

## Women, Peace and Territory: Peacebuilding in Colombia through Ethnic and Gender Approaches

Mujeres, paz y territorio. Construcción de paz en Colombia a través de los enfoques étnico y de género

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**Abstract:** Indigenous women have gone through different types of inequalities linked, historically, to their female gender and ethnicity. Their extensive fight against discrimination has led them to be more vulnerable to violations of their rights. The non-international armed conflict experienced in Colombia has aggravated and magnified this pernicious situation. In this context, the relevance of the role of indigenous women in the construction of peace is analyzed by means of their involvement in the Final Agreement with the FARC-EP and the current panorama at the negotiating table with the ELN. Similarly, a large number of challenges and threats facing this path towards total peace are exposed.

**Keywords:** Indigenous Women, Peacebuilding, Armed Conflict, Colombia.

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**Resumen:** Las mujeres indígenas han atravesado distintos tipos de desigualdades vinculadas, históricamente, a su género femenino y a su etnia. Su extensa lucha contra la discriminación las ha llevado a ser más vulnerables ante las violaciones de sus derechos. El conflicto armado interno vivido en Colombia ha agravado y magnificado esta perniciosa situación. En este contexto, se analiza la relevancia del papel de la mujer indígena en la construcción de paz, con su participación en el Acuerdo Final con las FARC-EP y el panorama actual en la mesa de negociaciones con el ELN. Asimismo, se exponen un gran número de retos y amenazas a las que se enfrenta este camino hacia la paz total.

**Palabras clave:** Mujeres indígenas, Construcción de paz, Conflicto armado, Colombia.

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## 1. Introduction

Colombia has approximately 87 indigenous ethnic groups; half their adult population are women. They are an essential part of the culture and history of Colombia. The indigenous women of these different ethnic groups share their struggles and strengths to keep their culture alive, and are fundamental to their people. They have shown political and participatory sensitivity and are increasingly advancing their leadership. The non-international armed conflict (NIAC<sup>2</sup>) (ICRC, 2008), that has permeated Colombia for more than half a century, has been the scene of several negotiation processes between different governments and illegal armed groups. Despite the support of the international community, the establishment of a solid and lasting peace is still a great challenge for the country.

The most recent peace process was undertaken between the Government of Colombia, chaired by Juan Manuel Santos, and the Revolutionary Armed Forces of Colombia– People’s Army (Fuerzas Armadas Revolucionarias de Colombia, Ejército del Pueblo, FARC-EP, by its acronym in Spanish). These negotiations, held in Havana (Cuba), culminated in a Final Agreement to end the conflict, and build a stable and lasting peace (hereinafter, the Peace Agreement or Final Agreement). The Peace Agreement included a participatory approach in which

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<sup>2</sup> Non-international armed conflict is defined as protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State. The armed confrontation must reach a minimum level of intensity, and the parties involved in the conflict must show a minimum of organization.

Colombian society intervened from its multi-ethnic perspective. Indigenous, afro, and Rrom populations participated in the proposals discussed in Havana and their visions were collected through an ethnic chapter. Additionally, the Agreement incorporated a gender approach as one of its transversal principles.

Indigenous women played a prominent role both during negotiations and in the subsequent implementation of the Peace Agreement. Women from different civil society organizations were actively involved; their proposals were considered and included in the Final Agreement, guaranteeing a true gender approach. The perspectives of gender and women's rights in a peace agreement in Colombia can be considered historically significant, taking into account that it was the first time that gender-related issues were incorporated transversally into each point of the agenda (Corporación Humanas, 2020).

Beyond the national and international recognition of the participation of women in the Final Agreement, in these post-conflict moments, women continue to uphold peace. They are key collaborators in the political and organizational commitments of the territory. With the delivery of the Final Report *There is a future if there is truth*, on June 28, 2022, the Truth Commission (Comisión para el Esclarecimiento de la Verdad, Justicia, Reparación y No Repetición, CEV, by its acronym in Spanish) added a set of recommendations for the non-repetition of the conflict. The current Government adopted the commitment to comply with the recommendations regarding women, peace, and security.

Currently, the Colombian Government, headed by Gustavo Petro Urrego, is in the midst of negotiations with the armed group called the National Liberation Army (Ejército de Liberación Nacional, ELN, by its acronym in Spanish), with the aim of reaching a peace agreement. This new stage is promoted by the government as Total Peace. On November 4, 2022, President Petro sanctioned the modification, addition and extension of the Total Peace Law 418, which grants powers to the President, the High Commissioner for Peace, and the government, to advance negotiations with the illegal armed groups of the country. Despite being at the initial stage of conversations, these new peace dialogues with the last armed guerrillas in Colombia are a perfect setting to vindicate and make visible the role of indigenous women in the building peace process.

