progress reports will be issued every three months.

#### 5.2.3. Prevention and protection of human rights

- Design, drawing up and execution of a National Plan for Human Rights with the effective participation of human rights advocates’ organisations and social organisations and movements which, taking into account the different existing policy efforts, will make it possible to adjust them to the needs of a peacebuilding scenario.
- In accordance with that approved in the Chapter on Political Participation, the necessary regulatory measures and adjustments will be adopted to give full guarantees for social mobilisation and protest, as part of the constitutional right to freedom of expression, to assembly and to opposition, favouring dialogue and civility in the treatment of this type of activities.
- Creation of an advisory committee convened by the Office of the Ombudsman (Defensoría del Pueblo) to advise and make recommendations to the National Government, to state institutions and to human rights organisations, with regard to human rights and peace. The Office of the Ombudsman and representatives of human rights organisations will agree on its composition and functioning.

## Human rights framework

### Bill of rights

Page 42, 2.2. Democratic mechanisms for citizen participation, including those concerning direct participation, at various levels and in various subject areas

With these aims, the National Government will prepare a bill of guarantees and promotion of citizen participation and other activities that social movements and organisations can enjoy, on the basis of the following guidelines which will be discussed at national level and will include the participation of spokespersons from the most representative social movements and organisations...

### Treaty incorporation



#### Page 2, Preamble

Bearing in mind the fact that the new Final Agreement encompasses each and every one of the accords reached in developing the Agenda of the General Agreement signed in Havana in August 2012; and that in order to achieve that, the parties, always and at every stage, have upheld the spirit and scope of the rules of the National Constitution, the principles of international law, international human rights law, international humanitarian law (its conventions and protocols), the stipulations of the Rome Statute (international criminal law), the decisions of the Inter-American Court of Human Rights concerning conflicts and conflict termination, and other resolutions of universally recognised jurisdictions and authoritative pronouncements relating to the subject matters agreed upon;

...

Emphasising that the rights and duties enshrined in the Charter are interpreted in accordance with international treaties on human rights ratified by Colombia and their enjoyment or exercise may not be subject to any limitation;

...

Recalling that Article 94 states that "the declaration of the rights and guarantees enshrined in the Constitution and in current international conventions must not be understood as the negation of others that, intrinsic to the human individual, are not expressly mentioned therein"...

#### Page 3, Preamble

Emphasising that Colombia has signed International treaties and declarations that enshrine equality, non-discrimination against persons and tolerance as universal conduct, not only as principles, but as values that must be applied and defended as a prerequisite for bringing about peace and economic and social progress for all peoples, and emphasising that tolerance consists of "harmony in difference"...

#### Page 4, Preamble

Accepting that customary international legal standards will continue to govern issues relating to fundamental rights not mentioned in the new Final Agreement, including the imperative whereby "in those cases not provided for by current law, the individual will be safeguarded by humanitarian principles and the demands of the public conscience"...

#### Page 5, Preamble

This Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace is signed by the National Government and the Revolutionary Armed Forces of Colombia - People's Army (FARC-EP) as a Special Agreement pursuant to Article 3, common to the 1949 Geneva Conventions, as per its international standing.

#### Chapter 1

##### Page 31, 1.3.3.5. Formalisation of the rural labour market and social protection: ...

In light of the International Labour Organisation (ILO) regulations, to which Colombia is party, and with a view to safeguarding decent employment and the rights of workers in the countryside, and their social protection (protection in old age, maternity benefits, occupational risks), the National Government will set up and implement the Progressive Plan for Social Protection and Safeguarding of the Rights of Rural Workers (Plan progresivo de protección social y de garantía de derechos de los trabajadores y trabajadoras rurales).

The aim of the plan will be to provide decent rural working conditions through the full application, with workplace inspection, of the regulations governing contractual relationships, the corresponding working day, remuneration and contract regulation, taking account of case-law developments

favourable to workers, and the applicable international standards of the ILO, relating to labour in general and rural labour in particular, to enable the effective safeguarding, for men and women on an equal basis, of the fundamental right to employment. Implementation of the plan will take account of the following criteria...

Page 31, 1.3.3.5. Formalisation of the rural labour market and social protection: ...

Implementation of the plan will take account of the following criteria:

...

The environmentally and socially sustainable plans and programmes to be carried out in rural areas will benefit from the collaboration of the workforce from communities in the zone — both men and women. Employment conditions under these programmes will be compliant with international and national regulations and will be governed by the principles of dignity and fairness.

## Chapter 5

Summary: Throughout chapter 5, references are repeatedly made to international human rights law, international humanitarian law and international criminal law.

Selected provisions:

Pages 135-136, 5. Agreement regarding the Victims of the Conflict.... preamble

The underlying principles on which the Comprehensive System is founded are the recognition of the victims as citizens with rights; the acknowledgement that the full truth about what has happened must be uncovered; the acknowledgment of responsibility by all those who took part, directly or indirectly, in the conflict and were involved in one way or another in serious human rights violations and serious infringements of international humanitarian law...

The end of the conflict must contribute to ensuring the end of violations and infringements, while also being an opportunity to guarantee the realisation of victims' rights. The definitive end of hostilities leads to a situation in which victims can express themselves without fear and receive the recognition they are entitled to; an opportunity for all of those who bear responsibility for human rights violations or infringements of international humanitarian law to acknowledge that responsibility accordingly. International experience shows that the effectiveness of such measures is greater if they are applied in a coordinated, complementary manner. To this end, the System is intended to be comprehensive, in order for the measures to achieve the maximum justice and accountability for the human rights violations and the IHL infringements that have occurred throughout the conflict.

Page 143, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

- Practices and deeds constituting serious human rights violations and serious infringements of international humanitarian law (IHL), in particular those reflecting patterns or on a mass scale, which took place in the course of the conflict, as well as the complexity of the territorial contexts and dynamics where these happened.

Pages 153-154, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

4.- The state has the autonomy to establish special jurisdictions or legal systems, deriving from the provisions of the UN Charter on the sovereignty and self-determination of nations, and from principles of international law, including international humanitarian law, international law on human rights and international criminal law.

5.- In exercising this autonomy, accepted and recognised by international human rights law, the state is able to assess and evaluate the complexity, duration and severity of the internal armed conflict with the aim of designing and adopting justice mechanisms to achieve peace, respecting the

parameters established by international law, in particular the guarantee of human rights.

6.- Redressing victims' rights is at the center of the General Agreement to End the Armed Conflict and Build a Stable and Lasting Peace signed in Havana on 26 August 2012. The rights of the victims and the severity of suffering inflicted by serious breaches of international humanitarian law and serious violations of human rights occurring during the conflict will be taken into account as central themes of all acts undertaken by the judicial component of the CS. Such violations cause serious and long-term harm to the victims' life projects. Harm caused will need to be repaired and restored wherever possible.

...

12.- The responsibility of those at whom the CS is aimed does not relieve the state of its duty to respect and ensure full enjoyment of human rights or its obligations, in accordance with international humanitarian law and international human rights law.

Page 157, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

19.- For the purposes of the CS, the reference legal frameworks are primarily international human rights law (IHRL) and international humanitarian law (IHL). When adopting their judgments or rulings, the chambers of the Tribunal for Peace, the panels and the Investigation and Prosecution Unit will present their own indictment. This assessment will be based on the Colombian Penal Code and/or the rules of International Law in the field of Human Rights (IHRL), International Humanitarian Law (IHL) or International Criminal Law (ICL), always applying the principle of applying the most favourable law.

...

21.- The Colombian state also has a duty to ensure, by any reasonable means within its power, truth, justice, reparations and guarantees of non-recurrence with respect to serious breaches of IHL or serious human rights violations.

22.- With regard to justice, in accordance with IHRL, the Colombian state has a duty to investigate, clarify, prosecute and sanction serious violations of IHRL or serious breaches of IHL.

23.- On termination of the hostilities, in accordance with IHL, the Colombian state will be able to grant "the broadest possible" amnesty.

Pages 160-162, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

37.- Article 6.5 of Protocol II Additional to the Geneva Conventions, to which Colombia is a State Party, will apply. It states the following: "At the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained."

...

40.- Crimes against humanity, genocide, serious war crimes – that is, any violation of international humanitarian law committed as part of a systematic attack – hostage taking or other serious deprivations of freedom, torture, extrajudicial executions, forced disappearances, rape and other forms of sexual violence, child abduction, forced displacement and the recruitment of minors will all be ineligible for an amnesty or pardon, in every case as established in the Rome Statute.

The rules will specify the scope and reach of these acts in accordance with the provisions of the Rome Statute, international human rights law and international humanitarian law.

44.- In accordance with the above, a special, simultaneous, balanced and fair treatment will be

established for state agents, based on international humanitarian law. This differentiated treatment will take into account the provisions of operational law governing the Colombian State Armed Forces (which include both the Military Forces and the Police) in relation to IHL.

Page 174, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

...

59.- When considering the responsibility of members of the FARC-EP, the legal reference points to be used will be international humanitarian law, international human rights law and international criminal law.

Page 178, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

65... All these individuals will need to be highly qualified and they must include experts in different areas of law, with a focus on knowledge of international humanitarian law, human rights or conflict resolution.

...

66.- Each Judicial Panel will comprise a minimum of six highly qualified Colombian Justices and will need to include experts from different areas of law, with a focus on knowledge of international humanitarian law, human rights or conflict resolution...

Page 179, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

67.- The Investigation and Prosecution Unit will be formed of a sufficient number of legal professionals who are highly qualified in investigation and prosecution, and will need to include experts from different areas of law, with a focus on knowledge of international humanitarian law or human rights. It will need to have a technical forensic investigation team that will be able to draw on international support, particularly in the area of exhumations and identifying the remains of missing persons. It will be formed according to criteria of equal participation by men and women and respect for ethnic and cultural diversity, and members will be elected through a selection process that reassures Colombian society and its different sectors.

The Unit will have a special investigation team for cases of sexual violence. Special provisions on handling evidence will be established for acts of sexual violence, as given in the Rome Statute. With regard to the large number of victims who had to leave the country as a consequence of different human rights violations and breaches of international humanitarian law (IHL) during the conflict, the National Government, in fulfilment of this Agreement, will strengthen the programme of recognition and reparation of victims abroad, including refugees and exiles victimised during the conflict, by means of the implementation of "supported and assisted return" plans. The assisted return will consist of promoting conditions to facilitate their return to the country and the construction of their life project, including decent reception conditions through the coordination of these plans with the specific institutional services offered, to progressively guarantee access to basic rights, decent employment, housing, health and education at all levels according to each person's individual needs. Priority will be given to their relocation to the places they had to leave, respecting the wishes of the victim. The Government will adopt the necessary measures to coordinate these plans, where appropriate, with the different plans and programmes agreed, in particular the DPTFs. All this is without prejudice to the different measures that, in an end-of-conflict scenario, have to be adopted to drive forward and promote the return of exiles and other Colombians who left the country because of the conflict.

Page 198, 5.1.4. Guarantees of non-recurrence

Secondly, by means of the recognition of what has occurred in the context of the conflict and of the clarification and rejection of the serious violations of human rights and serious breaches of international humanitarian law...

Chapter 6

Pages 213-214, 6.1.8. Start of the implementation of the Final Agreement

As established in the Agreement of 11 May 2016, the Final Agreement will be signed as a Special Agreement under Common Article 3 of the Geneva Conventions and deposited, after its signature, before the Swiss Federal Council in Bern. Then, the President of the Republic will make a unilateral declaration of the state to the United Nations communicating this Final Agreement and requesting its incorporation in a document of the United Nations Security Council in the terms established in the Agreement dated 7 November 2016.

Page 216, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

...

h. Amendments to Law 1448 of 2011, on Victims and Land Restitution, on the basis of that agreed in section 5.1.3.7 of the "Victims" agreement, taking into account the principle of universality and in accordance with international standards, to extend the recognition of all the victims of breaches of international humanitarian law or of serious and flagrant violations of international human rights standards, occurring during the internal armed conflict.

Page 217, 6.2.2. Principles

Principles In interpreting and implementing all the components of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia with an ethnic-based approach, account is taken of the principles enshrined in legislation at the international and constitutional levels, case law and legal regulations, especially the principle of non-regression, recognised in the International Covenant on Economic, Social and Cultural Rights, as well as the principles and rights recognised in the Convention on the Elimination of All Forms of Discrimination Against Women - CEDAW (ratified by Colombia on 19 January 1982), International Convention on the Elimination of All Forms of Racial Discrimination - CERD, Durban Declaration and Programme of Action, the United Nations Declaration on the Rights of Indigenous Peoples, and ILO Convention 169 concerning the Rights of Indigenous and Tribal Peoples.

## **Civil and political rights**

[Life](#)

Page 2, Preamble

Considering that the sum of the accords of which the new Final Agreement is composed, contributes to ... the fundamental right of individual and/or collective legal certainty and physical safety...

Chapter 2

Page 37, 2.1.2. Security guarantees for the exercise of politics

The Comprehensive Security System is conceived within the context of guarantees of rights and freedoms and it seeks to ensure the promotion and protection of individuals, and respect for life...

Chapter 4

Page 112, 4.1.3. Description and elements of the National Comprehensive Programme for the

## Substitution of Crops Used for Illicit Purposes

The National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes will include the following elements:

4.1.3.1. Security conditions for the communities and territories affected by crops used for illicit purposes:

The protection of communities, the safeguarding of the right to life ...

## Chapter 5

Pages 193-194, 5.1.3. Reparations: comprehensive reparation measures for peacebuilding

- Security in territories for return: in areas in which return and relocation plans are to be prioritised, the Government will set up the security measures necessary to guarantee life and personal integrity in communities, which will always participate in this process.

### [Liberty and security of person](#)

Page 3, Preamble

the right to freedom of faith and its free exercise; the fundamental right of individual and/or collective legal certainty and physical safety; and the fundamental right of each individual and of society to non-recurrence of the tragedy of the internal armed conflict that this Agreement proposes to finally end...

### [Freedom of movement](#)

Page 182, 5.1.2. Justice

#### SPECIAL JURISDICTION FOR PEACE

#### LIST OF SANCTIONS.

There are three types of sanction:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility:

The special sanctions of the system, as set out in Item 60, shall focus on redress and reparations, as well as restrictions on freedoms and rights, such as freedom of residence and movement, which are required for its implementation. The persons penalised shall provide guarantees of non-recurrence.

### [Freedom of speech](#)

## Chapter 2

Page 41, 2.2.1. Guarantees for social organisations and movements

Having regard to the right of all people... to freedom of expression and dissent...

Page 42, 2.2. Democratic mechanisms for citizen participation, including those concerning direct participation, at various levels and in various subject areas

....

Regulation of the right to reply and the right to rectification, for the most representative social movements and organisations, against false or offensive statements made by the National Government.

Summary: Parts of 2.2.2. Guarantees for mobilisation and peaceful protest include references to rights to protest (see coding for freedom of association)

Page 46, 2.2.3. Citizen participation through community, institutional and regional media

To further the success of these aims, the National Government undertakes:

...

To promote the technical training of workers, both male and female, in the community and also the training and qualification of community communicators and media operators through processes that seek to advance freedom of expression and opinion.

## Freedom of association

Page 41, 2.2.1. Guarantees for social organisations and movements

Having regard to the right of all people to form social organisations of the most varied types, to form part of such organisations and to disseminate their agendas...

Summary: page 44-45 deals with freedom of association (2.2.2. Guarantees for mobilisation and peaceful protest)(see also coding for civil society and democracy)

Page 50, 2.3.1. Promotion of political pluralism

With the aim of promoting political pluralism and the representative nature of the party system by extending the exercising of the right of association for political purposes and guarantees for ensuring conditions of equal involvement by political movements and parties and thereby expanding and consolidating democracy

## Vote and take part

Page 41, 2.2.1. Guarantees for social organisations and movements

....

The National Government will guarantee the political rights of all citizens who, as political players, are organised into social organisations and movements.

Page 52, 2.3.2. Promotion of electoral participation

Support for the management arrangements offered by the electoral organisation to stimulate and to facilitate electoral participation on the part of the most vulnerable and most isolated populations (rural, marginalised, displaced persons and victims), and in particular:

Promoting a broadly participatory diagnostic exercise with a gender-based approach concerning the obstacles that face such populations in exercising the right to vote...

Pages 54-55, 2.3.6. Promotion of the political representation of populations and zones particularly affected by the conflict and neglect

... Special monitoring mechanisms will be set up to ensure the transparency of the electoral process and the electorate's freedom to vote.

## Thought, opinion, conscience and religion

Page 2, Preamble

Considering that the sum of the accords of which the new Final Agreement is composed, contributes to ... the right to freedom of faith and its free exercise;

Chapter 2

Page 37, 2.1.2. Security guarantees for the exercise of politics

The Comprehensive Security System is conceived within the context of guarantees of rights and freedoms and it seeks to ensure the promotion and protection of individuals, and ... freedom of thought and opinion, thereby strengthening and consolidating democracy.

Chapter 5

Page 201, 5.2.3. Prevention and protection of human rights

...

- In accordance with that approved in the Chapter on Political Participation, the necessary regulatory measures and adjustments will be adopted to give full guarantees for social mobilisation and protest, as part of the constitutional right to freedom of expression, to assembly and to opposition, favouring

dialogue and civility in the treatment of this type of activities.

## Chapter 6

Page 204, 6. Implementation, verification and public endorsement, General principles for implementation

- Respect for equality and non-discrimination: The implementation of this Agreement shall respect equality in all its aspects and equality of opportunity for everyone in accessing the different plans and programmes provided for in this Agreement, without any form of discrimination. Nothing contained in the Final Agreement shall be understood or interpreted as denying, restricting or infringing the rights of individuals, regardless of their gender, age, religious beliefs, opinions, ethnic identity, on account of their membership of the LGBTI community, or for any other reason; nor shall it be understood or interpreted as denying, restricting or infringing the right to unhindered development of the personality or the right to freedom of conscience.

### Other

Summary: Peace and participation are consistently referenced as rights.

Page 4, Preamble

...

the right to the preservation of freedom of choice, and other rights, notwithstanding the rights of victims of any age or generation to truth, justice and reparations;

the right to exemption from liability for acts committed by earlier generations, the right to the preservation of freedom of choice, and other rights, notwithstanding the rights of victims of any age.

## Chapter 2

Page 34, 2. Political participation: A democratic opportunity to build peace, Preamble

Taking account of the fact that women face greater social and institutional barriers in terms of political participation, as a result of deep-rooted discrimination and inequality, as well as structural conditions of exclusion and subordination, there will be significant challenges in guaranteeing their right to participation

Page 51, 2.3.1.1., Measures to promote access to the political system

... for the acquisition of all rights to financing, access to resources and to register candidates for elected offices and corporations...

## Chapter 3

Pages 75-76, 3.2.2.5. Reincorporation for minors who have left the FARC-EP camps

...The programme must guarantee the full reincorporation of the minor and his or her psycho-social accompaniment, with the oversight of social or specialist organisations in the terms set out in Joint Communiqué No. 70, as well as the location of minors at temporary reception sites in municipalities near the TLZNs, guaranteeing the right to information for all participants, particularly children and adolescents.

## Chapter 5

Page 175, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE



### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

60.-...

They will include the necessary effective restrictions on freedoms and rights for their implementation, such as freedom of residency and movement, and they will also need to give guarantees of non-recurrence...

## Socio-economic rights

### Property

#### Chapter 1

Page 10, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

....

A genuine structural transformation of the countryside requires the adoption of measures to promote appropriate use of the land in accordance with its suitable purposes and to stimulate the titling, restitution and equitable distribution thereof, ... by legalising and democratising property and promoting broader ownership of land, so that it fulfils its social function.

Page 13, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

#### Principles

The following principles will be taken into account when implementing that which has been agreed under the heading "Toward a New Colombian Countryside: Comprehensive Rule Reform":

...

Land titling: that is to say, combating unlawful possession and ownership of land and guaranteeing the rights of men and women who are the legitimate holders and owners, so that violence is never again used as a means of solving land-related disputes. Nothing established in the Agreement affects the constitutional right to private property.

Page 17, 1.1.5. Large-scale titling of small and medium-sized rural property:

The National Government will...

- Guarantee that there will be no charge for the titling of small rural properties, providing assistance both in the processes of allocating public land and regularising land titles of existing rural property.
- Within the context of the rural land legal system being set up, the Government will provide a flexible, rapid resource for protecting property rights.

...

The Government will form a group of three experts on the subject of access to land to put forward, within a term not exceeding three months, recommendations for policy reforms and public policy that allow, within a limited period and whenever possible:

- The rights of property owners, occupants and holders in good faith to be regulated, provided that there is no dispossession or bad faith.

Page 18, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production:

with a view to contributing to land tenure regularisation and the protection of property rights, promoting appropriate use of land, improving land planning and management, preventing and mitigating conflicts concerning use and possession, and, in particular, to resolving conflicts that jeopardise or limit food production, the National Government will:

Set up flexible, efficient mechanisms for conciliation and conflict resolution concerning land use and possession, aimed at guaranteeing effective protection of rural property rights

## Chapter 6

Pages 206-207, 6. Implementation, verification and public endorsement, General principles for implementation

- Democratic principles: ... the right of all citizens to own private property and the primacy of the inalienable rights of the individual....

Pages 206-207, 6. Implementation, verification and public endorsement, General principles for implementation

- Democratic principles: the interpretation and implementation of this Agreement and of the regulations which incorporate it into the legal system shall respect the unitary nature of the rule of law, political pluralism, individual freedoms, the separation of powers, the powers of the different branches of public authority, territorial integrity, economic freedom, the right of all citizens to own private property and the primacy of the inalienable rights of the individual, as well as society's different organisational endeavours and processes, particularly those of the rural, indigenous and Afro-Colombian, black, palenquero and raizal communities.

### Work

## Chapter 1

Page 31, 1.3.3.5. Formalisation of the rural labour market and social protection:

In light of the International Labour Organisation (ILO) regulations, to which Colombia is party, and with a view to safeguarding decent employment and the rights of workers in the countryside, and their social protection (protection in old age, maternity benefits, occupational risks), the National Government will set up and implement the Progressive Plan for Social Protection and Safeguarding of the Rights of Rural Workers (Plan progresivo de protección social y de garantía de derechos de los trabajadores y trabajadoras rurales).

- The strengthening of the fixed labour inspection system and the creation of a mobile inspection system in rural areas to enable workers to demand their due employment rights and to properly process employment disputes.

### Education

## Chapter 1

Page 27, 1.3.2.2. Rural education:

with the aim of providing a comprehensive service for early childhood, guaranteeing the coverage, quality and relevance of education, eradicating illiteracy in rural areas, helping the younger generation to remain part of the production sector in the countryside, and promoting involvement in rural development on the part of regional academic institutions, the National Government is to set up and implement the Special Rural Education Plan (Plan Especial de Educación Rural). Implementation of the Plan will take account of the following criteria:

...

The guarantee of free education at pre-school, primary and secondary school level.

Page 31, 1.3.3.5. Formalisation of the rural labour market and social protection:

... to enable the effective safeguarding, for men and women on an equal basis, of the fundamental right to employment.

## Chapter 3

Page 77, 3.2.2.7. Guarantees for a sustainable social and economic reincorporation

- Social programmes or plans in accordance with the results of the socioeconomic census, the plans or programmes necessary to safeguard the fundamental and basic rights of the population that is the subject of the present agreement shall be identified, such as rights to: formal education

#### Adequate standard of living

#### Chapter 1

#### Page 13, 1. Towards a New Colombian Countryside: Comprehensive Rural Reform

- The right to nutrition: the comprehensive agrarian development policy must focus on progressively guaranteeing that all persons have access to healthy and adequate nutrition and that foodstuffs are produced sustainably.

#### Page 24, 1.3.1.1. Road infrastructure:

with the aim of achieving regional integration and access to social services and markets, favourably influencing food prices as a guarantee of the right to nutrition, and raising the income level of rural communities, the National Government is to set up and implement a National Tertiary Rural Road Plan (Plan Nacional de Vías Terciarias).

#### Page 30, 1.3.3.3. Subsidies, income generation and credit

... aimed at supporting the right to nutrition, the reconversion of production and the generation of added value. Subsidised credit lines for land purchase will be granted exclusively to small producers.

#### Pages 32-33, 1.3.4. System for the progressive realisation of the right to food

System for the progressive realisation of the right to food: in fulfilment of the obligation to progressively realise the human right to healthy, nutritional and culturally appropriate food, with the aim of eradicating hunger and enhancing the availability of, access to and consumption of sufficient nutritional food, the National Government will set in motion a special system for the progressive realisation of the right to food for the rural population.

Food and nutrition policy in rural zones is based on the progressive increase in food production, income generation and, in general, the creation of conditions of well-being based on national plans for access to land, infrastructure, irrigation, housing and drinking water, technical assistance and training, marketing, credit, the promotion of associations based on solidarity and cooperation, and other plans set out in this agreement. This policy acknowledges the fundamental role played by rural women in their contribution to fulfilling the right to food.

#### Chapter 4

#### Page 111, 4.1.2. Aims

- Contributing to the aims of the System for the progressive realisation of the right to food (Sistema para la garantía progresiva del derecho a la alimentación), according to the terms established in section 1.3.4 of the CRR.

#### Page 120, 4.1.3.6. Components of the comprehensive plans for the substitution of crops:

##### a. Immediate attention plan and development of rural productive projects

These initiatives will be geared towards harvesters, both those who have settled in the region and those who have not, and settled share-croppers - men and women - living in the region that are identified in the census of the community assemblies and the NCPS carried out in a participative way.

- For the community in general:

...

o School population: in order to improve the food security of children of school age and maximise the

numbers staying in education, a programme to build and fit out school canteens and supply food will be developed to ensure that every child attending school in the territories affected by crops used for illicit purposes receives breakfast, without prejudice to the agreed in section 1 of the Special Plan for Rural Education, in particular the emergency plans referred to in section 1.3.4 of the Comprehensive Rural Reform, System for the progressive realisation of the right to food.

o The elderly: implementation of programmes to eradicate hunger among the elderly as per section 1.3.4 of the Comprehensive Rural Reform, System for the progressive realisation of the right to food.

#### [Shelter/housing](#)

#### Chapter 3

Page 77, 3.2.2.7. Guarantees for a sustainable social and economic reincorporation

- Social programmes or plans In accordance with the results of the socioeconomic census, the plans or programmes necessary to safeguard the fundamental and basic rights of the population that is the subject of the present agreement shall be identified, such as rights to; housing...

#### [Cultural life](#)

#### Chapter 3

Page 77, 3.2.2.7. Guarantees for a sustainable social and economic reincorporation

- Social programmes or plans In accordance with the results of the socioeconomic census, the plans or programmes necessary to safeguard the fundamental and basic rights of the population that is the subject of the present agreement shall be identified, such as rights to: culture...

#### [Other](#)

#### Chapter 3

Page 77, 3.2.2.7. Guarantees for a sustainable social and economic reincorporation

- Social programmes or plans In accordance with the results of the socioeconomic census, the plans or programmes necessary to safeguard the fundamental and basic rights of the population that is the subject of the present agreement shall be identified, such as rights to: and education for work and human development, ...psychosocial support; reunification of family units and extended families and elderly persons, including measures for the protection and care of children of members of the FARC-EP in the process of reincorporation.

### **NHRI** [Mentions of NHRI](#)

#### Chapter 1

Page 23, 1.2.4. Participation mechanisms:

the active participation of the various communities — men and women — in conjunction with the authorities of territorial bodies, is the basis of the DPTFs. To that end, forums will be set up at the various territorial levels to guarantee citizens' participation in the competent authorities' decision-making process to develop what has been agreed in the CRR, attended by representatives of the communities, including rural women and their organisations, and monitored by supervisory bodies (namely the Office of the Inspector General, the Office of the Attorney General, the Office of the Comptroller General and the Office of the Ombudsman)

#### Chapter 2

Pages 38-39, 2.1.2.1. Comprehensive Security System for the Exercise of Politics.

a. Appropriate regulations and institutions:

- Creation of a high-level unit:

...

o This unit will oversee the functioning of the system and will serve as the primary link with other state institutions, such as the Office of the Ombudsman (Defensoría del Pueblo), Office of the Attorney General (Fiscalía General de la Nación) and the Office of the Inspector General (Procuraduría General de la Nación).

Page 45, 2.2.2. Guarantees for mobilisation and peaceful protest

...

Monitoring by the Office of the Inspector General, the Office of the Ombudsman and local ombudspersons in the event of demonstrations and protests in their role as guarantors of respect for democratic freedoms, where pertinent, or at the request of those who are protesting or those who see themselves as having been affected.

Page 46, 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect

... With this aim, the Government will set up a National Council for Reconciliation and Coexistence (Consejo Nacional para la Reconciliación y la Convivencia), which will be composed of representatives from government, the Office of the Inspector General, the Office of the Ombudsman...

### Chapter 3

Page 83, 3.4. "Agreement on guarantees of security and the fight against criminal organisations and criminal acts ....

The National Commission on Security Guarantees shall be chaired by the President of the Republic and shall be formed of the Minister for the Interior, the Minister for Defence, the Minister for Justice, the Attorney General (Fiscal General de la Nación), the Ombudsman (Defensor del Pueblo)

Page 100, 3.4.9. Instrument for prevention and monitoring of the criminal organisations that are the subject of this agreement

To activate communication channels with municipal ombudspersons (personeros municipales) for the purpose of collecting and processing information that permits the identification of potential risk situations that could lead to acts of violence affecting civilians including human rights organisations, former members of the FARC-EP and members of the political party or movement arising from the transition of the FARC-EP to legal political activity.

### Chapter 5

Page 162, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

#### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

... 48.- The Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct will have the following functions:

...

b. To receive reports submitted to it by the Office of the Attorney General (Fiscalía General de la Nación), the relevant bodies of the military criminal justice system, the Accusations Commission of the House of Representatives or any body replacing it, the Office of the Inspector General (Procuraduría General de la Nación), the Office of the Comptroller General (Contraloría General de la Nación) or any other jurisdiction operating in Colombia with regard to all investigations underway in relation to conduct committed during or because of the armed conflict, including any which may have already been brought to trial or concluded by the Inspector General or Comptroller General or by any other jurisdiction. The reports will classify the actions according to the alleged perpetrators and group

together similar conduct into a single category, without indictment. A report on the relevant rulings handed down by the justice system will also be sent to the Judicial Panel, by the Administrative Body of the Judicial Branch or by those convicted. The competent bodies of the military criminal justice system will also send the decisions handed down. Any administrative body that has passed sanctions for conduct related to the conflict will also send the resolutions in which these are noted. In all the above cases, reports of the rulings or resolutions will be attached. Along with the reports submitted by the Office of the Attorney General, this institution will include the certifications of reports that have been referred by the Justice and Peace (Justicia y Paz) jurisdiction created by Law 975 of 2005, so that the SJP can determine whether the related acts fall within its jurisdiction or not, in accordance with the provisions of the third paragraph of Item 32.

Page 170, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

...

52.- The Tribunal for Peace... will have a Review Chamber, with the task of reviewing rulings handed down by the justice system, in accordance with the provisions of Item 58. At the request of the person being sanctioned, it will receive cases already heard by jurisdictional bodies or sanctioned by the Office of the Inspector General (Procuraduría General de la Nación) or the Office of the Comptroller General (Contraloría General de la Nación), provided they are not going to form the object of an amnesty or pardon. It will exercise any other function expressly established in this document.

Page 201, 5.2.3. Prevention and protection of human rights

- Creation of an advisory committee convened by the Office of the Ombudsman (Defensoría del Pueblo) to advise and make recommendations to the National Government, to state institutions and to human rights organisations, with regard to human rights and peace. The Office of the Ombudsman and representatives of human rights organisations will agree on its composition and functioning

Chapter 6

Pages 206, 6. Implementation, verification and public endorsement

- Transparency, social control and fighting corruption: with clear, accessible and timely information regarding decisions, from the allocation of resources to their ultimate application (traceability), which allows them to be monitored in a simple manner, as well as mechanisms for accountability, distributing information, citizen oversight and oversight by supervisory bodies (Office of the Attorney General, Office of the Inspector General, Office of the Comptroller General and Office of the Ombudsman), and, in general, fighting corruption. The aim of all of the foregoing is to guarantee that all public resources allocated to implementation are correctly applied and strictly comply with the terms of the Final Agreement.

Page 211, Implementation, verification and public endorsement

- Special support for the supervisory bodies: Special control and support for the supervisory bodies (Office of the Attorney General, Office of the Inspector General, Office of the Comptroller General and Office of the Ombudsman) will be requested for the delivery of the resources for implementation of the plans and projects provided for in the agreements across the country's territories.

Page 223, 6.3.1. Guideline criteria for the verification mechanism

- Transparency: ... In the same way and for the purpose of fulfilling its verification tasks, the international component may also coordinate with the state's supervisory bodies (the Office of the Attorney General, the Office of the Inspector General, the Office of the Comptroller General and the

Office of the Ombudsman).

Page 244, Protocol for the section on Monitoring and Verification: OBSERVATION AND RECORDING by the MVM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA).

Monitoring sources Sources can be:

- Direct or primary sources: these may be direct conversations or official reports from Military Forces, the Police, the FARC-EP, local authorities, ombudspersons (personeros), the Office of the Ombudsman (Defensoría del Pueblo) churches, social leaders, civilian population, social and women's organisations, local human rights committees, NGOs, community action boards (juntas de acción comunal).

## **Regional or international human rights institutions**

### **Monitoring calls**

Page 3, preamble

Bearing in mind the fact that the new Final Agreement encompasses each and every one of the accords reached in developing the Agenda of the General Agreement signed in Havana in August 2012; and that in order to achieve that, the parties, always and at every stage, have upheld the spirit and scope of the rules of the National Constitution, the principles of international law, international human rights law, international humanitarian law (its conventions and protocols), the stipulations of the Rome Statute (international criminal law), the decisions of the Inter-American Court of Human Rights concerning conflicts and conflict termination, and other resolutions of universally recognised jurisdictions and authoritative pronouncements relating to the subject matters agreed upon....

### **Chapter 1**

Page 31, 1.3.3.5. Formalisation of the rural labour market and social protection:

the National Government will do its utmost to strengthen the social security and protection system for the rural population, with an equity-based approach and taking into account the particular situation of women. In light of the International Labour Organisation (ILO) regulations, to which Colombia is party, and with a view to safeguarding decent employment and the rights of workers in the countryside, and their social protection (protection in old age, maternity benefits, occupational risks), the National Government will set up and implement the Progressive Plan for Social Protection and Safeguarding of the Rights of Rural Workers (Plan progresivo de protección social y de garantía de derechos de los trabajadores y trabajadoras rurales).

### **Chapter 3**

Page 83, 3.4.3. National Commission on Security Guarantees for the dismantling of criminal organisations and criminal acts

The Commission must also hold meetings every month. The Commission may invite representatives of political parties and movements, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other specialist national and international bodies with a presence across the country's territories and may consult experts in the subject as it deems appropriate. The Commission shall be formed before the entry into force of the Final Agreement. In forming the Commission, the effective participation of women shall be promoted.

Page 94, 3.4.7.4.2. Technical Committee on Security and Protection:

The Technical Committee shall be composed of the delegates from the National Government, headed by the Presidential Delegate, the Director of the NPU and the Sub-director of the new specialised sub-directorate, created in the present agreement, who will act as secretary, and other entities deemed

relevant, including as a permanent invited member the representative from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia.

## Chapter 5

Pages 176-177, 5.1.2. Justice

### SPECIAL JURISDICTION FOR PEACE

#### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

60.-...

...Verification of everything set out in this paragraph shall be carried out by the Executive Secretary of the SJP, who may request the assistance of the Office of the United Nations High Commissioner for Human Rights in Colombia, and, once the Special Jurisdiction for Peace has been established, by the Tribunal for Peace.

....

62.- The international mechanism supporting the Tribunal for Peace in verifying compliance with the sanctions provided for in Item 53 d) shall be a specific component of the United Nations political mission for verification, which will come into operation once the work of the United Nations mission tasked with verifying the bilateral and definitive ceasefire has concluded. To fulfill this task, it will work in coordination with the Office of the United Nations High Commissioner for Human Rights in Colombia

Page 191, 5.1.3.3.3. National collective reparation plans

...

These plans must also contribute to coexistence, guarantees of non-recurrence and reconciliation. In the context of these plans, stress will be laid on acknowledging the responsibility of the state, the FARC-EP, paramilitaries and any other group, organisation or institution that caused harm or injury during the conflict. The Colombian government and the FARC-EP agree that the National Government, together with the Patriotic Union (Unión Patriótica) political party will seek an amicable outcome to the litigation currently pending in the Inter-American Commission on Human Rights concerning the Unión Patriótica political party.

## **Mobility/access** Chapter 5

Page 175, 5.1.2. Justice:

a) During the time periods in which the sanction is being implemented, any travel by the sanctioned individual to deal with matters other than complying with the sanction must be authorised by the First Instance Chamber of the Tribunal for Peace.

## Annexes

Pages 268-269, Protocol for the section on Security for MEMBERS OF THE MONITORING AND VERIFICATION MECHANISM (MVM) in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA)

4. ...In particular, they must ensure that travel by the MVM takes place along safe routes that are free of anti-personnel mines (APMs), improvised explosive devices (IEDs) and unexploded ordnance (UXO) or explosive remnants of war (ERW).

7. Where the MVM needs to travel in order to perform its functions it must notify the fact via the



designated procedures, and travel arrangements will be coordinated with members of the Colombian State Armed Forces and the FARC-EP at national, regional and local level. The appropriate means and channels of communication will be in place to enable this to happen.

Pages 270-272, Protocol for the section on Security for DELEGATES AND PUBLIC OFFICIALS in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA)

2. Security for Government delegates and public officials covers travel, entry into the TLZNs, TLPNs and the surrounding security zones and stays in these areas undertaken in the course of their work on the BDCCH & LA process.

3- The FARC-EP will appoint a group of 60 FARC-EP members who can be deployed nationally to carry out tasks related to the Peace Agreement. Travel by FARC-EP members in the course of these tasks will be subject to the security measures agreed between the National Government and the FARC-EP in subsections 4 and 6 of section 3 ("End of the Conflict") of the Security Guarantees Agreement. FARC-EP members may form part of the security corps entrusted with this task provided they are qualified and authorised to do so.

In addition, for each TLZN the FARC-EP will appoint a group of 10 FARC-EP members who can be deployed at municipal and departmental level to carry out tasks related to the Peace Agreement. Two protection teams are available per Zone to provide protection during travel. Where FARC-EP members leave the TLZNs and TLPNs, the FARC-EP commanders assume joint responsibility.

...

6- The measures required in order to provide protection during travel will be coordinated with the state security agencies as necessary. Detailed information must be provided in advance on the number of people, departure and return dates, travel routes and specific places to be visited, to enable the necessary coordination to take place.

7- When travelling, FARC-EP members will have the accreditation needed in order to guarantee free movement.

8- The National Government will provide the human, logistical, technical, communications and transport resources needed for travel as required by the security and protection personnel.

9- The measures put in place to protect FARC-EP members during travel will reflect the level of risk identified by the security and protection teams for each TLZN or TLPN in coordination with the FARC-EP and the MVM.

10- There are two protection teams available per TLZN or TLPN to cover the special journeys outside the TLZN or TLPN provided for in the BDCCH & LA Agreement. In order to guarantee the security measures referred to in that Agreement a procedure will be established, to be coordinated by the MVM, which will include coverage of the following issues:

- Designation for each TLZN and the TLPNs of the person responsible on behalf of the FARC-EP for authorising the FARC-EP members who are to make the journeys in question and for giving them the appropriate security instructions as provided for in the BDCCH & LA Agreement.
- Coordination of travel timetables.

Page 275, Protocol for the section on Security for MOVEMENTS undertaken by the FARC-EP in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA)

... • On day D+5, once the MVM has confirmed that the Colombian State Armed Forces have adjusted their presence in the field, the various missions, commissions and tactical combat units (TCUs) of the FARC-EP fronts will travel to the TLZNs and TLPNs, having regard to the security measures laid down in this protocol.

**Detention procedures** No specific mention.

**Media and communication** [Media roles](#)  
Chapter 2

Page 35, 2. Political participation: A democratic opportunity to build peace, Preamble  
The National Government and the FARC-EP recognise that:

The promotion not only of political pluralism but also social movements and organisations, particularly of women, young people and other sectors excluded from the exercise of politics and, in general, the democratic debate, requires new forums for dissemination in order that parties, organisations and communities involved in peacebuilding can gain access to space on national, regional and local channels and broadcasters.

Page 41, 2.2.1. Guarantees for social organisations and movements

Having regard to the right of all people to form social organisations of the most varied types, to form part of such organisations and to disseminate their agendas...

Page 42, 2.2. Democratic mechanisms for citizen participation, including those concerning direct participation, at various levels and in various subject areas

...

Access to broadcasting mechanisms to highlight the work and the views of social movements and organisations, including airtime on public service channels and broadcasters.

Pages 45-46, 2.2.3. Citizen participation through community, institutional and regional media

The community, institutional and regional media must contribute to citizen participation and especially promote civic values, the acknowledgement of different ethnic and cultural identities, equality of opportunity between men and women, political and social inclusion, national integration and, in general, the consolidation of democracy. Citizen participation in community media will further contribute to the building of a democratic culture based on the principles of freedom, dignity and affiliation, and to strengthening communities with links based on good neighbourliness or mutual collaboration.

In addition, in an end-of-conflict scenario, the community, institutional and regional media will play a part in the development and promotion of a culture of participation, equality and nondiscrimination, peaceful coexistence, peace with social justice, and reconciliation, its content incorporating non-discriminatory values and respect for the rights of women to a life free from violence.

To further the success of these aims, the National Government undertakes:

- To launch new competitions to tender for the award of community radio stations, subject to the objective criteria established in law, with an emphasis on the zones most affected by the conflict, thereby promoting the democratisation of information and of the use of the available electromagnetic

spectrum, guaranteeing pluralism in their assignment. Participation by community organisations, including victims' organisations, in these competitions will be promoted.

- To promote the technical training of workers, both male and female, in the community and also the training and qualification of community communicators and media operators through processes that seek to advance freedom of expression and opinion.
- To provide space via institutional and regional broadcasters and channels with the intention of publicising the work done by social movements and organisations, including those involving women, and by communities in general, and also the dissemination of content relating to the rights of vulnerable populations, peace with social justice, and reconciliation, thereby implementing the plans and programmes agreed within the context of this Agreement.
- To fund the production and dissemination of content designed to encourage a culture of peace with social justice and reconciliation on the part of the public service and community media. The allocation will be made by means of transparent, open competition involving citizen oversight.

Page 47, 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect

The Council will have the function of advising and monitoring the Government in implementing mechanisms and actions, which are to include:

... The provision of teaching and education services concerning the Final Agreement: the promotion of training and communication programmes aimed at educating citizens on this Agreement, especially concerning agreed designs for political and social participation. A special dissemination programme will be set up that will be implemented through the public and private education system at all its levels. Publicising of the Agreement will be ensured at all levels of state.

The design and implementation of mass awareness-raising campaigns to build a culture of peace, reconciliation, pluralism and free debate of ideas, with a view to consolidating democracy.

Page 48, 2.2.5. Citizen control and oversight

...

Establish a plan to support the creation and promotion of citizen oversight and transparency watchdog organisations, with special emphasis on citizen control of the implementation of this Agreement. The plan will be launched in collaboration with specialist organisations and higher education institutions, inter alia, which will provide monitoring and technical assistance services. Promote a comprehensive institutional campaign of publicising citizens' rights and the obligations and duties of the authorities in the area of participation and control of the public authorities by citizens, and also the administrative and judicial mechanisms aimed at ensuring effective compliance therewith.

Similarly, this campaign will include dissemination of all citizen control and participation mechanisms, the way in which citizens can be involved in them and their significance in terms of a genuine democratic life.

Page 52, 2.3.2. Promotion of electoral participation

Promotion of information, training, teaching and dissemination campaigns to stimulate electoral participation at national and regional level, with special emphasis on the promotion of greater involvement on the part of women, vulnerable populations and territories especially affected by the conflict and neglect.

...

Through professional practices and community intervention projects link up public universities and awareness-raising campaigns to promote citizen participation and control by citizens, both male and female.

Pages 52-53, 2.3.3.1. Measures to promote transparency in electoral processes

With a view to promoting greater electoral transparency, the National Government, together with the competent authorities, will guarantee the implementation of the following measures:

Promoting campaigns to prevent behaviour that reduces transparency in electoral processes.

... Promoting political communication, education and training processes in public matters.

Pages 52-53, 2.3.3.2. Transparency measures for allocation of government expenditure on public advertising

With a view to ensuring transparency in the allocation of government expenditure on public advertising, so that it is not used for electoral or party purposes or for personal promotion or the promotion of political projects, especially at election time, the National Government will promote the necessary regulatory adjustments in order that said expenditure, at national, departmental and municipal levels, is allocated in accordance with transparent, objective and fair criteria, likewise taking account of local and community media and communication spaces. In addition, the regulatory framework must ensure that such expenditure is public knowledge, making this known through the publication of detailed reports.

Page 54, 2.3.5. Promotion of a democratic and participatory political culture

To promote a democratic, participatory culture, the National Government will implement the following measures:

Promotion of democratic values, political participation and the mechanisms thereof, to guarantee and enhance knowledge of them and their effective use, thereby consolidating the exercising of the rights enshrined in the Constitution, doing so by means of media campaigns and training workshops.

... Special emphasis will be placed on the most vulnerable populations such as rural communities, ...

The content of these campaigns will incorporate values to challenge multiple forms of discrimination.

Pages 54-55, 2.3.6. Promotion of the political representation of populations and zones particularly affected by the conflict and neglect

...

The Electoral Districts will be covered by special rules concerning the registration and election of candidates. Likewise, the campaigns will benefit from special funding and access to regional media. Special monitoring mechanisms will be set up to ensure the transparency of the electoral process and the electorate's freedom to vote.

Page 56, 2.3.8. Creation of a new space for providing media access to political movements and parties

To supplement that which is agreed within the context of sections 2.2 and 2.3 concerning media access for social movements and organisations and political movements and parties, respectively, the Government undertakes to provide a closed institutional TV channel designed for political movements and parties with legal status for the purposes of the dissemination of their political platforms within the context of respect for ideas and difference.

This channel will also be a way in which to provide information on the work of victims' organisations, social movements and organisations, to promote a democratic culture of peace and reconciliation and of non-discriminatory values with respect for the right of women to a life free of violence, and also to publicise progress made in terms of implementing the plans and programmes agreed with the context of this Agreement. A commission will set up with representatives from the most representative political movements and parties and social movements and organisations to advise on scheduling for the channel.

## Chapter 4

### Page 111, 4.1.2. Aims

- Strengthening the presence of state institutions in the territories affected by crops used for illicit purposes, promoting the comprehensive development and satisfaction of the rights of all citizens; ensuring the security, coexistence and observance and protection of human rights; and ensuring the provision of infrastructure, public services, education, access to media, inter alia, such that respect and application of the principles and regulations of the rule of law are ensured.

### Page 122, 4.1.5. Communication strategy

A communication campaign will be launched to promote the substitution agreements and motivate communities and build confidence regarding participation in the processes of joint construction of municipal and community comprehensive plans for the substitution of crops, which should help improve living conditions and quality of life and constitute a definitive solution to the problem of crops used for illicit purposes; and to highlight the commitment of the Government and the FARC-EP to contributing and supporting this goal. Information on the NCPS and mechanisms for community participation in the various phases will be communicated directly through community meetings and indirectly through the media, particularly local and community media.

### Page 127, 4.2.1.6. Creation of a pool of knowledge on illicit drug use:

To ensure the availability of sufficient, up-to-date information on health promotion, prevention and comprehensive care in the area of illicit drug use, to contribute to decision-making and serve as input for the design, implementation, monitoring, evaluation and adjustment of the evidencebased policy, the following measures will be implemented:

...

- Creation of mechanisms for disseminating information on drug use, taking account of the various different target audiences.

## Chapter 5

### Page 140, 5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la la Verdad, la Convivencia y la No Repetición)

Throughout its work the Commission will take an appropriate approach to learn about the different ways in which the conflict affected women, children, adolescents, youths and the elderly, persons with disabilities, indigenous peoples, rural communities, persons on the basis of their religion, their opinions or their beliefs, the Afro-Colombian, black, palenquero and raizal communities, the Roma community, the LGBTI community, displaced and exiled persons, human rights advocates, trade unionists, journalists, farmers, ranchers, traders and businessmen and - women, inter alia. This should also help to raise awareness in Colombian society of the specific ways in which the conflict reproduced historical mechanisms of discrimination, as a fundamental first step towards a more just and inclusive society.

### Pages 143-144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

The human and social impact of the conflict on society, including its impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected women, children, adolescents, youths and the elderly, persons on the basis of their religion, opinions or beliefs, persons with disabilities, indigenous peoples, rural communities, the Afro-Colombian, black, palenquero and raizal communities, the Roma community, the LGBTI community, displaced and exiled persons, human rights advocates, trade unionists, journalists, farmers, ranchers, traders and businessmen and -women, inter alia.

Pages 144-146, 5.1.1.1.4. Duties:

- Implement a strategy for dissemination, information and active liaison with the media to report, during its work, progress and developments in the fulfilment of all the Commission's duties, and to ensure the maximum possible participation. The Government will adopt all necessary measures for the Commission to have broad access to public media. The final report, in particular, shall be published in the most wide-ranging and most accessible manner, including through cultural and educational initiatives, such as the promotion of exhibitions, with recommendation of its inclusion in the academic curriculum. In any case, the Commission's conclusions shall be taken on board by the National Memory Museum.
- Adopt measures to archive the information collected in the course of its work and, on termination of its mandate, take the necessary measures to ensure its preservation. The Commission shall decide who shall take possession and act as custodian of these archives. The Commission shall set out guidelines for the latter to adopt the relevant mechanisms to allow victims and society in general to access the archives of information collected...
- Publish regular reports, at least biannually, on the activities and operations carried out in the fulfilment of all its duties.

Page 150, 5.1.1.2. Special Unit for the Search for Persons deemed as Missing in the context of and due to the armed conflict (Unidad para la Búsqueda de Personas dadas por Desaparecidas en el contexto y en razón del conflicto)

...The SUSPM will, in all cases, provide relatives with an official report containing the information that was obtained on the fate of the person or persons deemed as missing...

Pages 200, 5.2. Commitment to the promotion, respect and guarantee of human rights

The end of the conflict constitutes the best opportunity to realise the rights of the victims to truth, justice, reparations and non-recurrence, and in general to ensure the full realisation of the human rights of all, including... journalists...

## Chapter 6

Page 211, 6.1.5. Integrated Information System and measures for transparency in the Implementation  
The National Government will set in motion the following measures:

- Interactive follow-up maps: a website will be set up which contains follow-up maps with all the information on the implementation of the projects: their costs, their progress, their geographical location, inter alia, so that any citizen can see the destination of the resources and provide feedback to the System in the event that the information does not correspond to the state of implementation of the projects.
- Periodic accountability mechanisms: different accountability mechanisms will be set in motion including public hearings, at the different levels and on the part of entities at national and territorial level. In particular, the mass communication of information will be promoted via the local media, including community radio stations, the distribution of newsletters and the display of results in public places.
- Citizen oversight boards and public transparency watchdog organisations: in accordance with that agreed in section 2.2.5, a plan will be established to support the creation and promotion of oversight boards and transparency watchdog organisations especially in the areas where the DPTFs are implemented.
- New information technology tools: associated with the Integrated Information System, such as, for example, via mobile phones, to ensure that any citizen can access public information, and to allow and promote mechanisms for collaboration and reporting.
- Corruption risk matrices, as well as strategies of mitigation, raising awareness and prevention of malpractice, cronyism and corruption.

- Special mechanism for citizens' complaints: in the framework of that agreed in section 2.2.5, a special mechanism will be created for receiving, processing and following up reports and warnings made by citizens and by organisations and movements about possible acts of corruption related to the implementation of this Agreement.
- Strengthening of the internal control mechanisms: technical assistance will be offered to the territorial-based authorities for strengthening internal control mechanisms for the purposes of implementation of that agreed.
- Special support for the supervisory bodies: Special control and support for the supervisory bodies (Office of the Attorney General, Office of the Inspector General, Office of the Comptroller General and Office of the Ombudsman) will be requested for the delivery of the resources for implementation of the plans and projects provided for in the agreements across the country's territories.

Page 215, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

b. Law and/or implementing rules on political participation: creation of Special Transitory Electoral Districts for Peace, expansion of spaces for outreach of political parties and movements including communication and dissemination media.

Pages 230-231, 6.5. Dissemination and communication tools

Summary: pages 230-231 outline different methods of communicating information on implementation

Annexes and Protocols

Protocol for the section on Monitoring and Verification: FLOW OF INFORMATION FROM THE MVM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 240-241)

Protocol for the section on Monitoring and Verification: STRATEGIC COMMUNICATIONS of the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and the Laying down of Arms (LA). (pages 242-243)

[Other](#)

Pages 70-71, 3.2.1.1. Guarantees for the new political movement or party

- Access to media

The political movement or party that emerges from the transition of the FARC-EP to legal political activity shall have access to space on media under the same conditions as other political movements and parties with legal status, in accordance with the application of the regulations in force.

## **Citizenship**

[Citizen delimitation](#)

Page 7, Introduction

The "Comprehensive Rural Reform" (CRR) must incorporate all of the country's regions, contribute to the eradication of poverty, promote equality and ensure full enjoyment of the rights of citizenship.

Chapter 2

Page 52, 2.3.2. Promotion of electoral participation

... Implementation of a nationwide mass ID-issuance campaign, prioritising marginalised and rural zones, particularly those most affected by the conflict and neglect, and providing measures to facilitate access to this campaign by rural women

Page 64, 3.1.4.1. Transitional Local Zones for Normalisation (TLZNs)

Meanwhile, within the TLZNs, the National Government, in agreement with the FARC-EP, will implement measures and activities in preparation for reincorporation and also other activities that are necessary to facilitate the transition of the FARC-EP to legal status and to guarantee wellbeing in the TLZNs, which may include, inter alia, health services, ID-issuance days, and other activities in preparation for reincorporation.

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## Justice sector reform

### **Criminal justice and emergency law**

[Reform to specific laws](#)

Chapter 3

Page 82, 3.4.2. National Political Pact

In this respect, the National Government undertakes to implement the legislative process necessary to incorporate, in the Constitution, the prohibition on the promotion, organisation, funding or official and/or private use of paramilitary structures or practices, and to develop the regulations required for the application thereof, which shall include a criminal prosecution policy...

Page 103, 3.4.13. Plea agreements with the aforesaid organisations

Within the framework of the ordinary jurisdiction and in order to contribute to the fight against the criminal organisations with which this point is concerned, to strengthen the guarantees of security across the country's territories and facilitate the creation of favourable conditions for peacebuilding, the National Government, coordinating with the judiciary, will present a draft law to promote plea agreements with the aforesaid organisations by means of the special legislative process for peace.

Chapter 6

Page 214, 6.1.9. Priorities for regulatory implementation

As a priority, the following draft legislation will be processed urgently in accordance with the procedure established in Legislative Act 1 of 2016 or by means of some other Legislative Act in the event that the foregoing procedure is no longer valid:

- a. Amnesty Law and Legislative Act of incorporation of the Special Jurisdiction for Peace, into the Political Constitution, according to the agreement of 7 November 2016.
- b. Legislative Act to incorporate a transitional article into the Political Constitution, according to the agreement of 9 November 2016.
- c. Law or Legislative Act creating the Unit for the investigation and dismantling of criminal organisations, including the successors of paramilitarism, established in Item 74 of the agreement creating the Special Jurisdiction for Peace. Incorporation into the Constitution of the prohibition of the promotion, organisation, funding or official and/or private use of paramilitary structures or practices.  
...
- g. Law of differentiated treatment under criminal law for crimes related to crops used for illicit purposes, when those convicted or accused are rural persons not belonging to criminal organisations; this law will include differentiated treatment under criminal law for women in a situation of poverty, with family responsibilities, convicted of drug-related crimes not connected with violent crimes and who do not form part of the leadership structures of criminal organisations, in accordance with the recommendations made by the Organisation of American States.
- h. Suspension of orders to capture members of the FARC-EP or persons accused of being members or



of collaborating with that organisation and suspension of the procedures of extradition of such persons until the entry into force of the Amnesty Law and of the constitutional rule on the prohibition of extradition established in number 72 of the Special Jurisdiction for Peace. Adoption of measures on the civil and legal status of all the members of the FARC-EP which will enable the strict application of that established in number 72 of the Special Jurisdiction for Peace.

Pages 300-323, APPENDIX I, LAW ON AMNESTY, PARDON AND SPECIAL CRIMINAL TREATMENT

### [Criminal Justice System reform](#)

#### Chapter 1

Page 39, 2.1.2.1. Comprehensive Security System for the Exercise of Politics

...A review of the regulatory framework for increasing the penalties for crimes against those exercising politics.

- Strengthening of investigative and judicialisation capabilities for prosecuting whoever poses a threat to those exercising politics. A specialisation process will be promoted in the investigation and indictment stage in order to increase institutional capacity for combating impunity

#### Chapter 2

Page 52, 2.3.3.1. Measures to promote transparency in electoral processes

With a view to promoting greater electoral transparency, the National Government, together with the competent authorities, will guarantee the implementation of the following measures:

.... Strengthening the capacity for investigating and punishing crimes, electoral deficiencies and criminal infiltration into political activity.

#### Chapter 3

Page 78, 3. End of the Conflict, 3.4. "Agreement on guarantees of security and the fight against criminal organisations... Preamble

The Colombian state shall apply the rules for criminal prosecution against the criminal organisations and conduct that are the subject of this agreement, with respect for human rights in all of its acts

Page 81, 3.4. "Agreement on guarantees of security and the fight against criminal organisations...

Summary: sections of this chapter include agreements to establish mechanisms to address criminality and criminal organisations.

Important sections include:

3.4.2. National Political Pact (page 82)

3.4.3. National Commission on Security Guarantees for the dismantling of criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks (hereafter the National Commission on Security Guarantees (pages 83-85)

3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks. (pages 85-89) [including jurisdiction- pages 88-89]

3.4.9. Instrument for prevention and monitoring of the criminal organisations that are the subject of

this agreement (page 99)

3.4.11. Measures for the prevention of and fight against corruption (Medidas de prevención y lucha contra la corrupción) (page

3.4.11.2. Measures for action to contain the penetration of the criminal conduct and organisations that are the subject of this agreement into the exercise of politics (page 102)

3.4.12. Other provisions for the purposes of Guarantees (page 103)

3.4.13. Plea agreements with the aforesaid organisations (page 103)

Selected provisions:

Pages 79-80, 3.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts...

In order to meet these aims, the National Government and the FARC-EP undertake the following:

- The National Government shall ensure the implementation of the measures necessary to effectively and comprehensively intensify the action taken against criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks, and the prosecution of criminal conduct that threatens the implementation of the accords and the construction of peace. In addition, it will safeguard the protection of communities across the country's territories, breaking any type of link between politics and the use of weapons and respecting the principles that govern any democratic society.
- The Colombian state shall apply the rules for criminal prosecution against the criminal organisations and conduct that are the subject of this agreement, with respect for human rights in all of its acts.
- It shall observe the rules of international human rights law (IHRL) in order to protect the population.
- The state holds the monopoly on the legitimate use of arms with the aim of ensuring that all Colombians have full exercise of all their human rights.
- Moreover, the FARC-EP makes the commitment to contribute in an effective manner to the building and consolidation of peace, within the scope of its capacities, to promote the content of the agreements and to respect fundamental rights.

Page 81, 3.4.1. Guiding principles

- Guarantees of Non-Recurrence: the state shall adopt measures for clarifying the paramilitary phenomenon, preventing the repetition thereof and guaranteeing the dismantling of criminal organisations and behaviours responsible for homicides and massacres and systematic violence, particularly against women, or which attack human rights advocates, social movements or political movements or which threaten or attack persons participating in the implementation of the accords and the construction of peace.

Page 82, 3.4.2. National Political Pact

In this respect, the National Government undertakes to implement the legislative process necessary to incorporate, in the Constitution, the prohibition on the promotion, organisation, funding or official and/or private use of paramilitary structures or practices, and to develop the regulations required for the application thereof, which shall include a criminal prosecution policy, administrative sanctions and disciplinary action. In addition, measures for bringing perpetrators to justice shall be discussed. This pact shall seek to achieve national reconciliation and peaceful coexistence between Colombians.

Pages 83, 3.4.3. National Commission on Security Guarantees for the dismantling of criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or

attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks (hereafter the National Commission on Security Guarantees)

a. The work of the Commission shall focus on the following: a. The National Commission on Security Guarantees shall be the unit for planning, monitoring, cross-sector coordination and promotion of coordination at departmental and municipal level with regard to compliance with the action plan driven forward by the National Government to tackle and dismantle the organisations and to prosecute punishable conduct that are the subject of this agreement;

m. It shall monitor the system for controls on the security services and private security services and shall make proposals aimed at updating the regulations governing the security services and private security services, with the aim of ensuring that their services are in line with the purpose for which they were created and under no circumstances directly or indirectly facilitate the action of the criminal organisations and conduct that are the subject of this agreement.

n. It shall draw up prosecutorial policies including plea agreements with criminal organisations and their support networks that are the subject of this agreement, defining specific procedures for the members of said organisations and networks, incentivising and promoting a rapid and definitive dismantling of said organisations and networks. Such measures shall never mean political recognition...

Page 85, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts...

In an end-of-conflict scenario and with the aim of ensuring the effectiveness of the fight against criminal organisations and their support networks, including those which have been labelled as successors of paramilitarism, which represent the greatest threat to the implementation of the accords and the construction of peace, the National Government shall drive forward the measures necessary for the creation and start-up, within the framework of the ordinary jurisdiction, of a Special Investigation Unit for the dismantling of criminal organisations and their support networks, including the criminal organisations that have been labelled as successors of paramilitarism, in accordance with what has been established in number 74 of section 5.1.2 of the Agreement on the Comprehensive System for Truth, Justice, Reparations and NonRecurrence. The Unit will be maintained for the period of time necessary for it to conclude its mandate.

Its mandate shall involve the investigation, prosecution and indictment of the criminal organisations and behaviours responsible for homicides, massacres or systematic violence, particularly against women, or that threaten or act against persons who participate in the implementation of the accords and peacebuilding, including the criminal organisations that have been labelled as successors of paramilitary groups and their support networks...

Page 99, 3.4.9. Instrument for prevention and monitoring of the criminal organisations that are the subject of this agreement

In accordance with what has been defined in the "Agreement on Political Participation" in section 2.1.2.1, sub-paragraph b, a new prevention and warning system for rapid response to the presence, operations and/or activities of the criminal organisations and conduct that are the subject of this agreement shall be set up in the Office of the Ombudsman, in coordination with the National Government and the Special Investigation Unit, and the National Committee on Security Guarantees shall be involved in the planning thereof. The System must combine permanent monitoring and early warning activities for the deployment of a rapid response on the ground. It shall act in coordination with human rights organisations and communities. This system shall issue early warnings autonomously without having to consult with or submit its decisions to any other institution.

Page 103, 3.4.11.2. Measures for action to contain the penetration of the criminal conduct and organisations that are the subject of this agreement into the exercise of politics

...

The National Government shall drive forward the legislative reforms necessary to ensure the existence of sanctions for political movements or parties whose candidates or persons elected to public corporations or single-member constituencies, have been convicted of links to criminal organisations, including organisations that have been labelled as successors of paramilitarism and their support networks, for acts occurring during their term of office. These sanctions may be imposed even when the persons convicted have been convicted subsequent to the exercise of the offices for which they were endorsed or elected.

Similarly, and in the same cases as above, the National Government shall drive forward the legislative reforms necessary to make it possible to impose sanctions on the persons who endorsed the criminally sanctioned candidates or elected persons.

The legislative amendments shall involve a disciplinary and fiscal oversight of contracting and the administration of public funds in departmental and municipal administrations, in particular in the areas where there are criminal organisations that are the subject of this agreement.

Page 103, 3.4.13. Plea agreements with the aforesaid organisations

Within the framework of the ordinary jurisdiction and in order to contribute to the fight against the criminal organisations with which this point is concerned, to strengthen the guarantees of security across the country's territories and facilitate the creation of favourable conditions for peacebuilding, the National Government, coordinating with the judiciary, will present a draft law to promote plea agreements with the aforesaid organisations by means of the special legislative process for peace.

#### Chapter 4

Summary: see also 4.3.2. Strategy to deal with the assets involved in drug trafficking and money laundering (page 130) [see organised crime, coding for chapter 4]

Page 112, 4.1.3.4. Special judicial treatment

Within the context of ending the conflict and as a result of its contribution to the construction of peace and the most effective use of judicial resources against criminal organisations linked to drug trafficking and on the basis of a comprehensive vision for the definitive solution of the problem of crops used for illicit purposes, which has multiple causes as its origin, including social order causes and in order to facilitate the start-up of the NCPS, the Government undertakes to process the legislative amendments required to allow the waiver on a transitional basis of the exercise of penal action or proceed to the termination of the penal sanction against small-scale farmers who are or have been linked to the cultivation of crops used for illicit purposes when, within a time limit of 1 year, starting from the entry into force of the new regulation, they formally declare before the competent authorities their decision to renounce the cultivation or maintenance of crops used for illicit purposes. The Government will guarantee the deployment of the NCPS in all areas with crops used for illicit purposes this year so that agreements can be entered into with communities and so that their effective implementation can begin. The regulatory amendment must establish the criteria for identifying small farmers of crops used for illicit purposes.

Page 128, 4.3. Tackling the production and selling of narcotics:

4.3.1. Effective prosecution:

As part of the commitment to stepping up the fight against organised crime and their support networks (item 3.4 of the General Agreement), in an end-of-conflict scenario, and in order to safeguard both communities and the proper development of the NPCPS and the implementation of the agreements in the territories from the threat of organised crime, and generally to disrupt the networks of these organisations, the National Government will launch a criminal policy strategy. Parallel with the implementation of a comprehensive strategy to fight corruption, this criminal policy strategy will strengthen and qualify the presence and effectiveness of institutions and concentrate their capabilities in the investigation, prosecution and punishment of crimes associated with any

organisation or criminal group involved in the production and selling of illicit drugs, always mindful of the different treatment that should be given to the small-scale farmers and rural inhabitants caught up in the exploitation of crops used for illegal purposes.

Moreover, so as to ensure effective prosecution of members of organised crime, especially those at the top, the National Government will promote the improvement and strengthening of judicial capacities, by devising and implementing a national strategy that includes regional strategies for strengthening and coordinating agencies and mechanisms for investigating and prosecuting criminal networks linked to drug trafficking, including the following measures:

- Creation of interagency groups to carry out structural investigations with mechanisms to recognise and understand local, regional, national and transnational dynamics of crime in all its dimensions and prevent the emergence of new groups dedicated to organised crime, in close coordination with other state agencies and incorporating contributions from specialised centres, academia and the general public, and the different organisational forms thereof, as part of a comprehensive strategy.
- Reinforcement and extension of regional and international cooperation to identify networks, selling systems and routes used by criminal organisations involved in drug trafficking.

## Chapter 5

Summary: See sections of chapter 5, which include aspects relating to criminal law

Important sections include:

5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

## Chapter 6

Pages 214-215, 6.1.9. Priorities for regulatory implementation

In accordance with the provisions of the Final Agreement, the National Government will guarantee the following schedule of legislative implementation: The Final Agreement shall be incorporated in accordance with constitutional requirements. As a priority, the following draft legislation will be processed urgently in accordance with the procedure established in Legislative Act 1 of 2016 or by means of some other Legislative Act in the event that the foregoing procedure is no longer valid:

...

g. Law of differentiated treatment under criminal law for crimes related to crops used for illicit purposes, when those convicted or accused are rural persons not belonging to criminal organisations; this law will include differentiated treatment under criminal law for women in a situation of poverty, with family responsibilities, convicted of drug-related crimes not connected with violent crimes and who do not form part of the leadership structures of criminal organisations, in accordance with the recommendations made by the Organisation of American States.

[Delimitation of powers in Criminal Justice System](#)

Page 40, 2.1.2.1. Comprehensive Security System for the Exercise of Politics:

The System will include the following elements:

d. Evaluation and follow-up:

...

- A committee will be set up and implemented to provide impetus for investigations into crimes against those exercising politics and especially against those posing a threat to the opposition.

## State of emergency provisions

No specific mention.

Page 88, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts

- The Director of the Unit will be elected by the Attorney General (Fiscal General de la Nación) from a list of three candidates proposed by the selection and appointment mechanism of judges and other judicial officers of the Special Jurisdiction for Peace enshrined in Item 68 of the Special Jurisdiction for Peace and developed in section 5.3 of the Final Agreement to End the Conflict called the Supplementary agreement on the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence. Upon completion of the mandate of the first Director of the "Special Investigation Unit for the dismantling of criminal organisations responsible for homicides and others (...)", referred to in Item 74 of the Agreement for creation of the Special Jurisdiction for Peace and developed in section 3.4.4 of the Final Peace Agreement, the successive directors of this unit will be chosen by the Attorney General from a list of three proposed by the judges in the Tribunal for Peace of the Special Jurisdiction for Peace.

Page 90, 3.4.6. Basic guarantees for the performance of office by prosecutors, judges and other public servants

Public servants with responsibilities in activities relating to investigation, analysis and prosecution, inter alia, targeted at tackling the organisations and conduct that are the subject of this agreement shall be guaranteed the conditions necessary for carrying out their activities so as to avoid any disruption or threat to their role, and providing the corresponding security guarantees.

## Chapter 5

Page 143, 5.1.1.1.1. Guiding criteria:

The Commission may request the information required for the fulfilment of its mandate before magistrates, judges and investigative bodies, in accordance with the protocols established for that purpose, always with respect for the guarantees of due process.

Page 153-157, 5.1.2. Justice:

### SPECIAL JURISDICTION FOR PEACE

#### I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

In the event of any conflict of jurisdiction between any jurisdiction and the Special Jurisdiction for Peace, it will be resolved by an Incidental Judicial Panel composed of 3 judges of the Supreme Council of the Judiciary, elected by that Council, and 3 judges of the Chambers or Sections of the Special Jurisdiction for Peace not affected by the said conflict of jurisdiction, elected by the plenary of the Special Jurisdiction for Peace. Decisions in the Incidental Judicial Panel will be adopted by a simple majority and, if no majority is achieved, in view of the preferential nature of the Special Jurisdiction for Peace, it will be resolved by the President of that Jurisdiction.

16. ... The judgments and rulings of the judicial panels and chambers may be subject to administrative or general appeal at the request of their recipients.

...

19.- For the purposes of the CS, the reference legal frameworks are primarily international human rights law (IHRL) and international humanitarian law (IHL). When adopting their judgments or rulings, the chambers of the Tribunal for Peace, the panels and the Investigation and Prosecution Unit will present their own indictment.

Page 165, 5.1.2. Justice:

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

48...

e. When a person has been compromised in a report or a statement of acknowledgement, the Panel will notify them so that they have the opportunity to voluntarily provide their version of the events. The person will be able, at this time, to acknowledge truth and responsibility or to deny the conduct or submit that it was unrelated to the conflict. Any person convicted in a judgment of the ordinary courts...

50...

a. Any person convicted in a judgment of the ordinary courts may appear voluntarily to acknowledge the complete, detailed and exhaustive truth in cases which do not have to be referred to the Judicial Panel for Amnesty and Pardon or remain with the Judicial Panel for Acknowledgement of Truth and Responsibility.

Page 173,

52...

The petition for actions to enforce constitutional rights must be filed in the Tribunal for Peace, which is the only court competent to hear it. It will be decided in the first instance by the Review Chamber and, in the second instance, by the Appeals Chamber. The judgment relating to the petition may be reviewed by the Constitutional Court in accordance with the following rules:

The decision regarding the selection of the judgment to be reviewed in relation to enforcement of constitutional rights shall be made by a panel comprising two justices of the Constitutional Court, chosen by drawing lots, and two justices of the Special Jurisdiction for Peace. The judgment will be selected if all four justices vote in favour of its selection.

Review judgments shall be handed down in a plenary session of the Constitutional Court. If the Court finds that the invoked right has been violated, it will declare that fact and specify the nature of the violation, without overturning, invalidating or setting aside the decision of the body of the Special Jurisdiction for Peace, or excluding the facts and conduct examined in the action to enforce constitutional rights from the jurisdiction of the Special Jurisdiction for Peace. The judgment shall be referred to the Tribunal for Peace for it to issue the appropriate decision regarding the protected right. The decision, ruling or order issued by the SJP body in compliance with the judgment of the Constitutional Court may not be the subject of further action to enforce constitutional rights.

... In no event shall the review by the Special Jurisdiction for Peace of decisions issued by the justice system result in the judges who issued those decisions being held accountable in any way as a result of their content.

Pages 179-180, 5.1.2. Justice:

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

69.- The Justices of the Judicial Panels and of the Tribunal for Peace and the prosecutors of the Investigation and Prosecution Unit will be able to access documents and investigative sources as established in the Colombian laws which, at all times, regulate access to documents and investigative sources for justices, judges and prosecutors of the Republic. The Executive Secretary of the Special Jurisdiction for Peace may take early interim measures before the Panels and Chambers of this Jurisdiction come into operation, in order to preserve documents related to the conflict held in public or private archives, in accordance with the provisions of Colombian law.

Page 185, 5.1.2. Justice:

SPECIAL JURISDICTION FOR PEACE

LIST OF SANCTIONS. (see further prisons and detention)

II.- Sanctions applicable to persons who acknowledge truth and responsibility for the first time in adversarial proceedings before the First Instance Chamber of the Tribunal for Peace prior to delivery of judgment.

III.- Sanctions applicable to persons who do not acknowledge truth and responsibility in adversarial proceedings before the First Instance Chamber of the Tribunal for Peace who are found guilty by the latter.

## **Prisons and detention** Chapter 4

Page 126, 4. Solution to the Illicit Drugs Problem, 4.2. Public Health and Drug Use Prevention

4.2.1. National Programme for Comprehensive Intervention into Illicit Drug Use (Programa Nacional de Intervención Integral frente al Consumo de Drogas Ilícitas):

4.2.1.4. Participatory action plans with territorial-based and population-focused approach:

These plans shall contain at least

- Evidence-based actions to reduce harm, aimed at minimising the negative impact of drug use on the user him/herself, on the family and on the community, giving priority to more vulnerable groups such as the homeless, women, and the prison population.

In the case of female users, actions should take into account the relationship between illicit drug use and violence against women, especially domestic violence and sexual violence. For the female prison population, special measures will be taken in terms of health, protection and prevention, including measures to prevent HIV/AIDS.

## Chapter 5

Page 175, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

60.-...

Effective restriction requires suitable monitoring and supervision mechanisms in order to ensure good faith compliance with the restrictions ordered by the Tribunal, so that this latter is in a position to provide timely supervision of compliance, and to certify that compliance. The SJP will establish the conditions for any effective restriction of freedom that may be necessary to ensure fulfilment of the sanction, conditions which in no case shall be understood as jail or prison, nor the adoption of equivalent forms of detention.

Page 176, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

60.-...

The so-called alternative and ordinary sanctions will include effective deprivation of liberty such as jail or prison and/or any other form of detention.

In terms of implementing the sanctions, in the case of agents of the state, the relevant prison jurisdiction shall apply according to whether they are civilians or members of the Colombian State Armed Forces (which include both the Military Forces and the National Police), subject to monitoring by the system itself. Sanctions imposed by the System and applicable to state agents shall be decided by the state, respecting everything already established in the SJP with regard to its own, alternative



and ordinary sanctions.

Pages 185-186, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.2. Justice

#### SPECIAL JURISDICTION FOR PEACE

##### LIST OF SANCTIONS.

There are three types of sanction:

II.- Sanctions applicable to persons who acknowledge truth and responsibility for the first time in adversarial proceedings before the First Instance Chamber of the Tribunal for Peace prior to delivery of judgment.

Alternative sanctions for very serious acts imposed upon persons who acknowledge truth and responsibility before the prosecuting chamber prior to delivery of judgment shall consist of 5 to 8 years' imprisonment...

The competent Chamber of the Tribunal for Peace will then impose an alternative penalty of a minimum of five (5) and a maximum of eight (8) years' imprisonment, adjusted according to the gravity of the crimes and the degree of acknowledgement of truth and responsibility and their effective cooperation in clarifying the respective facts. To be eligible for the alternative penalty, the person concerned must undertake to contribute to their reincorporation into society by means of work, training or study during their term of imprisonment, and shall where appropriate engage in activities ensuring non-recurrence.

III.- Sanctions applicable to persons who do not acknowledge truth and responsibility in adversarial proceedings before the First Instance Chamber of the Tribunal for Peace who are found guilty by the latter.

The ordinary sanctions to be imposed when there is no acknowledgement of truth and responsibility shall fulfil the functions provided for in the Colombian Criminal Code, without prejudice to the obtaining of remission, provided the convicted person undertakes to contribute to their reincorporation into society by means of work, training or study during their term of imprisonment. The effective imprisonment shall in no event be less than 15 years, or more than 20 years in cases of serious offences or violations.

Convicted persons may be given substitute penalties or additional benefits provided they undertake to contribute to their reincorporation into society by means of work, training or study during their term of imprisonment and to engage in activities ensuring non-recurrence of the harm or injury caused once they are released.

When the sanction imposed in the judgment has been served, they will be released on probation if they have undertaken to engage in activities ensuring non-recurrence of the harm or injury caused upon their release and this was a reason for granting a reduction in the duration of the penalty imposed. The period of release on probation will expire and the sentence will be deemed to have been served when it is verified that activities ensuring non-recurrence of the harm or injury caused have been carried out and in any event on completion of the term of imprisonment imposed by the Tribunal for Peace.

Pages 186-188, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### AGREEMENT TO DEVELOP ITEM 23 OF THE "AGREEMENT TO CREATE A SPECIAL JURISDICTION FOR PEACE" OF 15 DECEMBER 2015

On their entry into force, the amnesty rules shall cover the release from prison of all persons indicated in the first paragraph of Item 23 of the "Agreement to create a Special Jurisdiction for Peace" (SJP) of 15 December 2015 - rebels who are members of organisations which have signed a final peace agreement and persons who have been accused or convicted of political or politically

motivated crimes through decisions delivered by the courts – and shall define the authority that will determine their release. Former detainees shall declare that they will submit to the authority and remain at the disposal of the Special Jurisdiction for Peace on conditional release decided by the SJP in accordance with the conditions laid down in the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence (CS) and verified by the SJP when it comes into operation.

Should the person have been accused of or sentenced for crimes which are not subject to amnesty, the preceding paragraph shall be applied in relation to their release from prison and submission to the SJP to appear before the Judicial Panel for Acknowledgement of Truth and Responsibility, the Judicial Panel for Amnesty and Pardon or the Review Chamber, or until the SJP imposes the corresponding sanctions, where applicable, and they shall remain at the disposal of the SJP under the following conditions:

a. If the SJP has begun to operate, from the time it comes into operation as provided for in the following point the decision to release, the transfer and the supervision of the special SJP control and guarantee measure determined by the latter with respect to former detainees will be determined by the Review Chamber of the Tribunal for Peace and enforced in the same places where reincorporation into civilian life occurs, as agreed for other members of the FARC-EP, or in other places of residence proposed by former detainees.

...

When the SJP has begun to operate, all persons who have been released or former detainees will appear before that body to allow the Judicial Panel for Amnesty and Pardon, the Judicial Panel for Acknowledgement of Truth and Responsibility, the Judicial Panel for Determination of Legal Situations, the Review Chamber of the Tribunal for Peace or any other competent chamber to resolve their situation. Their liberation or release from prison will not mean that they are discharged from their responsibilities until the SJP resolves the individual situation of each person in each case.

The following persons shall also be released: those convicted or investigated for violent rioting, blocking public roads, throwing dangerous substances, using violence against public officials, disrupting the public transport service, damaging third-party property, causing personal injuries or committing other crimes within the framework of the Law on Public Order, in cases relating to the exercise of the right to protest or internal disturbances, who express their willingness to submit to the authority of the SJP and to appear before the Judicial Panel for Determination of Legal Situations to call for the application of mechanisms to stay proceedings with a view to discharging their responsibility, all as laid down in Item 64 of the Agreement to create the SJP. In that event they shall also remain under the supervision of the SJP when it has come into operation or of the verification mechanism determined by the parties as set out above when the SJP has not yet begun to operate. The SJP shall define the situation of conditional release, the scheme governing the latter and the supervision of such situations by the SJP until the situation is resolved by the Judicial Panel for Determination of Legal Situations or the appropriate Judicial Panel or Chamber of the SJP. In all the above cases and in accordance with the principle of application of the most favourable law governing the SJP, the various authorities which are required to take the above-mentioned decisions shall take into account periods of imprisonment served by former detainees under the sanctions that may be imposed by the SJP.

## **Traditional Laws**

### Chapter 1

Page 18, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production:

with a view to contributing to land tenure regularisation and the protection of property rights, promoting appropriate use of land, improving land planning and management, preventing and mitigating conflicts concerning use and possession, and, in particular, to resolving conflicts that jeopardise or limit food production, the National Government will:

Set up flexible, efficient mechanisms for conciliation and conflict resolution concerning land use and possession, ... including traditional mechanisms and participative intervention by communities in conflict resolution...

## Chapter 6

Page 119, 6.2.3. Safeguards and guarantees

It shall be understood for the case of ethnic peoples that the ecological function of property and their own ancestral forms of relationship with the territory take precedence over the notion of non-exploitation.

Pages 220-221, 6.2.3. Safeguards and guarantees

e. In relation to victims of the conflict: "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence"

- The design and execution of the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence will respect the exercise of the jurisdictional functions of the traditional authorities within their territorial area in accordance with the current national and international standards.

Pages 220-221, 6.2.3. Safeguards and guarantees

e. In relation to victims of the conflict: "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence"

...

- In the framework of the implementation of the Special Jurisdiction for Peace, mechanisms will be created for liaison and coordination with the Special Indigenous Jurisdiction according to the mandate of Article 246 of the Constitution and, when appropriate, with the AfroColombian ancestral authorities.

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## Socio-economic reconstruction

### **Development or socio-economic reconstruction**

#### [Socio-economic development](#)

Page 3, Preamble

....

that it is an essential goal of national reconciliation to construct a new territorial-based welfare and development paradigm to the benefit of broad sectors of the population that have hitherto been the victims of exclusion and despair;

## Chapter 1

Page 13, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Principles

The following principles will be taken into account when implementing that which has been agreed under the heading "Toward a New Colombian Countryside: Comprehensive Rule Reform":

...

A comprehensive approach: this guarantees productivity through programmes for effective access to land, together with innovation, science and technology, technical assistance, credit, irrigation and marketing, and other means of production that add value. It is also a guarantee that there will be opportunities for a better quality of life deriving from access to public services, such as for health, housing, education, infrastructure and connectivity, and ensures that the entire population has access to healthy, adequate and sustainable nutrition.

Page 16, 1.1.4. Comprehensive access:

when implementing the principles of well-being and quality of life, holistic approach and access to

land, the National Government will make available to men and women benefitting from the Land Fund, support programmes in the areas of housing, technical assistance, training, land improvement and soil recovery where necessary, rural productive projects, marketing and access to the means of production that add value, inter alia, and will scale up the provision of public goods and services within the context of the Development Programmes with a Territorial-Based Focus (Planes de Desarrollo con Enfoque Territorial - PDET, hereinafter referred to as DPTFs).

Page 19, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

Set up mechanisms for social dialogue between national, regional and local authorities, small-scale farmer communities and also indigenous, black, afro-descendent, raizal and palenquero communities, in addition to other communities where different ethnic and cultural groups coexist, and private-sector companies doing business in rural areas, with a view to creating formal spaces for discussion between actors with diverse interests, which allow the promotion of a common development agenda focusing on socio-environmental sustainability, the well-being of rural populations and economic growth with equity.