More than 20 years ago, the United Nations Security Council recognized the need to include more women in peace processes and conflict resolution, while at the same time, considering the importance of the impact that the diverse consequences of conflicts have on women (Naraghi, 2007). With the approval of resolution 1325, on October 31, 2000, a new landscape was created, which justifies viewing the post-conflict processes from a gender perspective.

Recent critical perspectives on peacebuilding have sought to shed light on experiences that have previously been marginalized by mainstream approaches. In particular, critics have pushed peace building towards radically different ways of thinking about governance, conflict, and peace, by engaging with narratives, experiences, and knowledge

coming from societies perceived as not invested in modernity or liberalism, such as the indigenous communities (Randazzo, 2021).

Through this article, the participation of indigenous women in the construction of peace in Colombia is analyzed. First, a journey is made through the violence and various forms of discrimination that have orbited around the indigenous woman in the context of the non-international armed conflict in Colombia. Second, ethnic and gender approaches are reviewed in the recent peace process and its implementation between the Colombian Government and the FARC-EP, and the perspectives of indigenous women in the current dialogues of peace with the ELN are outlined. Third, some challenges and threats facing the promised Total Peace are presented, ending with some brief reflections.

If the Colombian Government seeks real peace, it should prevail an understanding of the different and disproportionate impacts the conflict had on ethnic peoples and communities. Colombia continues implementing its peace accord and this entails serious challenges regarding the obligation to guarantee the rights of ethnic people, and even more so if we talk about women. It's important to recognize the progress and successes, but also to understand the limitations and weaknesses of implementing ethnic approach's commitments.

## **2. Violence against Indigenous Women and Discrimination Derived from the Non-International Armed Conflict in Colombia**

Starting from a slightly broader context, in Latin America, the large majority of indigenous women<sup>3</sup> face significant obstacles to the enjoyment of their civil, political, economic, social, and cultural rights. The members of this group suffer a greater risk of enduring violations of their rights, motivated by a confluence of factors, such as racism, sexism, and poverty. These factors are combined with structural and institutional inequalities, as well as human rights violations related to their territories and natural resources. All this assumes several sources of discrimination that combine and create superimposed layers of human rights violations that reinforce each other (IACHR, 2017).

The indigenous population represents less than 5% of the total population in Colombia (CEV, 2022); including 115 groups of indigenous peoples recognized as collective subjects of rights (IGWIA, 2023). Of the country's total population, 13.6% belong to ethnic, Afro, indigenous, Raizal, or Rrom peoples. Of this total, 4.42% belong to one of the 115 recognized indigenous peoples, and approximately 50% are women (DANE, 2019).

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<sup>3</sup> In this paper, the term indigenous women includes women of all ages, taking into account the diversity that is given by the fact that indigenous women do not constitute a homogeneous group, they live in different contexts, in different parts of the continent and have diverse cultures, traditions, languages, needs and concerns.

Women have historically been recognized as a subject of discrimination, both in times of peace and conflict. Different types of discrimination include unequal participation in civil and political affairs, limited access to the benefits of the economic and social development of their societies, unequal treatment within the family and, moreover, being victims and being exposed to various forms of violence and abuse, including psychological, physical, and sexual violence. Binding instruments such as CEDAW have established that violence against women is based on and is caused by elements of discrimination and stereotypes, as well as social and cultural practices which are based on the concept that women are inferior (CEDAW, 1981). Colombia has not been an exception to this pattern. For women in this country, who have suffered such discrimination since birth, the armed conflict is an element that aggravates and perpetuates this history.

Ethnic groups have suffered a special impact from the conflict. The country has more than 7.8 million victims of forced displacement. Of this total, 25.4% belong to an indigenous people. Within the framework of the NIAC, the Constitutional Court declared the existence of a genocide of indigenous peoples in Colombia through Auto 004 on the Protection of fundamental rights of people and indigenous people displaced by the NIAC in the framework of overcoming the state of unconstitutional things (Corte Constitucional, 2009).

Indigenous women experience permanent structural discrimination that leads to them being victims of acts of physical, psychological, and sexual violence in many situations. This violence is motivated by a



political, social, and economic marginalization, aggravated in situations of conflict. This is interconnected to the exploitation of natural resources and the use of indigenous lands, which is why women who are defenders of human and environmental rights are a constant target for threats. As an example, of the fifteen Latin American environmental defenders who were assassinated in 2020, seven of them were indigenous (Global Witness, 2022).

According to the registers of victims, women in general have been a main group of victims of the violent non-international armed conflict that has permeated the country. Considering the official data from the Single Registry of Victims (Registro Único de Víctimas, RUV, by its acronym in Spanish), of the 9,472,019 people recognized as victims and included in this registry, 4,758,003 are women (RUV, 2023). This figure shows that women have historically been seriously affected by the dynamics of war. Of the more than 9 million recognized victims, 384,886 are indigenous, and 199,947 are indigenous women (CEV, 2022). Under the conditions of the NIAC, the historical pattern of discrimination and violence against indigenous women is exploited and abused by the actors in the armed struggle in their fight to control territory and economic resources.

Some data records more than 2,000 cases of violence against girls, adolescents, and indigenous women. Of these cases, 44.5% are related to physical violence, 30.3% to sexual violence, 18.9% to negligence and abandonment, and 6.3% to psychological violence. Indigenous girls and adolescents between the ages of 6 and 17 are the main victims of sexual violence. Young, adult, and older women are at a greater risk of facing

physical violence and girls aged 0-5 and women over 60 are victims of negligence and abandonment (SIVIGE, 2016). Another alarming fact is that the percentage of indigenous women who die during pregnancy, or in the days that follow, is higher than the Afro-descendants and the national total. It is important to highlight other types of violence that this group also receives, such as spiritual, territorial, and obstetric violence, which have diverse impacts on the lives and bodies of indigenous women.

The situation of indigenous women is particularly critical as they are victims of multiple forms of discrimination, a situation that is aggravated within the scope of the conflict. From their birth they face two layers of discrimination, firstly, because they belong to their racial and ethnic group and, secondly, because of their sex (Presta, 2021). This historical exposure to two main forms of discrimination makes them doubly vulnerable to being abused and victimized by armed groups in their struggle to control resources and territories. Throughout historical memory, it has been proven that there is a racist stereotype that sees indigenous communities composed of inferior or less civilized people, of whom one could easily take advantage. Sexual violence is perpetrated, in these contexts, because the absolute disposal of girls' and women's bodies is assumed.

Sexual violence perpetrated against indigenous women has silenced their leadership and has disrupted the social order by attacking those who have the role of preserving it. The impact on the indigenous women is particularly significant, since they suffer the disruption of their mobility

by having to avoid certain places, traveling only at certain times, or by taking measures that significantly limit relationships between the women and their environment. In addition, it forces a detrimental change in certain cultural practices, such as their ways of dressing and socializing (CNMH, 2018). Currently, gender inequality persists, and the specific risks indigenous women face continue to prevent them from participating effectively in the peacebuilding efforts.

### **3. Ethnic and Gender Approaches to Peacebuilding in Colombia**

It is worth highlighting the significance of the role of the indigenous woman in society, not only as victims, but also as leaders in their communities and families and as the defenders of human rights at national and international levels. Indigenous women have been recognized as being at the forefront of the struggles for the recognition of the collective rights of indigenous peoples (ILO, 2021). They play a fundamental role in the defense of the territory, care of the land, and food production. Furthermore, they watch over food security and the perseveration of the ancestral knowledge linked to it—being those primarily responsible for ensuring the conservation of the language and culture of their communities (FAO, 2022). This group actively faces the effects of climate change and natural disasters.

It is engaging to reflect that the indigenous women in Colombia are prominent for cultivating the diversity of their communities, and having a widespread presence throughout the territory and a strong ability for participation. In 2022, the International Working Group on Indigenous Affairs underscored the increased participation of indigenous and Afro-descendant women at the community level in their own governments, as well as at the local level in councils, town halls, and administrative positions. The involvement of these women in the design and direct management of life plans and development projects in their own territories is increasing (IWGIA, 2023).

### **3.1. Havana Agreements with the FARC-EP**

The last Peace Agreement signed by the Colombian Government was negotiated with the armed group the FARC-EP in 2016. In this process, indigenous communities and their representatives managed to reach the negotiating table. The final agreement recognized the multi-ethnic and multi-cultural nature of the country, as well as the diverse impacts of the conflict on ethnic peoples. This section starts with a reflection on the involvement of indigenous peoples in the process, to detail, more specifically, women's participation.

Since the exploratory talks of the peace process in 2012, indigenous groups have requested their inclusion in negotiations, mainly through the National Indigenous Organization of Colombia (Organización

Nacional Indígena de Colombia, ONIC, by its acronym in Spanish<sup>4</sup>), (ONIC, 2023). Despite this, the National Government and the FARC-EP did not foresee the participation of the social sectors of the population in the negotiation scheme, so the presence of indigenous groups was not possible from the beginning. In order to achieve a presence at the negotiating table, indigenous communities had to resort to different forms of pressure, such as strikes, *mingas*,<sup>5</sup> or exercising indigenous diplomacy at international level. As a result of their tenacity, the ethnic, Afro, and indigenous peoples were the only social actors attendant at the signing of the Havana Agreements (Vega, 2019).

Engagement with civil society was undertaken in national spaces in Bogotá, the capital of the country, as well as in regional and national forums, and in Havana. Public hearings were held in meetings with victims, both individually and collectively. In addition, a Gender Subcommittee was created, formed by women delegates from both parties. Finally, an Ethnic Commission for Peace and Defense of Territorial Rights was established in 2016, participating notably at the last stage. This resulted in two avenues of participation for indigenous women at the negotiating table. On the one hand, through the Gender Subcommittee and, on the other hand, as part of the indigenous peoples through the Ethnic Commission.