Page 21, 1.1.10. Closure of the agricultural frontier and protection of reserve areas:

PEZs are agricultural initiatives that are conducive to peacebuilding, to guaranteeing political, economic, social and cultural rights of rural communities, to development based on socio-environmental and food sustainability and to reconciliation between Colombian citizens. The National Government, in dialogue with the various communities and taking into account the principles of well-being and quality of life and participation in the Comprehensive Rural Reform, will promote access to land and the planning of its use in the PEZs, providing support for development plans of the already existing zones and of those to be set up in response to initiatives of rural communities and organisations deemed to be representative, in such a manner as to comply with the aim of fomenting the small-scale farmer economy, contributing to the closure of the agricultural frontier, and boosting food production and the protection of Forest Reserve Areas. Active participation on the part of communities — men and women— living in the PEZs in the implementation of these development plans will be encouraged.

## Chapter 2

Page 49, 2.2.6. Policy for strengthening democratic, participatory planning

With the aim of strengthening participation in the preparation, discussion, implementation monitoring, and evaluation of the planning and budgeting processes and promoting the impact thereof on administration decisions, the National Government undertakes to carry out the following actions:

...

To strengthen involvement on the part of Local Administrative Boards (Juntas Administradoras Locales) in the preparation of development plans.

## Chapter 5

Pages 183-184, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

LIST OF SANCTIONS.

There are three types of sanction:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before

the Judicial Panel for Acknowledgement of Truth and Responsibility:

A.- In rural areas.

...

3. Participation in/implementation of infrastructure building and repair programmes in rural areas: schools, roads, health centres, housing, community centres, municipal infrastructure, etc.

4. Participation in/implementation of rural development programmes.

5. Participation in/implementation of waste disposal programmes where necessary.

6. Participation in/implementation of programmes to improve electrification and connectivity in communications in agricultural areas...

9. Participation in/implementation of programmes to build and improve the road infrastructure required to market agricultural products from illicit crop substitution areas.

B.- In urban areas.

1. Participation in/implementation of programmes to build and repair infrastructure in urban areas: schools, public roads, health centres, housing, community centres, municipal infrastructure, etc.

2. Participation in/implementation of urban development programmes.

## National economic plan

### Chapter 1

Summary: Chapter 1 includes a range of economic and development programmes directly targeting rural reform

Sections include:

1.3. National plans for Comprehensive Rural Reform

Summary: Provides for national economic develop plan addressing a range of issues.

Key provisions are:

1.3.1. Infrastructure and land improvement

1.3.1.1. Road infrastructure (page 24)

National Tertiary Rural Road Plan (Plan Nacional de Vías Terciarias).

1.3.1.2. Irrigation infrastructure (page 25)

National Irrigation and Drainage Plan (Plan Nacional de Riego y Drenaje)

1.3.1.3. Electricity infrastructure and connectivity (pages 25-26)

National Rural Electrification Plan (Plan Nacional de Electrificación Rural) and a National Rural Connectivity Plan (Plan Nacional de Conectividad Rural)

1.3.2. Social development: health, education, housing, poverty eradication

1.3.2.1. Health (page 26)

National Rural Health Plan (Plan Nacional de Salud Rural)

1.3.2.2. Rural education (pages 26-27)

Special Rural Education Plan (Plan Especial de Educación Rural).

1.3.2.3. Housing and drinking water (pages 27-28)

National Rural Social Housing Construction and Improvement Plan (Plan nacional de construcción y mejoramiento de la vivienda social rural).

1.3.3. Stimuli for agricultural production and the solidarity and cooperative economy. Technical assistance. Subsidies. Credit. Income generation. Marketing. Formalisation of the labour market.

1.3.3.1. Stimuli for a solidarity and cooperative economy (page 28)

National Plan to Foment the Rural Solidarity and Cooperative Economy (Plan nacional de fomento a la economía solidaria y cooperativa rural).

1.3.3.2. Technical assistance (page 29)

Comprehensive National Technical, Technological and Research-Incentive Assistance Plan (Plan nacional de asistencia integral técnica, tecnológica y de impulso a la investigación).

1.3.3.3. Subsidies, income generation and credit (pages 29-30)

Plan for Supporting and Consolidating Income Generation in the Rural, Family-run and Community-based Economies and Medium-sized Producers with Lower Income Levels (Plan para apoyar y consolidar la generación de ingresos de la economía campesina, familiar y comunitaria, y de los medianos productores y productoras con menores ingresos).

1.3.3.4. Marketing (pages 30-31)

National Plan for the Promotion of Marketing the Products of the Rural, Family-run and Community-based Economies (Plan nacional para la promoción de la comercialización de la producción de la economía campesina, familiar y comunitaria)

1.3.3.5. Formalisation of the rural labour market and social protection (pages 31-32)

Progressive Plan for Social Protection and Safeguarding of the Rights of Rural Workers (Plan progresivo de protección social y de garantía de derechos de los trabajadores y trabajadoras rurales).

1.3.3.6. Associations (page 32)

1.3.4. System for the progressive realisation of the right to food (pages 32-32)

Selected provisions

Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Although the aforesaid access to land is a prerequisite for transformation of the countryside, on its own it is insufficient; national plans financed and promoted by the state must be set up with a view to achieving the comprehensive rural development that will provide public services and goods, such as for education, health, recreation, infrastructure, technical assistance, food and nutrition, inter alia, which promote well-being and a dignified way of life for the rural population – girls, boys, men and women.

Page 23, 1.2.1. Objective:

the objective of the DPTFs is to achieve the structural transformation of the countryside and the rural environment and to promote an equitable relationship between rural and urban areas, with a view to guaranteeing:

...

1.2.3. Action plans for regional transformation:

in order to fulfil the objectives of the DPTFs, an action plan for regional transformation will have to be prepared for each prioritised zone. This action plan must include all levels of territorial planning, result from a participatory process and reflect dialogue between the local authorities and communities. The plans must address:

The territorial-based approach to rural communities that takes account of the socio-historic, cultural, environmental and productive characteristics of territories and their inhabitants and also their needs, which will be differentiated on the basis of their membership of groups in vulnerable circumstances as well as land suitability, so that sufficient public investment resources can be deployed in harmony with the nation's tangible and intangible values.

An objective assessment, drawn up with the participation of the various communities — men and women — which, using the aforesaid territorial-based approach, will take account of the needs in a territory and the steps necessary to coordinate the various aspects, with clear, precise targets that will allow the structural transformation of living and production conditions.

The National Development Plan (Plan Nacional de Desarrollo) — will encompass the priorities and goals of the DPTFs.

## Chapter 4:

Summary: Chapter 4 includes a number development programmes to help support crop substitution (see also coding from chapter 4 on drugs and natural resources).

Important sections include:

4.1. Programmes for substitution of crops used for illicit purposes. Comprehensive development plans with the participation of communities — men and women — in the planning, implementation and evaluation of the programmes for crop substitution and environmental regeneration of the areas affected by such crops. (pages 108-109)

4.1.1. Principles (pages 109-110), which include:

- Integration in the Comprehensive Rural Reform (CRR) (page 109);
- Concerted and participative collective construction (page 109)
- Equity-based approach according to the conditions in each territory (pages 109-110)
- Respect and application of the principles and regulations of the rule of law and coexistence of citizens (page 110)
- Voluntary substitution (page 110)

4.1.3.5. Participative construction and development of the comprehensive community-based and municipal plans for the substitution of illicit crops and alternative agrarian development (Planes integrales comunitarios y municipales de sustitución y desarrollo alternativo, CPSAD): Security Guarantees, which include:

- Community assemblies (page 116)
- Comprehensive community-based and municipal plans for substitution of illicit crops and alternative agrarian development (pages 117-118)
- Integration with the DPTFs (page 118)
- Monitoring and evaluation (page 118)

4.1.3.6. Components of the comprehensive plans for the substitution of crops, which include:

- a. Immediate attention plan and development of rural productive projects (pages 118-121)
- b. Fast-track social infrastructure works (page 121)
- c. Component relating to sustainability and environmental regeneration (page 121)
- d. Land titling plan (page 122)
- e. Plans for remote areas and areas with low population density (page 122)
- f. Timescales, targets and indicators (page 122)

4.1.4. Implementation of the National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes in National Natural Parks (NNP) (page 122)

4.1.5. Communication strategy (page 122)

4.1.6. Financing

4.2.1. National Programme for Comprehensive Intervention into Illicit Drug Use (Programa Nacional de Intervención Integral frente al Consumo de Drogas Ilícitas), which includes:

4.2.1.1. Principles (pages 124-125)

4.2.1.2. National Attention System for Illicit Drug Users (Sistema Nacional de Atención al Consumidor de Drogas Ilícitas) (page 125)

4.2.1.3. Participatory review and adjustment of the public policy to combat illicit drug use (page 125)

4.2.1.4. Participatory action plans with territorial-based and population-focused approach (pages 125-126)

4.2.1.5. Evaluation and monitoring of the actions implemented to tackle drug use (pages 126-127)

4.2.1.6. Creation of a pool of knowledge on illicit drug use (page 127)

**Natural resources** Page 4, Preamble

Having regard to the fact that the new vision of a Colombia...

that is based ... on ... protection of the environment, respect for nature and its renewable and non-renewable resources and biodiversity;

Chapter 1

Page 15, 1.1.1. Comprehensive Rural Reform Land Fund

...

Land arising from the updating, delimitation and strengthening of the Forest Reserve Areas (Reserva Forestal), for beneficiaries of the Land Fund: the appropriation of land using this mechanism will be conditional upon the drawing up, with participation from the communities, of plans to guarantee social and environmental sustainability.

Page 18, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

... When the guidelines are devised, attention will be given to the following: 1) socio-environmental sustainability and the preservation of water resources and biodiversity

Page 20, 1.1.10. Closure of the agricultural frontier and protection of reserve areas:

to assist in defining the agricultural frontier, protecting areas of special environmental interest and generating, for the neighbouring or occupying communities, livelihood alternatives that maintain a balance between that which is good for the environment and that which contributes to well-being and quality of life, under the principles of rural community participation and sustainable development, the National Government will:

Within two years, implement an environmental zoning plan to delimit the agricultural frontier and to enable updating, and where necessary, expanding the inventory, and to characterise the use of areas requiring proper environmental management, such as: forest reserve areas, areas of high biodiversity, fragile and strategic ecosystems, watersheds, moorland (páramos) and wetlands, and other water-related sources and resources, with a view to safeguarding biodiversity and the progressive right to water, and the promotion of its rational use.

Pages 20-21, 1.1. Access and Use. Non-productive land. Land titling. Agricultural frontier and protection of reserve areas.

Provide support to rural communities currently living alongside or within areas requiring the special environmental management detailed previously, working with them to structure plans for their development, including re-settlement programmes or programmes for community rehabilitation of forests and the environment, which are compatible with and contribute to the objectives of closing the agricultural frontier and preserving the environment, such as: the provision of environmental services, with special acknowledgement and appreciation of intangible cultural and spiritual aspects, and protecting the social interest; sustainable food production and silvopasture systems; reforestation; Peasant Enterprise Zones (Zonas de Reserva Campesina - ZRC, hereinafter PEZ); and, in general, other sustainable forms of organisation of the rural population and economy.

Page 29, 1.3.3.2. Technical assistance

... The aforesaid will be within the context of the state's unshakeable obligation to take such measures and to use such tools as are necessary to safeguard the country's genetic heritage and biodiversity as sovereign resources of the nation.



## Chapter 2

Page 51, 2.3.1.1. Measures to promote access to the political system

...

Designing a system for the gradual acquisition of rights by political movements and parties, in accordance with their electoral performance at municipal, departmental and national level. The new system will retain the requirements with regard to votes in elections of the Senate and/or House of Representatives in the ordinary constituencies currently in existence, for the acquisition of all rights to financing, access to resources and to register candidates for elected offices and corporations.

## Chapter 4

Summary: Chapter 4 deals with illicit crops. See coding for Drugs, chapter 4, development chapter 4.

Selected Provisions:

Page 106, 4. Preamble

That the policy must maintain the recognition of the ancestral and traditional uses of the coca leaf, as part of the cultural identity of the indigenous community and the possibility of use of crops used for illicit purposes for medical or scientific purposes and other legitimate uses that are established.

Page 119, 4.1.3.6. Components of the comprehensive plans for the substitution of crops:

a. Immediate attention plan and development of rural productive projects

- For the households of growers involved with crops used for illicit purposes:
  - o Immediate food assistance consisting of direct delivery of groceries, or the equivalent in vouchers or any other system established according to the particular requirements of the territory in question, for up to one year, depending on the size of each household and the particular characteristics and needs of each population and region, and the development of income-generating projects. Priority will be given to local suppliers for the provision of the groceries and solidarity associations will be fostered so that they can contract with the Government the procurement of foodstuffs.
  - o Establishment of vegetable gardens and delivery of smaller species of animals with the necessary technical support, provision of supplies and animal feed, in accordance with the preference of each household.
  - o Projects for generating rapid income, such as short-cycle crops, fish farming, poultry farming, inter alia, with the necessary technical support, targeted to meet the immediate needs of households and replace, expediently and to a sufficient degree, the income previously obtained from crops used for illicit purposes, in accordance with the preference of each household and the conditions and potential of the area.

Page 122, 4.1.3.6. Components of the comprehensive plans for the substitution of crops:

...

e. Plans for remote areas and areas with low population density In areas with low population density and areas which are difficult to access owing to location and distance, making it difficult to supply goods and services to ensure the well-being and quality of life for the people and the territorial-based integration thereof, special measures will be developed for the substitution of crops used for illicit purposes, recovery of ecosystems, creation of new employment opportunities related to river transport, environmental regeneration programmes, protection of forests and wildlife, etc., without prejudice to alternatives for relocation of communities settled there, where possible and necessary, in consultation with communities, to improve their living conditions.

Page 124, 4.2.1.1. Principles: The national policy to tackle illicit drug use will be guided by the

following principles:

... • Equity-based and gender-based approach..

... In any case, the actions implemented must respect the ancestral use of the coca leaf by indigenous communities.

Page 131, 4.3.5. International Conference and forums for regional dialogue

The participation of academic and research institutions, producers of coca leaf, poppy and marijuana, and organised users at this conference will be promoted.

## Chapter 5

Pages 183-184, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

LIST OF SANCTIONS.

There are three types of sanction:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility:

A.- In rural areas.

...

2. Participation in/implementation of environmental protection programmes for Forest Reserve Areas.

Pages 183-184, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for

Truth, Justice, Reparations and Non-Recurrence, 5.1.2. Justice: With regard to justice, it has been

agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

LIST OF SANCTIONS.

There are three types of sanction:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility:

A.- In rural areas.

...

7. Participation in/implementation of programmes to substitute crops used for illicit purposes.

....

9. Participation in/implementation of programmes to build and improve the road infrastructure required to market agricultural products from illicit crop substitution areas.

Page 199, 5.1.4. Guarantees of non-recurrence

...

The ... measures to protect and guarantee the rights of the population living in territories affected by growing of crops used for illicit purposes and to contribute to overcoming the conditions of poverty, marginalisation and weak institutional presence by means of the implementation of the programmes and measures agreed for the Solution to the Illicit Drugs Problem...

## Chapter 6

Page 210, 6.1.3. Other measures to contribute to guaranteeing the implementation of the agreements

• Participation of the business sector in the implementation of the agreements will be promoted, to contribute to guaranteeing productivity, access to markets and in general the sustainability of the projects contemplated, inter alia, in the Comprehensive Rural Reform, the National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes and in the plans for reincorporation into civilian life....

Page 215, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

a. Laws and/or rules for the implementation of that agreed in the framework of the Comprehensive Rural Reform and the substitution of crops used for illicit purposes.

Page 217, 6.1.11. Priority implementation

....

i. Drawing up of the Security Protocol for the Implementation of the Joint Effort for Voluntary Substitution of Crops used for Illicit Purposes.

Page 217, 6.2.2. Principles In interpreting and implementing all the components of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia

In interpreting and implementing the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia, with an ethnic-based approach, account will be taken, among others, of the following principles: free determination, autonomy and self-government, participation, consultation and prior free and informed consent; social, economic and cultural identity and integrity, rights over land, territories and resources, which involve the recognition of their ancestral territorial practices, the right to restitution and strengthening of territoriality, the current mechanisms for legal protection and security of the land and territories occupied or owned ancestrally and/or traditionally.

Page 220, 6.2.3. Safeguards and guarantees

d. In relation to solution of the illicit drugs problem

- The effective participation and consultation of the communities and representative organisations of the ethnic peoples will be guaranteed in the design of the NCPS, including the plans for immediate attention in respect of the territories of the ethnic peoples. In any case, the NCPS will respect and protect the cultural use and consumption of traditional plants classed as used for illicit purposes. In no event will policies on the use of territory and the natural resources present in it be imposed unilaterally.
- In the prioritisation of territories, the realities of the territories of the ethnic peoples will be addressed, and account will be taken of the territories of ethnic peoples at risk of physical and cultural extermination or at risk of extinction that are affected affected by crops used for illicit purposes, or the territories of ethnic peoples in a situation of confinement or displacement.

## **International funds**

### Chapter 3

Page 71, 3.2.1.1. Guarantees for the new political movement or party

- Operation

...The Government shall promote that international cooperation is used to support, with the required guarantees of transparency, the development of the infrastructure necessary for the constitution and initial functioning of the new political movement or party that emerges from the transition of the FARC-EP to legal political activity and for the training of its leaders. Resources from international cooperation may not be used for electoral campaigns.

Page 78, 3.2.2.8. Other resources for economic reincorporation projects

The economic resources provided by international aid, the private sector, foundations and multilateral bodies for projects for the economic reincorporation of the current members of the FARC-EP into civilian life, as well as the resources for technical cooperation for such projects, shall not diminish the amounts to which the preceding points refer, i.e. they shall increase the economic resources made available by the National Government for the implementation of the reincorporation agreement.

### Chapter 4

Page 87, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts...

... The Unit may request extraordinary funds from the state or international aid and in the latter case may negotiate and receive international funds for its operations. The Unit may conclude international cooperation agreements in order to strengthen the achievement of its mandate.

## Chapter 6

Page 210, 6.1.3. Other measures to contribute to guaranteeing the implementation of the agreements

...

- The National Government and the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CMPVI), will encourage the receipt of funds from international cooperation.
- The economic resources for the implementation contributed by international cooperation, multilateral bodies and the private sector will be added to the funds provided by the National Government for these purposes...

Pages 212, 6.1.6. Functions of the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CMPVI) (this section lists the functions of CMPVI)

The CMPVI shall maintain dialogue with the donor agencies, states and organisations which contribute financially to the implementation of the agreements and/or form part of its international backing. The CMPVI may request monitoring and implementation reports relating to the different programmes and projects which receive international cooperation in the context of implementing the peace agreements.

**Business** Summary: References to small scale farmers- other groups. Small to medium???????????

Page 7, Introduction

The conclusion of hostilities will first and foremost represent the end of the enormous suffering that the conflict has caused. Millions of Colombians, men and women alike, have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of communities have been affected in one way or another throughout the length and breadth of the country, including... economic associations, inter alia.

Page 9, Introduction

We, the delegations of the National Government and the FARC-EP, reiterate our profound gratitude to all victims, social and human rights organisations, communities, including... businesspeople

## Chapter 1

Summary: See also National Economic Plan, and specifically 1.3.3.2. Technical assistance (29); 1.3.3.3. Subsidies, income generation and credit (29-30); 1.3.3.4. Marketing (30-31)

Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Broadly, the CRR acknowledges the fundamental role of the rural, family-run and community-based economies ....

Page 12, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Comprehensive rural development will move forward within the context of globalisation and insertion

policies therein on the part of the state, demanding particular attention to national agricultural production and especially rural, family-run and community-based systems of production.

Page 12, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Principles

The following principles will be taken into account when implementing that which has been agreed under the heading “Toward a New Colombian Countryside: Comprehensive Rule Reform”:

...

- Comprehensive development of rural areas: the development of rural areas depends on a proper balance between the various existing forms of production – family farming, agro-industry, tourism, agriculture on a commercial scale-; on competitiveness and the need to promote and encourage investment in rural areas with entrepreneurial vision and for the productive purposes as a condition for their development; and on promotion and encouragement on an equal basis of links between small-scale rural production and other production models, which could be vertical or horizontal and on a different scale. In any case, the rural, family-run and community-based economy will be promoted and protected and measures will be adopted to develop and strengthen it.

Page 13, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Principles

The following principles will be taken into account when implementing that which has been agreed under the heading “Toward a New Colombian Countryside: Comprehensive Rule Reform”:

...

- Prioritisation: the comprehensive agrarian development policy is universal and its implementation prioritises the most deprived and vulnerable populations and territories, and the communities most affected by poverty, neglect and the conflict; it focuses on small and medium-sized producers, men and women alike. The rights of the victims of the conflict, of boys and girls, women and the elderly, deserve special attention.

Page 19, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

Set up mechanisms for social dialogue between national, regional and local authorities, small-scale farmer communities and also indigenous, black, afro-descendent, raizal and palenquero communities, in addition to other communities where different ethnic and cultural groups coexist, and private-sector companies doing business in rural areas, ....

Page 22, 1.2.1. Objective:

the objective of the DPTFs is to achieve the structural transformation of the countryside and the rural environment and to promote an equitable relationship between rural and urban areas, with a view to guaranteeing:

...

The development of the small-scale farmer and family-run economy (based on cooperative, mutual, communal, microbusiness and solidarity association systems) and of the particular production methods of the indigenous, black, Afro-descendent, raizal and palenquero communities, through comprehensive access to land and to productive and social goods and services...

Pages 25, 1.3.1.1. Road infrastructure:

with the aim of achieving regional integration and access to social services and markets, favourably influencing food prices as a guarantee of the right to nutrition, and raising the income level of rural communities, the National Government is to set up and implement a National Tertiary Rural Road Plan

(Plan Nacional de Vías Terciarias).

Implementation of the Plan will take account of the following criteria:

- The stimulation of the local economy, giving priority to the hiring of local male and female workers and the acquisition of local materials.

Pages 25, 1.3.1.2. Irrigation infrastructure:

with the aim of supporting small-scale family-run agricultural production and boosting the rural economy in general by guaranteeing democratic and environmentally sustainable access to water, the National Government will set up and implement the National Irrigation and Drainage Plan (Plan Nacional de Riego y Drenaje) for the rural, family-run and community-based economies.

Page 28, 1.3.3.1. Stimuli for a solidarity and cooperative economy:

with the aim of stimulating different associative forms of work for and between small and medium-sized producers, based on solidarity and cooperation, which promote economic independence and organisational ability, especially in rural women, and which strengthen the ability of small producers in terms of access to goods and services, marketing their goods and, in general, improving their living, working and production conditions, the National Government will set up and implement the National Plan to Foment the Rural Solidarity and Cooperative Economy (Plan nacional de fomento a la economía solidaria y cooperativa rural). Implementation of the plan will take account of the following criteria:

- Mentoring, technical and financial support for rural communities — men and women — in the creation and consolidation of cooperatives, solidarity and community associations and organisations, especially those connected with food production and supply and in particular organic and agro-ecological production and women's organisations.
- The strengthening of productive capacities and of conditions of access to rural development instruments (means of production, technical assistance, training, credit and marketing, inter alia).
- Stimulating the solidarity and cooperative economy as a means for channelling resources and services to the rural population.
- Using an equity-based approach, supporting community organisations and associations in contributing to infrastructure and equipment project management (roads, housing, health, education, water and basic sanitation, irrigation and drainage).

Page 32, 1. 1.3.3.6. Associations:

the Government will encourage and promote associations, production chains and productive partnerships between small, medium and large producers as well as processors, traders and exporters in order to guarantee large-scale, competitive production that forms part of added value chains that help improve living conditions of the rural inhabitants in general and small producers in particular. For that purpose, it will provide technical, legal and economic assistance (credit or financing) to small producers in order to guarantee family and associative projects that are balanced and economically sustainable.

Chapter 2

Page 51, 2.3.1.1. Measures to promote access to the political system

...

Designing a system for the gradual acquisition of rights by political movements and parties, in accordance with their electoral performance at municipal, departmental and national level. The new system will retain the requirements with regard to votes in elections of the Senate and/or House of Representatives in the ordinary constituencies currently in existence, for the acquisition of all rights to financing, access to resources and to register candidates for elected offices and corporations.

## Chapter 3

### Page 73, 3.2.2.2. Centre for political thought and education

The political group of citizens in full exercise of their rights, which has the aim of promoting the creation of the future political movement or party that emerges from the transition of the FARCEP to legal political activity shall establish a centre for political thought and education, as a notfor-profit institution, for the purpose of advancing social studies and research and designing and advancing political education programs. To that end, agreements may be made with public and private entities and international cooperation.

### Page 78, 3.2.2.8. Other resources for economic reincorporation projects

The economic resources provided by international aid, the private sector, foundations and multilateral bodies for projects for the economic reincorporation of the current members of the FARC-EP into civilian life, as well as the resources for technical cooperation for such projects, shall not diminish the amounts to which the preceding points refer, i.e. they shall increase the economic resources made available by the National Government for the implementation of the reincorporation agreement.

### Page 81, 3. End of the Conflict, 3.4. "Agreement on guarantees of security and the fight against criminal organisations... Preamble

Ensuring the monopoly of taxes by the Tax Authorities: forms of illegal economy and criminal income linked to organised crime, including people trafficking, drugs trafficking, illegal coercion or extortion, contraband, money laundering, tax charges other than those levied by the monopoly of the state and illegal mining, shall be tackled. Traditional artisanal mining is not considered to be illegal.

### Page 81, 3.4.2. National Political Pact:

The country's desire to achieve a stable and long-lasting peace is based on the recognition of the need to overcome the armed conflict. The National Government and the new political movement that emerges from the transition of the FARC-EP to legal political activity undertake to promote a National Political Pact from the regions, with the aid of political movements and parties, trade associations, the driving forces of the country, organised society and communities across the country's territories, trade unions, the National Trade Council (Consejo Nacional Gremial) and various economic associations, owners and directors of media enterprises...

## Chapter 4

Summary: chapter 4 addresses drugs and illicit crops. Sections deal specifically with supporting efforts to move from illicit crop production. A number of provisions target businesses directly and by implication.

Important sections include:

### Pages 110-111, 4.1.1. Principles

- Voluntary substitution: On the basis of the decision and commitment of cultivators to abandon crops used for illicit purposes, voluntary substitution is a fundamental principle of the Programme, in order to build trust among communities and create conditions that can contribute to solving the problem of crops used for illicit purposes, without detriment to the economic, social and environmental sustainability of the communities and the territories in question. This involves action for promoting voluntary substitution and defining, together with the communities, crop substitution alternatives that are sustainable from an economic and socio-environmental perspective and sufficient to strengthen family-run economies, ensuring decent living conditions....

#### 4.1.2. Aims

- Creating policies and productive opportunities for growers —men and women— by promoting associative practices and solidarity-based economies; and creating employment opportunities and policies for harvesters and and share-croppers<sup>4</sup> associated with crops used for illicit purposes, within the framework of the CRR and with the possibility of choosing to be beneficiaries under the terms of section 1.1.3 thereof.

Page 112, 4.1.3. Description and elements of the National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes

...

To that end, the NCPS complements and is integrated with the plans and programmes agreed within the framework of the Comprehensive Rural Reform (CRR) of Chapter 1 with regard to access and land access and titling, land improvement, housing, technical assistance, stimuli for solidarity-based and cooperative economies, subsidies, generation of income and credit, marketing and sales, public procurement programmes as well as the provision of public services and assets.

Pages 119-120, 4.1.3.6. Components of the comprehensive plans for the substitution of crops:

##### a. Immediate attention plan and development of rural productive projects

Priority will be given to food production and the creation of added value and production chains so as to meet in the first instance the demand of the communities themselves, but also to respond to niches in the domestic or international market. In addition to agricultural and livestock activities, craft, industrial and service businesses will be promoted, especially those that generate added value with respect to what is produced by communities, and others of community interest in line with the potential of each region, so as to ensure a guaranteed income and decent employment for those in rural communities - the men and women - who are especially affected by crops used for illicit purposes. There will be special measures to promote a cooperative system and solidarity economy. These initiatives must be guided by the principles underlying the CRR, in particular environmental sustainability and well-being and quality of life, and, where appropriate, help closing the agricultural frontier and promote regeneration of the environment. In the case of share-croppers who are settled and opt to remain in the region, the same package of immediate assistance will be provided

.... • For the community in general:

o Job opportunities: mechanisms will be put in place to provide information to facilitate access to job opportunities arising as a result of the CRR and in particular the comprehensive plans for the substitution of crops and alternative agrarian development, which will enable communities living in territories affected by crops used for illicit purposes to identify and access the available job market, with the inclusion of special measures for rural women

... To ensure the viability and sustainability of rural productive projects for the substitution of crops used for illicit purposes, the Government must implement the plans referred to in section 1.3.3 of the CRR regarding stimulating the cooperative and solidarity economy, technical assistance, subsidies, generation of income and credit, and marketing.

## Chapter 5

Page 134, 5. Agreement regarding the Victims of the Conflict.... preamble

The armed conflict, which has multiple causes, has inflicted suffering and loss on the people to a degree unparalleled in our history. Millions of Colombians have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared, and vast numbers of families, groups and communities have been affected throughout the length and breadth of the country, including ... economic associations, inter alia.

Page 140, 5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el



Esclarecimiento de la la Verdad, la Convivencia y la No Repetición)

Throughout its work the Commission will take an appropriate approach to learn about the different ways in which the conflict affected ... businessmen and - women, inter alia. This should also help to raise awareness in Colombian society of the specific ways in which the conflict reproduced historical mechanisms of discrimination, as a fundamental first step towards a more just and inclusive society.

Pages 143-144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

The human and social impact of the conflict on society, including its impact on economic, social, cultural and environmental rights, and the different ways in which the conflict affected ... traders and businessmen...

Pages 183-184, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

LIST OF SANCTIONS.

There are three types of sanction:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility:

A.- In rural areas.

...

9. Participation in/implementation of programmes to build and improve the road infrastructure required to market agricultural products from illicit crop substitution areas.

Pages 200, 5.2. Commitment to the promotion, respect and guarantee of human rights

The end of the conflict constitutes the best opportunity to realise the rights of the victims to truth, justice, reparations and non-recurrence, and in general to ensure the full realisation of the human rights of all, including... trade unionists... traders and businessmen and businesswomen

Chapter 6

Page 210, 6.1.3. Other measures to contribute to guaranteeing the implementation of the agreements

- Participation of the business sector in the implementation of the agreements will be promoted, to contribute to guaranteeing productivity, access to markets and in general the sustainability of the projects contemplated, inter alia, in the Comprehensive Rural Reform, the National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes and in the plans for reincorporation into civilian life.

- ...• The economic resources for the implementation contributed by international cooperation, multilateral bodies and the private sector will be added to the funds provided by the National Government for these purposes...

## **Taxation** [Power to tax](#)

Chapter 1

Page 20, 1.1.9. Formation and updating of the rural cadastre and of the rural property tax: with the aim of promoting appropriate, productive and sustainable use of the land, creating an information system that can be used to promote comprehensive rural development, enhancing effective collection of taxes by local authorities and also social investment, stimulating deconcentration of unproductive rural property and, in general, transparently regularising land ownership, the National Government will launch:...

- A system wherein municipal authorities can effectively settle, charge and collect the property tax, based on the cadastral updating and within the framework of their autonomy.

#### Reform of taxation

#### Chapter 1

Page 19-20, 1.1.9. Formation and updating of the rural cadastre and of the rural property tax: with the aim of promoting appropriate, productive and sustainable use of the land, creating an information system that can be used to promote comprehensive rural development, enhancing effective collection of taxes by local authorities and also social investment, stimulating deconcentration of unproductive rural property and, in general, transparently regularising land ownership, the National Government will launch:...

- A system wherein municipal authorities can effectively settle, charge and collect the property tax, based on the cadastral updating and within the framework of their autonomy
- An appropriate regulatory framework to enable municipalities to set property tax tariffs, in fulfilment of the principle of progressivity - he who has more, pays more - based on fairness and social justice.
- Municipal incentives, which will include, where necessary, transfers to municipal funds to enable said authorities to exempt from the property tax those who benefit from land access programmes and also small-scale producers.

Page 21, 1.1.10. Closure of the agricultural frontier and protection of reserve areas

- In order to promote appropriate use of land, in addition to the new cadastral structure and property tax progressivity (1.1.9.), the National Government shall adopt such measures and create such incentives as are necessary to prevent and to promote solutions to conflicts between land suitability and actual use, taking into account the environmental zoning plan addressed herein and the principle of well-being and quality of life. Land appropriated from the Forest Reserve Areas mentioned in this Agreement will be prioritised to small-scale farmers without land or with insufficient land, via various forms of organisation or association, including the Peasant Enterprise Zones, which will contribute to the closure of the agricultural frontier, the strengthening of the small-scale farmer economy and family-run agriculture.

#### Chapter 3

Page 71, 3.2.1.1. Guarantees for the new political movement or party

- Operation

... Moreover, in order to contribute to the financing of the Centre for political thought and education (3.2.2.2) and the disclosure and dissemination of its ideological and programmatic platform, it shall be assigned a sum equivalent to 7% of the annual budget allocation for the operation of political movements and parties between its date of registration and 19 July 2022.

The above sums shall not affect the amount to be distributed by the Fund to the other political movements and parties with legal status.

Page 81, 3.4.1. Guiding principles

Ensuring the monopoly of taxes by the Tax Authorities: forms of illegal economy and criminal income linked to organised crime, including people trafficking, drugs trafficking, illegal coercion or extortion, contraband, money laundering, tax charges other than those levied by the monopoly of the state and illegal mining, shall be tackled. Traditional artisanal mining is not considered to be illegal.

#### Chapter 4

Page 120, 4.1.3.6. Components of the comprehensive plans for the substitution of crops:

a. Immediate attention plan and development of rural productive projects

These initiatives will be geared towards harvesters, both those who have settled in the region and those who have not, and settled share-croppers – men and women – living in the region that are identified in the census of the community assemblies and the NCPS carried out in a participative way.

- For the community in general:

... To ensure the viability and sustainability of rural productive projects for the substitution of crops used for illicit purposes, the Government must implement the plans referred to in section 1.3.3 of the CRR regarding stimulating the cooperative and solidarity economy, technical assistance, subsidies, generation of income and credit, and marketing.

Chapter 6

Page 209, 6.1.2. Measures to incorporate the implementation of the agreements with territorial-based resources

- Mechanisms and measures will be promoted to ensure that with resources of the General Transfer System (Sistema General de Participaciones) and of the General Royalties System (Sistema General de Regalías) a contribution is made toward the funding of the implementation of the agreements, including in the prioritised territories the action plans for the regional transformation of the DPTFS. Royalties will provide another source of resources for the implementation of the Agreement in the regions, so that these projects support the development of their municipalities and departments.

**Banks** No specific mention.

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## Land, property and environment

**Land reform/rights** [Land reform and management](#)

Page 3, Preamble

Noticing that, in the opinion of the National Government, the transformations that must be achieved when implementing this Agreement must play a part in reversing the effects of the conflict and in changing the conditions that have led to the persistence of violence across the country; and, in the opinion of the FARC-EP, such transformations must contribute to resolving the historical causes of the conflict, such as the unresolved issue of land ownership and, in particular, the concentration thereof, the exclusion of the rural population, and the underdevelopment of rural communities, which especially affects women, girls and boys.

Chapter 1

Summary: Chapter 1 focuses largely on land reform.

Sections include:

1.1. Access and Use. Non-productive land. Land titling. Agricultural frontier and protection of reserve areas.

1.1.1. Comprehensive Rural Reform Land Fund (pages 14-15)

1.1.2. Other mechanisms for promoting access to land (pages 15-16)

1.1.3. Beneficiary persons (page 16)

1.1.4. Comprehensive access (page 16)

1.1.5. Large-scale titling of small and medium-sized rural property (pages 16-18)

1.1.6. Inalienable and non-seizable land (page 18)

1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production (pages 18-19)

1.1.9. Formation and updating of the rural cadastre and of the rural property tax (pages 19-20)

1.1.10. Closure of the agricultural frontier and protection of reserve areas (pages 20-22)

Selected provisions include:

Page 10, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

In the opinion of the Government, this transformation must help to reverse the effects of the conflict and to change the conditions that have facilitated the persistence of violence in Colombia's territories. In the opinion of the FARC-EP, this transformation must help to resolve the historical causes of the conflict, such as the unresolved issue of land ownership and, in particular, the concentration thereof, the exclusion of the rural population and the underdevelopment of rural communities, that especially affects women, girls and boys.

...

Comprehensive rural development is a decisive factor in driving forward regional integration and equitable social and economic development of the country. The CRR must successfully achieve an in-depth transformation of the rural situation in Colombia: greater inclusion at a regional level, eradication of poverty, greater equality and guaranteed full enjoyment of citizens' rights and, as a result, guaranteed non-recurrence of the conflict and eradication of violence.

A genuine structural transformation of the countryside requires the adoption of measures to promote appropriate use of the land in accordance with its suitable purposes and to stimulate the titling, restitution and equitable distribution thereof, by guaranteeing progressive access to rural property to those who live in the countryside, and, in particular, to rural women<sup>1</sup> and to the most vulnerable communities, and by legalising and democratising property and promoting broader ownership of land, so that it fulfils its social function.

Page 11, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

In the area of food and nutrition, the CRR aims to ensure that the entire rural and urban population in Colombia has sufficient access to and availability of the foodstuffs they need for proper nutrition, in terms of opportunity, quantity, quality and price, especially in the case of boys and girls, pregnant or breast-feeding women, and the elderly, prioritising the production of food and the generation of income.

The effectiveness, transparency and proper development of the CRR are largely dependent on the promotion of broad participation on the part of communities through the generation of participatory and democratic institutional forums where said communities have the capacity for change and to affect the planning, implementation and monitoring of the various plans and programmes agreed upon. Participation is also a guarantee of the greater inclusion of rural communities – women and men – in the political, economic, social and cultural life of their regions and thus of the nation.

Men and women in the small-scale farmer, indigenous, black, Afro-descendent, raizal and palenquero communities, and other ethnic communities across Colombia's territories are contributing to the structural transformation of the countryside and in particular to the closing of the agricultural frontier, in favour of a sustainable socio-environmental planning. To that end, it is necessary to recognise and to support the Peasant Enterprise Zones (Zonas de Reserva Campesina) and cooperative groups within society.

Page 12, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform

Comprehensive rural development will move forward within the context of globalisation and insertion policies therein on the part of the state, demanding particular attention to national agricultural production and especially rural, family-run and community-based systems of production.

Principles: page (12-14)

Pages 13-14, 1: Towards a New Colombian Countryside: Comprehensive Rural Reform Principles

The following principles will be taken into account when implementing that which has been agreed under the heading "Toward a New Colombian Countryside: Comprehensive Rule Reform":

...

Democratisation of appropriate use of and access to land: mechanisms and guarantees that will enable the greatest possible number of men and women living in the countryside, and who have no land or insufficient land, to gain access to it, and that encourage appropriate use of the land in accordance with the criteria of environmental sustainability, land suitability, territorial planning and community participation. With this in mind and in accordance with the agreement contained in section 1.1.1. Land Fund for the CRR (3 million hectares) and section 1.1.5. Large-Scale Rural Property Titling (7 million hectares), the next 12 years will see an extension under the Comprehensive Rural Reform to 10 million hectares. In any case, the goal of land titling will be achieved within the next 10 years and the land titling within the DPTFs within the next 7 years.

Page 18, 1.1.7. Land restitution

The National Government and the FARC-EP both wish to reverse the effects of the conflict, to achieve restitution for the victims of dispossession and forced displacement and the restoration of land rights to communities...

Page 18, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

... specific measures for overcoming barriers that constitute obstacles to the recognition and protection of women's rights over land.

Chapter 4

Summary: See chapter 4 (drugs, natural resources)

Selected provisions include:

Page 106, 4. Solution to the Illicit Drugs Problem, Preamble

That one aspect of the solution to the illicit drugs problem is the definitive solution to the problem of crops used for illicit purposes, for which purpose it is necessary to establish a new programme that, as a part of the structural transformation of the countryside targeted by the Comprehensive Rural Reform (Reforma Rural Integral, CRR), contributes to improving the well-being and quality of life of the populations affected by these crops.

Page 122, 4.1.3.6. Components of the comprehensive plans for the substitution of crops:

d. Land titling plan In order to promote access to land for men and women and to encourage the process of substitution of crops used for illicit purposes in areas where the commitments made by growers under the NCPS are fulfilled, land titling processes will be sped up under the terms set out in the Large-Scale Titling Plan discussed in section 1.1.5 of the CRR. The Government will adapt the regulations to allow titling land to such beneficiaries, subject to the prior fulfilment of the commitments that guarantee that the property is free from crops used for illicit purposes and that no

crops of that type will be re-sown.

## Chapter 6

Page 215, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

a. Laws and/or rules for the implementation of that agreed in the framework of the Comprehensive Rural Reform and the substitution of crops used for illicit purposes.

Page 217, 6.2.2. Principles In interpreting and implementing all the components of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia

In interpreting and implementing the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia, with an ethnic-based approach, account will be taken, among others, of the following principles: free determination, autonomy and self-government, participation, consultation and prior free and informed consent; social, economic and cultural identity and integrity, rights over land, territories and resources, which involve the recognition of their ancestral territorial practices, the right to restitution and strengthening of territoriality, the current mechanisms for legal protection and security of the land and territories occupied or owned ancestrally and/or traditionally.

Page 218, 6.2.3. Safeguards and guarantees

a. In relation to Comprehensive Rural Reform

The implementation of the CRR Chapter will guarantee the application of an ethnic and cultural perspective, the current legal conditions of collective ownership, and the mechanisms for the legal protection and security of land and territories occupied or owned ancestrally and/or traditionally. The holistic nature of territoriality and its cultural and spiritual dimensions, and the heightened protection for peoples at risk of extinction and their safeguard plans, will also be observed.