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<sup>4</sup> ONIC was born in 1960, when indigenous peoples of Colombia joined the fights for land led by the peasant sectors. ONI proclaims itself as an authority for government, legislation, and representations of indigenous communities of Colombia, with a National Congress, an Assembly of Authorities and an indigenous Parliament.

<sup>5</sup> The word *Minga* comes from the word *mink'a* or *minga* (in Quechua), and means collective work done in favor of the community.

In 2014, in the middle of the negotiation process, the ONIC published the National Peace Agenda for indigenous peoples, under the title Count on us for peace, never for war! Two years later, after the creation of the Ethnic Commission for Peace and the Defense of Territorial Rights, the negotiation strategy of the Ethnic Chapter was designed. This Commission used, as its main strategies, ethnic diplomacy, especially with the EU and the United States; mobilization, through *La Minga* agraria y campesina, from May 31 to June 12, 2016; political decisions to participate in the ethnic hearings of June 26 and 27, 2016, in Havana; different agreements reached bilaterally with the FARC-EP and with the government; and its tripartite participation in the Havana talks (ONIC, 2023).

The ONIC declared itself in a Permanent Assembly before the end of the negotiations in Havana, given the risk of exclusion from the Ethnic Chapter of the Final Agreement, which had previously been proposed by the Ethnic Commission. Under pressure from the FARC-EP, the Government summoned the ethnic organizations in Havana on August 23, 2016. The guerrillas' ultimatum was definitive. With the inclusion of the Ethnic Chapter in the Final Agreement, the notable work carried out by these groups was recognized, making visible their involvement in the achievement of the Peace Agreement. This accomplishment was strengthened by the international diplomacy of black peoples together with the power of the indigenous movement (Mendoza, 2022).

Following the struggle to participate in the negotiations and include the Ethnic Chapter in the Agreements, a new fight arose with the

construction of the Implementation Framework Plan,<sup>6</sup> in which they participated, between September and December 2017, as a product of an indigenous and Afro-descendant minga (FES, 2021). It should be noted that ethnic communities were made visible and taken into account through the implementation of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition (Sistema Integral de Verdad, Justicia, Reparación y No Repetición, CIBJRNR, by its acronym in Spanish) through its three entities: the Special Jurisdiction for Peace (Jurisdicción Especial para la Paz, JEP, by its acronym in Spanish), the Truth Commission (Comisión para el Esclarecimiento de la Verdad, CEV, by its acronym in Spanish), and the Missing Persons Search Unit (Unidad de Búsqueda de Personas dadas por Desaparecidas, UBPD, by its acronym in Spanish).

For the first time in Colombian history, the Havana Agreements included a Gender Subcommittee, with the aim of ensuring the mainstreaming of a gender-based approach and women's rights in each of the points of the Peace Agreement.

In the first stage of negotiations, women had the opportunity to make their proposals on issues that should be included in the Final Agreement through national and regional Forums and Working Groups. More than 4,250 women were registered in the participation of these spaces, which were systematized by the UN and delivered to the negotiation table. The women who participated were highly diverse: indigenous,

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<sup>6</sup> The Implementation Framework Plan (Plan Marco de Implementación —PMI—, by its acronym in Spanish) is the roadmap for translating the provisions of Peace Agreement into public policies.

Afro-descendants, peasants, youth, *Raizales*, LGTBI, victims of the NIAC, businesswomen, human rights defenders, peace activists, trade unionists, and members of political parties (Corporación Humanas, 2017).

In October 2013, ten organizations took the initiative to hold a Women and Peace Summit, with the support of UN Women. Through this meeting, more than 500 women from different social sectors demanded a greater presence of women in peace negotiations. The result was translated into 810 proposals that were presented to the negotiation table in Havana in 2015.

In 2014, the Gender Subcommittee was created with five women members from each delegation. 60% of the victims who were present at the conversations in Cuba were women. The Final Agreement included a gender approach through eight thematic axes: the access to, and formalization of, rural property on equal terms with men; the guarantee of the economic, social and cultural rights of women and people with diverse sexual orientations and gender identities in the rural sector; the promotion of the participation of women in spaces of representation, policy-making and conflict resolution, and the balanced involvement of women in decision-making bodies created in the Agreement; prevention and protection measures that address the specific risks of women; access to truth, justice, reparation and guarantees of non-repetition, evidencing the differential ways in which the conflict affected women; public recognition, non-stigmatization and dissemination of the work carried out by women as political subjects; institutional management to



strengthen women's organizations for their political and social participation; and disaggregated disinformation systems (Oficina del Alto Comisionado para la Paz, 2016).

Despite the important achievements that all this entailed, the Ethnic Commission warned of the lack of perspective in the Technical Subcommittee on Gender itself, demanding a formal link and participation in this subcommittee to jointly make proposals in relation to the implementation and verification of agreements in indigenous territories and communities (Comisión Étnica para la Paz y la Defensa de los Derechos Territoriales, 2016).

Through this Technical Commission, the indigenous women were in charge of negotiations for the Ethnic Chapter at the negotiation table in Havana. They reaffirmed themselves as emissaries for their own and the millennial proposals for good living, caring for life and a dignified present and an honorable future for their daughters and sons. They recognized themselves as the most affected, forgotten, marginalized, and invisible group in the history of the country, within the armed, social, economic, and political conflict and in the peacebuilding stage (Comisión Étnica para la Paz y la Defensa de los Derechos Territoriales, 2016). Throughout their struggle they maintained their commitment to mobilizing in defense of their ancestral communities and territories, as well as caring for Mother Earth, rejecting illegal mining and multiple forms of physical and structural violence against women and girls and, consequently, their communities.

A gender approach incorporated into the Ethnic Chapter of the Final Agreement is permeated by the engagement of indigenous women. This indigenous worldview contributes to positioning the perspectives of women, family, gender, and generation as a permanent construct in the peacebuilding process. This particular vision of a gender approach is well-founded on collective, differential and ethnic-territorial perspectives relying on culture, spirituality, indigenous and local laws, laws of origin and customary laws of ethnic peoples, based on the principles of parity and complementarity (Vega, 2019).

After the signing of the Peace Agreement with the FARC-EP, the Comprehensive System of Truth, Justice, Reparation, and Non-Repetition was established. Within this system, the creation of the Truth Commission (CEV) was foreseen. The CEV is an autonomous entity of the Colombian State that seeks to clarify patterns and explanatory causes of the internal armed conflict, in order to satisfy the rights of the victims and society to the truth, to promote recognition of what has happened and coexistence in territories and to contribute to laying the foundations for non-repetition. All this is sought through a process of broad and plural participation for the construction of a stable and lasting peace.

The CEV delivered its Final Report on June 28, 2022, which included an Ethnic Chapter of more than 700 pages where several commissioners of ethnic peoples, both Afro and indigenous, conducted a historical review. This briefing gives visibility to aspects such as the persistent attacks against indigenous women or violence against the cultural and spiritual integrity of indigenous peoples, among others. However, from

the reports analyzed, it is not clear whether the low implementation is completely attributable to the State or may be due to the consultation phases that must be carried out with the participation of ethnic peoples.

No matter how, it is a set of factors that accumulate and end up generating or maintaining the situation. Due to pre-existing and ongoing structural and societal inequalities, the implementation of ethnic commitments in the Colombian Accord continues to lag behind general implementation (KROC Institute, 2024).

The evidence remains of how armed groups used bodies of indigenous women as a territory of dispute and control, to satisfy their sexual desires or simply to demonstrate that they were capable of dominating them, by humiliating them and desecrating and expropriating their bodies, causing irreparable damage (CEV, 2022). There are many factors that have promoted and increased the severity of violations of this ethnic group. These include, language barriers, ignorance of their human rights, different views on sexuality, difficulties in accessing public protection routes, the fear of reporting and the shame or apprehension of stigmatization. All this is configured as another form of re-victimization, forcing these women to suffer damage in secret.

### **3.2. The Negotiating Table with ELN**

On November 21, 2022, in Venezuela, negotiation teams of the National Liberation Army (Ejército de Liberación Nacional, ELN, by its

acronym in Spanish) and the government, headed by Gustavo Petro, resumed the political dialogue that had begun in March 2016 (under the presidency of Juan Manuel Santos) and had been suspended in January 2019 (under the presidency of Iván Duque). On December 12, the first round of negotiations closed with a partial agreement on humanitarian actions and dynamics. From February 13 to March 10, 2023, the negotiation table moved to Mexico for a second round of talks. As of this writing, negotiation teams are in Cuba maintaining the third round, which began on May 2, 2023, and is scheduled to end on May 29.

The agenda for peace talks with the ELN includes the following points: participation of society in construction of peace; democracy for peace; transformations for peace; victims; the end of the conflict; and a general plan for the execution of Agreements between National Government and ELN (Acuerdo de México, 2023).

The third round is prioritizing the structuring of a bilateral ceasefire and a mechanism for the involvement of society in negotiations. The first basic point on the agenda is the civilian population. This aspect has been reiterated in various peace talks with ELN rebel group. In front of the Congress of the Republic, Senator María José Pizarro affirmed the intention to move towards a creative peace, establishing a new negotiation methodology that “incorporates those voices of women in territories, which until now have not been recognized in the Colombian society” (Senado de la República, 2023). It is worth stressing that on March 8, 2023, on the occasion of International Women’s Day and two days before the end of the second round of talks, parties released a joint

declaration announcing that a gender approach was central to their discussions (UN, 2023).