Page 220, 6.2.3. Safeguards and guarantees

d. In relation to solution of the illicit drugs problem

- The effective participation and consultation of the communities and representative organisations of the ethnic peoples will be guaranteed in the design of the NCPS, including the plans for immediate attention in respect of the territories of the ethnic peoples. In any case, the NCPS will respect and protect the cultural use and consumption of traditional plants classed as used for illicit purposes. In no event will policies on the use of territory and the natural resources present in it be imposed unilaterally.

[Property return and restitution](#)

## Chapter 1

Pages 18, 1.1.7. Land restitution:

the National Government and the FARC-EP both wish to reverse the effects of the conflict, to achieve restitution for the victims of dispossession and forced displacement and the restoration of land rights to communities, and will promote the voluntary return of displaced men and women. To that end, the measures agreed in Chapter 5 "Victims" will be implemented.

## Chapter 5

Page 144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

- Displacement and dispossession of land during the conflict and the consequences thereof.

Pages 193-194, 5.1.3. Reparations: comprehensive reparation measures for peacebuilding

- Interinstitutional coordination: return and relocation plans will be coordinated, where applicable, with the various plans and programmes agreed, particularly the DPTFS, rural housing and water plans, measures to provide access to land, income generation, boosting of the small-scale farmer economy and programmes to clear and decontaminate areas of APM, IED, UXO or ERW, and with land restitution processes.
- Strengthening of community advocates: The Government will take the necessary measures to strengthen the community advocates (defensores comunitarios) programme, and in particular their functions of protection and promotion of human rights, so that they can effectively monitor the processes of land restitution, return and relocation of displaced persons and victims abroad, including refugees and exiles, which form part of these processes, and can support and assist the victims in order to guarantee access to the institutional services offered with regard to realisation of their rights.

Pages 194-195, 5.1.3.6. Land restitution measures

In order to strengthen and invigorate the processes of land restitution in an end-of-conflict scenario, as well as guaranteeing coordination between the processes of land restitution and the processes of collective reparation, the development programmes with a territorial-based approach as well as the other plans and programmes arising from the implementation of the Final Agreement, we have agreed that: In an end-of-conflict scenario, in order to strengthen and invigorate the processes of land restitution, we have agreed that the coordination of these and the processes of collective reparation, the development programmes with a territorial-based approach and the plans and programmes arising from the implementation of the Final Agreement, will be guaranteed, and also that:

- The political application of land restitution will, inter alia, meet the technical criteria of historical density of the dispossession and the conditions for the return, taking into account the recommendations, including those concerning territorial prioritisation, made by the victims' organisations and experts on the subject. The territorial-based entities must participate actively in the implementation of the land restitution policy and contribute from the time of drawing up their territorial development plans to the comprehensive care for the population benefiting from the processes of restitution, including investment in infrastructure works and public services.
- The population benefiting from the processes of restitution will receive technical and financial support for the reconstruction of their life projects and strategies for income generation, strategies for substitution of crops used for illicit purposes, strategies for recovery and reconstruction of the social fabric; strengthening of organisational processes and construction of the historical memory for reconciliation.
- The information resulting from the entries in the register of dispossessed and forcibly abandoned land and the subsequent rulings ordering land restitution, will be included in the Unique Register of Victims (Registro Único de Víctimas) for purposes of harmonisation of the records and access to the different reparation measures.

**Pastoralist/nomadism  
rights**

No specific mention.

**Cultural heritage**

**Tangible**

Chapter 6

Page 106, 4. Solution to the Illicit Drugs Problem, Preamble,

That the policy must maintain the recognition of the ancestral and traditional uses of the coca leaf, as part of the cultural identity of the indigenous community and the possibility of use of crops used for illicit purposes for medical or scientific purposes and other legitimate uses that are established.

Page 218, 6.2.2. Principles In interpreting and implementing all the components of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia In interpreting and implementing the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia, with an ethnic-based approach, account will be taken, among others, of the following principles: free determination, autonomy and self-government, participation, consultation and prior free and informed consent; social, economic and cultural identity and integrity, rights over land, territories and resources, which involve the recognition of their ancestral territorial practices, the right to restitution and strengthening of territoriality, the current mechanisms for legal protection and security of the land and territories occupied or owned ancestrally and/or traditionally.

Page 218, 6.2.3. Safeguards and guarantees

Substantial safeguards for the interpretation and implementation of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia. The principal and non-subsidiary nature of free and informed prior consultation and the right to cultural objection as a guarantee of non-recurrence will be respected, whenever appropriate. Consequently, the phase of implementation of the agreements, as far as ethnic peoples are concerned, should be carried out in guaranteeing the right to prior free and informed consultation respecting constitutional and international standards.

Pages 220-221, 6.2.3. Safeguards and guarantees

e. In relation to victims of the conflict: "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence"

- The ethnic and cultural perspective will be incorporated in the design of the different judicial and non-judicial mechanisms agreed in respect of the ethnic peoples. The right to participation and consultation in the definition of these mechanisms will be respected and guaranteed, when appropriate.

[Intangible](#)

Chapter 1

Page 29, 1.3.3.2. Technical assistance

... The aforesaid will be within the context of the state's unshakeable obligation to take such measures and to use such tools as are necessary to safeguard the country's genetic heritage and biodiversity as sovereign resources of the nation.

Page 4, Preamble

Extolling and enshrining the justice that is to come inasmuch as it acknowledges essential fundamental rights for new and future generations, such as the right to protected land, the right to the conservation of the human species, the right to be aware of one's origins and identity,

....

Chapter 5

Page 149, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.1. Truth: Truth, Coexistence and Non-Recurrence Commission and Special Unit for the Search for Persons deemed as Missing in the context of and due to the conflict 5.1.1.2. Special Unit for the Search for Persons deemed as Missing in the context of and due to the armed conflict (Unidad para la Búsqueda de Personas dadas por Desaparecidas en el contexto y en razón del conflicto)

The SUSPM will have the following functions:

- ... • Whenever possible, to provide for the dignified return to their relatives of the remains of people deemed as missing in the context of and due to the armed conflict, always ensuring this is in accordance with their different ethnic and cultural traditions.



Page 23, 1.2.3. Action plans for regional transformation:

in order to fulfil the objectives of the DPTFs, an action plan for regional transformation will have to be prepared for each prioritised zone. This action plan must include all levels of territorial planning, result from a participatory process and reflect dialogue between the local authorities and communities.

The plans must address:

- The territorial-based approach to rural communities that takes account of the socio-historic, cultural, environmental and productive characteristics of territories and their inhabitants and also their needs, which will be differentiated on the basis of their membership of groups in vulnerable circumstances as well as land suitability, so that sufficient public investment resources can be deployed in harmony with the nation's tangible and intangible values.

Pages 144-146, 5.1.1.1.4. Duties:

- Implement a strategy for dissemination, information and active liaison with the media to report, during its work, progress and developments in the fulfilment of all the Commission's duties, and to ensure the maximum possible participation. The Government will adopt all necessary measures for the Commission to have broad access to public media. The final report, in particular, shall be published in the most wide-ranging and most accessible manner, including through cultural and educational initiatives, such as the promotion of exhibitions, with recommendation of its inclusion in the academic curriculum. In any case, the Commission's conclusions shall be taken on board by the National Memory Museum.

Page 192, 5.1.3.4.2. Psychosocial rehabilitation plan for coexistence and non-recurrence

The strategies will be equity- and gender-based and will involve the following components:

- Rediscovery and generation of social, cultural, artistic, recreational and sporting activities associated to exchanges between citizens and coexistence in communities.

Page 201, 5.2. Commitment to the promotion, respect and guarantee of human rights

The end-of-conflict scenario will make it possible to guarantee the culture of legality, free debate of ideas, the effective participation of citizens and their organisations in the taking of decisions, respect for people who think differently and for the exercise of opposition, the deepening of the culture of human rights, protection of cultural diversity ...

## **Environment**

Page 4, Preamble,

Having regard to the fact that the new vision of a Colombia at peace enables us to achieve a sustainable society that is united in diversity and that is based not only on consideration for human rights but on mutual tolerance, protection of the environment, respect for nature and its renewable and non-renewable resources and biodiversity.

Page 11, Introduction

Men and women in the small-scale farmer, indigenous, black, Afro-descendent, raizal and palenquero communities, and other ethnic communities across Colombia's territories are contributing to the structural transformation of the countryside and in particular to the closing of the agricultural frontier, in favour of a sustainable socio-environmental planning.

Chapter 1

Page 11, 1. Towards a New Colombian Countryside: Comprehensive Rural Reform, Preamble

Although the aforesaid access to land is a prerequisite for transformation of the countryside, on its own it is insufficient; national plans financed and promoted by the state must be set up with a view to achieving the comprehensive rural development that will provide public services and goods, such as

for education, health, recreation, infrastructure, technical assistance, food and nutrition...

Pages 13-14, 1. Towards a New Colombian Countryside: Comprehensive Rural Reform, Preamble

- The right to nutrition: the comprehensive agrarian development policy must focus on progressively guaranteeing that all persons have access to healthy and adequate nutrition and that foodstuffs are produced sustainably
- Sustainable development: that is to say, development that is environmentally and socially sustainable, requiring protection and promotion of access to water, as part of an ordered concept of territory.
- ...environmental sustainability...

Page 15, 1.1.1. Comprehensive Rural Reform Land Fund

- Land arising from the updating, delimitation and strengthening of the Forest Reserve Areas (Reserva Forestal), for beneficiaries of the Land Fund: ... environmental sustainability.

Page 16, 1.1.3. Beneficiary persons

Further beneficiaries may include associations of male and female agricultural workers without land or with insufficient land and also people and communities taking part in settlement and resettlement programmes, with the aim, inter alia, of protecting the environment, substituting crops used for illicit purposes and strengthening food production...

Pages 18-19, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production: ...

...

When the guidelines are devised, attention will be given to the following: 1) socio-environmental sustainability and the preservation of water resources and biodiversity... 3) the importance of food production to national development, allowing its coexistence with other economic activities, and promoting steps towards self-sufficiency.

...

with a view to creating formal spaces for discussion between actors with diverse interests, which allow the promotion of a common development agenda focusing on socio-environmental sustainability, the well-being of rural populations and economic growth with equity.

Page 20, 1.1.9. Formation and updating of the rural cadastre and of the rural property tax

The formation and comprehensive updating of the cadastre as well of the registration of rural property will not only lead to a long-lasting improvement of the cadastral information and processes, but will also aim to provide legal and social certainty, especially for small and medium-sized rural property, and to benefit food production and environmental balance.

.... sustainable food production and silvopasture systems; reforestation; Peasant Enterprise Zones (Zonas de Reserva Campesina - ZRC, hereinafter PEZ); and, in general, other sustainable forms of organisation of the rural population and economy...

Pages 20-21, 1.1.10. Closure of the agricultural frontier and protection of reserve areas:

to assist in defining the agricultural frontier, protecting areas of special environmental interest and generating, for the neighbouring or occupying communities, livelihood alternatives that maintain a balance between that which is good for the environment and that which contributes to well-being and quality of life, under the principles of rural community participation and sustainable development, the National Government will... (summary: section lists a range of undertakings).

- PEZs are agricultural initiatives that are conducive to peacebuilding, to guaranteeing political, economic, social and cultural rights of rural communities, to development based on socioenvironmental and food sustainability and to reconciliation between Colombian citizens...  
...Reform, ... and boosting food production and the protection of Forest Reserve Areas. Active participation on the part of communities — men and women— living in the PEZs in the implementation of these development plans will be encouraged.

Page 23, 1.2.3. Action plans for regional transformation:

in order to fulfil the objectives of the DPTFs, an action plan for regional transformation will have to be prepared for each prioritised zone.

This action plan must include all levels of territorial planning, result from a participatory process and reflect dialogue between the local authorities and communities. The plans must address:

Page 24, 1.3.1.1. Road infrastructure:

with the aim of achieving regional integration and access to social services and markets, favourably influencing food prices as a guarantee of the right to nutrition, and raising the income level of rural communities, the National Government is to set up and implement a National Tertiary Rural Road Plan (Plan Nacional de Vías Terciarias). Implementation of the Plan will take account of the following criteria:

- The importance of guaranteeing the sustainability of socio-environmental conditions.

1.3.1.2. Irrigation infrastructure:

with the aim of supporting small-scale family-run agricultural production and boosting the rural economy in general by guaranteeing democratic and environmentally sustainable access to water... Technical assistance and the promotion of the organisational capabilities of communities to guarantee the upkeep, administration and economic and environmental sustainability of irrigation and drainage projects.

1.3.1.3. Electricity infrastructure and connectivity

- The promotion and application of appropriate technological electricity generation solutions in accordance with the particular features of the rural environment and the various communities.

Page 27, 1.3.2.3. Housing and drinking water

- The application of appropriate housing solutions, in accordance with the particular features of the rural environment and of various communities, with an equity approach. There will be equal access to these solutions for men and women.

Page 28, 1.3.3.1. Stimuli for a solidarity and cooperative economy

- Mentoring, technical and financial support for rural communities — men and women — in the creation and consolidation of cooperatives, solidarity and community associations and organisations, especially those connected with food production...

Page 29, 1.3.3.3. Subsidies, income generation and credit

Furthermore, strict socioenvironmental and health regulation of transgenic materials will promote the common good. The aforesaid will be within the context of the state's unshakeable obligation to take such measures and to use such tools as are necessary to safeguard the country's genetic heritage and biodiversity as sovereign resources of the nation.

Page 32, 1.3.3.5. Formalisation of the rural labour market and social protection:

...

- The environmentally and socially sustainable plans and programmes to be carried out in rural areas

will benefit from the collaboration of the workforce from communities in the zone — both men and women.

Pages 32-33, 1.3.4. System for the progressive realisation of the right to food:  
... (section elaborates on programmes promoting right to food)

## Chapter 2

Pages 49-50, 2.2.6. Policy for strengthening democratic, participatory planning

To adopt measures aimed at encouraging the composition of the Territorial Planning Councils to guarantee broad, pluralist representation based, inter alia, on existing economic, social, cultural, environmental, educational and community organisations, alliances and networks. It will be these bodies that will appoint their representatives in said units....

d. Consolidation of institutional designs and methodology with the aim of facilitating citizen participation and ensuring the effectiveness thereof in terms of the formulation of public social policies such as in the areas of health, education, combating poverty and inequality, the environment and culture.

Page 54,

2.3.5. Citizen control and oversight

Advancing towards a democratic, participatory political culture implies the promotion and safeguarding of the value and the significance of politics as a means whereby political, economic, social, environmental and cultural rights can be fulfilled.

2.3.6. Policy for strengthening democratic, participatory planning

Within the context of the end of the conflict and with the aim of guaranteeing better integration of zones particularly affected by the conflict, neglect and institutional weakness and ensuring enhanced political representation and inclusion of these populations and their political, economic, social, cultural and environmental rights...

## Chapter 3

Page 76, 3.2.2.6. Identification of needs for the process of economic and social reincorporation

b. Identification of sustainable socially productive projects and programs

On the basis of the results obtained from the census, potential socially productive projects and programs will be identified so as to bring together the greatest number possible of men and women who are currently members of the FARC-EP. Participation in programs and projects for environmental protection and humanitarian de-mining shall merit particular attention.

Page 77, 3.2.2.7. Guarantees for a sustainable social and economic reincorporation

- Social programmes or plans
- ... environmental protection and regeneration...

## Chapter 4

Page 110, 4.1.1. Principles

- Voluntary substitution: On the basis of the decision and commitment of cultivators to abandon crops used for illicit purposes, voluntary substitution is a fundamental principle of the Programme, in order to build trust among communities and create conditions that can contribute to solving the problem of crops used for illicit purposes, without detriment to the economic, social and environmental sustainability of the communities and the territories in question.

Pages 110-111, 4.1.2. Aims

... As established in Item 1, the Peasant Enterprise Zones are agrarian initiatives that contribute to the construction of peace, the safeguarding of the political, economic, social and cultural rights of small-scale farmers, to development with socioenvironmental and food sustainability and to the reconciliation of Colombian citizens...

- Contributing to the aims of the System for the progressive realisation of the right to food (Sistema para la garantía progresiva del derecho a la alimentación), according to the terms established in section 1.3.4 of the CRR.

...

- Ensuring that the national territory is free from crops used for illicit purposes, whilst respecting human rights, the environment and well-being.

#### Page 114, 4.1.3.2. Agreements with communities

In cases where there is no agreement with the communities, the Government will proceed to remove the crops used for illicit purposes, prioritising manual removal where possible, bearing in mind respect for human rights, the environment, health and well-being...

Pages 114-116, 4.1.3.5. Participative construction and development of the comprehensive community-based and municipal plans for the substitution of illicit crops and alternative agrarian development (Planes integrales comunitarios y municipales de sustitución y desarrollo alternativo, CPSAD)

In consideration of the political, economic, social, environmental and cultural nature of the problem to be tackled and the effects resulting from the lack of development in rural areas, illegal economies and the violence associated with crops used for illicit purposes

...

The participative construction of a comprehensive vision for the territory firstly requires the preparation of a proposal on the basis of a collective diagnosis enabling the establishment of the social, economic and environmental characterisation of the territory.

#### Pages 119-122, 4.1.3.6. Components of the comprehensive plans for the substitution of crops:

##### a. Immediate attention plan and development of rural productive projects

Once a commitment has been made to substitution and to refrain from replanting crops used for illicit purposes, and with a view to helping growers, harvesters and share-croppers —men and women— to switch to a legal activity, through immediate support measures to ensure their livelihood and food security for their households.

- For the households of growers involved with crops used for illicit purposes: o Immediate food assistance consisting of direct delivery of groceries, ...

At the same time, as part of the Comprehensive Rural Reform (CRR), long-term rural productive projects will be structured together with growers and small-scale producers in the territory— men and women— to provide families with better income and decent living conditions. Priority will be given to food production...

- For those men and women who work on the harvest, the initiatives will include: o Food Assistance for harvesters living in the territories where the NCPS is implemented: this will consist of direct delivery of groceries, or the equivalent in vouchers or any other system established according to the particular requirements of the territory in question, for up to one year, per household<sup>5</sup>, according to the particular characteristics of each population and region.

- For the community in general:
  - o Early childhood: in order to facilitate access to employment opportunities for women who are heads of households and to contribute to food security in early childhood, a programme of rural nurseries will be developed in the villages affected by crops used for illicit purposes.
  - o School population: in order to improve the food security of children of school age and maximise the numbers staying in education, a programme to build and fit out school canteens and supply food will be developed to ensure that every child attending school in the territories affected by crops used for illicit purposes receives breakfast, without prejudice to the agreed in section 1 of the Special Plan for Rural Education, in particular the emergency plans referred to in section 1.3.4 of the Comprehensive Rural Reform, System for the progressive realisation of the right to food.

- o The elderly: implementation of programmes to eradicate hunger among the elderly as per section 1.3.4 of the Comprehensive Rural Reform, System for the progressive realisation of the right to food.

c. Component relating to sustainability and environmental regeneration

To help closing of the agricultural frontier and promote environmental recovery, especially in the municipalities bordering areas of special environmental interest, the plans will include a component relating to sustainability and environmental protection, which shall include:

- Actions aimed at recovery and soil adaptation for the establishment of legal crops.
- Actions to mitigate environmental damage in areas of special environmental interest, fragile ecosystems and vulnerable hydrography and to promote the recovery of forests.
- Environmentally sustainable rural productive projects and environmental protection projects in areas of special environmental interest, such as silvopasture projects and other programmes referred to in section 1.1.10.

...

e. Plans for remote areas and areas with low population density In areas with low population density and areas which are difficult to access owing to location and distance, making it difficult to supply goods and services to ensure the well-being and quality of life for the people and the territorial-based integration thereof, special measures will be developed for the substitution of crops used for illicit purposes, recovery of ecosystems, creation of new employment opportunities related to river transport, environmental regeneration programmes, protection of forests and wildlife...

Page 123, 4.2. Public Health and Drug Use Prevention Programmes

Illicit drug use is a multi-causal phenomenon associated with the specific economic, social, family and cultural conditions of the society or environment of each person, and must be treated as a public health issue.

Chapter 5

Page 143, 5.1.1.1.2. Mandate

- The human and social impact of the conflict on society, including its impact on economic, social, cultural and environmental rights

Page 184, 5.1.2. Justice

...

2. Participation in/implementation of environmental protection programmes for Forest Reserve Areas.

Page 189, 5.1.3.2. Concrete contributions to reparations

The FARC-EP are committed to ... participating in programmes to repair environmental damage, e.g. reforestation...

Pages 199-200, 5.1.4. Guarantees of non-recurrence

The guarantee of rights, including economic, social, cultural and environmental rights, of the rural population by means of the implementation of the Comprehensive Rural Reform which contributes to their well-being and quality of life

...

The National Government, representing the Colombian state, reiterates its commitment to the protection of human rights and of those who are working 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 rights.

## Chapter 6

Page 219, 6.2.3. Safeguards and guarantees

- Development Programmes with a Territorial-Based Focus (DPTFs), which are planned for implementation in the territories of indigenous and Afro-Colombian communities, must include a special mechanism of consultation for implementation, in order to incorporate the ethnic and cultural perspective in the territorial-based approach, aimed implementing the life plans, ethno-development, plans for environmental management and land-use planning or the equivalents of the ethnic peoples.

...

Access to land including the Land Fund...The ethnic peoples and communities will participate with their representative organisations in creating mechanisms to resolve disputes about land tenure and use, and about strengthening of food production, when the disputes concerned compromise their rights.

## **Water or riparian rights or access**

### Chapter 1

Pages 13-14, 1, Towards a New Colombian Countryside: Comprehensive Rural Reform, Preamble

A comprehensive approach: this guarantees productivity through programmes for effective access to land, together with ... irrigation ...

- Sustainable development: that is to say, development that is environmentally and socially sustainable, requiring protection and promotion of access to water, as part of an ordered concept of territory

Page 19, 1.1.8. Certain mechanisms to resolve conflicts concerning possession and use of land and the strengthening of food production

When the guidelines are devised, attention will be given to the following: 1) socio-environmental sustainability and the preservation of water resources and biodiversity;

Page 20, 1.1.10. Closure of the agricultural frontier and protection of reserve areas

...

- Within two years, implement an environmental zoning plan to delimit the agricultural frontier and to enable updating, and where necessary, expanding the inventory, and to characterise the use of areas requiring proper environmental management, such as: forest reserve areas, areas of high biodiversity, fragile and strategic ecosystems, watersheds, moorland (páramos) and wetlands, and other water-related sources and resources, with a view to safeguarding biodiversity and the progressive right to water, and the promotion of its rational use.

Page 23, 1.2.4. Participation mechanisms:

... To define the priorities for implementation of national plans (roads, irrigation, infrastructure, services, etc.) in the territory, in accordance with the needs of the population;

#### Page 25, 1.3.1.2. Irrigation infrastructure

Irrigation infrastructure: with the aim of supporting small-scale family-run agricultural production and boosting the rural economy in general by guaranteeing democratic and environmentally sustainable access to water, the National Government will set up and implement the National Irrigation and Drainage Plan (Plan Nacional de Riego y Drenaje) for the rural, family-run and community-based economies. Implementation of the Plan, will take account of the following criteria:

- The promotion and application of appropriate technological irrigation and drainage solutions for the rural, family-run and community-based economies, in accordance with the particular features of the various zones, the rural productive project and the communities themselves.
  - The rehabilitation of the irrigation infrastructure for the rural, family-run and community-based economies.
  - Assisting user-associations in the design and drawing up of the irrigation and drainage projects.
  - Technical assistance and the promotion of the organisational capabilities of communities to guarantee the upkeep, administration and economic and environmental sustainability of irrigation and drainage projects.
- 
- The promotion of appropriate practices for the use of water in irrigation.
  - Preparatory measures to mitigate the risks of climate change.

#### Page 27, 1.3.2.3. Housing and drinking water:

with the aim of guaranteeing decent living conditions to those living in the countryside, the National Government will set up and implement the National Rural Social Housing Construction and Improvement Plan (Plan nacional de construcción y mejoramiento de la vivienda social rural). Implementation of the plan will take account of the following criteria:

...

The promotion and application of appropriate technological solutions (local aqueducts and individual solutions) to guarantee access to drinking water and the management of wastewater.

...

- Technical assistance and the promotion of organisational capabilities of communities to ensure the upkeep, operation and sustainability of water access and wastewater management solutions.
- Promoting appropriate practices for using drinking water.

#### Page 28, 1.3.3.1. Stimuli for a solidarity and cooperative economy

...

- Using an equity-based approach, supporting community organisations and associations in contributing to infrastructure and equipment project management (roads, housing, health, education, water and basic sanitation, irrigation and drainage).

#### Page 32, 1.3.4. System for the progressive realisation of the right to food

... Food and nutrition policy in rural zones is based on the progressive increase in food production, income generation and, in general, the creation of conditions of well-being based on national plans for access to land, infrastructure, irrigation, housing and drinking water

### Chapter 5

#### Page 184, 5.1.2. Justice

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility:

... 3. Participation in/implementation of drinking water access programmes and construction of wastewater treatment networks and systems.



Page 193, 5.1.3.5. Collective processes of return of displaced persons and reparations of victims abroad

...

Interinstitutional coordination: return and relocation plans will be coordinated, where applicable, with the various plans and programmes agreed, particularly the DPTFS, rural housing and water plans

Page 262, Protocol and Annexes to the section on DEPLOYMENTS IN THE FIELD AND ZONES in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA)

... Each TLPN will have a camp, a security zone of 500 metres to 1 km, a reception area and a local MVM base outside the security zone. The size of the TLPNs will reflect the nature of the terrain, the amount of water and the number of FARC-EP members to be located there.

Page 262, Protocol and Annexes to the section on Deployments in the Field and Zones - TRANSIT ROUTES (TRs) AND COORDINATION OF MOVEMENTS IN THE FIELD in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA)

... The aforementioned structures will be moved in one of three ways, depending on the capabilities and resources available: 1. Cross country (trails or paths); 2. By road or land-based transport networks (using vehicles); 3. Along waterways (by boat). The methods of transport will be defined by mutual agreement between the National Government and the FARC-EP.

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## Security sector

### **Security Guarantees**

Chapter 2:

Summary: Sections of chapter 2 deal with security guarantees. In particular, they address the security concerns of former combatants entering into politics.

Sections include:

2.1.2. Security guarantees for the exercise of politics (pages 37-38)

2.1.2.1. Comprehensive Security System for the Exercise of Politics (pages 38-40), which include a. Appropriate regulations and institutions, b. Prevention, c. Protection: d. Evaluation and follow-up:

2.1.2.2. Security guarantees for leaders of social movements and organisations and those defending human rights (40-41)

Chapter 3

Important sections include:

3.4. "Agreement on guarantees of security and the fight against criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks" (pages 79-80)

3.4.1. Guiding principles

3.4.2. National Political Pact: (page 82)

3.4.3. National Commission on Security Guarantees for the dismantling of criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks (hereafter the National

Commission on Security Guarantees) (pages 83-85)

3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks. (85-89) [SEE criminal justice reform]

3.4.5. Integration of the Elite Corps,

3.4.6. Basic guarantees for the performance of office by prosecutors, judges and other public servants

3.4.7. Comprehensive Security System for the Exercise of Politics

3.4.7.1. Individual and collective security and protection measures (all page 90),

3.4.7.1.1. High-Level Unit of the Comprehensive Security System for the Exercise of Politics (Instancia de Alto nivel del Sistema Integral de Seguridad para el Ejercicio de la Política) (pages 90-92)

3.4.7.3. Presidential Delegate: (page 92)

3.4.7.4.1. Specialised Sub-directorate on Security and Protection at the National Protection Unit (Subdirección especializada de seguridad y protección en la UNP) (page 93)

3.4.7.4.2. Technical Committee on Security and Protection: (pages 93-95)

3.4.7.4.3. Security and Protection Corps (page 95-97)

3.4.7.4.4. Implementation of the Programme on reconciliation, coexistence and prevention of stigmatisation (Programa de reconciliación, convivencia y prevención de la estigmatización) (page 97)

3.4.7.4.5. 3.4.7.4.5. Measures in relation to self-protection (Medidas en materia de autoprotección). (page 97)

3.4.8. Comprehensive Security and Protection Programme for the Communities and Organisations across the Country's Territories (Programa Integral de Seguridad y Protección para las Comunidades y Organizaciones en los Territorios) (pages 97-98)

3.4.9. Instrument for prevention and monitoring of the criminal organisations that are the subject of this agreement (pages 99-100)

3.4.10. Implementation of a national mechanism for territorial supervision and inspection of private security and surveillance services (Mecanismo nacional de supervisión e inspección territorial a los servicios de vigilancia y seguridad privada)

3.4.11. Measures for the prevention of and fight against corruption (Medidas de prevención y lucha contra la corrupción) (pages 100-101) (see section on corruption, chapter 3)

3.4.11.1. Instruments of institutional oversight and verification (page 101)

3.4.11.2. Measures for action to contain the penetration of the criminal conduct and organisations that are the subject of this agreement into the exercise of politics (102)

3.4.12. Other provisions for the purposes of Guarantees (103)

3.4.13. Plea agreements with the aforesaid organisations (103)

## Chapter 4

Page 111, 4.1.2. Aims

- Strengthening the presence of state institutions in the territories affected by crops used for illicit purposes, promoting the comprehensive development and satisfaction of the rights of all citizens; ensuring the security, coexistence and observance and protection of human rights; and ensuring the provision of infrastructure, public services, education, access to media, inter alia, such that respect and application of the principles and regulations of the rule of law are ensured.

Page 112, 4.1.3. Description and elements of the National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes

The National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes will

include the following elements:

4.1.3.1. Security conditions for the communities and territories affected by crops used for illicit purposes:

In addition to the creation of conditions for fulfilling the economic and social rights of the population and for comprehensive development, the sustainability of the NCPS and compliance with its aims at the same time require the provision of security conditions and guarantees for the communities and territories affected by crops used for illicit purposes, by strengthening the presence of state institutions and their capabilities to protect communities, in particular with regard to any kind of coercion or threat, and their interdiction and prosecution capabilities of territorial-based drug trafficking networks in accordance with the security concept laid out in the Final Agreement.

The protection of communities, the safeguarding of the right to life and the well-being of the rural population also require ensuring the performance of demining, for which purpose the National Government, after the signing of the Final Agreement and within the context of the implementation thereof, will establish a programme for demining and clearing the areas of the national territory that have been affected by the laying of anti-personnel mines and unexploded ordnance.

This is a joint aim to which the Government and the FARC-EP will contribute in different ways and as corresponds to each party, including the provision of information, under the terms set forth in the Final Agreement and as part of the mutual commitment with the aim of ending the conflict and building a stable and long-lasting peace. The foregoing is without prejudice to the agreements reached with regard to fulfilling the rights of victims. This commitment in particular involves the territories where the NCPS is being driven forward

## Chapter 5

Pages 193-194, 5.1.3. Reparations: comprehensive reparation measures for peacebuilding

- Security in territories for return: in areas in which return and relocation plans are to be prioritised, the Government will set up the security measures necessary to guarantee life and personal integrity in communities, which will always participate in this process.

## Chapter 6

Page 215, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

...

e. Reform of the early warning system.

f. Law and/or implementing rules for the reform of the early warning system.

g. Law and/or implementing rules on the Comprehensive System of Security Guarantees for the political organisation that emerges from the peace agreements.

Page 217, 6.1.11. Priority implementation

....

h. Installation of the Technical Committee on Security and Protection and Implementation of the Security and Protection Protocol, and of the rules regulating the protection of members of the new movement or political party that emerges from the transition of the FARC EP to legal political life and of their families in accordance with the level of risk, 15 days after the signature of the Final Agreement.

Page 219, 6.2.3. Safeguards and guarantees

c. In relation to Security Guarantees of section 3.4.

The ethnic and cultural perspective will be incorporated in the design and implementation of the

Security and Protection Programme for the communities and organisations across the country's territories. The strengthening of ethnic peoples' own security systems, recognised at national and international level, such as the Indigenous Guard (Guardia Indígena) and the Cimarrona Guard (Guardia Cimarrona), will be guaranteed.

## **Ceasefire** [Ceasefire provision](#)

### Chapter 3

Summary: chapter 3 deals with, amongst other issues, Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of arms (LA)

Sections include:

3.1.1. Introduction (page 58), which includes:

3.1.1.1. Definitions,

3.1.1.3. Provision of information;

3.1.1.3. Provision of information (page 58);

3.1.1.4. Announcement and commencement of the BDCCH and LA (pages 58-59);

3.1.1.5. Dissemination and communication (page 59);

3.1.2. Rules governing the BDCCH and LA (page 60)

3.1.3. Monitoring and verification (page 60-61), which includes:

3.1.3.1. Resolution of disputes for the BDCCH and LA (page 61);

3.1.4. Deployment of units in the field and Zones (pages 61-62), which include

3.1.4.1. Transitional Local Zones for Normalisation (TLZNs) (pages 62-64) [see territorial power sharing];

3.1.4.2. Security Zone;

3.1.4.3. (see security guarantees); The establishment of Camp Zones and movement routes (page 64);

3.1.4.4. Commencement of movement (page 64);

3.1.4.5. Airspace (page 64)

### Chapter 6

Pages 225-226, 6.3.3. United Nations Political Mission for Verification

The National Government and the FARC-EP will request a Political Mission from the United Nations, through the General Assembly, with the mandate to verify the reincorporation of the FARC-EP and the implementation of personal and collective security and protection measures. This mission will start to operate on conclusion of the mandate of the Mission for Monitoring and Verification of the Bilateral and Definitive Ceasefire and Cessation of Hostilities. Recognising the importance of having an international verification mechanism which ensures the implementation of what has been agreed in respect of reincorporation and security guarantees, the National Government and the FARC-EP consider that the verification system which is implemented must ensure its operation for a period of three (3) years, renewable if necessary.

Annexes and Protocols

A number of annexes and protocols deal with ceasefire arrangements, rules and procedures. These include:

Protocol and Annex of the section entitled INTRODUCTION of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying Down of Arms (LA) (pages 232-236)

Protocol for the section on RULES THAT GOVERN THE BILATERAL AND DEFINITIVE CEASEFIRE AND CESSATION OF HOSTILITIES (BDCCH) AND THE LAYING DOWN OF ARMS (LA) (pages 236-237)

Protocol for the section on the DEPLOYMENT OF THE MONITORING AND VERIFICATION MECHANISM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) (pages 238-239)

Protocol for the section on Monitoring and Verification: FLOW OF INFORMATION FROM THE MVM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 240-241)

Protocol for the section on Monitoring and Verification: STRATEGIC COMMUNICATIONS of the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and the Laying down of Arms (LA). (pages 242-243)

Protocol for the section on Monitoring and Verification: OBSERVATION AND RECORDING by the MVM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA). (pages 244-248)

Protocol for the section on Monitoring and Verification: COORDINATION OF THE MVM for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 249-250)

Protocol for the section on Monitoring and Verification: CODE OF CONDUCT FOR THE MEMBERS OF THE MVM for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 251-252)

Protocol for the section on Monitoring and Verification: SETTLEMENT OF CONTROVERSIES for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA). (pages 253-256)

Protocol for the section on Monitoring and Verification: MANDATE OF THE MVM for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 257-261)

Which includes:

- MANDATE OF THE MONITORING AND VERIFICATION MECHANISM (MVM) FOR THE BDCCH AGREEMENT AND MANDATE OF THE INTERNATIONAL COMPONENT OF THE MVM (IC-MVM) FOR THE LAYING DOWN OF ARMS, BETWEEN THE NATIONAL GOVERNMENT AND THE FARC-EP
- Purpose and scope
- General guidelines and principles
- Composition of the MVM
- Functions of the National Unit
- Functions of the Regional Unit
- Functions of the Local Monitoring Unit

Protocol and Annexes to the section on DEPLOYMENTS IN THE FIELD AND ZONES in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 262-264)

Which includes:

- Operation of the Transitional Local Zones for Normalisation (TLZNs) and the Transitional Local Points for Normalisation (TLPNs) and adjustments to the deployment in the field of the Colombian State Armed Forces.
- Operation of the TLZNs and TLPNs

Protocol and Annexes to the section on Deployments in the Field and Zones - TRANSIT ROUTES (TRs) AND COORDINATION OF MOVEMENTS IN THE FIELD in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 265-266)

Which includes:

- Transit Routes (TRs) and Coordination of Movements in the Field,
- General points regarding the design of the TRs

Annex "Y" This annex will contain information on the presence in the field of the Colombian State Armed Forces (which include both the Military Forces and the National Police). It will be drawn up once these zones have been fully demarcated. (page 266)

Annex "XX" "Geographical Demarcation of the Transit Routes" (page 267)

Protocol for the section on Security for MEMBERS OF THE MONITORING AND VERIFICATION MECHANISM (MVM) in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 268-269)

Protocol for the section on Security for DELEGATES AND PUBLIC OFFICIALS in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (page 270)

Protocol for the section on Security for FARC-EP MEMBERS in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 271-272)

Protocol for the section on Security for the CIVILIAN POPULATION in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (page 273)

Protocol for the section on Security for MOVEMENTS undertaken by the FARC-EP in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 274-275)

Protocol for the section on Security for DEPLOYMENTS IN THE FIELD in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 276-277)

Safety protocols for the HANDLING, STORAGE, TRANSPORT AND CONTROL OF WEAPONS during the BDCCH & LA (pages 278-279)

Protocol and Annexes to the section on LOGISTICS in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 280-281)

Protocol and Annexes to the section on LOGISTICS in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 282-285)

ANNEX A PROCEDURE FOR THE REGISTRATION, IDENTIFICATION, MARKING AND STORAGE OF WEAPONS (pages 286-288)

**Police** Page 8, Preamble

... To comply with this aim, the agreement includes measures such as the National Political Pact; the National Commission on Security Guarantees; the Special Investigation Unit; the Elite Corps of the

National Police; the Comprehensive Security System for the Exercise of Politics; the Comprehensive Security and Protection Programme for Communities and Organisations across the Country's Territories; and Measures for the Prevention of and Fight against Corruption.

### Chapter 3

#### Page 58, 3.1.1.1. Definitions

The definitive end of the offensive actions between the Colombian State Armed Forces (which include both the Military Forces and the National Police) and the FARC-EP, hostilities and any behaviour prohibited under the annex to the rules governing the BDCCH. The Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) will commence on day D at hour H.

#### Page 58, 3.1.1.2. Objective

The objective of this Agreement concerning the BDCCH and LA is the definitive cessation of offensive actions between the Colombian State Armed Forces (which include both the Military Forces and the National Police) and the FARC-EP and, in general, the hostilities and any action mentioned under the rules governing the BDCCH

#### Page 61, 3.1.3. Monitoring and verification

The MVM will be a tripartite technical mechanism composed of representatives from the National Government (Colombian State Armed Forces, which include both the Military Forces and the National Police)...

#### Page 64, 3.1.4.1. Transitional Local Zones for Normalisation (TLZNs)

Should any act be committed or circumstance arise within a TLZN that requires the presence of the National Police, or any other armed authority of the state, the MVM will be informed in order that it might coordinate entry in accordance with the protocols agreed by the National Government and the FARC-EP.

#### Page 64, 3.1.4.2. Security Zone

A Security Zone will be established around each TLZN where there may be no units of the Colombian State Armed Forces (which include both the Military Forces and the National Police) or FARC-EP operatives, with the exception of monitoring and verification teams accompanied by police security when circumstances so require. Each police intervention, other than in connection with the MVM, required in a Security Zone must be coordinated in advance with the MVM and in accordance with the protocols agreed between the National Government and the FARC-EP. The width of the Security Zone around each TLZN is one kilometre.

#### Page 65, 3.1.5. Security

The security conditions implemented from commencement of the BDCCH and LA guarantee protection for members of the monitoring and verification team, members of the FARC-EP, delegates from National Government, the Colombian State Armed Forces (which include both the Military Forces and the National Police) and other parties involved in the process. Also covered is the coordination of movements and arrangements in the field.

#### Page 83, 3.4.3. National Commission on Security Guarantees for the dismantling of criminal organisations and criminal acts...

The National Commission on Security Guarantees shall be chaired by the President of the Republic and shall be formed of the Minister for the Interior, the Minister for Defence, the Minister for Justice, the Attorney General (Fiscal General de la Nación), the Ombudsman (Defensor del Pueblo), the

Director of the Special Investigation Unit - Item 74 of the Special Jurisdiction for Peace -, the Commander General of the Military Forces, the General Director of the National Police

Page 87, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts...

- It shall have a special unit of the Judicial Police composed of specialist officers from the Office of the Attorney General (Fiscalía General de la Nación) and the Judicial Police of the National Police, experts in a range of subjects, who must have knowledge of the development and establishment of organised crime organisations, including knowledge of the paramilitary phenomenon and the criminal organisations that have been labelled as successors of paramilitarism. Said officers should have knowledge of gender-based violence and justice. The Director shall have the operational command over the officers of the Technical Investigation Unit assigned to his/her Unit and the operational command over the other officers of the Judicial Police assigned thereto.

Page 90, 3.4.5. Integration of the Elite Corps

As a guarantee of immediate state action against the organisations and conduct that are the subject of this agreement and the dismantling thereof, an Elite Corps shall be integrated in the National Police with a multidimensional approach. The members of the Elite Corps shall be selected on the basis of a special model that attests to their high standards of suitability, transparency and effectiveness.

Page 91, 3.4.7.1.1 High-Level Unit of the Comprehensive Security System for the Exercise of Politics (Instancia de Alto nivel del Sistema Integral de Seguridad para el Ejercicio de la Política)

The Unit shall be composed of:

- The Director of the National Police.

Pages 95-96, 3.4.7.4.3. Security and Protection Corps

The National Government shall create a Security and Protection Corps, in accordance with what is established in this agreement, with a mixed composition, consisting of trusted personnel from the new political movement or party that emerges from the transition of the FARC-EP to legal activity, which shall coordinate and have a direct contact with the National Police, which shall in turn appoint contacts for each security and protection scheme, at national, departmental and municipal level according to the operating scheme established.

...

The security and protection protocol shall determine the operating system and composition of the protection schemes — which will have a gender-based approach — including the contacts from the new political party or movement that emerges from the transition of the FARC-EP to legal activity and the contacts from the National Police. It shall contain the criteria and guidelines of the strategic plan on security and protection.

In the case of members of the National Police that are part of the Security and Protection Corps, a rigorous model for checking criminal and disciplinary records shall be applied and security checks shall be carried out, including credibility and reliability tests, inter alia

Page 99, 3.4.9. Instrument for prevention and monitoring of the criminal organisations that are the subject of this agreement

- The governmental institutions, the Colombian State Armed Forces (which include both the Military Forces and the Police), communities, social groups and specialist organisations on the ground shall contribute on a permanent and continuous basis to maintain the system, such that mechanisms are established for verification and response with regard to complaints and reports submitted across the country's territories and at a central level.

Page 100, 3.4.10. Implementation of a national mechanism for territorial supervision and inspection of



private security and surveillance services (Mecanismo nacional de supervisión e inspección territorial a los servicios de vigilancia y seguridad privada)

The National Government shall strengthen the national mechanism for territorial supervision and inspection of private security and surveillance services at the request of the Superintendence for Private Security and Surveillance, in order to ensure that the use thereof corresponds to the purposes for which they were created, placing an emphasis on the prohibition of the privatisation of military, police or intelligence functions; likewise, priority shall be given to developing the revision of legislation relating to private security and surveillance; it shall ensure that they do not perform state military, police or security functions; and shall update the regulations relating to private security and surveillance services. The regulations on permitted arms shall be reviewed, which are for the exclusive use of the Military Forces in order to perform the function of private security and surveillance.

## Chapter 5

Page 159, 5.1.2. Justice:

### SPECIAL JURISDICTION FOR PEACE

#### II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

In the case of state agents, the application of the Special Jurisdiction for Peace is based on recognition that the essential purpose of the state is to protect and guarantee the rights of all citizens and it has an obligation to contribute to the strengthening of institutions. Therefore, its agents, in particular the members of the Colombian State Armed Forces (which include both the Military Forces and the National Police), have the power to legitimately use force and their actions are presumed to be legal.

Page 162, 5.1.2. Justice

### SPECIAL JURISDICTION FOR PEACE

#### II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

44.- In accordance with the above, a special, simultaneous, balanced and fair treatment will be established for state agents, based on international humanitarian law. This differentiated treatment will take into account the provisions of operational law governing the Colombian State Armed Forces (which include both the Military Forces and the Police) in relation to IHL. In no case may command responsibility be based exclusively on rank, hierarchy or scope of jurisdiction. The responsibility of members of the Colombian State Armed Forces for the actions of their subordinates will need to be based on effective control of the respective action, knowledge based on information available to them before, during and after the action was committed, as well as the means within their power to prevent it and, if having taken place, to promote the appropriate investigations.

Page 176, 5.1.2. Justice

### SPECIAL JURISDICTION FOR PEACE

#### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

In terms of implementing the sanctions, in the case of agents of the state, the relevant prison jurisdiction shall apply according to whether they are civilians or members of the Colombian State Armed Forces (which include both the Military Forces and the National Police), subject to monitoring by the system itself. Sanctions imposed by the System and applicable to state agents shall be decided by the state, respecting everything already established in the SJP with regard to its own, alternative and ordinary sanctions.

Page 196, 5.1.3.7. Participatory adaptation and strengthening of the Policy of caring for and

comprehensive reparation of victims, in the context of the end of the conflict and contribution to material reparation for the victims

- To recognise the direct and indirect victims of serious human rights violations or breaches of IHL who have also been combatants. The reparation measures for members of the FARC-EP who have been victims will be discussed in the item of the Agenda relating to the process of reincorporation. In parallel, the National Government will strengthen the measures of caring for and reparation of the members of the Colombian State Armed Forces (which include both the Military Forces and the National Police) who were victims of serious violations of human rights or breaches of IHL.

Page 233, Protocol and Annex of the section entitled INTRODUCTION of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying Down of Arms (LA)

...

2.1. Announcement and start On Day D, the National Government and the FARC-EP, making use of all media, shall announce the start of the BDCCH and DL to the country, which implies: a. The definitive end to the offensives actions between the Colombian State Armed Forces (which include both the Military Forces and the National Police) and the FARC-EP, hostilities and any conduct that must not be carried out, in accordance with the Annex to the rules governing the BDCCH and DL under this Agreement.

Annexes and Protocols

A number of annexes and protocols address police

Protocol and Annexes to the section on DEPLOYMENTS IN THE FIELD AND ZONES in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 262-264)

Protocol and Annexes to the section on Deployments in the Field and Zones - TRANSIT ROUTES (TRs) AND COORDINATION OF MOVEMENTS IN THE FIELD in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 265-266)

Which includes:

- Transit Routes (TRs) and Coordination of Movements in the Field,

- General points regarding the design of the TRs

Annex "Y" This annex will contain information on the presence in the field of the Colombian State Armed Forces (which include both the Military Forces and the National Police). It will be drawn up once these zones have been fully demarcated. (page 266)

## **Armed forces** Chapter 3

Summary: chapter 3 is a Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of arms (LA) between FARC and National Government. See sections security guarantees, ceasefire, coded for chapter 3.

Page 58, 3.1.1.1. Definitions

The definitive end of the offensive actions between the Colombian State Armed Forces (which include both the Military Forces and the National Police) and the FARC-EP, hostilities and any behaviour prohibited under the annex to the rules governing the BDCCH. The Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) will commence on day D at hour H.

Page 58, 3.1.1.2. Objective

The objective of this Agreement concerning the BDCCH and LA is the definitive cessation of offensive

actions between the Colombian State Armed Forces (which include both the Military Forces and the National Police) and the FARC-EP and, in general, the hostilities and any action mentioned under the rules governing the BDCCH

Page 61, 3.1.3. Monitoring and verification

The MVM will be a tripartite technical mechanism composed of representatives from the National Government (Colombian State Armed Forces, which include both the Military Forces and the National Police)...

Page 64, 3.1.4.2. Security Zone

A Security Zone will be established around each TLZN where there may be no units of the Colombian State Armed Forces (which include both the Military Forces and the National Police)...

Page 65, 3.1.4.5. Airspace

Airspace From day D, the use of airspace will be as follows: Over the TLZNs and Security Zones military flights will be restricted to an altitude of 5,000 feet. In the event of any accident, public catastrophe or medical emergency, civilian aircraft may fly in these areas subject to MVM coordination with the National Government and the FARC-EP.

Page 65, 3.1.5. Security

The security conditions implemented from commencement of the BDCCH and LA guarantee protection for members of the monitoring and verification team, members of the FARC-EP, delegates from National Government, the Colombian State Armed Forces (which include both the Military Forces and the National Police) and other parties involved in the process. Also covered is the coordination of movements and arrangements in the field.

Page 83, 3.4.3. National Commission on Security Guarantees for the dismantling of criminal organisations and criminal acts...

The National Commission on Security Guarantees shall be chaired by the President of the Republic and shall be formed of the Minister for the Interior, the Minister for Defence, the Minister for Justice, the Attorney General (Fiscal General de la Nación), the Ombudsman (Defensor del Pueblo), the Director of the Special Investigation Unit - Item 74 of the Special Jurisdiction for Peace -, the Commander General of the Military Forces, the General Director of the National Police

Page 91, 3.4.7.1.1 High-Level Unit of the Comprehensive Security System for the Exercise of Politics (Instancia de Alto nivel del Sistema Integral de Seguridad para el Ejercicio de la Política)

The Unit shall be composed of:

- ...The Commander of the Military Forces.
- The Director of the National Police.

Page 99, 3.4.9. Instrument for prevention and monitoring of the criminal organisations that are the subject of this agreement

- The governmental institutions, the Colombian State Armed Forces (which include both the Military Forces and the Police), communities, social groups and specialist organisations on the ground shall contribute on a permanent and continuous basis to maintain the system, such that mechanisms are established for verification and response with regard to complaints and reports submitted across the country's territories and at a central level.

Page 100, 3.4.10. Implementation of a national mechanism for territorial supervision and inspection of private security and surveillance services (Mecanismo nacional de supervisión e inspección territorial a los servicios de vigilancia y seguridad privada)

The National Government shall strengthen the national mechanism for territorial supervision and

inspection of private security and surveillance services at the request of the Superintendence for Private Security and Surveillance, in order to ensure that the use thereof corresponds to the purposes for which they were created, placing an emphasis on the prohibition of the privatisation of military, police or intelligence functions; likewise, priority shall be given to developing the revision of legislation relating to private security and surveillance; it shall ensure that they do not perform state military, police or security functions; and shall update the regulations relating to private security and surveillance services. The regulations on permitted arms shall be reviewed, which are for the exclusive use of the Military Forces in order to perform the function of private security and surveillance.

Chapter 5:

Page 159, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

In the case of state agents, the application of the Special Jurisdiction for Peace is based on recognition that the essential purpose of the state is to protect and guarantee the rights of all citizens and it has an obligation to contribute to the strengthening of institutions. Therefore, its agents, in particular the members of the Colombian State Armed Forces (which include both the Military Forces and the National Police), have the power to legitimately use force and their actions are presumed to be legal.

Page 162, 5.1.2. Justice:

SPECIAL JURISDICTION FOR PEACE

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

44.- In accordance with the above, a special, simultaneous, balanced and fair treatment will be established for state agents, based on international humanitarian law. This differentiated treatment will take into account the provisions of operational law governing the Colombian State Armed Forces (which include both the Military Forces and the Police) in relation to IHL. In no case may command responsibility be based exclusively on rank, hierarchy or scope of jurisdiction. The responsibility of members of the Colombian State Armed Forces for the actions of their subordinates will need to be based on effective control of the respective action, knowledge based on information available to them before, during and after the action was committed, as well as the means within their power to prevent it and, if having taken place, to promote the appropriate investigations.

Chapter 5

Page 196, 5.1.3.7., Participatory adaptation and strengthening of the Policy of caring for and comprehensive reparation of victims, in the context of the end of the conflict and contribution to material reparation for the victims

The reparation measures for members of the FARC-EP who have been victims will be discussed in the item of the Agenda relating to the process of reincorporation. In parallel, the National Government will strengthen the measures of caring for and reparation of the members of the Colombian State Armed Forces (which include both the Military Forces and the National Police) who were victims of serious violations of human rights or breaches of IHL.

Annexes and Protocols

A number of annexes and protocols address police

Protocol and Annexes to the section on DEPLOYMENTS IN THE FIELD AND ZONES in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 262-264)

Which includes:

- Operation of the Transitional Local Zones for Normalisation (TLZNs) and the Transitional Local Points for Normalisation (TLPNs) and adjustments to the deployment in the field of the Colombian State Armed Forces.

- Operation of the TLZNs and TLPNs

Protocol and Annexes to the section on Deployments in the Field and Zones – TRANSIT ROUTES (TRs) AND COORDINATION OF MOVEMENTS IN THE FIELD in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 265-266)

Which includes:

- Transit Routes (TRs) and Coordination of Movements in the Field,

- General points regarding the design of the TRs

Annex “Y” This annex will contain information on the presence in the field of the Colombian State Armed Forces (which include both the Military Forces and the National Police). It will be drawn up once these zones have been fully demarcated. (page 266)

Annex “XX”

“Geographical Demarcation of the Transit Routes” (Page 267)

## **DDR** [Demilitarisation provisions](#)

Page 34, 2. Political participation: A democratic opportunity to build peace, Preamble

The signing and implementation of the Final Agreement will contribute to an extension and consolidation of democracy in as much as it will involve the laying down of arms and the outlawing of violence as a method of political action for each and every one of Colombia's citizens, in order to make the transition to a country where democracy rules, with full guarantees for those taking part in politics and thereby opening up new areas for participation.

Page 38, 2.1.2. Security guarantees for the exercise of politics

Furthermore, the Government will strengthen, concentrate and implement all its institutional capacity to prevent, dismantle and neutralise, adopting a multi-dimensional approach, any possible source of violence against those exercising politics and will take every necessary measure to ensure that there is no resurgence of paramilitary groups

Page 39, 2.1.2.1. Comprehensive Security System for the Exercise of Politics:

The System will include the following elements:

- c. Protection: • A specialised protection programme for members of the new political movement arising from the transition of the FARC-EP to legal political activity, to be agreed between the FARC-EP and the National Government.

Chapter 4

Page 112, 4.1.3.1. Security conditions for the communities and territories affected by crops used for illicit purposes:

The protection of communities, the safeguarding of the right to life and the well-being of the rural population also require ensuring the performance of demining, for which purpose the National Government, after the signing of the Final Agreement and within the context of the implementation thereof, will establish a programme for demining and clearing the areas of the national territory that have been affected by the laying of anti-personnel mines and unexploded ordnance.

Chapter 5

Page 134, 5. Agreement regarding the Victims of the Conflict.... preamble

Other primary measures taken within the framework of the discussions on Chapter 5 “Victims” were: the signature of measures and protocols to implement programmes for the decontamination and removal from the country’s territories of anti-personnel mines (APMs), improvised explosive devices (IEDs), unexploded ordnance (UXO) or explosive remnants of war (ERWs); immediate humanitarian measures for the search, location, identification and dignified delivery of the remains of persons deemed as missing in the context of and due to the conflict.

Page 155, 5.1.2. Justice

#### SPECIAL JURISDICTION FOR PEACE I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

With regard to members of organisations that sign peace agreements with the Government, the special treatment of justice will also apply with regard to conduct that is closely related to the process of laying down arms taking place from the entry into force of the Final Agreement up to the completion of the process of laying down arms.

Page 184, 5.1.2. Justice

#### SPECIAL JURISDICTION FOR PEACE LIST OF SANCTIONS.

There are three types of sanction:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility:

C.- Clearance and disposal of explosive remnants of war, unexploded ordnance and antipersonnel mines from areas of national territory affected by such items.

1. Participation in/implementation of programmes to clear and dispose of explosive remnants of war and unexploded ordnance.
2. Participation in/implementation of programmes to clear and dispose of anti-personnel mines and improvised explosive devices.

Page 189, 5.1.3. Reparations: comprehensive reparation measures for peacebuilding

The FARC-EP are committed to reincorporation into civilian life and to taking action as part of that process to help to redress the harm or injury caused. Such action may include, inter alia, participating in infrastructure rebuilding work in the areas most affected by the conflict and in programmes to clear such areas of anti-personnel mines (APM), improvised explosive devices (IED), unexploded ordnance (UXO) or explosive remnants of war (ERW), participating in programmes to substitute crops used for illicit purposes, contributing to the search for, location, identification and dignified return of remains of deceased persons or persons deemed missing in the context of and due to the armed conflict, and participating in programmes to repair environmental damage, e.g. reforestation. The National Government and the FARC-EP invite anyone who may have taken part directly or indirectly in the conflict and who may have caused harm or injury at the time to take part in specific acts to ensure reparations under the comprehensive system.

#### [DDR programmes](#)

##### Chapter 3

Summary: chapter 3 includes detailed provisions on DDR programmes

See also ceasefire, chapter 3 addresses Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of arms (LA), which include demilitarisation.

Important sections include:

- 3.1.7. Laying down of arms (LA), which include 3.1.7.1. Procedure (pages 67-68);
- 3.2. Reincorporation of the FARC-EP into civilian life – in economic, social and political matters – in accordance with its interests (pages 69-70);
  - 3.2.1. Political reincorporation (page 70), which includes 3.2.1.1. Guarantees for the new political movement or party (see political parties reform section, coding for chapter 3), Security, 3.2.1.2. Political representation (page 72), which includes a. Congress of the Republic; b. Participation in the National Electoral Council (page 72); c. Reforms for the democratic opportunity to build peace (page

73);

3.2.2. Economic and social reincorporation, which includes

3.2.2.1. Organisation for economic and social collective reincorporation (page 73)

3.2.2.2. Centre for political thought and education (page 73)

3.2.2.3. Institutional organisation - National Reincorporation Council (Consejo Nacional de Reincorporación, NRC) (pages 73-74)

3.2.2.4. Accreditation and transition to legal status (pages 74-75)

3.2.2.5. Reincorporation for minors who have left the FARC-EP camps (pages 75-76)

3.2.2.6. Identification of needs for the process of economic and social reincorporation (page 76), which includes a. Socioeconomic census, b. Identification of sustainable socially productive projects and programs, c. Development and implementation of sustainable socially productive projects and programs

3.2.2.7. Guarantees for a sustainable social and economic reincorporation (page 76-77)

3.2.2.8. Other resources for economic reincorporation projects (page 77)

3.3. Obligations of the ex-guerrilla commanders who are members of the governing bodies of the new political force that emerges from the transition by the FARC-EP to legality to ensure the proper implementation and stability of the Final Peace Agreement (page 78)

See also Security Guarantees and political parties reform.

Selected Provisions:

Page 92-93, 3.4.7.4.2. Technical Committee on Security and Protection:

... At the initiative of the Technical Committee and in coordination with the Presidential Delegate, the Government shall implement the legislative amendments and reforms - decrees and developments - governing all aspects relating to the protection and security of members of the new political party or movement that emerges from the transition of the FARC-EP to legal political activity and of their families, in accordance with the level of risk. Such regulations and procedures shall be prepared by the Technical Committee and presented to the National Government for approval before the signing of the Final Agreement.

Chapter 6

Page 210, 6.1.3. Other measures to contribute to guaranteeing the implementation of the agreements

...

- Within the discussions on the measures for reincorporation, the measures for contribution to the material reparation of victims will be determined, including the contribution of the FARC-EP.

Page 216, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

...

i. Laws and/or implementing rules on economic and social reincorporation.

Page 220, 6.2.3. Safeguards and guarantees

d. In relation to solution of the illicit drugs problem

- The effective participation and consultation of the communities and representative organisations of the ethnic peoples will be guaranteed in the design of the NCPS, including the plans for immediate attention in respect of the territories of the ethnic peoples. In any case, the NCPS will respect and protect the cultural use and consumption of traditional plants classed as used for illicit purposes. In no event will policies on the use of territory and the natural resources present in it be imposed unilaterally.

- In the prioritisation of territories, the realities of the territories of the ethnic peoples will be addressed, and account will be taken of the territories of ethnic peoples at risk of physical and cultural extermination or at risk of extinction that are affected affected by crops used for illicit purposes, or the territories of ethnic peoples in a situation of confinement or displacement.

Pages 220-221, 6.2.3. Safeguards and guarantees

e. In relation to victims of the conflict: "Comprehensive System for Truth, Justice, Reparations and

Non-Recurrence”

...

- A special harmonisation programme will be drawn up in collaboration with the representative organisations of the ethnic peoples, for the reincorporation of demobilised individuals belonging to such peoples, who opt to return to their communities, in order to guarantee the restoration of territorial harmony. An educational and communication strategy will be agreed for the dissemination of the principles of non-racial and ethnic discrimination against women, youngsters and girls demobilised from the conflict.

Annexes and Protocols

A number of annexes and protocols deal with laying down of weapons. These include:

Protocol and Annex of the section entitled INTRODUCTION of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying Down of Arms (LA) (pages 232-236)

Protocol for the section on RULES THAT GOVERN THE BILATERAL AND DEFINITIVE CEASEFIRE AND CESSATION OF HOSTILITIES (BDCCH) AND THE LAYING DOWN OF ARMS (LA) (pages 236-237)

Protocol for the section on the DEPLOYMENT OF THE MONITORING AND VERIFICATION MECHANISM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) (pages 238-239)

Protocol for the section on Monitoring and Verification: FLOW OF INFORMATION FROM THE MVM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 240-241)

Protocol for the section on Monitoring and Verification: STRATEGIC COMMUNICATIONS of the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and the Laying down of Arms (LA). (pages 242-243)

Protocol for the section on Monitoring and Verification: OBSERVATION AND RECORDING by the MVM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA). (pages 244-248)

Protocol for the section on Monitoring and Verification: COORDINATION OF THE MVM for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 249-250)

Protocol for the section on Monitoring and Verification: CODE OF CONDUCT FOR THE MEMBERS OF THE MVM for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 251-252)

Protocol for the section on Monitoring and Verification: SETTLEMENT OF CONTROVERSIES for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA). (pages 253-256)

Protocol for the section on Monitoring and Verification: MANDATE OF THE MVM for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 257-261)

Which includes:

- MANDATE OF THE MONITORING AND VERIFICATION MECHANISM (MVM) FOR THE BDCCH AGREEMENT AND MANDATE OF THE INTERNATIONAL COMPONENT OF THE MVM (IC-MVM) FOR THE LAYING DOWN OF ARMS, BETWEEN THE NATIONAL GOVERNMENT AND THE FARC-EP

- Purpose and scope

- General guidelines and principles

- Composition of the MVM

- Functions of the National Unit

- Functions of the Regional Unit

- Functions of the Local Monitoring Unit

Protocol and Annexes to the section on DEPLOYMENTS IN THE FIELD AND ZONES in the Agreement on



the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 262-264)

Which includes:

- Operation of the Transitional Local Zones for Normalisation (TLZNs) and the Transitional Local Points for Normalisation (TLPNs) and adjustments to the deployment in the field of the Colombian State Armed Forces.

- Operation of the TLZNs and TLPNs

Protocol and Annexes to the section on Deployments in the Field and Zones - TRANSIT ROUTES (TRs) AND COORDINATION OF MOVEMENTS IN THE FIELD in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 265-266)

Which includes:

- Transit Routes (TRs) and Coordination of Movements in the Field,

- General points regarding the design of the TRs

Annex "Y" This annex will contain information on the presence in the field of the Colombian State Armed Forces (which include both the Military Forces and the National Police). It will be drawn up once these zones have been fully demarcated. (page 266)

Annex "XX" "Geographical Demarcation of the Transit Routes" (page 267)

Protocol for the section on Security for MEMBERS OF THE MONITORING AND VERIFICATION MECHANISM (MVM) in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 268-269)

Protocol for the section on Security for DELEGATES AND PUBLIC OFFICIALS in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (page 270)

Protocol for the section on Security for FARC-EP MEMBERS in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 271-272)

Protocol for the section on Security for the CIVILIAN POPULATION in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (page 273)

Protocol for the section on Security for MOVEMENTS undertaken by the FARC-EP in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 274-275)

Protocol for the section on Security for DEPLOYMENTS IN THE FIELD in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 276-277)

Safety protocols for the HANDLING, STORAGE, TRANSPORT AND CONTROL OF WEAPONS during the BDCCH & LA (pages 278-279)

Protocol and Annexes to the section on LOGISTICS in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 280-281)

Protocol and Annexes to the section on LOGISTICS in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 282-285)

ANNEX A PROCEDURE FOR THE REGISTRATION, IDENTIFICATION, MARKING AND STORAGE OF WEAPONS (pages 286-288)

AGREEMENT TO FACILITATE THE FULFILMENT OF THE TIMETABLE FOR THE PROCESS OF LAYING DOWN OF ARMS ESTABLISHED BY MEANS OF AN AGREEMENT OF 23 JUNE 2016 (pages 297-299)

#### **Intelligence services**

Pages 100-101, 3.4.10. Implementation of a national mechanism for territorial supervision and inspection of private security and surveillance services (Mecanismo nacional de supervisión e inspección territorial a los servicios de vigilancia y seguridad privada)

The National Government shall strengthen the national mechanism for territorial supervision and

inspection of private security and surveillance services at the request of the Superintendence for Private Security and Surveillance, in order to ensure that the use thereof corresponds to the purposes for which they were created, placing an emphasis on the prohibition of the privatisation of military, police or intelligence functions; likewise, priority shall be given to developing the revision of legislation relating to private security and surveillance; it shall ensure that they do not perform state military, police or security functions; and shall update the regulations relating to private security and surveillance services. The regulations on permitted arms shall be reviewed, which are for the exclusive use of the Military Forces in order to perform the function of private security and surveillance.

The following measures shall be adopted:

...

- The Superintendence for Private Security and Surveillance shall be empowered to cancel or refuse to grant operating licences to security companies involved with criminal organisations that are the subject of this agreement or which violate the regulations that they are obliged to comply with.

Page 103, 3.4.12. Other provisions for the purposes of Guarantees

The National Government shall prioritise the actions and strategies necessary in terms of intelligence within the plans and programmes developed by the state for the purpose of dismantling and prosecuting the conduct and organisations described in the present agreement.

The National Government shall drive forward the measures necessary for removing from the databases of security and intelligence agencies, the names and information relating to the members of human rights organisations, members of the opposition and the members of the new political movement that emerges from the transition of the FARC-EP to legal political activity and their families, where included, for the sole reason of being such.

Page 313, APPENDIX I LAW ON AMNESTY, PARDON AND SPECIAL CRIMINAL TREATMENT

CHAPTER V SYSTEM FOR RELEASE

Paragraph. In addition to the undertakings outlined in this article, persons who are imprisoned for crimes for which no amnesty may be granted, when they have been released due to the application of the provisions contained in Article 34, may, in accordance with a decision by the Special Jurisdiction for Peace, be monitored by means of electronic surveillance systems or other systems until the Special Jurisdiction for Peace finally resolves their judicial status.

## **Parastatal/rebel and opposition group forces**

Summary: The agreement in its entirety includes reciprocal commitments between FARC-EP and the Colombia Government and paramilitary groups.

Chapter 2

Page 38, 2.1.2. Security guarantees for the exercise of politics

Furthermore, the Government will strengthen, concentrate and implement all its institutional capacity to prevent, dismantle and neutralise, adopting a multi-dimensional approach, any possible source of violence against those exercising politics and will take every necessary measure to ensure that there is no resurgence of paramilitary groups

Page 39, 2.1.2.1. Comprehensive Security System for the Exercise of Politics:

The System will include the following elements:

- c. Protection: • A specialised protection programme for members of the new political movement arising from the transition of the FARC-EP to legal political activity, to be agreed between the FARC-EP and the National Government.

Chapter 3:

Summary: chapter 3 is a Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of arms (LA) between FARC and National Government. See sections on political party reform, ceasefire, DDR, Security guarantees, coded for chapter 3.

Page 82, 3.4.1. Guiding principles

- Guarantees of Non-Recurrence: the state shall adopt measures for clarifying the paramilitary phenomenon, preventing the repetition thereof and guaranteeing the dismantling of criminal organisations and behaviours responsible for homicides and massacres and systematic violence  
Page 82, 3.4.2. National Political Pact

In this respect, the National Government undertakes to implement the legislative process necessary to incorporate, in the Constitution, the prohibition on the promotion, organisation, funding or official and/or private use of paramilitary structures or practices, and to develop the regulations required for the application thereof, which shall include a criminal prosecution policy...

Page 84, 3.4.3. National Commission on Security Guarantees for the dismantling of criminal organisations and criminal acts...

i. It shall propose mechanisms in order to make the background check of public servants in all the institutions of the state in order to check for any involvement that they may have had with paramilitary groups and/or activities or human rights violations...

Pages 85-89, 3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts...

Its mandate shall involve the investigation, prosecution and indictment of the criminal organisations and behaviours responsible for homicides, massacres or systematic violence, particularly against women, or that threaten or act against persons who participate in the implementation of the accords and peacebuilding, including the criminal organisations that have been labelled as successors of paramilitary groups and their support networks.

The Special Unit, through the performance of its functions within the ordinary jurisdiction, shall contribute to the achievement of the objectives of the Justice and Peace Law (Ley de Justicia y Paz) and the Special Jurisdiction for Peace. Insofar as it will help to strengthen justice and contribute to dismantling the organisations that have been labelled as successors of paramilitarism, it shall in turn guarantee non-recurrence of the paramilitary phenomenon, prevent the perpetration of new human rights violations and thereby help to build a stable and long-lasting peace.

...

- It shall have a special unit of the Judicial Police composed of specialist officers from the Office of the Attorney General (Fiscalía General de la Nación) and the Judicial Police of the National Police, experts in a range of subjects, who must have knowledge of the development and establishment of organised crime organisations, including knowledge of the paramilitary phenomenon and the criminal organisations that have been labelled as successors of paramilitarism

...

Jurisdiction

- It shall check that there are no regulations which, directly or indirectly, permit or promote the existence of paramilitary structures or their successors and shall inform the National Commission on Security Guarantees of any such regulations so that the relevant measures can be taken.

Chapter 5

Summary: Chapter 5 makes repeated reference to FARC. See sections on TJ, DDR, Amnesty

Selected Provisions:

Page 144, 5.1.1.1.2. Mandate

...

The development of the conflict, particularly the acts of the state, guerrillas, paramilitary groups, and the involvement of different sectors of society.

The phenomenon of paramilitarism, including its causes, origins and forms of expression; the organisation thereof and the various forms of cooperation with paramilitaries, including funding; and the impact of paramilitary acts on the conflict.

Pages 158-162, 5.1.2 Justice

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH

## OTHER SPECIAL TREATMENT

32. The Special Jurisdiction for Peace will also have jurisdiction over acts of financing or collaborating with paramilitary groups, or with any protagonist in the conflict, when they were not the result of coercion.

... Therefore, its agents, in particular the members of the Colombian State Armed Forces (which include both the Military Forces and the National Police), have the power to legitimately use force and their actions are presumed to be legal.

... 39.- There will be two criteria for determining acts related to a political crime, one inclusive and the other restrictive by nature. The first criterion will consist of including as politically motivated crimes:

1.- those crimes specifically linked to the development of the crime of rebellion committed due to the armed conflict, such as for example apprehending combatants during military operations

44.- In accordance with the above, a special, simultaneous, balanced and fair treatment will be established for state agents, based on international humanitarian law. This differentiated treatment will take into account the provisions of operational law governing the Colombian State Armed Forces (which include both the Military Forces and the Police)

Page 164, 5.1.2. Justice

### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

... 48.- The Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct will have the following functions: a. To decide whether the events and conduct attributed to different people fall within the system's jurisdiction, that is, were committed directly or indirectly in relation to or during the internal armed conflict. b. To receive reports submitted to it by the Office of the Attorney General (Fiscalía General de la Nación), the relevant bodies of the military criminal justice system

Page 176, 5.1.2. Justice

### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

In terms of implementing the sanctions, in the case of agents of the state, the relevant prison jurisdiction shall apply according to whether they are civilians or members of the Colombian State Armed Forces (which include both the Military Forces and the National Police), subject to monitoring by the system itself.

Page 181, 5.1.2. Justice

74. In addition, the Government will initiate effective strategies and instruments to contribute to clarifying the phenomenon of paramilitarism, as follows: in the context of the agreement on the Truth, Coexistence and Non-Recurrence Commission, it will promote measures to guarantee the participation of former members of paramilitary groups in the Commission, as a contribution to clarifying the phenomenon of paramilitarism;

Page 190, 5.1.3.3.2. Collective reparation plans with a territorial-based focus

- Coexistence and reconciliation measures: Measures to address the damage done to the social fabric and to promote coexistence within communities, including victims, former members of paramilitary organisations, members of the FARC-EP in the process of reincorporation into society and third parties who may have participated in the conflict in some way, as well as measures to build and strengthen confidence between the public authorities and communities.

Page 192, 5.1.3.4.2 Psychosocial rehabilitation plan for coexistence and non-recurrence

... These strategies will be developed through medium and long-term community processes whose key aims are to generate future projects for living together, build confidence among citizens and institutions and achieve peaceful coexistence within communities, including victims, former members of paramilitary organisations and former members of the FARC-EP who are in the process of reincorporation into society, as well as third parties who may have participated in the conflict in some way.

Chapter 6

Page 214, 6.1.9. Priorities for regulatory implementation

c. Law or Legislative Act creating the Unit for the investigation and dismantling of criminal organisations, including the successors of paramilitarism, established in Item 74 of the agreement creating the Special Jurisdiction for Peace. Incorporation into the Constitution of the prohibition of the promotion, organisation, funding or official and/or private use of paramilitary structures or practices....

h. Suspension of orders to capture members of the FARC-EP or persons accused of being members or of collaborating with that organisation and suspension of the procedures of extradition of such persons until the entry into force of the Amnesty Law and of the constitutional rule on the prohibition of extradition established in number 72 of the Special Jurisdiction for Peace. Adoption of measures on the civil and legal status of all the members of the FARC-EP which will enable the strict application of that established in number 72 of the Special Jurisdiction for Peace.

Pages 225-226, 6.3.3. United Nations Political Mission for Verification

...

The National Government will send a communication to the Secretary-General of the United Nations requesting the support required for the purposes of this Agreement.

The content of the texts of the Agreements to be verified are as follows:

Agreement 3.4. Guarantees of security and the fight against the criminal organisations responsible for murders and massacres or which attack human rights defenders, social movements or political movements, including the criminal organisations which have been named as the successors of paramilitarism and their support networks and the pursuit of criminal behaviour which threatens the implementation of the agreements and the building of peace.

**Withdrawal of foreign forces**

No specific mention.

**Corruption**

Page 8, Preamble

... the Elite Corps of the National Police; the Comprehensive Security System for the Exercise of Politics; the Comprehensive Security and Protection Programme for Communities and Organisations across the Country's Territories; and Measures for the Prevention of and Fight against Corruption.

Chapter 2

Page 48, 2.2.5. Citizen control and oversight

Participation by and control on the part of citizens - men and women - are essential for ensuring transparency of public management and the appropriate use of resources, and for furthering measures aimed at combating corruption and the penetration of criminal structures into public institutions.

...

Create easy-access information mechanisms at local, regional and national level, with the aim of guaranteeing the publicising and transparency of implementation of this Agreement, as part of a system of rendering of accounts under the Agreement.

In the context of a special programme for eliminating and preventing corruption in the implementation of this Agreement, create a special mechanism for addressing, processing and following up reports and warnings lodged by citizens and movements and organisations concerning possible incidents of corruption in general, with emphasis on matters relating to the implementation of this Agreement

Page 54, 2.3.5. Promotion of a democratic and participatory political culture

A democratic, participatory political culture must enhance equality between citizens, a humanistic approach, solidarity and social cooperation, and provide transparent management of public affairs,

outlawing cronyism and corruption. In addition, it should foment the handling of disputes using political mechanisms, and outlaw violence as a method of political action.

#### Chapter 3

Page 101, 3.4.11. Measures for the prevention of and fight against corruption (Medidas de prevención y lucha contra la corrupción)

In order to develop Item 3.4 of the General Agreement in relation to the intensification of measures to fight against conduct that, by action or omission, lead to instances of corruption, the National Government shall promote the action of the state to foster a culture of transparency across the country's territories, as an element looking towards guaranteeing the future, effective compliance with the accords, guarantees of security across the country's territories and democratic participation.

##### 3.4.11.1. Instruments of institutional oversight and verification

On the basis of the legal framework in force in relation to the fight against corruption, the National Government shall put in place the following measures to certify the transparency and effectiveness of the action for dismantling the organisations and conduct that are the subject of this agreement. The National Government shall promote the following measures...

#### Chapter 4

Pages 104-107, 4. Solution to the Illicit Drugs Problem, Preamble

That institutions at both national and local level have been affected, in their integrity and performance, by the corruption associated with drug trafficking

...

That as a result of all the foregoing it is necessary to plan a new vision that deals with the causes and consequences of this phenomenon, especially by presenting alternatives that lead to improving the well-being and quality of life of communities — men and women — across the country's territories that have been affected by crops used for illicit purposes... including activities related to illicit finances, money laundering, trafficking of chemical precursors and the fight against corruption, dismantling the entire value chain of drug trafficking.

...That all of the foregoing is only possible with the genuine commitment of everyone:

- The commitment of the National Government to put in place policies and programmes in this respect, to intensify and tackle in a decisive manner the fight against corruption in institutions caused by the illicit drugs problem, and to lead an efficient national process to definitely break any kind of relationship between this scourge and the various spheres of public life...
- Lastly, the construction of a stable and long-lasting peace involves the disposition on the part of everyone to contribute to the clarification of the relationship between the conflict and the cultivation, production and sale of illicit drugs and the laundering of money resulting from this problem, so that drug trafficking never again threatens the future of the country.

Page 128, 4.3.1. Effective prosecution:

As part of the commitment to stepping up the fight against organised crime and their support networks (item 3.4 of the General Agreement), in an end-of-conflict scenario, and in order to safeguard both communities and the proper development of the NPCS and the implementation of the agreements in the territories from the threat of organised crime, and generally to disrupt the networks of these organisations, the National Government will launch a criminal policy strategy.

Parallel with the implementation of a comprehensive strategy to fight corruption

Pages 128-130, 4.3.2. Strategy to deal with the assets involved in drug trafficking and money laundering

In order to fully eradicate the production and selling of illicit drugs and eliminate the factors that stimulate illegal economies, facilitate the financing of organised crime networks, yield illegal profits, induce corruption and disrupt citizen coexistence, and also in order to contribute to the building of peace, the National Government will implement a strategy to resolutely pursue the property and assets involved in drug trafficking and prevent and control money laundering. This strategy will include the following measures...

- Anti-money laundering culture: the National Government will launch a new national campaign to promote values, raise awareness of new forms of money laundering and foster citizen participation and capability, in line with Chapter 2 of the Final Agreement, to exercise control and audit measures to tackle the corruption associated with money laundering and irregular or suspicious transactions, in order to prevent people and institutions from being used for money laundering

...

- Strategy for the effective implementation of the administrative expropriation of illicitly acquired assets: the National Government will put a new strategy in place to ensure effective implementation of the administrative expropriation of illicitly acquired assets, including the resources and regulatory and institutional modifications needed to improve and strengthen the capacities of state agencies responsible for identification of assets, investigation and prosecution, which will be accompanied by the implementation of a comprehensive strategy to combat corruption.

Page 130, 4.3.4. Strategy to combat corruption

As part of the comprehensive strategy to combat corruption (Item 3.4 of the Agenda of the General Agreement), a specific strategy will be drawn up to combat corruption associated with drug trafficking, taking into account the results and recommendations of the group of experts called upon to perform the mapping of the drug trafficking value chain.

In parallel with the fight against corruption, institutional capacities will be improved and strengthened.

The strategy must include the establishment of specialised inter-agency groups in order to tackle the various expressions of corruption and those responsible and help improve institutional performance.

Chapter 6

Page 206, 6. Implementation, verification and public endorsement, General principles for implementation

- Strengthening democracy and “building on what has already been built”: Implementing the agreed plans and programmes must take into account development initiatives and processes and recognise the efforts of society in peacebuilding in the regions, to “build on what has already been built” and strengthen democracy, eradicating corruption, any lack of transparency, cronyism and any other action which degrades the other principles.

- Transparency, social control and fighting corruption: with clear, accessible and timely information regarding decisions, from the allocation of resources to their ultimate application (traceability), which allows them to be monitored in a simple manner, as well as mechanisms for accountability, distributing information, citizen oversight and oversight by supervisory bodies (Office of the Attorney General, Office of the Inspector General, Office of the Comptroller General and Office of the Ombudsman), and, in general, fighting corruption. The aim of all of the foregoing is to guarantee that all public resources allocated to implementation are correctly applied and strictly comply with the terms of the Final Agreement

Page 210, 6.1.5. Integrated Information System and measures for transparency in the Implementation

In order to contribute to transparency, to facilitate the follow-up and verification of the Framework Plan for implementation and of the resources invested, in particular the follow-up on the part of the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CMPVI), as well as making the corresponding adjustments for achievement of the goals, the National Government undertakes to create an Integrated Information System and to guarantee transparency in the implementation of the Final Agreement, preventing any form of corruption and giving guarantees to citizens on the delivery of the resources.

Page 211, 6.1.5. Integrated Information System and measures for transparency in the Implementation  
The National Government will set in motion the following measures:

...

- Corruption risk matrices, as well as strategies of mitigation, raising awareness and prevention of malpractice, cronyism and corruption.

- Special mechanism for citizens' complaints: in the framework of that agreed in section 2.2.5, a special mechanism will be created for receiving, processing and following up reports and warnings made by citizens and by organisations and movements about possible acts of corruption related to the implementation of this Agreement.

Page 216, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

...

k. Law and/or rules for the adoption of measures to combat corruption.

## **Crime/organised crime**

Page 40, 2.1.2.1. Comprehensive Security System for the Exercise of Politics:

The System will include the following elements:

d. Evaluation and follow-up:

...

- A commission will be set up to monitor and evaluate the performance of the comprehensive system for protection and Progress in the dismantling of criminal organisations and of all those that threaten the exercising of politics. The Commission will include representation from political movements and parties.

Chapter 3

Summary: sections of chapter 3 deal with organised crime (see coding from chapter 3 under security guarantees, criminal justice reform, DDR ).

Sections include:

3.4. "Agreement on guarantees of security and the fight against criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks" (pages 79-80)

3.4.3. National Commission on Security Guarantees for the dismantling of criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks (hereafter the National Commission on Security Guarantees) (pages 83-85)

3.4.4. Special Investigation Unit for the dismantling of criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks. (85-89) [SEE criminal justice reform]

3.4.9. Instrument for prevention and monitoring of the criminal organisations that are the subject of this agreement (pages 99-100)

3.4.11.2. Measures for action to contain the penetration of the criminal conduct and organisations that are the subject of this agreement into the exercise of politics (102)

3.4.12. Other provisions for the purposes of Guarantees (103)

3.4.13. Plea agreements with the aforesaid organisations (103)

Selected provisions

Pages 79-81, 3.4. "Agreement on guarantees of security and the fight against criminal organisations..., Preamble

In order to meet these aims, the National Government and the FARC-EP undertake the following:

- The National Government shall ensure the implementation of the measures necessary to effectively and comprehensively intensify the action taken against criminal organisations and criminal acts that



are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks, and the prosecution of criminal conduct that threatens the implementation of the accords and the construction of peace. In addition, it will safeguard the protection of communities across the country's territories, breaking any type of link between politics and the use of weapons and respecting the principles that govern any democratic society

...

Page 81, 3.4.1. Guiding principles

Ensuring the monopoly of taxes by the Tax Authorities: forms of illegal economy and criminal income linked to organised crime, including people trafficking, drugs trafficking, illegal coercion or extortion, contraband, money laundering, tax charges other than those levied by the monopoly of the state and illegal mining, shall be tackled. Traditional artisanal mining is not considered to be illegal.

Chapter 4

Summary: Chapter 4 deals with drugs and illicit crops (see coding on drugs, natural resources, criminal justice reform) includes various provisions on organised crime.