It is a reality that dialogues are in a phase that could be considered incipient. Despite its trajectory, the country's political climate allows for slow and deliberate progress, in which expectations are varied. Mistrust and the fear of frustration of the process are latent. Even so, inasmuch as talks progress and parties reach agreements, the role of women and ethnic populations will be a factor that cannot be ignored, especially when dealing with the first point on the participation of the civilian population. Gender is an important lens to analyze peacebuilding practices and commitments, but only if viewed as an action or means of 'doing' that disrupts the additive liberal approaches to peacebuilding (Hudson, 2021).

## **4. Discussion**

### **4.1. Challenges and threats**

Colombia has been a worldwide model for its effort to end a NIAC in a negotiated manner. It is considered a benchmark in terms of negotiation, laying down arms, peacebuilding, or transitional justice, among others (IFIT, 2017). The current government is promoting Total Peace, by showing its willingness to negotiate with the ELN and to reach

agreements with the Estado Mayor Central, one of the dissidents of the extinct FARC-EP or the *Segunda Marquetalia*.<sup>7</sup>

The panorama that Colombia is going through currently presents several challenges and threats for peacebuilding at a global level. Likewise, certain groups, such as indigenous peoples and women, remain in a fragile line of insecurity and uncertainty, in which the real and effective protection of their rights must be considered (Presta, 2022).

Article 9 of the Convention of Bélem do Pará establishes that the State, when acting with due diligence, must take special account of the situations of vulnerability to violence that women may suffer given their race and ethnic status, among other risky conditions (OAS, 1994). Conversely, the Colombian Political Constitution of 1991 stands out for its advances in terms of the rights of indigenous peoples. The Colombian State recognizes and protects the ethnic and cultural diversity of the nation. It also recognizes the rights of indigenous authorities to exercise jurisdictional functions within their territory in accordance with their own rules and procedures. It bestows indigenous territories the status of territorial entities, allowing them autonomy to manage their interests, within the limits of the constitution and the law (Congreso de la República, 1991).

Nevertheless, despite the supporting legal framework, it represents a great challenge for the Colombian State to guarantee such rights. Several

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<sup>7</sup> Dissidence that identifies itself as *Estado Mayor Central* is conformed of guerrillas from the extinct FARC-EP who never accepted the Final Agreement. The *Segunda Marquetalia* is constituted by combatants who did accept the peace process that culminated in Havana Agreements but deserted along the way.

indigenous communities are at risk of disappearance. Indigenous women engage their survival to maintaining their territories, where they can freely express their culture. Inasmuch as they cannot remain in their territories, guaranteeing their rights proves a vulnerable exercise. The latest and most recent reports from international organizations denounce the Illegal Armed Groups (Grupos Armados Ilegales, GAI, by its acronym in Spanish) that continue to violate the life, liberty, and personal integrity of ethnic authorities, which wakens the Special Indigenous Jurisdiction and the exercise of self-government of Afro-descendant communities (MAPP/OEA, 2022).

In its Ethnic Chapter, the CEV established that acts of violence, exploitation or abuse against indigenous women were habitual, widespread, systematic and invisible practices in the context of the Colombian conflict. These methods were carried out by all the illegal armed groups in conflict and, in isolation, by members of the public forces (CEV, 2022). Being an indigenous woman has been synonymous with gender inequality in Colombia. As previously detailed, indigenous women suffer discrimination because of their sex, their ethnicity, and their socioeconomic status. They have not only assumed the predominance of machismo since they were girls, but they have also been the main victims of all the violence that has been experienced in the country.

Currently, and as a consequence of mechanisms such as the CEV, people have a permanent construction of historical memory that should serve as a fundamental tool for non-repetition. Indigenous women have

become the mainstay of the physical and cultural survival of indigenous peoples. They have promoted the agenda of rights recognized for indigenous communities and the defense and protections of cultures and territories. These lessons must serve to face the permanent challenges that remain in the country.

The rural areas of Colombia, where an important part of ethnic communities is located, continue to show enormous difficulties that affect the quality of life of these peoples. Acts of violence such as murders of leaders, displacements, and confinements have disproportionately shaken these communities. These facts demonstrate that in ethnic territories structural conditions that seek to be resolved with full implementation of the Final Agreement still persist. Unfortunately, from analyses undertaken to date, the gap between the implementation of the 578 general provisions of the Agreement and the 80 dispositions of ethnic approach continues to be latent. The adoption of the Ethnic Chapter, therefore, has been low compared to the other points of the Final Agreement. The implementation rate of its regulations stands at 44%, while the average global implementation rate is 60% (UN, 2023).

The Kroc Institute has detected progress in terms of effective participation in the instances of the Agreement, as well as in prior, free and informed consultation for ethnic peoples, especially with the approval of the Special Transitory Circumscriptions for Peace (Circunscripciones Transitorias Especiales de Paz, CTEP, by its acronym in Spanish). The continuity in the operation of different instances of the



Agreement, where there is representation of ethnic communities, has also been verified.<sup>8</sup> However, there are still challenges in connection with articulation between state entities and ethnic organizations to specify commitments with an impact on ethnic peoples (KROC Institute, 2022).