Important sections include:

4.3.2. Strategy to deal with the assets involved in drug trafficking and money laundering, which include:

- Identification of the drug trafficking value chain (page 129)
- Regulatory amendments and the improvement and strengthening of institutional capacities for the detection, monitoring and reporting of illegal financial transactions (page 129)
- Investigation bodies (page 129)
- Anti-money laundering culture (page 129)
- Strategy for the effective implementation of the administrative expropriation of illicitly acquired assets (page 130)

Selected provisions:

Pages 105-107, 4. Solution to the Illicit Drugs Problem, Preamble

That as a result of all the foregoing it is necessary to plan a new vision that deals with the causes and consequences of this phenomenon, especially by presenting alternatives that lead to improving the well-being and quality of life of communities — men and women — across the country's territories that have been affected by crops used for illicit purposes; that tackles drug use with a public health focus and that intensifies the fight against criminal organisations dedicated to drug trafficking, including activities related to illicit finances, money laundering, trafficking of chemical precursors and the fight against corruption, dismantling the entire value chain of drug trafficking.

.... That these policies will give special treatment to the weakest links in the drug trafficking chain, namely the people that cultivate and use illicit drugs, and will intensify the efforts at dismantling criminal organisations.

... That the definitive solution to the illicit drugs problem requires an intensification of the fight against the criminal organisations dedicated to drug trafficking and money laundering, which will also contribute to the creation of the conditions necessary for the implementation of the Agreement across the country's territories and the construction of a stable and long-lasting peace.

Page 127, 4.3. Tackling the production and selling of narcotics:

The problem of illicit drugs is a transnational problem whose solution involves simultaneous action both within the country and in coordination with and with the commitment of the international community.

With the end of the conflict in sight, both to facilitate the implementation of the agreements and in general to overcome the challenge of organised crime associated with drug trafficking and money laundering, it is necessary to implement policies and programmes to disable the factors and

mechanisms that give rise to and maintain the problem of production and selling of illicit drugs and profiting therefrom. The primary aim is to disrupt the criminal organisations that perpetuate this scourge, including networks dedicated to money laundering.

We dream of a country free from drug trafficking, something which should be a common goal of all people and requires changes at political and institutional level, and in society in general, in order to consolidate a culture based on values against drug trafficking and money laundering that will allow us to eradicate and overcome the impact of this phenomenon, including the stereotypes associated with drug trafficking that lead to violence against women.

Chapter 5

Page 144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

...

- The relationship between conflict and crops used for illicit purposes, the production and selling of illicit drugs and money laundering associated with drug trafficking.

Pages 158-159, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

32.- The judicial component of the CS will apply to all those who participated directly or indirectly in the armed conflict. It will apply to those investigated or convicted of the crime of rebellion or other crimes related to the conflict, whether they belong to the armed organisations in rebellion or not. With regard to combatants in illegal armed groups, the judicial component of the System will only apply to those signing a final peace agreement with the National Government.

The Special Jurisdiction for Peace will also have jurisdiction over acts of financing or collaborating with paramilitary groups, or with any protagonist in the conflict, when they were not the result of coercion. This relates to people who had an active or significant involvement in committing crimes falling within this area, as established in Item 40, unless previously convicted by the justice system for these same acts. The judicial chambers and panels of the SJP will decide the appropriate procedure, according to the case. In accordance with Items 48 (t) and 58 (e), people who may have had a significant involvement in one of the acts listed in Item 40 and who have not previously appeared before the Judicial Panel for Acknowledgment of Truth will be summoned by the Review Chamber of the Tribunal to appear before the Special Jurisdiction for Peace.

Selected provisions:

Page 159, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

In no case may the request result in the reopening of a criminal investigation for said acts. Should a review of the sanction imposed be requested or the extinction of the sanction or responsibility, the Review Chamber of the Tribunal for Peace will be competent. With regard to the people investigated, the Judicial Panel for Determination of Legal Situations will be competent.

34.- The judicial component for members of the FARC-EP, for agents of the state and for other actors that have participated in the conflict, either as combatants or as non-combatants, when they have committed crimes, may be different but balanced and fair.

Page 181, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

74.- The CS will need to emphasise an end to impunity through its work. Outside the Special Jurisdiction for Peace, judicial mechanisms will be created as determined by the parties, including for example a unit to investigate and dismantle criminal organisations, including criminal organisations considered successors to paramilitarism, and their support networks referred to in Item 3.4 of the General Agreement of 26 August 2012. These will be created as promptly as possible and, in all cases, prior to the signing of the Final Agreement.

Pages 198-199, 5.1.4. Guarantees of non-recurrence

...

In order to fulfil this purpose, judicial mechanisms will also be created, outside the Special Jurisdiction for Peace, such as a unit for investigation and dismantling of criminal organisations, including the criminal organisations that have been deemed as successors of paramilitarism, and their support networks, referred to in Item 3.4 of the Agenda for the General Agreement.

...

The ... effective judicial control of the criminal organisations and networks associated with national and regional drug trafficking; and the measures agreed in Chapter 5 "Victims" and in Chapter 3 "End of Conflict", correspond above all to a logic of non-recurrence of the conflict and a guarantee of human rights for all. The Government reiterates its commitment to the implementation of these agreements.

Chapter 6

Pages 214-215, 6.1.9. Priorities for regulatory implementation

In accordance with the provisions of the Final Agreement, the National Government will guarantee the following schedule of legislative implementation: The Final Agreement shall be incorporated in accordance with constitutional requirements. As a priority, the following draft legislation will be processed urgently in accordance with the procedure established in Legislative Act 1 of 2016 or by means of some other Legislative Act in the event that the foregoing procedure is no longer valid:

...

c. Law or Legislative Act creating the Unit for the investigation and dismantling of criminal organisations, including the successors of paramilitarism, established in Item 74 of the agreement creating the Special Jurisdiction for Peace. Incorporation into the Constitution of the prohibition of the promotion, organisation, funding or official and/or private use of paramilitary structures or practices.

...

g. Law of differentiated treatment under criminal law for crimes related to crops used for illicit purposes, when those convicted or accused are rural persons not belonging to criminal organisations; this law will include differentiated treatment under criminal law for women in a situation of poverty, with family responsibilities, convicted of drug-related crimes not connected with violent crimes and who do not form part of the leadership structures of criminal organisations, in accordance with the recommendations made by the Organisation of American States.

Pages 225-226, 6.3.3. United Nations Political Mission for Verification

...

The National Government will send a communication to the Secretary-General of the United Nations requesting the support required for the purposes of this Agreement.

The content of the texts of the Agreements to be verified are as follows:

Agreement 3.4. Guarantees of security and the fight against the criminal organisations responsible for murders and massacres or which attack human rights defenders, social movements or political movements, including the criminal organisations which have been named as the successors of paramilitarism and their support networks and the pursuit of criminal behaviour which threatens the implementation of the agreements and the building of peace.

**Drugs** Page 81, 3.4.1. Guiding principles

Ensuring the monopoly of taxes by the Tax Authorities: forms of illegal economy and criminal income

linked to organised crime, including people trafficking, drugs trafficking, illegal coercion or extortion, contraband, money laundering, tax charges other than those levied by the monopoly of the state and illegal mining, shall be tackled. Traditional artisanal mining is not considered to be illegal.

## Chapter 4

Summary: Chapter 4 deals almost entirely with the drugs problem. It recognises the link between illicit crops and drug trafficking: “The persistence of illicit crops is linked in part to the existence of conditions of poverty, marginalisation, weak institutional presence as well as the existence of criminal organisations dedicated to drug trafficking.” This chapter focuses on providing new solutions to the drug problem by substitution of crops used for illicit purposes. Much of the chapter also focuses on socioeconomic development in rural areas. In doing so it overlaps with Chapter 1

Provisions also include commitments to addressing corruption, commitments from FARC to stop using drug trade for finances and improving judicial system. (see sections on territorial power sharing; (see section on development, chapter 4 coding),

Important sections include:

Preamble (pages 104-108)

4.1. Programmes for substitution of crops used for illicit purposes. Comprehensive development plans with the participation of communities — men and women — in the planning, implementation and evaluation of the programmes for crop substitution and environmental regeneration of the areas affected by such crops. (pages 108-109)

4.1.1. Principles (pages 109-110)

4.1.2. Aims (pages 110-112)

4.1.3. Description and elements of the National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes (pages 112-113)

4.1.3.1. Security conditions for the communities and territories affected by crops used for illicit purposes (page 113)

4.1.3.2. Agreements with communities (pages 113-114)

4.1.3.3. Prioritisation of territories (pages 114-115)

4.1.3.4. Special judicial treatment (page 115)

4.1.3.5. Participative construction and development of the comprehensive community-based and municipal plans for the substitution of illicit crops and alternative agrarian development (Planes integrales comunitarios y municipales de sustitución y desarrollo alternativo, CPSAD), which includes:

- Community assemblies (page 116)
- Comprehensive community-based and municipal plans for substitution of illicit crops and alternative agrarian development (117-118)
- Integration with the DPTFs
- Monitoring and evaluation (page 118)

4.1.3.6. Components of the comprehensive plans for the substitution of crops, which include:

a. Immediate attention plan and development of rural productive projects (pages 119-121)

b. Fast-track social infrastructure works (page 121)

c. Component relating to sustainability and environmental regeneration (page 121)

d. Land titling plan (page 122)

e. Plans for remote areas and areas with low population density (page 122)

f. Timescales, targets and indicators (page 122)

4.1.4. Implementation of the National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes in National Natural Parks (NNP) (page 122)

4.1.5. Communication strategy (page 123)

4.1.6. Financing (page 123)

4.2. Public Health and Drug Use Prevention Programmes (page 123)

4.2.1. National Programme for Comprehensive Intervention into Illicit Drug Use (Programa Nacional de Intervención Integral frente al Consumo de Drogas Ilícitas) (page 124)

4.2.1.1. Principles, which include:

- Human rights-based approach (page 124)
- Public health-based approach (page 124)
- Equity-based and gender-based approach (page 124)
- Community participation and coexistence (page 124)
- Evidence-based (page 125)

4.2.1.2. National Attention System for Illicit Drug Users (Sistema Nacional de Atención al Consumidor de Drogas Ilícitas) (page 125)

4.2.1.3. Participatory review and adjustment of the public policy to combat illicit drug use (page 125)

4.2.1.4. Participatory action plans with territorial-based and population-focused approach (pages 125-126)

4.2.1.5. Evaluation and monitoring of the actions implemented to tackle drug use (pages 126-127)

4.2.1.6. Creation of a pool of knowledge on illicit drug use (page 127)

4.3. Tackling the production and selling of narcotics (pages 127-128)

4.3.1. Effective prosecution (page 128)

4.3.2. Strategy to deal with the assets involved in drug trafficking and money laundering, which includes:

- Identification of the drug trafficking value chain (page 129)
- Regulatory amendments and the improvement and strengthening of institutional capacities for the detection, monitoring and reporting of illegal financial transactions (page 129)
- Investigation bodies (page 129)
- Anti-money laundering culture (page 129)
- Strategy for the effective implementation of the administrative expropriation of illicitly acquired assets (page 130)

4.3.3. Control of inputs (page 130)

4.3.4. Strategy to combat corruption (page 130)

4.3.5. International Conference and forums for regional dialogue (page 130)

Chapter 5:

Page 144, 5.1.1.1.2. Mandate:

The Commission's mandate will be to elucidate and promote the recognition of:

...

- The relationship between conflict and crops used for illicit purposes, the production and selling of illicit drugs and money laundering associated with drug trafficking.

Pages 183-184, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

LIST OF SANCTIONS.

There are three types of sanction:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility:

A.- In rural areas.

...

7. Participation in/implementation of programmes to substitute crops used for illicit purposes.

....

9. Participation in/implementation of programmes to build and improve the road infrastructure required to market agricultural products from illicit crop substitution areas.

Page 199, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.4. Guarantees of non-recurrence

...  
The ... measures to protect and guarantee the rights of the population living in territories affected by growing of crops used for illicit purposes and to contribute to overcoming the conditions of poverty, marginalisation and weak institutional presence by means of the implementation of the programmes and measures agreed for the Solution to the Illicit Drugs Problem...

Chapter 6

Page 217, 6.1.11. Priority implementation

....

g. Convening of an international conference to reflect on the policy for the fight against drugs.

...

i. Drawing up of the Security Protocol for the Implementation of the Joint Effort for Voluntary Substitution of Crops used for Illicit Purposes.

**Terrorism** No specific mention.

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## Transitional justice

### Transitional justice

#### general

#### Amnesty/pardon

[Amnesty/pardon proper](#)

Chapter 3

Page 63, 3.1.4.1. Transitional Local Zones for Normalisation (TLZNs)

...Members of the FARC-EP who, under the Amnesty Law, have benefited from release from prison will, if they so desire, be integrated in said Zones in order to continue the process of reincorporation into civilian life. To this end, accommodation outside of the camps shall be organised inside the TLZNs.

Page 74, 3.2.2.4. Accreditation and transition to legal status

An expedite procedure will be established for accreditation and transition to legality for nonarmed members of the FARC-EP. The persons accredited will have their judicial status defined by being granted a pardon through the legal instruments in force if the Amnesty Law is not yet in force. They will be released, albeit at the disposal of the SJP, if they are accused of crimes that may not be subject to amnesty under the Amnesty Law agreed to in the Final Agreement. All the provisions established in the "Agreement of 20 August 2016" that are favourable to them will be applied to them to facilitate the implementation of the timetable for the process of laying down of arms under the Agreement of 23 June 2016.

Chapter 5

Summary: sections of chapter 5 deals with amnesty.

Important sections include:

5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz), SPECIAL JURISDICTION FOR PEACE,

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT (in particular pages 160-162)

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

Selected provisions:

Page 155, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

...

10.- On termination of the hostilities, the amnesty for rebels will be conditional solely upon the end of the rebellion of their respective armed organisations and fulfilment of the provisions of the Final Agreement, without prejudice to the provisions of Items 23 and 27. The end to the rebellion, for the purposes of obtaining an amnesty or pardon, will be set out in the Final Agreement.

11.- In other cases not eligible for an amnesty or pardon, in order to establish the indictment or to receive and implement the sanctions established in the CS, it will be necessary to fulfil the conditions on truth, reparations and non-recurrence established therein, once all components of the CS have been put into operation

Page 157, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

23.- On termination of the hostilities, in accordance with IHL, the Colombian state will be able to grant “the broadest possible” amnesty. The broadest possible amnesty will be granted to rebels belonging to organisations that have signed a final peace agreement, as established in Item 10, along with those accused or convicted of politically motivated crimes by means of decisions passed by the justice system, in line with the provisions established in this document in this regard, in accordance with Item 38.

24.- The Constitution allows amnesties or pardons to be granted for the crime of rebellion and other politically motivated crimes.

Page 158, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

25.- Some crimes will be ineligible for an amnesty or a pardon, in accordance with Item 40 and 41 of this document. Neither crimes against humanity nor other crimes set out in the Rome Statute are eligible for an amnesty.

26.- For the purposes of legal certainty, it will be necessary to clearly determine which crimes are eligible for an amnesty or pardon and which are not. To this end, the amnesty rules to be adopted will follow the principles set out in this document creating the SJP. When determining whether an action is eligible for an amnesty or pardon, the most favourable law will apply for the recipient of the amnesty or pardon, providing there is no prohibition governing the amnesty or pardon in international law in relation to the conduct of which the rebels, or other persons accused of being rebels, are accused of having undertaken. The application of the most favourable law shall be given to all of those for whom the SJP is applicable.

27.- The granting of amnesties or pardons or access to any special treatment does not relieve people of the duty to contribute, individually or collectively, to clarification of the truth as established in this document.

28.- The treatment to be received in the judicial component will be proportionate to the degree of voluntary or collective contribution of each person to the truth.

29.- The scope of every crime that is or is not eligible for an amnesty will be clearly determined for the purposes of legal certainty.

30.- Crimes that are ineligible for an amnesty or pardon must be subject to the judicial component of the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence (CS) agreed by the parties.

Pages 160-162, 5.1.2. Justice

#### SPECIAL JURISDICTION FOR PEACE

#### II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

38.- In accordance with the above, politically motivated crimes committed in the development of the rebellion by persons forming part of the rebel groups with which a peace agreement has been signed will be granted amnesties and pardons. In line with the provisions of the Final Agreement and this document, the amnesty rules will clearly and precisely determine the crimes eligible for amnesties and pardons and the criteria for determining related acts. The membership to said group will be determined by the provision of a list by each rebel group, the parties will determine how verification should proceed. Politically motivated crimes will, for example, include rebellion, sedition and violent rioting, as well as the illegal carrying of firearms, killings in combat when compatible with international humanitarian law, criminal conspiracy for the purposes of rebellion and other politically motivated crimes. To decide regarding the connection between political crime and crimes related to crops used for illicit purposes, the criteria established by Colombian domestic case law shall be taken into account, applying the most favourable law. The same amnesty or pardon criteria will apply to persons investigated or sanctioned for crimes of rebellion or similar, without them being obliged to recognise themselves as rebels. Before the entry into force of the Final Agreement, it will be necessary to establish how the laying down of arms and reincorporation of the FARC-EP into civil life, the entry into force of the judicial component of the CS and effective access to the amnesty will be coordinated.

39.- There will be two criteria for determining acts related to a political crime, one inclusive and the other restrictive by nature.

The first criterion will consist of including as politically motivated crimes: 1.- those crimes specifically linked to the development of the crime of rebellion committed due to the armed conflict, such as for example apprehending combatants during military operations; 2.- crimes in which the passive subject of the action is the state and its current constitutional system; and 3.- conduct aimed at facilitating, supporting, financing or concealing the development of the rebellion, for which the content of each of the previous types of action will need to be defined. Any crimes which have not resulted in the personal enrichment of the rebels and are not deemed to be crimes against humanity, serious war crimes or genocide shall be regarded as conduct intended to finance the rebellion.

The Judicial Panel for Amnesty and Pardon shall determine the connection with political crime on a case-by-case basis.

The second criterion, of a restrictive nature, will exclude international crimes, in accordance with the provisions of Items 40 and 41, as established in international law in accordance with the Rome Statute. With regard to applying the criteria for determining related acts to anything that has not been defined precisely in the Amnesty Law, the doctrine adopted when the Judicial Panel for Amnesty and Pardon and the Review Chamber of the Tribunal for Peace interpret this Law will be borne in mind.

40.- Crimes against humanity, genocide, serious war crimes – that is, any violation of international humanitarian law committed as part of a systematic attack – hostage taking or other serious deprivations of freedom, torture, extrajudicial executions, forced disappearances, rape and other forms of sexual violence, child abduction, forced displacement and the recruitment of minors will all be ineligible for an amnesty or pardon, in every case as established in the Rome Statute.

The Amnesty Law will determine the acts classified in national legislation as ineligible for an amnesty, provided they correspond to the above list.



The rules will specify the scope and reach of these acts in accordance with the provisions of the Rome Statute, international human rights law and international humanitarian law.

41.- Common crimes unrelated to the rebellion shall also be ineligible for an amnesty or pardon through the CS, in accordance with the Amnesty Law.

42.- Investigations underway and disciplinary and/or administrative sanctions will also be extinguished when they have been imposed for conduct or acts related to the armed conflict or rebellion. In application of this, consideration will be given to acts that could be eligible for an amnesty or pardon, according to the Amnesty Law.

43.- The granting of amnesties or pardons does not extinguish the victims' right to receive reparations.

Pages 167-169, 5.1.2. Justice

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

49.- The Judicial Panel for Amnesty and Pardon will apply this special legal treatment to crimes eligible for amnesty or pardon, bearing in mind the recommendations of the Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct. Notwithstanding the above, the Judicial Panel will first grant an amnesty or pardon to persons convicted of or investigated for crimes eligible for amnesty or pardon, automatically or upon request, and always in accordance with the provisions of the Amnesty Law. Should the request for pardon or amnesty relate to acts that are ineligible for pardon or amnesty, the Judicial Panel for Amnesty and Pardon will refer the case to the Judicial Panel for Acknowledgement of Truth and Responsibility.

For the purposes of granting an amnesty, it will assess the extent to which the action is linked to the rebellion and other political crimes.

50.- The Judicial Panel for Determination of Legal Situations will have the following functions:

- a. To define the judicial status of all those accessing the judicial component of the CS, in relation to two scenarios: persons who will be ineligible for amnesty or pardon and who will not be included in the resolution of conclusions, and persons who do not need to be held to account before the Tribunal, on account of being eligible for amnesty or pardon, in which case the matter will be referred to the Judicial Panel for Amnesty and Pardon.
- b. To define the treatment to be given to rulings imposed previously by the justice system with regard to persons covered by the judicial component, in accordance with the requirements of the CS - Item 3.3 of the General Agreement - including the extinction of responsibilities where the sanction has been completed. Any person convicted in a judgment of the ordinary courts may appear voluntarily to acknowledge the complete, detailed and exhaustive truth in cases which do not have to be referred to the Judicial Panel for Amnesty and Pardon or remain with the Judicial Panel for Acknowledgement of Truth and Responsibility.
- e. To adopt other resolutions necessary to define the judicial status of those not granted an amnesty or pardon, and who have not been included in the resolution of conclusions.
- f. At the request of the person under investigation, to define the judicial status of those who, without belonging to a rebel organisation, may be under investigation for conduct that falls within the jurisdiction of the Special Jurisdiction for Peace. The Panel will decide whether it is appropriate to refer this to the Judicial Panel for Amnesty and Pardon or to the Judicial Panel for Acknowledgement and Responsibility or, in order to define the judicial status, whether it is appropriate to waive exercise of criminal or disciplinary action, in this last case also in respect of non-combatant civilians, or apply any other legal mechanism according to the case. It will also define the judicial status of any third parties who submit themselves voluntarily to the jurisdiction in the 3 years after it comes into operation and who are being tried for or have been convicted of crimes falling within the jurisdiction of the SJP, where those parties have not played a decisive role in the most serious or representative crimes. Once the judicial status has been established, it will adopt the necessary resolutions, inter alia

abandoning criminal proceedings or in some other way terminating the proceedings early, provided that they make an effective contribution to the measures of the CS, in particular to clarifying the truth in the context of the System. The resolution defining the judicial status will become *res judicata*.

Page 176, 5.1.2. Justice

#### SPECIAL JURISDICTION FOR PEACE

##### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

61.- The resolutions and rulings imposed in accordance with the special regulations of the judicial component of the CS will clearly state the content of the sanction, the place of implementation of the sanction, and the conditions and effects of sanctions for crimes ineligible for an amnesty

Page 180, 5.1.2. Justice

#### SPECIAL JURISDICTION FOR PEACE

##### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

72.- Extradition may not be granted nor detention measures taken with the aim of extradition with regard to events or conduct covered by this system, caused by or occurring during the internal armed conflict or because of it up until its termination, whether it relates to crimes that are eligible or ineligible for amnesty, and particularly not for political crimes, the crime of rebellion or politically motivated crimes, whether committed inside or outside Colombia.

Pages 186-187,

#### AGREEMENT TO DEVELOP ITEM 23 OF THE "AGREEMENT TO CREATE A SPECIAL JURISDICTION FOR PEACE" OF 15 DECEMBER 2015

On their entry into force, the amnesty rules shall cover the release from prison of all persons indicated in the first paragraph of Item 23 of the "Agreement to create a Special Jurisdiction for Peace" (SJP) of 15 December 2015 - rebels who are members of organisations which have signed a final peace agreement and persons who have been accused or convicted of political or politically motivated crimes through decisions delivered by the courts - and shall define the authority that will determine their release. Former detainees shall declare that they will submit to the authority and remain at the disposal of the Special Jurisdiction for Peace on conditional release decided by the SJP in accordance with the conditions laid down in the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence (CS) and verified by the SJP when it comes into operation.

Should the person have been accused of or sentenced for crimes which are not subject to amnesty, the preceding paragraph shall be applied in relation to their release from prison and submission to the SJP to appear before the Judicial Panel for Acknowledgement of Truth and Responsibility, the Judicial Panel for Amnesty and Pardon or the Review Chamber, or until the SJP impose the corresponding sanctions, where applicable, and they shall remain at the disposal of the SJP under the following conditions:

...

#### Chapter 6

Pages 214-215, 6.1.9. Priorities for regulatory implementation

In accordance with the provisions of the Final Agreement, the National Government will guarantee the following schedule of legislative implementation: The Final Agreement shall be incorporated in accordance with constitutional requirements. As a priority, the following draft legislation will be processed urgently in accordance with the procedure established in Legislative Act 1 of 2016 or by means of some other Legislative Act in the event that the foregoing procedure is no longer valid:

a. Amnesty Law and Legislative Act of incorporation of the Special Jurisdiction for Peace, into the Political Constitution, according to the agreement of 7 November 2016.

...

h. Suspension of orders to capture members of the FARC-EP or persons accused of being members or of collaborating with that organisation and suspension of the procedures of extradition of such persons until the entry into force of the Amnesty Law and of the constitutional rule on the prohibition of extradition established in number 72 of the Special Jurisdiction for Peace. Adoption of measures on the civil and legal status of all the members of the FARC-EP which will enable the strict application of that established in number 72 of the Special Jurisdiction for Peace.

Page 217, 6.1.11. Priority implementation

....

f. Creation of the autonomous system for free advice and defence provided for in the Agreement of Special Jurisdiction for Peace and in the Amnesty Law.

Annexes and Protocols

A number of annexes and protocols address amnesty. These include:

OTHER AGREEMENTS AND THE DRAFT LAW ON AMNESTY, PARDON AND SPECIAL CRIMINAL TREATMENT (pages 289-290)

AGREEMENT OF 9 NOVEMBER 2016 (pages 291-293)

SPECIAL IMPLEMENTATION AGREEMENT TO SELECT THE EXECUTIVE SECRETARY OF THE SPECIAL JURISDICTION FOR PEACE AND ENSURE ITS DUE OPERATION (pages 294-296)

AGREEMENT TO FACILITATE THE FULFILMENT OF THE TIMETABLE FOR THE PROCESS OF LAYING DOWN OF ARMS ESTABLISHED BY MEANS OF AN AGREEMENT OF 23 JUNE 2016 (pages 297-299)

APPENDIX I LAW ON AMNESTY, PARDON AND SPECIAL CRIMINAL TREATMENT (page 300)

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PART I AIMS AND PRINCIPLES

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CHAPTER III AMNESTIES OR PARDONS GRANTED BY THE JUDICIAL PANEL FOR AMNESTY AND PARDON (pages 306-309)

CHAPTER IV JURISDICTION AND OPERATION OF THE JUDICIAL PANEL FOR DETERMINATION OF LEGAL SITUATIONS (pages 309-312)

CHAPTER V SYSTEM FOR RELEASE (pages 312-314)

CHAPTER VI EFFECTS OF AMNESTY (pages 315-316)

PART III DIFFERENTIATED SPECIAL CRIMINAL TREATMENT FOR STATE AGENTS

SECTION I JURISDICTION AND FUNCTIONING OF THE JUDICIAL PANEL FOR DETERMINATION OF LEGAL SITUATIONS (page 316)

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SECTION IV IMPRISONMENT IN A MILITARY OR POLICE UNIT FOR MEMBERS OF THE MILITARY OR THE POLICE FORCES WITHIN THE FRAMEWORK OF THE SPECIAL JURISDICTION FOR PEACE (pages 320-322)

SECTION IV FINAL PROVISIONS SYSTEM OF DEFENCE (pages 322-323)

[Power to amnesty](#)

Page 160, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

35... The Judicial Panel for Amnesty and Pardon, the Judicial Panel for Determination of Legal

Situations and the Review Chamber of the Tribunal for Peace will be competent to decide whether the sanctions, investigations or sentences imposed in the previous situations should be extinguished, revised or annulled.

36.- The imposition of any sanction in the CS will not legally hinder a person from political participation or limit the exercise of any right, active or passive, to political participation, the parties will agree the relevant constitutional reforms in this regard.

37.- Article 6.5 of Protocol II Additional to the Geneva Conventions, to which Colombia is a State Party, will apply. It states the following: "At the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained."

Page 164-167, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

##### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

... 48.- The Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct will have the following functions: (pages 164-167 list functions)

49.- The Judicial Panel for Amnesty and Pardon will apply this special legal treatment to crimes eligible for amnesty or pardon, bearing in mind the recommendations of the Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct. Notwithstanding the above, the Judicial Panel will first grant an amnesty or pardon to persons convicted of or investigated for crimes eligible for amnesty or pardon, automatically or upon request, and always in accordance with the provisions of the Amnesty Law. Should the request for pardon or amnesty relate to acts that are ineligible for pardon or amnesty, for Amnesty and Pardon will refer the case to the Judicial Panel for Acknowledgement of Truth and Responsibility. For the purposes of granting an amnesty, it will assess the extent to which the action is linked to the rebellion and other political crimes.

Page 174, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

##### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

...

c. With regard to conduct and acts that are covered by the judicial component's procedures and regulations, at the request of any Chamber or Panel and when there are doubts, to determine whether conduct related to financing was a politically motivated crime or not, in accordance with the criteria established in the Amnesty Law.

Page 177, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

##### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

64.- The Judicial Panel for Determination of Legal Situations will be able to apply mechanisms to terminate proceedings, with a view to extinguishing criminal liability, when this relates to contexts linked to exercising the right of protest or internal disturbance. The state authorities, social organisations, unions, human rights organisations and processes that form part of the Rural, Ethnic and Popular Summit (Cumbre Agraria, Étnica y Popular) will present information to the Panel when it relates to the following crimes: conspiracy, obstruction of the public highway, release of hazardous substances, violence against public servants, disruption of the public transport system, damage to third-party property, personal injury and other crimes committed in the context of the Public Safety Law.

## Courts [National courts](#)

Summary: Sections of chapter 5 deal with accountability in national courts. While reference is made to the potential to include international actors, this is treated as a national court.

Important sections include:

5.1.2. Justice, SPECIAL JURISDICTION FOR PEACE, which includes:

- I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS) (pages 152-156)
- II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT (pages 157-162)
- III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS (pages 162-181), which includes  
LIST OF SANCTIONS (page 181-188)  
AGREEMENT TO DEVELOP ITEM 23 OF THE “AGREEMENT TO CREATE A SPECIAL JURISDICTION FOR PEACE” OF 15 DECEMBER 2015 (pages 186-188)

Selected provisions include:

Pages 162-163, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

46.- In order to realise the victims’ right to justice, the judicial component will comprise the following bodies:

- a. Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct,
- b. Tribunal for Peace,
- c. Judicial Panel for Amnesty and Pardon,
- d. Judicial Panel for Determination of Legal Situations, for cases other than those above or in other unforeseen situations and,
- e. Investigation and Prosecution Unit, which must realise the victims’ right to justice when there is no collective or individual acknowledgement of responsibility.

Summary:

Para 46 also outlines components to ensure fair trials and procedural certainty.

AGREEMENT TO DEVELOP ITEM 23 OF THE “AGREEMENT TO CREATE A SPECIAL JURISDICTION FOR PEACE” OF 15 DECEMBER 2015 (pages 186-

Selected provisions:

Page 138, 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence

b. Components: The Comprehensive System will comprise the following five mechanisms and measures:

- Special Jurisdiction for Peace: A number of judicial panels for justice, including a Judicial Panel for Amnesty and Pardon and a Tribunal for Peace, to administer justice and investigate, clarify, prosecute and punish serious human rights violations and serious infringements of international humanitarian law. The Special Jurisdiction for Peace forms part of the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence and, since it deals exclusively and temporarily with conduct relating directly and indirectly to the armed conflict, does not mean substitution of ordinary jurisdiction.

Page 153, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

2.- The judicial component of the Comprehensive System for Truth, Justice, Reparations and NonRecurrence (hereinafter referred to as the CS) is named the Special Jurisdiction for Peace. The

objectives of the judicial component of the Comprehensive System are to realise the victims' right to justice, offer truth to the Colombian society, protect victims' rights, contribute to achieving a stable and lasting peace, and take decisions that offer full legal certainty to those who participated directly or indirectly in the internal armed conflict with regard to acts committed in the context of and during said conflict and which represent serious breaches of international humanitarian law and serious violations of human rights.

...

4.- The state has the autonomy to establish special jurisdictions or legal systems, deriving from the provisions of the UN Charter on the sovereignty and self-determination of nations, and from principles of international law, including international humanitarian law, international law on human rights and international criminal law.

Pages 154-155, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

##### I. BASIC PRINCIPLES OF THE JUDICIAL COMPONENT OF THE COMPREHENSIVE SYSTEM FOR TRUTH, JUSTICE, REPARATIONS AND NON-RECURRENCE (CS)

In the event of any conflict of jurisdiction between any jurisdiction and the Special Jurisdiction for Peace, it will be resolved by an Incidental Judicial Panel composed of 3 judges of the Supreme Council of the Judiciary, elected by that Council, and 3 judges of the Chambers or Sections of the Special Jurisdiction for Peace not affected by the said conflict of jurisdiction, elected by the plenary of the Special Jurisdiction for Peace. Decisions in the Incidental Judicial Panel will be adopted by a simple majority and, if no majority is achieved, in view of the preferential nature of the Special Jurisdiction for Peace, it will be resolved by the President of that Jurisdiction.

The deadline for the conclusion of the functions of the Special Jurisdiction for Peace consisting of the presentation of accusations by the Investigation and Prosecution Unit, officially or as a result of the reports dealing with sub-paragraphs b) and (c) of Item 48, will be 10 years from the effective entry into operation of all Judicial Panels and Chambers of the Special Jurisdiction for Peace, with a subsequent period of a further 5 years in which to complete its judicial activity. This latter term may be extended to complete its activities if necessary. The Stability and Efficacy Chamber provided for in the last paragraph of Item 52 may be constituted whenever necessary without any limitation whatsoever in terms of time.

Page 158, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

##### II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT

32.- The judicial component of the CS will apply to all those who participated directly or indirectly in the armed conflict. It will apply to those investigated or convicted of the crime of rebellion or other crimes related to the conflict, whether they belong to the armed organisations in rebellion or not. With regard to combatants in illegal armed groups, the judicial component of the System will only apply to those signing a final peace agreement with the National Government. The Special Jurisdiction for Peace will also have jurisdiction over acts of financing or collaborating with paramilitary groups, or with any protagonist in the conflict, when they were not the result of coercion...

Page 162, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

##### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

... The Justices of the Panels and Chambers of the Special Jurisdiction for Peace shall, in exercise of their autonomy, adopt the operating and organisational regulations of the Special Jurisdiction for Peace, in line with principles of impartiality, independence and guarantees of due process, avoiding

any revictimisation and providing due support to victims in accordance with the provisions of the relevant international standards. These regulations will also establish the grounds and procedures for challenging and legally hindering Justices. These individuals will have the flexibility to be allocated to different chambers and panels depending on the workload of each one, and in accordance with the criteria set out in the regulations.

The Justices of the panels and chambers of the Special Jurisdiction for Peace shall draw up the procedural rules governing the proceedings, which must, at a minimum, provide for the following principles: the System must be adversarial and respect due process and the principle of impartiality, it must provide for due publicity and guarantee the principle that both sides must be heard in assessing evidence and the defence, as well as the right to a second hearing, and it must comply with the principles provided for in Item 14. The above procedural rules must be incorporated into Colombian domestic law.

The Tribunal for Peace will be the final body of the Special Jurisdiction for Peace created within the CS. Pages 164-186, , 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

#### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

(summary: the coding below outlines the primary components of CS and the specific pages for reference to more specific functions of the respective mechanisms)

... 48.- The Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct will have the following functions: (pages 164-167 list functions)

49.- The Judicial Panel for Amnesty and Pardon will apply this special legal treatment to crimes eligible for amnesty or pardon, bearing in mind the recommendations of the Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct. Notwithstanding the above, the Judicial Panel will first grant an amnesty or pardon to persons convicted of or investigated for crimes eligible for amnesty or pardon, automatically or upon request, and always in accordance with the provisions of the Amnesty Law. Should the request for pardon or amnesty relate to acts that are ineligible for pardon or amnesty, for Amnesty and Pardon will refer the case to the Judicial Panel for Acknowledgement of Truth and Responsibility. For the purposes of granting an amnesty, it will assess the extent to which the action is linked to the rebellion and other political crimes.

50.- The Judicial Panel for Determination of Legal Situations will have the following functions (pages 168-169 lists functions)

51.- The Investigation and Prosecution Unit will be responsible for realising the victims' right to justice when there is no collective or individual acknowledgement of responsibility. It will have the following functions (page 169 lists functions)

52.- The Tribunal for Peace will have different chambers

(pages 169-161 defines the structure of the chambers of the Tribunal for Peace). These include:

- First Instance Chamber in Cases of Acknowledgement of Truth and Responsibility, which will hand down rulings;
- another First Instance Chamber in Cases of Absence of Acknowledgement of Truth and Responsibility, where cases will be heard and rulings handed down, either acquitting or convicting the person;
- Review Chamber, with the task of reviewing rulings handed down by the justice system, in accordance with the provisions of Item 58. It will receive cases already heard by jurisdictional bodies or sanctioned by the Office of the Inspector General (Procuraduría General de la Nación) or the Office of the Comptroller General (Contraloría General de la Nación), provided they are not going to form the object of an amnesty or pardon.
- An Appeals Chamber to decide on objections to rulings passed by either of the First Instance Chambers. It will not be possible to increase the sentence at the second instance when the sole

appellant is the person sanctioned.

53.- The First Instance Chamber of the Tribunal for Peace in Cases of Acknowledgement of Truth and Responsibility will have the following function (pages 171-172 lists functions)

54.- The First Instance Chamber of the Tribunal for Peace in Cases of Absence of Acknowledgement of Truth and Responsibility will have the following functions (pages 172-173 lists functions)

55.- The final rulings passed by the Tribunal for Peace will be immediately passed to the Truth, Coexistence and Non-Recurrence Commission.

56.- All rulings of the Tribunal for Peace, as well as the resolutions of the panels of the judicial component that define judicial status and grant amnesties or pardons will become *res judicata* when they are final and their immutability will be ensured. These rulings may only be invalidated or struck down by the Tribunal itself on restrictive grounds expressly set out in the regulations.

57.- Any decision adopted by a jurisdictional body or other authority that is aimed at striking down the amnesty, pardon or other measure adopted in the system will need to be submitted to the Tribunal for Peace so that this body can verify whether or not the decision is in violation of the principles of the CS.

58.- The Review Chamber of the Tribunal for Peace will have the following functions (pages 173-174 lists functions)

Summary: pages 175-181 outline criteria for determining and applying sanctions.

Summary: pages 181-185 includes a list of sanctions.

These are:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility (pages 182-184), which are broken down into:

A.- In rural areas.

B.- In urban areas

C.- Clearance and disposal of explosive remnants of war, unexploded ordnance and antipersonnel mines from areas of national territory affected by such items.

II.- Sanctions applicable to persons who acknowledge truth and responsibility for the first time in adversarial proceedings before the First Instance Chamber of the Tribunal for Peace prior to delivery of judgment (page 185)

III.- Sanctions applicable to persons who do not acknowledge truth and responsibility in adversarial proceedings before the First Instance Chamber of the Tribunal for Peace who are found guilty by the latter (pages 185-186)

Page 178, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

65... All these individuals will need to be highly qualified and they must include experts in different areas of law, with a focus on knowledge of international humanitarian law, human rights or conflict resolution. The Tribunal will need to be formed according to criteria of equal participation by men and women and respect for ethnic and cultural diversity, and members will be elected through a selection process that reassures Colombian society and its different sectors.

Page 179, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

SPECIAL JURISDICTION FOR PEACE

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

67.- The Investigation and Prosecution Unit will be formed of a sufficient number of legal professionals who are highly qualified in investigation and prosecution, and will need to include experts from different areas of law, with a focus on knowledge of international humanitarian law or human rights. It will need to have a technical forensic investigation team that will be able to draw on international support, particularly in the area of exhumations and identifying the remains of missing persons. It will



be formed according to criteria of equal participation by men and women and respect for ethnic and cultural diversity, and members will be elected through a selection process that reassures Colombian society and its different sectors.

The Unit will have a special investigation team for cases of sexual violence. Special provisions on handling evidence will be established for acts of sexual violence, as given in the Rome Statute.

## **Mechanism**

Summary:

Important sections include:

5.1.1. Truth: Truth, Coexistence and Non-Recurrence Commission and Special Unit for the Search for Persons deemed as Missing in the context of and due to the conflict

5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la la Verdad, la Convivencia y la No Repetición) (pags 139-141)

5.1.1.1.1. Guiding criteria (pages 141-143), which includes:

- Focus on victims, • Impartiality and independence, • Temporary nature • Participation • Territorial-based approach Equity-based and gender-based approach • Coordination with other peacebuilding measures • Guarantees for the commissioners • Safety conditions • Coexistence and reconciliation • Procedural rules • Methodology • Extrajudicial mechanism:

5.1.1.1.2. Mandate (pages 143-144)

5.1.1.1.3. Time period studied by the Commission (pages 144-145)

5.1.1.1.4. Duties (pages 145-146)

5.1.1.1.5. Selection process (pages 146-147)

5.1.1.1.6. Chair of the Commission (page 147)

5.1.1.1.7. Term (page 147)

5.1.1.1.8. Commitment to contribute towards historical clarification (pages 147-148)

5.1.1.1.9. Financing (page 148)

5.1.1.1.10. Committee to Monitor and Follow up the Implementation of the Commission's Recommendations (page 148)

Selected provisions:

Page 138, 5. Agreement regarding the Victims of the Conflict..., 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence

b. Components: The Comprehensive System will comprise the following five mechanisms and measures:

- Truth, Coexistence and Non-Recurrence Commission: This will be a temporary, extrajudicial body seeking to uncover the Truth about what happened and contribute to the elucidation of violations and infringements, and to offer a broad explanation to society as a whole about the complexity of the conflict; to promote the recognition of the victims and of the responsibilities of those who directly and indirectly took part in the armed conflict; and to promote coexistence across the country's territories in order to guarantee non-recurrence.

Pages 139-145, 5. Agreement regarding the Victims of the Conflict... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.1. Truth: Truth, Coexistence and Non-Recurrence Commission and Special Unit for the Search for Persons deemed as Missing in the context of and due to the conflict 5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la la Verdad, la Convivencia y la No Repetición)

... By starting over again we can contribute to the construction and preservation of historical memory and gain a broad understanding of the multiple facets of the truth about the conflict, including the historical dimension, so as not only to realise the right to the truth but also to contribute to laying the foundations for coexistence, reconciliation and non-recurrence.

With this aim in mind, we, the National Government and the FARC-EP, have reached an agreement to set in motion, once the Final Agreement has been signed, the Truth, Coexistence and Non-Recurrence Commission (hereinafter the Commission), which will be an independent, impartial

mechanism of an extrajudicial nature.

The Commission will form part of the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence which has been agreed to realise victims' rights, put an end to the conflict and achieve peace. Therefore, the Commission can only be considered as one part of the Comprehensive System which includes judicial and extrajudicial mechanisms to guarantee victims' right to the truth, justice and reparations, as well as to help ensure that the Colombian people never have to experience such a conflict again. This Commission will respond to the ethical, political and historical need to contribute, along with other initiatives, to creating the conditions, commitments and guarantees of non-recurrence.

The Commission shall fulfil three fundamental purposes, which together contribute to guarantees of non-recurrence. First, the Commission shall help uncover the truth about what has happened, in accordance with the aspects of the mandate described below, and offer an extensive explanation of the complexity of the conflict, so as to promote a shared understanding among society, in particular as regards the least known aspects of the conflict, such as the impact of the conflict on children and adolescents and gender-based violence, inter alia.

Second, the Commission shall promote and contribute to recognition. This means the recognition of victims as citizens whose rights were infringed and as political subjects who are vital for the transformation of the country; the voluntary acknowledgment of individual and collective responsibilities by all those who directly or indirectly took part in the conflict, as a contribution towards truth, justice, reparations and non-recurrence; and, in general, the recognition by society as a whole of this legacy of violations and infringements as something that must be rejected by all and that can never and must never be repeated.

And third, the Commission shall promote coexistence across the country's territories, on the understanding that coexistence does not mean simply sharing the same social and political space but the creation of an opportunity for change to facilitate peaceful resolution of conflicts and the establishment of the deepest culture of respect and tolerance in democracy. To this end, it will foster an environment of dialogue and will establish forums for restoring the dignity of the victims, for individual and collective acknowledgment of responsibility, and, in general, for strengthening people's respect for and trust in each other, cooperation and solidarity, social justice, equality of opportunity between men and women, and a culture of democracy that fosters tolerance, promotes well-being, and rids us of indifference to the problems of others. The Commission must lay the foundations for peace based on truth and the revelation and recognition of a blood-stained past that must be acknowledged before it can be put behind us.

Page 143, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.1. Truth: Truth, Coexistence and Non-Recurrence Commission and Special Unit for the Search for Persons deemed as Missing in the context of and due to the conflict 5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la la Verdad, la Convivencia y la No Repetición),

5.1.1.1.1. Guiding criteria:

Extrajudicial mechanism: The Commission will be an extrajudicial mechanism. In this regard, its work will not be of a judicial nature and may not lead to criminal charges against those who appear before it. The information received or produced by the Commission may not be handed over by it to the judicial authorities for the purposes of attributing liability in judicial processes and it shall be of no probative value; likewise, the judicial authorities may not demand that it do so.

...

5.1.1.1.3. Time period studied by the Commission:

In order to address the various aspects of its mandate, the time period studied by the Commission will be the duration of the conflict. Since this is a lengthy period of time, it will be necessary for the Commission to establish investigative priorities within this period. However, in order to fulfil the purpose of fully elucidating the origins and multiple causes of the conflict, the Commission may

explore historical events prior thereto, taking into account as basic input, inter alia, the reports of the Historical Commission of the Conflict and its Victims.

Page 146-147, 5.1.1.1.5. Selection process:

The Commission will have 11 commissioners. Their selection will be based on a nomination and selection procedure ensuring guarantees of legitimacy, impartiality and independence for Colombian society as a whole, and victims in particular. The candidate nomination process will be wide-ranging and pluralistic, ensuring that all sectors of society, including victims' organisations, inter alia, may nominate candidates.

The "Mechanism for the selection of the magistrates of the Special Jurisdiction for Peace" agreed by the parties on 12 August 2016 for selecting the magistrates, prosecutors and other members of the Special Jurisdiction for Peace, shall be tasked with selecting and appointing the 11 commissioners of the Truth, Coexistence and Non-Recurrence Commission, including the Chair.

All members of the selection committee shall inspire trust among the people.

The selection will be based solely on nominations and the election will take into account individual selection criteria such as ethical suitability, impartiality, independence, commitment to human rights and justice, absence of conflicts of interest, and knowledge about the armed conflict, international humanitarian law and human rights, and a recognised background in any of these fields. The selection of the commissioners shall also take collective criteria into account, such as equal participation between men and women, pluralism, interdisciplinary nature and regional representation.

The selection committee may select foreign commissioners, but in no case more than 3.

The selection committee shall have up to 3 months for the selection of the commissioners, starting as of the closing of the nomination phase. The selection of the commissioners must be adopted by a majority of 2/3 of the members of the selection committee.

5.1.1.1.7. Term:

The Commission shall have a 3-year term, including the preparation of the final report. The Commission shall have 6 months to prepare everything necessary for its operation. The final report will be published within one month following the conclusion of the Commission's work.

Page 198, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.4. Guarantees of non-recurrence

The following items must all contribute, in order to recognise, clarify and encourage the rejection of what occurred: ... the acknowledgements of responsibility; the judicial truth and the decisions made by the Special Jurisdiction for Peace...

...

And fourthly, by means of the promotion of coexistence on the basis of the acknowledgements of responsibility made in the framework of the Truth, Coexistence and Non-Recurrence Commission, of the Special Jurisdiction for Peace and of the measures for reparations. Insofar as these acknowledgements are also of the rules and rights breached and constitute commitments to non-recurrence, they contribute to the strengthening of trust between citizens and in the rules that guarantee the validity and respect of those rights. Thus the bases are established for coexistence, which in turn is the foundation for reconciliation and the building of a stable and long-lasting peace.

#### **Prisoner release**

Page 63, 3.1.4.1. Transitional Local Zones for Normalisation (TLZNs)

Members of the FARC-EP who, under the Amnesty Law, have benefited from release from prison will, if they so desire, be integrated in said Zones in order to continue the process of reincorporation into civilian life. To this end, accommodation outside of the camps shall be organised inside the TLZNs.

Page 74, 3.2.2.4. Accreditation and transition to legal status

An expedite procedure will be established for accreditation and transition to legality for non-armed members of the FARC-EP. The persons accredited will have their judicial status defined by being granted a pardon through the legal instruments in force if the Amnesty Law is not yet in force. They will be released, albeit at the disposal of the SJP, if they are accused of crimes that may not be subject

to amnesty under the Amnesty Law agreed to in the Final Agreement. All the provisions established in the "Agreement of 20 August 2016" that are favourable to them will be applied to them to facilitate the implementation of the timetable for the process of laying down of arms under the Agreement of 23 June 2016.

Page 185, 5.1.2. Justice:

#### SPECIAL JURISDICTION FOR PEACE

##### LIST OF SANCTIONS.

II.- Sanctions applicable to persons who acknowledge truth and responsibility for the first time in adversarial proceedings before the First Instance Chamber of the Tribunal for Peace prior to delivery of judgment.

To be eligible for the alternative penalty, the person concerned must undertake to contribute to their reincorporation into society by means of work, training or study during their term of imprisonment, and shall where appropriate engage in activities ensuring non-recurrence.

When the alternative sanction and conditions imposed in the judgment have been completed, they will be released.

Page 186, 5.1.2. Justice:

#### SPECIAL JURISDICTION FOR PEACE

III.- Sanctions applicable to persons who do not acknowledge truth and responsibility in adversarial proceedings before the First Instance Chamber of the Tribunal for Peace who are found guilty by the latter.

Convicted persons may be given substitute penalties or additional benefits provided they undertake to contribute to their reincorporation into society by means of work, training or study during their term of imprisonment and to engage in activities ensuring non-recurrence of the harm or injury caused once they are released.

When the sanction imposed in the judgment has been served, they will be released on probation if they have undertaken to engage in activities ensuring non-recurrence of the harm or injury caused upon their release and this was a reason for granting a reduction in the duration of the penalty imposed. The period of release on probation will expire and the sentence will be deemed to have been served when it is verified that activities ensuring non-recurrence of the harm or injury caused have been carried out and in any event on completion of the term of imprisonment imposed by the Tribunal for Peace.

#### PAGES 186-188, AGREEMENT TO DEVELOP ITEM 23 OF THE "AGREEMENT TO CREATE A SPECIAL JURISDICTION FOR PEACE" OF 15 DECEMBER 2015

On their entry into force, the amnesty rules shall cover the release from prison of all persons indicated in the first paragraph of Item 23 of the "Agreement to create a Special Jurisdiction for Peace" (SJP) of 15 December 2015 - rebels who are members of organisations which have signed a final peace agreement and persons who have been accused or convicted of political or politically motivated crimes through decisions delivered by the courts - and shall define the authority that will determine their release. Former detainees shall declare that they will submit to the authority and remain at the disposal of the Special Jurisdiction for Peace on conditional release decided by the SJP in accordance with the conditions laid down in the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence (CS) and verified by the SJP when it comes into operation.

Should the person have been accused of or sentenced for crimes which are not subject to amnesty, the preceding paragraph shall be applied in relation to their release from prison and submission to the SJP to appear before the Judicial Panel for Acknowledgement of Truth and Responsibility, the Judicial Panel for Amnesty and Pardon or the Review Chamber, or until the SJP imposes the corresponding sanctions, where applicable, and they shall remain at the disposal of the SJP under the following conditions:

If the SJP has begun to operate, from the time it comes into operation as provided for in the following point the decision to release, the transfer and the supervision of the special SJP control and guarantee

measure determined by the latter with respect to former detainees will be determined by the Review Chamber of the Tribunal for Peace and enforced in the same places where reincorporation into civilian life occurs, as agreed for other members of the FARC-EP, or in other places of residence proposed by former detainees.

b. If the SJP has not begun to operate, the authority determining the Amnesty Law will decide on the release from prison and on the special SJP control and guarantee measures and will provide for the special SJP verification mechanism agreed by the parties under Item 6 of the General Agreement of August 2012 to ensure that such persons are at the disposal of the SJP in the same places where reincorporation into civilian life occurs, as agreed for the other members of the FARC-EP, or in other places that may be proposed by former detainees once the authority has given its approval. The foregoing as a whole will be confirmed by the same special SJP verification mechanism agreed by the parties under the aforesaid Item 6 of the General Agreement of August 2012. The authority or mechanism established in the Amnesty Law will be responsible for the transfer of former detainees to the places in which they will remain at the disposal of the SJP. At their own choice and once the competent authority has given its approval, former detainees will go to their place of residence, to the places where reincorporation into civilian life of members of the FARC-EP is to occur or to any other place proposed to the mechanism or authority competent to decide thereupon. Both members of the FARC-EP and persons who do not acknowledge that they are members of that organisation shall remain under the supervision of the above-mentioned verification mechanism determined by the parties until the SJP comes into operation.

Persons accused of or sentenced for crimes which are not subject to amnesty, members of the FARC-EP who are released or persons who are released who do not acknowledge that they are members of the FARC-EP shall remain on release at the disposal of the Special Jurisdiction for Peace.

When the SJP has begun to operate, all persons who have been released or former detainees will appear before that body to allow the Judicial Panel for Amnesty and Pardon, the Judicial Panel for Acknowledgement of Truth and Responsibility, the Judicial Panel for Determination of Legal Situations, the Review Chamber of the Tribunal for Peace or any other competent chamber to resolve their situation. Their liberation or release from prison will not mean that they are discharged from their responsibilities until the SJP resolves the individual situation of each person in each case.

The following persons shall also be released: those convicted or investigated for violent rioting, blocking public roads, throwing dangerous substances, using violence against public officials, disrupting the public transport service, damaging third-party property, causing personal injuries or committing other crimes within the framework of the Law on Public Order, in cases relating to the exercise of the right to protest or internal disturbances, who express their willingness to submit to the authority of the SJP and to appear before the Judicial Panel for Determination of Legal Situations to call for the application of mechanisms to stay proceedings with a view to discharging their responsibility, all as laid down in Item 64 of the Agreement to create the SJP. In that event they shall also remain under the supervision of the SJP when it has come into operation or of the verification mechanism determined by the parties as set out above when the SJP has not yet begun to operate. The SJP shall define the situation of conditional release, the scheme governing the latter and the supervision of such situations by the SJP until the situation is resolved by the Judicial Panel for Determination of Legal Situations or the appropriate Judicial Panel or Chamber of the SJP.

In all the above cases and in accordance with the principle of application of the most favourable law governing the SJP, the various authorities which are required to take the above-mentioned decisions shall take into account periods of imprisonment served by former detainees under the sanctions that may be imposed by the SJP.

Pages 312-312, APPENDIX I, LAW ON AMNESTY, PARDON AND SPECIAL CRIMINAL TREATMENT  
CHAPTER V  
SYSTEM FOR RELEASE

Article 33. Release due to the application of an amnesty or waiver of criminal prosecution. The

granting of amnesty and the waiver of criminal prosecution contemplated in this law will result in the immediate full release of those persons who have been imprisoned and who have benefited from the above measures.

Article 34. Conditional release. When this law enters into force, the persons referred to in Articles 14, 15, 16, 21 and 28 of this law who are imprisoned, including those who have been convicted of the crimes contemplated in Articles 22 and 23, will be granted conditional release provided that they have signed the undertaking contemplated in the following article.

Article 35. Formal undertaking. The Undertaking to be signed by the persons benefiting from release as provided in this Chapter will contain an undertaking to submit to and remain at the disposal of the Special Jurisdiction for Peace, an obligation to inform the Special Jurisdiction for Peace of any change of residence and an undertaking not to leave the country without prior authorisation from the Special Jurisdiction for Peace.

The Undertaking must be signed before the Executive Secretary of the Special Jurisdiction for Peace. Paragraph. In addition to the undertakings outlined in this article, persons who are imprisoned for crimes for which no amnesty may be granted, when they have been released due to the application of the provisions contained in Article 34, may, in accordance with a decision by the Special Jurisdiction for Peace, be monitored by means of electronic surveillance systems or other systems until the Special Jurisdiction for Peace finally resolves their judicial status.

Article 36. Procedure. With regard to rebels belonging to organisations that have signed a Final Peace Agreement and persons who have been imprisoned on the basis of a security measure for political or related crimes in accordance with the provisions of this law, the competent prosecutor will appear before a Pre Trial Judge (Juez con funciones de control de garantías) as soon as possible to request conditional release and that judge must verify that the person in question meets the requirements laid down in Articles 34 and 35 of this law and must order that conditional release.

With regard to rebels who belong to organisations that have signed a Final Peace Agreement and persons who have been imprisoned on the basis of a conviction for political or related crimes in accordance with the provisions of this law, the Probation Judge (Juez de ejecución de penas y medidas de seguridad) hearing the case concerning the convicted person must verify that the person concerned meets the requirements laid down in Articles 34 and 35 of this law and must order that conditional release.

If the person has been accused or convicted of crimes for which no amnesty may be granted that took place within the framework of the armed conflict and at the same time as it, the provisions established in the above paragraphs will be applied with regard to the release and submission to the Special Jurisdiction for Peace until the Special Jurisdiction for Peace has imposed the relevant sanctions, as appropriate, and that person will remain at the disposal of the Special Jurisdiction for Peace in the places where the process of reincorporation into civil life agreed for the other members of the FARC-EP takes place or in other domiciles proposed by those being released, without prejudice to the provisions set out in the paragraph in Article 35.

Persons who are imprisoned due to conduct in situations relating to the exercise of the right to protest or internal disturbances for the offences contemplated in Articles 112 (personal injury with incapacity of less than 30 days); 265 (damage to third party property); 353 (disturbance on a public, collective, or official transport service); 353A (obstruction of public roads affecting public order); 356A (discharging a firearm); 359 (use or throwing of dangerous substances or objects); 429 (violence against public servants); 430 (disruption of official acts) and 469 (violent rioting) of the Colombian Criminal Code and who express their willingness to submit to the Special Jurisdiction for Peace and appear before the Judicial Panel for Determination of Legal Situations to request the application of mechanisms of stay of proceedings with a view to the extinction of criminal liability shall also be released as soon as possible. In these cases, the following will be competent to decide on their release:

a) With regard to persons who have been imprisoned on the basis of a security measure, the competent prosecutor will appear before a Pre Trial Judge duties to request conditional release and that judge must verify that the person concerned meets the requirements laid down in Articles 34 and 35 of this law and must order that conditional release.

b) With regard to persons who have been imprisoned on the basis of a conviction, the Probation Judge hearing the case concerning the convicted person must verify that the person concerned meets the requirements laid down in Articles 34 and 35 of this law and must order that conditional release.

....

Article 39. Once the Special Jurisdiction for Peace has begun to operate, the Judicial Panel for Amnesty and Pardon (Sala de Amnistía e Indulto) will be responsible for dealing with requests for the release of any person falling within the scope of an amnesty or pardon. The order must be immediately fulfilled by the authorities competent to release the person concerned and it may not be subject to any appeal whatsoever.

Pages 319-320, APPENDIX I, LAW ON AMNESTY, PARDON AND SPECIAL CRIMINAL TREATMENT  
SECTION III, SYSTEM OF RELEASE

Article 49. Transitional, conditional early release. Transitional, conditional early release is a benefit that forms part of the comprehensive system deriving from the differentiated special criminal treatment that is necessary for building up trust and facilitating the end of the internal armed conflict and must be applied in a preferential manner in the Colombian criminal system to help achieve a stable and long-lasting peace.

This benefit will be applied to agents of the state who, at the time when this law comes into effect, are detained or have been convicted and who state or accept their submission to the Judicial Panel for Determination of Legal Situations of the Special Jurisdiction for Peace in order to benefit from the mechanism of waiving criminal prosecution.

The said statement or acceptance of submission will be made before the Executive Secretary of the Special Jurisdiction for Peace in the event that the Judicial Panel for Determination of Legal Situations has not begun to operate.

The granting of temporary, conditional, early release is a benefit that does not define the final judicial status within the framework of the Special Jurisdiction for Peace. Only persons who have been finally absolved from responsibility may rejoin the Colombian State Armed Forces.

Article 50. The beneficiaries of temporary, conditional, early release. Agents of the state that meet the following requirements will be considered as beneficiaries of transitional, conditional early release:

1. They must have been convicted or tried for punishable acts committed due to, during, or directly or indirectly related to, the armed conflict.
2. The acts in question must not constitute a crime against humanity, genocide, serious war crimes, taking hostages or other serious deprivation of liberty, torture, extra-judicial executions, forced disappearance, rape and other forms of sexual violence, abduction of minors, forced displacement, in addition to recruitment of minors in accordance with the provisions established in the Rome Statute unless the beneficiary has been imprisoned for a period equal to or exceeding five (5) years in accordance with the provisions established for alternative sanctions in the Special Jurisdiction for Peace.
3. They must request or accept, freely and voluntarily, the intention to have recourse to the system of the Special Jurisdiction for Peace.
4. They must undertake, once the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence has begun to operate, to contribute to truth, guarantees of non-recurrence, the immaterial reparation of victims and to comply with the requirements of the bodies comprising the system.

...

Paragraph 2. In the event that the beneficiary is summoned by the Comprehensive System for Truth,

Justice, Reparations and Non-Recurrence and fails to attend or to fulfil any of the obligations assumed in the undertaking, the release will be revoked. The release may not be revoked for circumstances other than those set out herein.

Article 51. Procedure for transitional, conditional early release. The National Defence Ministry will consolidate the lists of members of the Colombian State Armed Forces (which include both the Military Forces and the National Police) which, prima facie, satisfy the requirements for the application of transitional, conditional early release. To draw up the lists, information will be requested from the ordinary and military criminal jurisdictions, which must reply within 15 working days. Once the lists have been consolidated, they will be sent to the Executive Secretary of the Special Jurisdiction for Peace, who will check the lists and amend them where he or she thinks it necessary, as well as checking that the signed undertaking referred to in the previous article has been given. The Executive Secretary of the Special Jurisdiction for Peace will inform the official hearing the criminal proceedings that the beneficiary has fulfilled the requirements in order for the official to grant the temporary, conditional, early release referred to in the preceding article and the official will immediately take the action or decision required in order to implement it.

Failure to comply with the provisions set out herein constitutes a disciplinary fault.

Article 52. Supervision. The directors of penitentiaries and prisons from which persons benefiting from transitional, conditional, early release will supervise those releases until the Judicial Panel for Determination of Legal Situations determines matters within its jurisdiction, making use of both ordinary mechanisms and the mechanisms provided in the Special Jurisdiction for Peace.

Article 53. Final, unconditional release. The ordinary court that is hearing the criminal proceedings will comply with an order of immediate, unconditional and final release of the beneficiary with the waiver of criminal prosecution issued by the Judicial Panel for Determination of Legal Situations.

**Vetting** No specific mention.

**Victims** Page 2, Preamble

Considering that the sum of the accords of which the new Final Agreement is composed, contributes to ... the rights of the victims of conflict to truth, justice and reparations

Page 4, Preamble

...

the right to the preservation of freedom of choice, and other rights, notwithstanding the rights of victims of any age or generation to truth, justice and reparations;

Pages 6-7, Introduction

The conclusion of hostilities will first and foremost represent the end of the enormous suffering that the conflict has caused. Millions of Colombians, men and women alike, have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared... There must be no more victims in Colombia.

.... To break down these barriers, we need to open up spaces for the broadest citizen involvement and spaces to promote the acknowledgement of victims, the acknowledgement and establishment of accountability and, in general, the acknowledgement by society as a whole of all that has happened and of the need to greet this opportunity for peace with open arms.

Chapter 1

Page 13, 1, Principles

The following principles will be taken into account when implementing that which has been agreed under the heading "Toward a New Colombian Countryside: Comprehensive Rule Reform":

...



- Prioritisation: the comprehensive agrarian development policy is universal and its implementation prioritises the most deprived and vulnerable populations and territories, and the communities most affected by poverty, neglect and the conflict; it focuses on small and medium-sized producers, men and women alike. The rights of the victims of the conflict, of boys and girls, women and the elderly, deserve special attention.

Page 13, 1, Principles

The following principles will be taken into account when implementing that which has been agreed under the heading “Toward a New Colombian Countryside: Comprehensive Rule Reform”:

...

Reinstatement: the reinstatement of the rights of victims of displacement and dispossession, and the reversal of the effects of the conflict and neglect on communities and territories.

Chapter 2

Page 46, 2.2.3. Citizen participation through community, institutional and regional media

...

To further the success of these aims, the National Government undertakes:

To launch new competitions to tender for the award of community radio stations, subject to the objective criteria established in law, with an emphasis on the zones most affected by the conflict, thereby promoting the democratisation of information and of the use of the available electromagnetic spectrum, guaranteeing pluralism in their assignment. Participation by community organisations, including victims’ organisations, in these competitions will be promoted.

Page 52, 2.3.2. Promotion of electoral participation

Support for the management arrangements offered by the electoral organisation to stimulate and to facilitate electoral participation on the part of the most vulnerable and most isolated populations (rural, marginalised, displaced persons and victims), and in particular...

Page 55, 2.3.6. Promotion of the political representation of populations and zones particularly affected by the conflict and neglect

In any event, candidates must be people who regularly live in said territories or have been displaced from them and are in the process of returning. Candidates may be registered by significant groups of citizens or organisations in an electoral district, such as ... organisations of victims (including displaced people), and organisations of women and social sectors working to build the peace and to improve social conditions in a region, inter alia. The National Government will launch processes to strengthen social organisations in these territories, in particular victims' organisations with a view to promoting their participation in the electoral district.

Page 56, 2.3.8. Creation of a new space for providing media access to political movements and parties

...

This channel will also be a way in which to provide information on the work of victims’ organisations, social movements and organisations, to promote a democratic culture of peace and reconciliation and of non-discriminatory values with respect for the right of women to a life free of violence, and also to publicise progress made in terms of implementing the plans and programmes agreed with the context of this Agreement. A commission will set up with representatives from the most representative political movements and parties and social movements and organisations to advise on scheduling for the channel.

Chapter 3

Page 81, 3.4.2. National Political Pact:

The country's desire to achieve a stable and long-lasting peace is based on the recognition of the need to overcome the armed conflict. The National Government and the new political movement that emerges from the transition of the FARC-EP to legal political activity undertake to promote a National Political Pact from the regions, with the aid of... organisations for victims...

Pages 75-76, 3.2.2.5. Reincorporation for minors who have left the FARC-EP camps

... These minors will be accorded all the rights, benefits and allowances established for the victims of the conflict as well as those deriving from their process of reincorporation in the terms contemplated in this Final Agreement and priority will be given to family reunification wherever possible, and to final placement in homes in their original communities or others of a similar nature, whilst at all times taking into account the best interests of the child.

Chapter 4:

Page 112, 4.1.3. Description and elements of the National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes

The National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes will include the following elements:

4.1.3.1. Security conditions for the communities and territories affected by crops used for illicit purposes:

... The foregoing is without prejudice to the agreements reached with regard to fulfilling the rights of victims. This commitment in particular involves the territories where the NCPS is being driven forward.

Page 126, 4.2.1.4. Participatory action plans with territorial-based and population-focused approach:

These plans shall contain at least

- Evidence-based actions to reduce harm, aimed at minimising the negative impact of drug use on the user him/herself, on the family and on the community, giving priority to more vulnerable groups such as the homeless, women, and the prison population.

In the case of female users, actions should take into account the relationship between illicit drug use and violence against women, especially domestic violence and sexual violence. For the female prison population, special measures will be taken in terms of health, protection and prevention, including measures to prevent HIV/AIDS.

Chapter 5

Summary: Chapter 5 is directly almost entirely towards victims, dealing with a range of transitional justice related issues.

Important sections include:

5. Agreement regarding the Victims of the Conflict: "Comprehensive System for Truth, Justice, Reparations and Non-Recurrence", including the Special Jurisdiction for Peace; and Commitment on Human Rights, Preamble, which includes the following principles: (pages 132-134)

- Recognition of the victims
- Acknowledgement of responsibility
- Realisation of victims' rights
- Victim participation
- Historical clarification of the truth
- Reparations for the victims
- Guarantees of protection and security
- Guarantees of non-recurrence
- Principle of reconciliation
- Rights-based approach:

5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence (pages 135-139), which include:

a. Goals: (page 137)

b. Components: (page 138-139)

Summary: the fundamental mechanisms and components addressing victims are as follows:

- Truth, Coexistence and Non-Recurrence Commission (pages 139-148)
- Special Unit for the Search for Persons deemed as Missing in the context of and due to the conflict (pages 148-153)
- Special Jurisdiction for Peace (pages 153-188)
- Comprehensive reparation measures for peacebuilding (pages 188-197)
- Guarantees of Non-Recurrence (pages 197-203)

For coding on victims see also coding for chapter 5 on

1. TjPrir: Prisoner release
2. TjGen: Transitional Justice General
3. TjAm: Amnesty/pardon
4. TjJud: Courts
5. TjMech: Mechanism
6. TjMis: Missing
7. TjRep: Reparations
8. TjNR: Reconciliation

Page 181, , 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

##### LIST OF SANCTIONS.

This list sets out the sanctions the Tribunal for Peace may impose

... 4. undertakings as to reparations to victims and guarantees of non-recurrence.

Pages 192-193, 5.1.3. Reparations: comprehensive reparation measures for peacebuilding

##### 5.1.3.4. Psychosocial rehabilitation

Selected provisions include:

5.1.3.4.2. Psychosocial rehabilitation plan for coexistence and non-recurrence Within the framework of the collective reparation plans and bearing local reconciliation initiatives in mind, in developing this Agreement the National Government undertakes to increase the coverage and raise the quality of community rehabilitation strategies to rebuild the social fabric. These strategies will be developed through medium and long-term community processes whose key aims are to generate future projects for living together, build confidence among citizens and institutions and achieve peaceful coexistence within communities, including victims, former members of paramilitary organisations and former members of the FARC-EP who are in the process of reincorporation into society, as well as third parties who may have participated in the conflict in some way

...

- Promotion of agreements for peaceful coexistence within communities, which include victims and persons who may have participated directly or indirectly in the conflict, and confidencebuilding between the public authorities and communities.

Pages 193-194, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.3. Reparations: comprehensive reparation measures for peacebuilding

##### 5.1.3.5. Collective processes of return of displaced persons and reparations of victims abroad

- Strengthening of community advocates: The Government will take the necessary measures to strengthen the community advocates (defensores comunitarios) programme, and in particular their functions of protection and promotion of human rights, so that they can effectively monitor the processes of land restitution, return and relocation of displaced persons and victims abroad, including refugees and exiles, which form part of these processes, and can support and assist the victims in order to guarantee access to the institutional services offered with regard to realisation of their rights.

5.1.3.7. Participatory adaptation and strengthening of the Policy of caring for and comprehensive reparation of victims, in the context of the end of the conflict and contribution to material reparation for the victims (summary: (pages 195-197) this section includes strengthen the Policy of caring for

and comprehensive reparation of victims, to adapt it to the needs and opportunities of this new context, and to ensure that it contributes effectively to coexistence, guarantees of non-recurrence and reconciliation.

Pages 197-199 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.4. Guarantees of non-recurrence

The primary objective of the different mechanisms and measures of the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence agreed by the National Government and the FARC-EP is to contribute to the prevention and guarantee of non-recurrence of the violations and of the conflict itself, in different ways.

The Comprehensive System for Truth, Justice, Reparations and Non-Recurrence contributes to guaranteeing non-recurrence, in the first place, by means of the recognition of the victims as citizens who have seen their rights violated. The measures for reparations and the measures in respect of truth and justice, in particular the attribution of responsibilities and the imposition of sanctions on the part of the Tribunal for Peace of the Special Jurisdiction for Peace, must contribute to this purpose. Secondly, by means of the recognition of what has occurred in the context of the conflict and of the clarification and rejection of the serious violations of human rights and serious breaches of international humanitarian law, including those that have been historically less visible such as those committed against women, children and adolescents, as well as the rejection of the violence against collectives, social and trade union movements, and political parties, especially the opposition parties that were severely victimised, in order for it to be a shared aim of society that this will never happen again...

Thirdly, by means of the fight against impunity, contributed to especially by the Special Jurisdiction for Peace and also the measures of clarification of the truth and reparations. The accountability for what happened, on the basis of the implementation of these measures, must contribute to the prevention of and dissuasion from committing new violations, and it is a fundamental guarantee of the non-recurrence of the violations and breaches and of the definitive termination of the violence that the country has suffered due to the conflict....

And fourthly, by means of the promotion of coexistence on the basis of the acknowledgements of responsibility made in the framework of the Truth, Coexistence and Non-Recurrence Commission, of the Special Jurisdiction for Peace and of the measures for reparations. Insofar as these acknowledgements are also of the rules and rights breached and constitute commitments to non-recurrence, they contribute to the strengthening of trust between citizens and confidence in the rules that guarantee the validity and respect of those rights. Thus the bases are established for coexistence, which in turn is the foundation for reconciliation and the building of a stable and long-lasting peace.

... In conclusion, the guarantees of non-recurrence will be the result, on the one hand, of the coordinated implementation of all the foregoing measures and mechanisms, as well as in general of all the items of the Final Agreement; and, on the other hand, of the implementation of the additional measures of non-recurrence that are agreed in the framework of Item 3 "End of Conflict" of the Agenda of the General Agreement.

Chapter 6

Page 210, 6.1.3. Other measures to contribute to guaranteeing the implementation of the agreements ...

- Within the discussions on the measures for reincorporation, the measures for contribution to the material reparation of victims will be determined, including the contribution of the FARC-EP.

Page 216, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

...

h. Amendments to Law 1448 of 2011, on Victims and Land Restitution, on the basis of that agreed in section 5.1.3.7 of the "Victims" agreement, taking into account the principle of universality and in

accordance with international standards, to extend the recognition of all the victims of breaches of international humanitarian law or of serious and flagrant violations of international human rights standards, occurring during the internal armed conflict.

## Missing persons

Page 6, Introduction

The conclusion of hostilities will first and foremost represent the end of the enormous suffering that the conflict has caused. Millions of Colombians, men and women alike, have been victims of forced displacement, the dead number in their hundreds of thousands, tens of thousands of people of all kinds have disappeared... There must be no more victims in Colombia....

Summary: Sections of chapter deal with missing persons.

Important sections include:

5.1.1.2. Special Unit for the Search for Persons deemed as Missing in the context of and due to the armed conflict (Unidad para la Búsqueda de Personas dadas por Desaparecidas en el contexto y en razón del conflicto) (pages 147-152), which include:

- Formation (pages 151-152)

Selected provisions:

Page 138, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence

b. Components: The Comprehensive System will comprise the following five mechanisms and measures:

Special Unit for the Search for Persons deemed as Missing in the context of and due to the conflict:

This will be a high-level special unit of a humanitarian and extrajudicial nature, whose goal is to direct, coordinate and contribute to the implementation of humanitarian actions for searching for and identifying all the people deemed as missing due to the conflict who are still alive, and in the cases of those deceased, whenever possible, for the location and dignified delivery of their remains. The Unit's activities may not substitute or prevent judicial investigations to be carried out in fulfilment of the state's obligations.

Pages 148-149, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.1. Truth: Truth, Coexistence and Non-Recurrence Commission and Special Unit for the Search for Persons deemed as Missing in the context of and due to the conflict 5.1.1.2. Special Unit for the Search for Persons deemed as Missing in the context of and due to the armed conflict (Unidad para la Búsqueda de Personas dadas por Desaparecidas en el contexto y en razón del conflicto)

The National Government and the FARC-EP agree that with the aim of determining the fate of people deemed as missing as a result of acts of state agents, members of the FARC-EP or any other organisation involved in the conflict, and thus contributing to realising the victims' rights to truth and reparations, the National Government will establish, in the context of the end of the conflict and following the signing of the Final Agreement, a transitory and high-level special unit, with the strong participation of the victims, to search for persons deemed as missing in the context of and due to the armed conflict (hereinafter the SUSPM). This Unit will be humanitarian by nature and will form part of the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence. It will enjoy the necessary independence and financial and administrative autonomy to ensure continuity of its work over time....

... The SUSPM and the processes and procedures it implements will be of a humanitarian and extrajudicial nature. Victims' and human rights organisations will be involved in its design, implementation and operations, and it will enjoy the support of specialist institutions aimed at incorporating international best practice and the experiences of the National Search Commission for the Disappeared (Comisión de búsqueda de personas desaparecidas).

Pages 149-151, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.1. Truth: Truth, Coexistence and Non-Recurrence

Commission and Special Unit for the Search for Persons deemed as Missing in the context of and due to the conflict 5.1.1.2. Special Unit for the Search for Persons deemed as Missing in the context of and due to the armed conflict (Unidad para la Búsqueda de Personas dadas por Desaparecidas en el contexto y en razón del conflicto)

The SUSPM will have the following functions:

- To gather all information necessary to establish the universe of people deemed as missing in the context of and due to the armed conflict.
- To strengthen and speed up the processes for identifying remains, in coordination with the National Institute of Legal Medicine and Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses).
- To coordinate and conduct processes to search for, identify, locate and provide for the dignified return of remains, for which it will need to:
  - o Actively search for, compare and analyse all information available from different sources, including confidential and voluntary interviews with those who, having participated directly or indirectly in the hostilities, may have information on the fate of people deemed as missing due to the conflict, as well as information on the location of graves, cemeteries and sites where the remains of people deemed as missing may be found.
  - o Design and put in place a national plan to establish priorities for the implementation of its work, along with the corresponding regional plans, for which it will be provided with the necessary staff and equipment and will coordinate and work with the relevant bodies. The involvement of victims' and human rights organisations will be guaranteed in the design and launch of the plans.
- The SUSPM will have the necessary powers and capacity to fulfil these functions, in coordination with the state institutions, the Truth, Coexistence and Non-Recurrence Commission, and with the active involvement of victims' and human rights organisations.
- The SUSPM will have access to official databases and will be able to sign agreements with victims' and human rights organisations in order to obtain access to the information they hold. In accordance with the laws current at the time the Agreement is implemented, the National Government undertakes to facilitate the SUSPM's consultation of the information it requires to fulfil its functions, and the SUSPM, for its part, will afford this information the corresponding legal treatment.
- To promote interinstitutional coordination for the guidance and psychosocial care of the relatives of those deemed as missing in the context of and due to the armed conflict.
- To promote alliances with specialist national and international organisations in order to facilitate the fulfilment of its functions.
- Whenever possible, to provide for the dignified return to their relatives of the remains of people deemed as missing in the context of and due to the armed conflict, always ensuring this is in accordance with their different ethnic and cultural traditions.
- To guarantee the participation of the relatives of people deemed as missing in the context of and due to the armed conflict in processes to search for, identify, locate and provide for the dignified return of remains.
- To provide families with an official report containing the information that has been obtained on the fate of the person deemed as missing, on completion of the corresponding search plan. Remains that are unidentified or unclaimed by their relatives will be preserved and will be made available to the competent authorities in order to realise the victims' rights.
- To submit a copy of the report described in the above paragraph to the Truth, Coexistence and Non-Recurrence Commission.
- To regularly and publicly report, at least every six months, on the implementation of activities for the search, identification, location and dignified return of remains, always respecting the victims' right to privacy.
- To plan, coordinate and direct the implementation, together with the corresponding bodies and with the participation of the victims' and human rights organisations, of a national plan and regional plans

for tracking, searching and identification.

- To produce and implement a national registry of graves, illegal cemeteries and burial grounds.
- In order to fulfil its functions, the SUSPM will adopt procedures to compare and verify the quality of the information gathered, including its reliability, and to identify false information.

Page 152, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.1. Truth: Truth, Coexistence and Non-Recurrence Commission and Special Unit for the Search for Persons deemed as Missing in the context of and due to the conflict 5.1.1.2. Special Unit for the Search for Persons deemed as Missing in the context of and due to the armed conflict (Unidad para la Búsqueda de Personas dadas por Desaparecidas en el contexto y en razón del conflicto)

- Formation:

The SUSPM will have a director who will need to be Colombian and who will be chosen by the “Mechanism for selecting Justices of the Special Jurisdiction for Peace” agreed by the parties on 12 August 2016 for the selection of justices, prosecutors and other members of the Special Jurisdiction for Peace, on the basis of criteria of suitability and excellence drawn up bearing in mind the suggestions of the International Committee of the Red Cross and the International Commission on Missing Persons.

In terms of how the SUSPM is structured, the director will receive recommendations and suggestions from the National Search Commission for the Disappeared, victims’ organisations, the International Committee of the Red Cross and the International Commission on Missing Persons.

Page 189, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.3. Reparations: comprehensive reparation measures for peacebuilding

The FARC-EP are committed to reincorporation into civilian life and to taking action as part of that process to help to redress the harm or injury caused. Such action may include, inter alia, participating in infrastructure rebuilding work in the areas most affected by the conflict and in programmes to clear such areas of anti-personnel mines (APM), improvised explosive devices (IED), unexploded ordnance (UXO) or explosive remnants of war (ERW), participating in programmes to substitute crops used for illicit purposes, contributing to the search for, location, identification and dignified return of remains of deceased persons or persons deemed missing in the context of and due to the armed conflict, and participating in programmes to repair environmental damage, e.g. reforestation. The National Government and the FARC-EP invite anyone who may have taken part directly or indirectly in the conflict and who may have caused harm or injury at the time to take part in specific acts to ensure reparations under the comprehensive system.

Page 198, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.4. Guarantees of non-recurrence

Secondly, by means of the recognition of what has occurred in the context of the conflict and of the clarification and rejection of the serious violations of human rights and serious breaches of international humanitarian law, ... as well as the rejection of the violence against collectives, social and trade union movements, and political parties, especially the opposition parties that were severely victimised, in order for it to be a shared aim of society that this will never happen again.

#### Chapter 6

Pages 214-215, 6.1.9. Priorities for regulatory implementation

In accordance with the provisions of the Final Agreement, the National Government will guarantee the following schedule of legislative implementation: The Final Agreement shall be incorporated in accordance with constitutional requirements. As a priority, the following draft legislation will be processed urgently in accordance with the procedure established in Legislative Act 1 of 2016 or by means of some other Legislative Act in the event that the foregoing procedure is no longer valid:

...

- f. Legislative Act and organisational rules for the Unit for the Search for Persons deemed as Missing in

the context of and due to the armed conflict and for the Truth, Coexistence and Non-Recurrence Commission.

## **Reparations**    [Symbolic reparations](#)

Page 188, 5.1.3.1. Acts of early acknowledgment of collective responsibility

To contribute to realising victims' rights, mark a symbolic new beginning and create a favourable environment for peacebuilding in the context of the end of the conflict, the Government and the FARC-EP have agreed that in developing this Agreement following the signature of the Final Agreement, the National Government will as soon as possible support acts of acknowledgement and contrition in which the Government, the FARC-EP and different sectors of society that may have borne some responsibility in the conflict acknowledge their collective responsibility for the harm or injury caused and apologise, each party assuming their responsibility as an expression of their willingness to contribute towards a definitive Never Again. Such action will not prejudice voluntary acts of acknowledgement of individual responsibility that may take place in this initial period.

Collective acts will be formal, public and solemn and will be carried out at both national and regional level. The National Episcopal Conference (Conferencia Nacional Episcopal) will coordinate these acts with the support of Inter-church Dialogue for Peace (Diálogo Intereclesial por la Paz, DIPAZ) and other churches, in discussion with victims' and human rights organisations, among others. The coordinators must ensure that the acts meet the expectations both of victims and of communities, avoid re-victimisation, empower victims and help to lay the foundations underpinning coexistence and non-recurrence to be developed by the Truth, Coexistence and Non-Recurrence Commission.

In addition to acknowledgement of responsibility and a public apology, these acts may also include undertakings to take specific action to contribute towards ensuring full reparations to victims, coexistence and guarantees of non-recurrence, and to contribute in general to the peacebuilding process.