Regarding territorial transformation, an ethnic approach has been mainstreamed in the Land Fund, the Multipurpose Land Register, the PDET, and PNIS,<sup>9</sup> despite the fact that advances in terms of design and planning of policies and programs persist with significant challenges in execution of this approach. People with ethnic belonging in the reincorporation process continued with an individual reintegration route without the Harmonization Program having been consolidated, which is already three years behind schedule.

In addition, violent actions continue to disproportionately affect ethnic territories and there is a significant increase in displacement and confinement rates. Notwithstanding this, the Comprehensive System for Peace (Sistema Integral para la Paz, SIP, by its acronym in Spanish) showed progress at the beginning of its mandate, in recent years the level of implementation has not shown changes in terms of victims (KROC Institute, 2022).

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<sup>8</sup> As are the Special High-Level Instance with Ethnic Peoples (Instancia Especial de Alto Nivel con Pueblos Étnicos —IEANPE—), the National Council for Peace, Reconciliation and Coexistence (Consejo Nacional de Paz, Reconciliación y Convivencia —CNPRC—), Territorial Councils for Peace, Reconciliation and Coexistence (Consejos Territoriales de Paz, Reconciliación y Convivencia —CTPRC—), and community radio stations.

<sup>9</sup> Development Program with Territorial Approach (Programa de Desarrollo con Enfoque Territorial —PDET—) and Comprehensive National Program for the Substitution of Illicit Crops (Programa Nacional Integral de Sustitución de Cultivos Ilícitos —PNIS—).

## **4.2. Total peace for indigenous women?**

The Final Agreement recognizes the fundamental role of women in rural development. In this respect, after the signing, specific mechanisms were established to promote access to land, which must pay special attention to rural women without land or with insufficient land. However, access to land for women has been characterized by low levels of adjudication, gaps between men and women in formalization and an emphasis on the normalization of land in collective territories.

For its part, the strengthening of the democratic mechanisms of citizen participation, in promotion of political engagement at all levels, and in security guarantees have been identified as the bases for democratic opening that the construction and the consolidation of peace require in Colombia. In these years of implementation of the Final Agreement, some progress has been made in the execution of measures to promote citizen participation, such as the adoption of the Public Policy for Citizen Participation and the Policy for Reconciliation, Coexistence and No Stigmatization. In addition, there has been the implementation of the Special Transitory Circumscriptions of Peace (Circunscripciones Transitorias Especiales de Paz, CTEP, by its acronym in Spanish). Despite this, a gender approach in these public policies has had variations. In the first case, a gender approach was not included, while in the second case it was incorporated, but without consulting the Special Instance for Women for the Gender Approach in Peace. In the CTEP, gender parity was guaranteed, even though no additional measures were implemented to ensure the full participation of women (KROC Institute, 2023).

Guaranteeing security and the non-repetition of violence in the exercise of social and political participation materialized in the Final Agreement with the creation of the Comprehensive Security System for the Exercise of Politics (Sistema Integral de Seguridad para el Ejercicio de la Política, SISEP, by its acronym in Spanish), which included a comprehensive gender approach. Similarly, the process of reincorporation of ex-combatants considers a differential approach as a transversal axis, with the emphasis on women's rights. Nonetheless, the dynamics of implementation of these provisions made little progress in 2022, without having a record of changes in the levels of execution of the gender approach, due to the low levels of articulation between instances that compose it and the lack of comprehensiveness in actions that are implemented, among others (KROC Institute, 2023).

With regard to the rights of victims, the SIP, created with the purpose of guaranteeing the recognition, dignity, and satisfaction of the rights of victims, incorporates a territorial, differential and gender approach in accordance with the provisions of Legislative Act 01 of 2017. Provisions related to a gender approach have had a good pace of implementation, except for the reparation measures component (KROC Institute, 2023).

For indigenous women to see real and full peace materialize in their lives, future peace agreements, as well as government law and policies, must incorporate a holistic approach to address the multiple and interconnected forms of discrimination they face. Similarly, a gender and intercultural perspective to prevent, investigate and punish all types of violence against indigenous women should be adopted.

It is essential to create spaces for active engagement of this group in formulation and execution of policies and programs at all levels (local, regional, and national). We cannot leave aside pedagogy for peace. Within the framework of actions promoted in this area, implementing new forms of training in gender and cultural skills for all groups is a grassroots transforming tool. To eradicate institutional discrimination, it is necessary to recognize indigenous concepts of community, culture and family life, as well as to review public policies, programs and laws from a gender and intercultural perspective.