Page 198, 5.1.4. Guarantees of non-recurrence

The following items must all contribute, in order to recognise, clarify and encourage the rejection of what occurred: ... the acknowledgements of responsibility; the judicial truth and the decisions made by the Special Jurisdiction for Peace; and also the measures for reparations, including the measures for collective reparations.

...

Secondly, by means of the recognition of what has occurred in the context of the conflict and of the clarification and rejection of the serious violations of human rights and serious breaches of international humanitarian law, ... as well as the rejection of the violence against collectives, social and trade union movements, and political parties, especially the opposition parties that were severely victimised, in order for it to be a shared aim of society that this will never happen again.

And fourthly, by means of the promotion of coexistence on the basis of the acknowledgements of responsibility made in the framework of the Truth, Coexistence and Non-Recurrence Commission, of the Special Jurisdiction for Peace and of the measures for reparations. Insofar as these acknowledgements are also of the rules and rights breached and constitute commitments to non-recurrence, they contribute to the strengthening of trust between citizens and in the rules that guarantee the validity and respect of those rights. Thus the bases are established for coexistence, which in turn is the foundation for reconciliation and the building of a stable and long-lasting peace.

## [Material reparations](#)

Summary: Reparations form an important component of chapter 5.

Important sections include:

II. CONTENT, SCOPE AND LIMITS OF THE AMNESTIES AND PARDONS TO BE GRANTED, ALONG WITH OTHER SPECIAL TREATMENT (pages 157-162)

III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS (pages 162-181), which includes LIST OF SANCTIONS (page 181) (see Tj Jud: Courts coding for chapter 5)



Summary: pages 181-185 includes a list of sanctions, which include references to reparations.

These are:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility (pages 182-184), which are broken down into:

A.- In rural areas.

B.- In urban areas

C.- Clearance and disposal of explosive remnants of war, unexploded ordnance and antipersonnel mines from areas of national territory affected by such items.

II.- Sanctions applicable to persons who acknowledge truth and responsibility for the first time in adversarial proceedings before the First Instance Chamber of the Tribunal for Peace prior to delivery of judgment (page 185)

III.- Sanctions applicable to persons who do not acknowledge truth and responsibility in adversarial proceedings before the First Instance Chamber of the Tribunal for Peace who are found guilty by the latter (pages 185-186)

Page 178, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

5.1.3. Reparations: comprehensive reparation measures for peacebuilding

5.1.3.1. Acts of early acknowledgment of collective responsibility (page 188)

5.1.3.2. Concrete contributions to reparations (page 189)

5.1.3.3. Collective reparations at the end of the conflict (pages 189-190)

5.1.3.3.1. Reparations-based approach of Development Programmes with a Territorial-Based Focus (DPTFs) (page 190)

5.1.3.3.2. Collective reparation plans with a territorial-based focus (pages 190-191), which include:

- Material and symbolic measures to address harm (page 190)
- Coexistence and reconciliation measures (page 190)
- Coordination (page 190)
- Action plans (page 191)
- Participation mechanisms (page 191)
- Measures to contribute to reparation (page 191)

5.1.3.3.3. National collective reparation plans (page 192)

5.1.3.4.1. Emotional recovery (page 192)

5.1.3.4.2. Psychosocial rehabilitation plan for coexistence and non-recurrence (pages 192-193)

5.1.3.5. Collective processes of return of displaced persons and reparations of victims abroad

5.1.3.5. Collective processes of return of displaced persons and reparations of victims abroad (page 193), which include:

- Identification of territories (page 193)
- Interinstitutional coordination (page 193)
- Security in territories for return (page 193)
- Strengthening of community advocates (page 194)

5.1.3.6. Land restitution measures (pages 194-195)

5.1.3.7. Participatory adaptation and strengthening of the Policy of caring for and comprehensive reparation of victims, in the context of the end of the conflict and contribution to material reparation for the victims (pages 195-197)

Selected provisions:

Page 138, 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence

b. Components: The Comprehensive System will comprise the following five mechanisms and measures:

- Comprehensive reparation measures for peacebuilding: These measures seek to ensure the

comprehensive reparation of the victims, including the rights to restitution, indemnification, rehabilitation, realisation and non-recurrence; and the collective reparation of the territories, the populations and the communities most affected by the conflict and most vulnerable, alongside the implementation of the other agreements. For this purpose, the existing mechanisms will be strengthened, new measures will be adopted, with the promotion of everybody's commitment to the reparation of the damage caused.

Page 172, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

...

54....

d. When adopting decisions, the Tribunal will endeavour to place the conduct in the context of the armed conflict. Without prejudice to the authority of the Council of State in matters of monetary redress, it may impose symbolic reparatory obligations on the State or organisations, respecting due process and provided the organisation or State did not take effective steps to prevent the punishable conduct.

...

58.- The Review Chamber of the Tribunal for Peace will have the following functions: a. At the request of the Judicial Panel for Determination of Legal Situations, the convictions imposed by the justice system will be referred to the Review Chamber of the Tribunal for Peace so that, if the conditions are met, this latter can decide on the corresponding sanction, in accordance with the list of sanctions, and establish whether this has already been effectively fulfilled, without prejudice to the realisation of the rights of victims to reparations and non-recurrence. This ruling may never increase the sanction previously imposed by the justice system.

Page 177, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

63.- Persons who, without forming part of the organisations or armed groups, have contributed directly or indirectly to crimes committed in the context of the conflict will be able to use the mechanisms of the justice system, without prejudice to the provisions of Items 32, 48 t) and 58 e) of this document, and to receive whatever special treatment the regulations may determine, provided they meet the conditions established on contributing to truth, reparations and nonrecurrence....

Page 181, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

#### LIST OF SANCTIONS.

This list sets out the sanctions the Tribunal for Peace may impose

... 4. undertakings as to reparations to victims and guarantees of non-recurrence.

Pages 182-183, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

#### LIST OF SANCTIONS.

There are three types of sanction:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility:

... Sanctions relating to harm or injury caused to minors, women and other affected parties are also included, bearing in mind the need for the fullest possible reparations and redress to victims of the armed conflict.

Projects must establish a mechanism for discussion with representatives of victims who live in the area of implementation in order to hear their opinion and to ensure that they are not opposed to the project. The discussion mechanism must be approved by the Judicial Panel and shall be carried out under its supervision. If the victims consider it appropriate, they may make the Tribunal aware of their opinion on the proposed programme. The Tribunal shall be completely independent in taking decisions concerning such projects.

Pages 183-184, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

#### SPECIAL JURISDICTION FOR PEACE

##### LIST OF SANCTIONS.

There are three types of sanction:

I.- Sanctions applicable to persons who acknowledge exhaustive, complete and detailed truth before the Judicial Panel for Acknowledgement of Truth and Responsibility:

A.- In rural areas.

1. Participation in/implementation of effective reparation programmes for displaced rural people.

Page 189, 5.1.3. Reparations: comprehensive reparation measures for peacebuilding

Under the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, all persons who have caused harm or injury during the conflict shall help to make the respective reparations. Such contributions will be taken into account if any special judicial treatment is to be granted.

Under the Comprehensive System, the National Government will take the necessary actions to promote the participation in various reparation measures of state agents and others who played a direct role in the conflict who may have caused harm or injury as a consequence of serious breaches of international humanitarian law or serious and gross human rights violations, and of anyone who may have borne some responsibility because of their indirect participation in the conflict.

The National Government will also adopt measures to promote and, where applicable, to ensure that collective reparation measures are taken by the various state bodies that may have been responsible for harm or injury caused during the conflict.

The FARC-EP are committed to reincorporation into civilian life and to taking action as part of that process to help to redress the harm or injury caused. Such action may include, inter alia, participating in infrastructure rebuilding work in the areas most affected by the conflict and in programmes to clear such areas of anti-personnel mines (APM), improvised explosive devices (IED), unexploded ordnance (UXO) or explosive remnants of war (ERW), participating in programmes to substitute crops used for illicit purposes, contributing to the search for, location, identification and dignified return of remains of deceased persons or persons deemed missing in the context of and due to the armed conflict, and participating in programmes to repair environmental damage, e.g. reforestation. The National Government and the FARC-EP invite anyone who may have taken part directly or indirectly in the conflict and who may have caused harm or injury at the time to take part in specific acts to ensure reparations under the comprehensive system.

Pages 189-191, 5.1.3. Reparations: comprehensive reparation measures for peacebuilding

5.1.3.3. Collective reparations at the end of the conflict

In the context of the end of the conflict, the National Government and the FARC-EP, have agreed that the National Government will strengthen collective reparation processes and ensure that comprehensive rural reform plans and programmes will be reparations-based where applicable.

The FARC-EP are committed to reincorporation into civilian life and to taking action as part of that process to help to redress the harm or injury caused. Such action may include, inter alia, participating in infrastructure rebuilding work in the areas most affected by the conflict and in programmes to clear such areas of anti-personnel mines (APM), improvised explosive devices (IED), unexploded ordnance (UXO) or explosive remnants of war (ERW), participating in programmes to substitute crops used for illicit purposes, contributing to the search for, location, identification and dignified return of remains of deceased persons or persons deemed missing in the context of and due to the armed conflict, and

participating in programmes to repair environmental damage, e.g. reforestation. The National Government and the FARC-EP invite anyone who may have taken part directly or indirectly in the conflict and who may have caused harm or injury at the time to take part in specific acts to ensure reparations under the comprehensive system.

Pages 190-191,

5.1.3.3.1. Reparations-based approach of Development Programmes with a Territorial-Based Focus (DPTFs) The aim of a focus on the level of victimisation and its impact as a criterion defining areas where the DPTFs will be put into effect is to provide redress. Their implementation will accordingly seek to provide redress for victims and communities.

5.1.3.3.2. Collective reparation plans with a territorial-based focus

Summary: this section includes provisions on strengthening reparations processes by adopting a territorial approach. It is stated that collective reparation plans with a territorial-based focus must incorporate the following aspects: • Material and symbolic measures to address harm • Coexistence and reconciliation measures • Coordination • Action plans • Participation mechanisms • Measures to contribute to reparations.

Page 191, 5.1.3.3.3. National collective reparation plans

These plans must also contribute to coexistence, guarantees of non-recurrence and reconciliation. In the context of these plans, stress will be laid on acknowledging the responsibility of the state, the FARC-EP, paramilitaries and any other group, organisation or institution that caused harm or injury during the conflict. The Colombian government and the FARC-EP agree that the National Government, together with the Patriotic Union (Unión Patriótica) political party will seek an amicable outcome to the litigation currently pending in the Inter-American Commission on Human Rights concerning the Unión Patriótica political party.

Accordingly, the Colombian Government undertakes to develop a Special Reparations Plan and to make the adjustments and carry out the reforms necessary to ensure the participation of victims, considered individually and collectively, and the provision of guarantees of nonrecurrence.

Page 192, 5.1.3. Reparations: comprehensive reparation measures for peacebuilding

5.1.3.4. Psychosocial rehabilitation

5.1.3.4.1. Emotional recovery measures at individual level In order to address and help to alleviate the suffering of victims in the context of the end of the conflict, the National Government and the FARC-EP have agreed that in developing this agreement the National Government will undertake to broaden the public coverage and regional scope and improve the quality of psychosocial care to ensure the emotional recovery of victims in accordance with the specific harm or injury they have suffered, including the particular impact of sexual violence. To do this the number of local centres providing care for victims will be increased and mobile strategies to reach the most isolated places will be promoted.

5.1.3.4.2. Psychosocial rehabilitation plan for coexistence and non-recurrence Within the framework of the collective reparation plans and bearing local reconciliation initiatives in mind, in developing this Agreement the National Government undertakes to increase the coverage and raise the quality of community rehabilitation strategies to rebuild the social fabric. These strategies will be developed through medium and long-term community processes whose key aims are to generate future projects for living together, build confidence among citizens and institutions and achieve peaceful coexistence within communities, including victims, former members of paramilitary organisations and former members of the FARC-EP who are in the process of reincorporation into society, as well as third parties who may have participated in the conflict in some way...

5.1.3.7. Participatory adaptation and strengthening of the Policy of caring for and comprehensive reparation of victims, in the context of the end of the conflict and contribution to material reparation for the victims (summary: (pages 195-197) this section includes strengthen the Policy of caring for and comprehensive reparation of victims, to adapt it to the needs and opportunities of this new context, and to ensure that it contributes effectively to coexistence, guarantees of non-recurrence

and reconciliation.

Chapter 6:

Page 216, 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016

...

h. Amendments to Law 1448 of 2011, on Victims and Land Restitution, on the basis of that agreed in section 5.1.3.7 of the "Victims" agreement, taking into account the principle of universality and in accordance with international standards, to extend the recognition of all the victims of breaches of international humanitarian law or of serious and flagrant violations of international human rights standards, occurring during the internal armed conflict.

## **Reconciliation**

Summary: throughout the agreement the importance of reconciliation is stressed.

Page 3, Preamble

....

that it is an essential goal of national reconciliation to construct a new territorial-based welfare and development paradigm to the benefit of broad sectors of the population that have hitherto been the victims of exclusion and despair;

Chapter 1

Page 22, 1.2. Development Programmes with a Territorial-Based Focus (DPTFs)

...

Making the Colombian countryside a showcase of reconciliation where all, male and female alike, work around a shared aim, namely the supreme goal of peace, right and duty of mandatory compliance.

Chapter 2.

Page 34, 2, Preamble

The National Government and the FARC-EP recognise that:

... peacebuilding is a right and also a mandatory duty, forming the basis for setting Colombia on the road to peace with social justice and to reconciliation, heeding its people's clamour for peace.

Page 36, 2.1.1.1. Statute of guarantees for the exercise of political opposition

The exercise of political opposition is a cornerstone of the process of building a broad-based democracy, peace with social justice and national reconciliation ...

Page 37, 2.1.2. Security guarantees for the exercise of politics

In an end-of-conflict scenario, the maximum possible guarantees have to be established for the exercising of politics, thereby using democracy as a channel for the settlement of disputes and conflicts, contributing in a decisive manner to the creation of a climate of coexistence and reconciliation.

Pages 45-46, 2.2.3. Citizen participation through community, institutional and regional media

...In addition, in an end-of-conflict scenario, the community, institutional and regional media will play a part in the development and promotion ... reconciliation....

...

- To provide space via institutional and regional broadcasters and channels with the intention of publicising the work done by social movements and organisations, including those involving women, and by communities in general, and also the dissemination of content relating to the rights of vulnerable populations, peace with social justice, and reconciliation, thereby implementing the plans

and programmes agreed within the context of this Agreement.

The Council will have the function of advising and monitoring the Government in implementing mechanisms and actions, which are to include:

The promotion of reconciliation, coexistence and tolerance, especially in those populations most affected by the conflict, taking account of the disproportionate impact of the conflict on women.

...

The creation of a university subject matter in the area of reconciliation and peace policy

Councils for Reconciliation and Coexistence will be set up at territorial level with the aim of advising and monitoring local authorities in implementing the Agreement in such a manner as to take account of territorial peculiarities.

Page 46-47, 2.2.4. Guarantees for reconciliation, coexistence, tolerance and non-stigmatisation, especially by reason of political and social action within the context of mutual respect

All citizens, including the parties to this Agreement, must, in the end-of-conflict scenario, contribute to promoting the establishment of a culture of reconciliation, coexistence, tolerance and non-stigmatisation, using respectful, dignified language and behaviour in the exercising of politics and social mobilisation, and to generate the conditions conducive to consolidating recognition and defence of the rights enshrined in the Constitution.

With this aim, the Government will set up a National Council for Reconciliation and Coexistence (Consejo Nacional para la Reconciliación y la Convivencia), which will be composed of representatives from government, the Office of the Inspector General, the Office of the Ombudsman, representatives appointed by political movements and parties, including such movement as may arise from the transition of the FARC-EP to legal political activity, social movements and organisations, particularly those involving women, the rural population, trade associations, ethnic minorities, churches, religious faiths, organisations based on faith and organisations in the religious sector, the education sector, inter alia.

Summary: pages 46-47 list a range of responsibilities to be undertaken by the Council (see also political power sharing).

Chapter 5

Summary:

Page 142, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.1. Truth: Truth, Coexistence and Non-Recurrence Commission and Special Unit for the Search for Persons deemed as Missing in the context of and due to the conflict 5.1.1.1. Truth, Coexistence and Non-Recurrence Commission (Comisión para el Esclarecimiento de la la Verdad, la Convivencia y la No Repetición),

5.1.1.1.1. Guiding criteria:

- Coexistence and reconciliation: In order to contribute to the goal of non-recurrence and reconciliation, the Commission's work in the performance of its mandate will have the aim of promoting coexistence among the Colombian people, particularly in the territories most affected by the conflict and violence. For that purpose, the Commission will seek to ensure that the forums or hearings it holds help to strengthen respect and tolerance and citizens' trust in one another and in the regulations that ensure the enforcement of and the respect for human rights. In this manner, the Commission will also help to lay solid foundations for peacebuilding.

Page 192, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth, Justice, Reparations and Non-Recurrence, 5.1.3. Reparations: comprehensive reparation measures for peacebuilding

5.1.3.4. Psychosocial rehabilitation

5.1.3.4.2.

- Boosting of local initiatives focusing on reconciliation, dignity and acknowledgement.

Page 198, 5. Agreement regarding the Victims of the Conflict.... 5.1. Comprehensive System for Truth,

Justice, Reparations and Non-Recurrence, 5.1.4. Guarantees of non-recurrence

...

The guarantees for reconciliation, coexistence, tolerance and non-stigmatisation

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## Implementation

<b>UN signatory</b>	No specific mention.
<b>Other international signatory</b>	No specific mention.
<b>Referendum for agreement</b>	<p>Pages 1-4, Preamble</p> <p>Considering that, as a consequence of what was stated on 24 August of this year, the parties signed a Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace; that the people were consulted on the said agreement by means of a plebiscite accepted by the parties at the relevant time, on a date established for that purpose (2 October) and, by means of a ruling handed down by the Constitutional Court, which informed the country of the terms and conditions of the chosen path ... Emphasising that the ruling itself of the Constitutional Court referred to above set out guidelines to be followed in the event that NO was the majority response in the plebiscite; the said ruling by the Court indicates that the President of the Republic retains the power to maintain public order "even by negotiating with illegal armed groups in order to achieve other peace agreements"</p> <p>... Recalling that on June 23 this year, the delegations from the National Government and from the FARC-EP signed, in the Cuban capital, the agreements on the Bilateral and Definitive Ceasefire and Cessation of Hostilities and Laying down of Arms and Security Guarantees, in the presence of the President of the Councils of State and Ministers of the Republic of Cuba, the SecretaryGeneral of the United Nations, the President of the United Nations General Assembly, the President of the UN Security Council, Norway's Foreign Minister, the heads of state of the observer countries, heads of government of countries in the region, the United States Special Envoy and the European Union Special Representative; that such cessation of hostilities has been repeated from the date of the plebiscite of last 2 October</p> <p>...Admitting that the new Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace must be endorsed in accordance with Item 6 of the Agenda in the General Agreement; that such endorsement takes place by means of systems for participation by citizens such as a plebiscite</p> <p>Page 231, 6. Implementation, verification and public endorsement, 6.6. Agreement on "Public Endorsement"</p> <p>The new Final Agreement to End the Conflict and Building a Stable and Lasting Peace must receive public endorsement, in accordance with Item 6 of the Agenda for the General Agreement. That public endorsement may be given by means of systems for public participation, such as, inter alia, a plebiscite, legislative initiatives, consultation and open council meetings, or through elected public bodies whose members have a mandate to represent the public, such as the Colombian legislature (Congreso de la República), the departmental assemblies and municipal councils. The National Government and the FARC-EP shall agree the mechanism for public endorsement which must be implemented in accordance with the relevant regulations and rulings.</p>
<b>International mission/force/similar</b>	<p>Summary: see enforcement mechanism coding for chapter 4, which makes reference to United Nations in different roles in implementing agreement)</p> <p>Selected provisions:</p> <p>Page 58, 3.1.1.1. Definitions</p>

Laying down of arms (LA):

This is a technical, traceable and verifiable procedure whereby the United Nations (UN) receives all FARC-EP weaponry, which will be used to construct monuments.

Page 67, 3.1.7. Laying down of arms (LA):

Final disposal of weaponry: this is understood as the technical procedure whereby FARC-EP arms are used to construct three monuments, namely: one at United Nations headquarters, another in the Republic of Cuba, and another in Colombia at a location to be determined by the political organisation that emerges from the transformation of the FARC-EP, in agreement with the National Government.

Page 69, 3.1.7.1. Procedure

...

When the weaponry has been deposited (day D+150), the United Nations will complete the process of removing the weapons no later than day D+180, in accordance with the agreed procedures, and will certify fulfilment of this process by means of an announcement to the National Government and to the general public.

Page 129-130, 4.3.5. International Conference and forums for regional dialogue

In an end-of-the conflict scenario and to help eliminate, once and for all, the problem of illicit drugs, the National Government will promote an international conference under the auspices of the United Nations to discuss and perform an objective assessment of the policy to counter drugs and make progress in reaching agreement on the changes that must be made, taking into account the discussion and new international developments on this subject as well as the perspective of countries where drugs are used and produced, particularly the experiences and lessons learned in Colombia, and identifying good practices based on evidence.

Page 213, 6.1.8. Start of the implementation of the Final Agreement

As established in the Agreement of 11 May 2016, the Final Agreement will be signed as a Special Agreement under Common Article 3 of the Geneva Conventions and deposited, after its signature, before the Swiss Federal Council in Bern. Then, the President of the Republic will make a unilateral declaration of the state to the United Nations communicating this Final Agreement and requesting its incorporation in a document of the United Nations Security Council in the terms established in the Agreement dated 7 November 2016.

Page 223, 6.3.2. Composition of the verification mechanism and functions

The verification mechanism shall comprise the following Units:

- Notable persons: there shall be two (2) persons with an international status one selected by the National Government and the other by the FARC-EP, who shall head up the verification mechanism and have the following responsibilities:
  - a. To make public pronouncements and produce reports in relation to the progress recorded in the implementation of all the agreements, without affecting those which are to be verified by the United Nations Special Political Mission for Verification, and in relation to points of discussion and dispute, all in coordination with the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement, hereinafter the CMPVI.
  - b. In relation to the points of discussion and dispute which draw attention to difficulty in the implementation of the agreements, the notable persons, in coordination with the CMPVI, shall present recommendations for the resolution of such difficulties, to which end they may consult with a delegated observer from the United Nations Verification Mechanism. Also, at the request of the CMPVI, the guarantor countries may facilitate the resolution of differences.

Pages 225-226, 6.3.3. United Nations Political Mission for Verification

The National Government and the FARC-EP will request a Political Mission from the United Nations, through the General Assembly, with the mandate to verify the reincorporation of the FARC-EP and the implementation of personal and collective security and protection measures. This mission will start to operate on conclusion of the mandate of the Mission for Monitoring and Verification of the Bilateral



and Definitive Ceasefire and Cessation of Hostilities. Recognising the importance of having an international verification mechanism which ensures the implementation of what has been agreed in respect of reincorporation and security guarantees, the National Government and the FARC-EP consider that the verification system which is implemented must ensure its operation for a period of three (3) years, renewable if necessary.

The National Government will send a communication to the Secretary-General of the United Nations requesting the support required for the purposes of this Agreement.

The content of the texts of the Agreements to be verified are as follows:

Agreement 3.2. Reincorporation of the FARC-EP into civilian life - economic, social and political - in compliance with its interests. The contents of the Agreement which must, in particular, be verified are:

a Political reincorporation

b. Guarantees for the new party or political movement which results from the movement of the FARC-EP into political life.

c. Economic and social reincorporation

Agreement 3.4. Guarantees of security and the fight against the criminal organisations responsible for murders and massacres or which attack human rights defenders, social movements or political movements, including the criminal organisations which have been named as the successors of paramilitarism and their support networks and the pursuit of criminal behaviour which threatens the implementation of the agreements and the building of peace. The contents of the Agreement which must, in particular, be verified are:

a. Protection measures, personal and collective security

b. Comprehensive Security System for the Exercise of Politics, in particular for the members of the FARC-EP and their families.

c. Comprehensive Security and Protection Programmes for the communities and organisations across the country's territories.

d. The Mission must be of a political nature and must be composed of unarmed personnel with experience in human rights.

Page 226, 6.3.4. Qualities of the Verifier

...

The Government of the Republic of Colombia shall renew the current mandate of the United Nations High Commissioner for Human Rights (UNHCHR) for a period of 3 years, that could be renewable. It will also request that, within the report which his Office annually produces on Colombia, a special Chapter be included concerning the implementation of the human rights agreements.

Page 249, Protocol for the section on Monitoring and Verification: COORDINATION OF THE MVM for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA)

Coordination of the Monitoring and Verification Mechanism (MVM) by the International Component Joint Communiqué No. 65 of 19 January 2016 states that the international component of the MVM "will preside over and coordinate the mechanism at all levels, settle controversies, make recommendations and submit reports". Likewise, Security Council Resolution 2261 (2016) of 25 January 2016 establishes the Mission of the United Nations "as the international component and coordinator of the tripartite mechanism".

Pages 283-285, Protocol and Annexes to the section on the LAYING DOWN OF ARMS (LA) in the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA)

- Final disposal of weapons: This is the technical procedure under which the FARC-EP weapons will be used to build three monuments: one at the headquarters of the United Nations, one in the Republic of Cuba, and one on Colombian soil, in a place to be determined by the political

organisation that emerges from the transformation of the FARC-EP, in agreement with the National Government.

...

Under arrangements similar to those set out in the previous paragraph, between day D+150 and day D+180 the United Nations will proceed to remove all the stored weapons, once they have been deactivated to prevent use as weapons of war, and to destroy the grenades and ammunition.

On day D+180 the operation of the TLZNs and TLPNs will come to an end and the Bilateral and Definitive Ceasefire and Cessation of Hostilities will be completed, in accordance with the roadmap (timeline) agreed by the National Government and the FARC-EP which is to guide the end of the process for ending the conflict following the signing of the Final Agreement.

On completion of the process of removing the weapons in accordance with the agreed procedures, the United Nations will certify that this process has been completed and proceed to notify the National Government and the general public.

Page 294, SPECIAL IMPLEMENTATION AGREEMENT TO SELECT THE EXECUTIVE SECRETARY OF THE SPECIAL JURISDICTION FOR PEACE AND ENSURE ITS DUE OPERATION

...

1. In accordance with section 68 of the Agreement on Special Jurisdiction for Peace of 15 December 2015, the delegations of the National Government and the FARC-EP at the Negotiation Table have determined, by mutual agreement, to entrust the United Nations with appointing the Executive Secretary of the Special Jurisdiction for Peace (SJP) (Jurisdicción Especial para la Paz).

2. The appointment of the Executive Secretary will be carried out as soon as possible by the Head of the Monitoring and Verification Mechanism (MVM) of the United Nations, which is the independent mechanism agreed by the parties.

3. Until the post of Executive Secretary of the Special Jurisdiction for Peace and the Executive Secretariat of the said Jurisdiction have been created within the structure of the state, the Executive Secretary will act as an official of the United Nations for a transitional period

## **Enforcement mechanism**

### Chapter 3

Summary: Chapter 3 refers consistently to MVM and IC-MVM to oversee the implementation of the commitments included within this chapter. See, in particular, coding for ceasefire, DDR.

Selected Provisions:

Pages 60-61, 3.1.3. Monitoring and verification

For the purposes of implementing this Agreement, a Monitoring and Verification Mechanism (MVM) responsible for verifying compliance therewith and the administration of various factors that may jeopardise the BDCCH and LA, and in particular verifying compliance with the rules governing the BDCCH and LA will be set up. The functions, procedures and scope thereof are established in the MVM mandate.

This is a flexible, efficient and rapid mechanism that will enhance the transparency and credibility of and confidence in the BDCCH implementation process. The international component of the MVM (IC-MVM) will verify the LA under the terms of and with the due guarantees established in the protocols to the Agreement. It has a structure composed of three units, one at national level; eight (08) regional verification structures; and local monitoring structures established in specific areas.

The MVM will be a tripartite technical mechanism composed of representatives from the National Government (Colombian State Armed Forces, which include both the Military Forces and the National Police), the FARC-EP, and an international component comprising a political mission with unarmed UN observers made up principally of observers from the member states of the Community of Latin American and Caribbean States (CELAC). In all units, the international component leads the MVM and is responsible for settling disputes, submitting recommendations and generating reports, in accordance with the guidelines given to it in order to guarantee and support the impartiality and transparency of the BDCCH and LA.

The number of monitoring teams will depend on the following criteria: areas, number of people and weaponry to be monitored, and topography and risk factors in each zone specified for said purpose. The MVM will establish links with social and political organisations and with communities, and also with state institutions at local, regional and national level and these may contribute to its work by providing information, by assisting in the dissemination of its reports to the public at large and by submitting proposals and suggestions.

#### 3.1.3.1. Resolution of disputes for the BDCCH and LA

Regional units and the National Verification unit are responsible for confirming and verifying incidents involving or violations of this BDCCH and LA Agreement in accordance with information documented by monitoring teams and also submitting recommendations to the National Government and the FARC-EP, with a view to preventing or correcting acts or facts detrimental to the BDCCH and LA.

#### Page 62, 3.1.4.1. Transitional Local Zones for Normalisation (TLZNs)

These Zones are transitional, temporary and territorial-based, and are defined, delimited and pre-agreed by the National Government and the FARC-EP, with monitoring and verification by the MVM which will have local monitoring teams for each of said TLZNs

....

The MVM is tasked with monitoring and verifying compliance with the protocols agreed by the National Government and the FARC-EP for the TLZNs and units of the Colombian State Armed Forces seconded for the arrangements stipulated in Annex Y to this Agreement.

Should any act be committed or circumstance arise within a TLZN that requires the presence of the National Police, or any other armed authority of the state, the MVM will be informed in order that it might coordinate entry in accordance with the protocols agreed by the National Government and the FARC-EP.

#### Page 63, 3.1.4.1. Transitional Local Zones for Normalisation (TLZNs)

During the term of the BDCCH and LV agreement, the FARC-EP will appoint a group of 60 of their members (men and women) who can, at national level, be mobilised to fulfil tasks in connection with the Peace Accord. Likewise, for each TLZN, the FARC-EP will appoint a group of 10 of their members who, at municipal and departmental level, can be mobilised to fulfil tasks in connection with the Peace Accord. For the purposes of these movements, FARC-EP members will benefit from the security measures granted by the National Government, for which purpose there will be two protection teams per Zone to cover such movements. Departures from the Zones will be the joint responsibility of FARC-EP commanders. The FARC-EP members appointed for the tasks mentioned in the above paragraph must previously have stored their weapons in containers subject to IC-MVM verification. Any FARC-EP member wishing to leave a TLZN to receive emergency medical attention or specialist medical treatment not available within a TLZN must also store any weapons in containers.

#### Page 64, 3.1.4.2. Security Zone

A Security Zone will be established around each TLZN where there may be no units of the Colombian State Armed Forces (which include both the Military Forces and the National Police) or FARC-EP operatives, with the exception of monitoring and verification teams accompanied by police security when circumstances so require...

#### Page 65, 3.1.4. Deployment of units in the field and Zones, 3.1.4.3. The establishment of Camp Zones and movement routes

The TLZNs are listed in Annex X1 to this Agreement. Units of the Colombian State Armed Forces subject to monitoring and verification by the MVM are listed in Annex Y to this Agreement.

#### 3.1.4.4. Commencement of movement

On day D+1, a delegate from the National Government and a delegate from the FARC-EP will deliver the coordinates of the location of units of the Colombian State Armed Forces and of the FARC-EP to the IC-MVM in order for the necessary measures to be adopted to allow movement of the FARC-EP

structures to the TLZNs in a safe and secure manner under MVM monitoring and verification. Such movements may be accompanied by the MVM if the National Government and the FARCEP so wish.

#### 3.1.4.5. Airspace

From day D, the use of airspace will be as follows: Over the TLZNs and Security Zones military flights will be restricted to an altitude of 5,000 feet. In the event of any accident, public catastrophe or medical emergency, civilian aircraft may fly in these areas subject to MVM coordination with the National Government and the FARC-EP.

#### 3.1.5. Security

... The security conditions implemented from commencement of the BDCCH and LA guarantee protection for members of the monitoring and verification team

...To assist in implementation of security measures in the BDCCH and LA, the following protocols have been jointly drawn up to create a climate of security and trust amongst those involved in this process:

Security for members of the MMV

Page 67-69, 3.1.7.1. Procedure

Summary: These sections outline the roles of and procedures for IC-MVM in monitoring and verifying the laying down of arms.

## Chapter 5

Page 148, 5.1.1.1.10. Committee to Monitor and Follow up the Implementation of the Commission's Recommendations:

Following the publication of the Final Report, a committee will be created to monitor and follow up on the implementation of the Commission's recommendations. In order to fulfil its mission, discussions will be encouraged with different victims' and human rights bodies and organisations, among others. This committee will comprise representatives of different sectors of society, including victims' and human rights organisations. The Commission will establish the period of time for which the committee will operate. The committee will submit regular recommendation monitoring reports. These reports will need to take a territorial-, equity- and gender-based approach. The committee will take the necessary steps to disseminate its reports widely via the national and regional media. The National Government will guarantee financing of the committee such that it is able to fulfil its tasks.

Page 177, 5.1.2. Justice: With regard to justice, it has been agreed to establish a Special Jurisdiction for Peace (Jurisdicción Especial para la Paz).

### SPECIAL JURISDICTION FOR PEACE

#### III. PROCEDURE, BODIES AND SANCTIONS OF THE JUDICIAL COMPONENT OF THE CS

62.- The international mechanism supporting the Tribunal for Peace in verifying compliance with the sanctions provided for in Item 53 d) shall be a specific component of the United Nations political mission for verification, which will come into operation once the work of the United Nations mission tasked with verifying the bilateral and definitive ceasefire has concluded. To fulfill this task, it will work in coordination with the Office of the United Nations High Commissioner for Human Rights in Colombia

## Chapter 6

Summary: Chapter 6 Implementation, verification and public endorsement deals with implementation and enforcement in its entirety.

Sections include:

General principles for implementation (pages 204-207), which include:

- Rights-based approach (page 204)
- Respect for equality and non-discrimination (page 204)
- Gender-based approach (pages 204-205)
- Respect for freedom of religion (page 205)

- Territorial integration and social inclusion (page 205)
- Strengthening and coordinating institutions (pages 205-206)
- Strengthening democracy and “building on what has already been built” (page 206)
- Efficacy, efficiency and suitability (page 206)
- Prioritisation (page 206)
- Transparency, social control and fighting corruption (page 206)
- Democratic principles (pages 206-207)
- 6.1. Implementation and verification mechanisms (pages 207-208)
  - 6.1.1. Framework Plan for Implementation of the Agreements (pages 208-209)
  - 6.1.2. Measures to incorporate the implementation of the agreements with territorial-based resources (page 209) [see coding for chapter 5 on territorial power sharing]
  - 6.1.3. Other measures to contribute to guaranteeing the implementation of the agreements (page 210) [see coding from chapter 5 on business, natural resources, international funds]
  - 6.1.4. Promotion of the participation of social and community organisations in the execution (page 210)
  - 6.1.5. Integrated Information System and measures for transparency in the Implementation (pages 210-211)
  - 6.1.6. Functions of the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CMPVI) (pages 212-213)
  - 6.1.7. Composition (page 213)
    - 6.1.7.1. Expanded CMPVI (page 213)
    - 6.1.7.2. Location and Time-scale (page 213)
  - 6.1.8. Start of the implementation of the Final Agreement (pages 213-214)
  - 6.1.9. Priorities for regulatory implementation (pages 214-215)
  - 6.1.10. Schedule of regulatory implementation during the first 12 months after the signing of the final agreement, as established in Legislative Act 1 of 2016 (pages 215-216)
  - 6.1.11. Priority implementation (pages 216-217)
- 6.2. Chapter on Ethnic Perspectives (pages 217-221)  
(summary: see coding for chapter 6 groups- ethnicity)

#### Selected provisions

##### 6.1.7. Composition

The CMPVI will be made up of three delegates from the National Government and three delegates from the FARC-EP in process of reincorporation into civilian life, and will have the accompaniment during the bilateral and definitive ceasefire and cessation of hostilities and the laying down of arms (D+180) by one delegate from each of the guarantor countries, Cuba and Norway, and one delegate from each of the observer countries, Chile and Venezuela. The CMPVI will have a technical secretariat made up by common agreement between the National Government and the FARC-EP, to produce the periodic reports and perform any other task that may be required. The spokesmen and spokeswoman of the FARC-EP in the Congress may be invited to the Commission meetings

##### Pages 213-214, 6.1.8. Start of the implementation of the Final Agreement

As established in the Agreement of 11 May 2016, the Final Agreement will be signed as a Special Agreement under Common Article 3 of the Geneva Conventions and deposited, after its signature, before the Swiss Federal Council in Bern. Then, the President of the Republic will make a unilateral declaration of the state to the United Nations communicating this Final Agreement and requesting its incorporation in a document of the United Nations Security Council in the terms established in the Agreement dated 7 November 2016.

##### Pages 214-215, 6.1.9. Priorities for regulatory implementation

Summary: this section includes a list of priorities pertaining to constitutional and legal reforms to

support the implementation of the entire agreement.

Page 223, 6.3.2. Composition of the verification mechanism and functions The verification mechanism shall comprise the following Units:

- Notable persons: there shall be two (2) persons with an international status one selected by the National Government and the other by the FARC-EP, who shall head up the verification mechanism and have the following responsibilities (page
  - a. To make public pronouncements and produce reports in relation to the progress recorded in the implementation of all the agreements, without affecting those which are to be verified by the United Nations Special Political Mission for Verification, and in relation to points of discussion and dispute, all in coordination with the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement, hereinafter the CMPVI.
  - b. In relation to the points of discussion and dispute which draw attention to difficulty in the implementation of the agreements, the notable persons, in coordination with the CMPVI, shall present recommendations for the resolution of such difficulties, to which end they may consult with a delegated observer from the United Nations Verification Mechanism. Also, at the request of the CMPVI, the guarantor countries may facilitate the resolution of differences.
  - c. To present their observations to the CMPVI during the first 18 months and, subsequently, every six months, based on the reports of the Kroc Institute for International Peace Studies at the University of Notre Dame (USA) and on any other information which they receive.

Page 224, 6.3. International verification component of the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (CMPVI) (Comisión de Seguimiento, Impulso y Verificación a la Implementación del Acuerdo Final, CSIVI)

- Technical Secretariat: The notable persons shall be supported by the Technical Secretariat with the following functions:
  - a. Gathering, analysing and preparing the information necessary for the public pronouncements of the notable persons, to which end it will receive technical support from the Kroc Institute for International Peace Studies at the University of Notre Dame (USA) based on the operational criteria and scope assigned to it by the CMPVI. It may also request information regarding progress with the implementation from any of the organisations making up the international accompaniment component.
  - b. Coordinating its activities with the other components of the international verification process.
  - c. Consulting with institutions with competence in the area or other civil society institutions and organisations which can contribute to the verification of the implementation of the agreements. The Technical Secretariat shall comply with the protocols established by the CMPVI for the verification of the implementation of the agreements. The CMPVI shall select a Technical Secretary.
- ....
- Technical support: shall be provided by the Kroc Institute, subject to the criteria and lines of action defined by the monitoring commission (CMPVI), which shall undertake, inter alia, the following activities:
  - a. It shall design the methodology for identifying the progress of the agreements.
  - b. It shall contribute good practices and experience for the effective follow-up to the implementation of the agreements.
  - c. It shall provide the technical support for the follow-up, verification and monitoring of the implementation of the agreements.
  - d. It will draw up with methodological strictness a model for evaluation and follow-up which will enable fulfilment of the agreements to be measured with sufficient accuracy and which will allow decisions to be taken and adjustments made, in real time, all within the framework of a logic of continuous improvement of the performance capabilities in the building of peace.
  - e. Its technical work effort may be supplemented with the good practices and experience of other

institutions and institutes which are agreed by the international verification component and approved by the CMPVI.

f. The reports, matrices and products generated by the Kroc Institute shall be intended for the International Verification Component and the CMPVI, in compliance with the confidentiality criteria established there.

g. The international accompaniment activities and the reports of the subject area components shall be taken into consideration as an input to ensure the objective followup to the fulfilment of the implementation of the agreements.

Summary: Pages 227-229, 6. Implementation, verification and public endorsement, 6.4. International accompaniment component include provisions on international accompaniment. These include:

6.4.1. General criteria (page 227)

6.4.2. International accompaniment (pages 227-229)

#### Annexes and Protocols

A number of annexes and protocols deals with monitoring and verification of ceasefire and laying down of arms. These include:

Protocol for the section on the DEPLOYMENT OF THE MONITORING AND VERIFICATION MECHANISM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) (pages 238-239)

Protocol for the section on Monitoring and Verification: FLOW OF INFORMATION FROM THE MVM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 240-241)

Protocol for the section on Monitoring and Verification: STRATEGIC COMMUNICATIONS of the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and the Laying down of Arms (LA). (pages 242-243)

Protocol for the section on Monitoring and Verification: OBSERVATION AND RECORDING by the MVM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA). (pages 244-248)

Protocol for the section on Monitoring and Verification: COORDINATION OF THE MVM for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 249-250)

Protocol for the section on Monitoring and Verification: CODE OF CONDUCT FOR THE MEMBERS OF THE MVM for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 251-252)

Protocol for the section on Monitoring and Verification: SETTLEMENT OF CONTROVERSIES for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA). (pages 253-256)

Protocol for the section on Monitoring and Verification: MANDATE OF THE MVM for the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA) (pages 257-261)...

Page 244, Protocol for the section on Monitoring and Verification: OBSERVATION AND RECORDING by the MVM of the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of Arms (LA).

Monitoring sources Sources can be:

- Direct or primary sources: these may be direct conversations or official reports from Military Forces, the Police, the FARC-EP, local authorities, ombudspersons (personeros), the Office of the Ombudsman (Defensoría del Pueblo) churches...