The recent Peace Agreement with the FARC-EP leaves us with a panorama full of possibilities with reference to its implementation, which, in turn, represents the achievement of great challenges. All this is threatened by permanence of violence in Colombia and the fragility of negotiations with the ELN. Considering the latest evaluations and analyses on the status of the gender approach in the enforcement of the Final Agreement, some essential points in which the role of indigenous women must be strengthened can be identified.

All this leads us to reflect and, at least, question the viability of total peace for indigenous woman. For this to be possible, it is urgent that Colombian State and society, with support of international community, focus on questioning existing power relations, reflecting on capacity development, keeping in touch with territories and expanding sensitization to men, old and young. Additionally, it is vital to maintain the presence of indigenous women in new open spaces, grant them a

place in the current and eventual peace processes, and dedicate great efforts to environmental defense.

At the halfway point in implementing its peace accord, the Kroc Institute identified six thematic areas that are key to Ethnic Approach implementation: i) mainstreaming in governmental planning; ii) specialized measures for ethnic peoples' participation; iii) territorial transformation; iv) security and reincorporation guarantees; v) rights of victims; and vi) mechanisms for monitoring and promoting the implementation of ethnic commitments (KROC Institute, 2024).

## **5. Conclusions**

Throughout history, it has been shown that peace processes where indigenous peoples have participated are more sustainable. The involvement of this group as a subject is capable of generating consensus between parties in conflict and of providing different alternatives in the ratification of the agreement to achieve real peace. The protection of their rights is directly related to the effective possibility of living freely in their ancestral territories. As long as respect for and protection of ancestral territories of indigenous peoples are not achieved, indigenous women will continue to suffer the aggravated effects of the conflict. They are part of societies where ancestral territory is an essential element of their existence and culture. Any analysis of the situation of their human rights must consider that they are part of a culturally differentiated peoples, who maintain a special relationship with their lands.

Recognition and truth manifested from the voices of indigenous women is an achievement for the construction of peace in the country. Even though the conflict has profoundly affected different social sectors and rural communities, indigenous groups have received this impact in a differentiated way, since individuality of each subject transcends collective subject to which they belong.

Indigenous peoples have continuously made an effort to make their way in decision-making spaces, to make their claims visible on government agendas, and to leverage open negotiation spaces in Colombia. However, in the different peace processes that the country has experienced with several of the illegal armed groups, the openness of the government has been variable and, therefore, so has the participation of indigenous groups.

As seen previously, in the last peace process that led to the signing of the Havana Agreements, indigenous peoples and their representatives reached the negotiating table. Indigenous women, as an integral part of Colombian society, saw in the Final Agreement a unique implement to advance in the transformation of territories they have historically inhabited.

At this time, both ethnic and gender approaches must be strengthened in the implementation of all programs and projects that are part of the Final Agreement.

Indigenous communities have been recognized as subjects of rights since the Political Constitution of 1991. This recognition grants them legal instruments for their political participation. Despite this, public

institutions have historically neglected these rights, an absence that has promoted social protest from this group through strikes, mingas and alliances with other sectors of society. The country has registered significant progress towards gender equality. Women have made a difference by being an active part in this type of demonstration, heading this traditional way of drawing the attention of the State so that it fulfills its commitments, both locally and nationally. Colombia has low levels of discrimination against women in social institutions: women have the same legal rights to men to own, use and make decisions over their land and non-land assets. The country has enacted a number of laws addressing women's economic empowerment, their inclusion in the labour market, their political participation, among others.

In order to guarantee that indigenous women enjoy all their human rights and continue to build peace in a differentiated way, the active role of the Colombian State is needed in adopting measures to empower them, enable their effective participation in civil and political spheres and improve their socioeconomic situation. Indigenous women in Colombia are leading community efforts to end violence against women. It is necessary to guarantee effective access to care routes, which must consider an intercultural approach that responds to their needs and worldviews. In Colombia, the economic, social, and cultural rights of indigenous women must be promoted in a precise and reliable manner, ensuring their full access to decent working conditions, basic health and education services and food and water—all this guaranteeing the legitimate use of their ancestral lands.

Finally, in this commitment to peace, it is essential to adopt unique measures to protect life, personal integrity and the security of human rights defenders, especially when they are women, who suffer multiple forms of discrimination, due to their gender and race. This situation results in their defense work being developed in a climate of high insecurity. It is imperative that peace reaches the territories. The resistance of indigenous women has been linked to the women wishing to maintain their own identities, from a perspective based on ethnicity and community experience.

The current government is facing negotiations with the last armed guerrillas in Colombia, the ELN. Progress has been slow and the relevance that, eventually, will be given to ethnic and gender approaches is still unknown. Whatever the mechanism and tools they use, I hope that the history and the tenacity of indigenous women in Colombia will strengthen future negotiation processes and be used to achieve the dream of peace in the country. Total Peace is with all actors, in all territories and on all issues. In this light, dialogue is the mechanism to approach and generate agreements, and its subsequent fulfillment is an imperative for transformation.



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