

# “Gender ideology”: a spoiler for peace?

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The gender approach is a guiding principle of the Peace Agreements, and a means for peace-building in Colombia to give way to inclusive, equality-based relationships. [Español](#)



Indigenous woman at a Peace March in Bogotá, Colombia. Fernando Vergara AP/Press Association Images.

On July, 24, 2016, the negotiating table between the government of Colombia and the FARC announced in Havana, Cuba, that the gender approach was to be included in the peace agreement. That day, the head of the government delegation, Humberto de La Calle, delivered a speech that included some typical gender-studies concepts:

"Sex is a given condition, whereas the gender approach touches on cultural conceptions that have generated structures in social behaviour that are historical, in the sense that they are non-deterministic social products. They are constructions covering patterns of behaviour and valuation assigned to each gender. Simone de Beauvoir said: 'one is not born, but rather becomes, a woman'. Today we may add: "one is not born, but rather becomes, a man".

These words, which refer to the social nature of gender identity, form the basis of the gender-studies analyzes that have contributed to the identification of inequalities between men and women as social constructs, supported in symbolic, political, religious and cultural systems, not "natural" or biological conditions.

One of the characteristics of the negotiation process in Havana was the inclusion of the gender approach as a crosscutting and guiding principle in the six points that make up the final agreement. Moreover, the gender approach as a means, or a tool, for making equality a reality for the Colombian people, has been a part of public policy for some time now and is consistent with the Colombian legal framework - hence, its importance in the agreement.

What is surprising, however, is that although the gender approach is based on the premise of equality and the recognition of women and the LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex) people as political and rights subjects, it ended up being wrongly and opportunistically used during the plebiscite campaign, particularly by the No supporters. Why did it become so relevant? Why did it work as a decisive factor in attracting votes for the No? Why was the so-called "gender ideology" used to distort the initiatives included in the final agreement with the

FARC?

## **The role of the gender approach in the peace negotiations**

A few weeks before the referendum, some sectors strategically brought to light what they called the "gender ideology". It was former Attorney General, Alejandro Ordoñez, the Attorney for the Defense of the Rights of Children, Youth and Family, Ilvia Myriam Hoyos, and the leader of the campaign for the No and former President of Colombia, Senator Álvaro Uribe Vélez, who were responsible for this. They put at the center of the debate the defense of traditional family values and religious principles which, in their opinion, were being threatened by the fact that the gender approach had been included in the final agreement.

While some of the demands voiced by women and the LGBTI community – such as same-sex marriage, equal adoption, and abortion - prompted mobilizations against them in Colombia, the gender approach issue became increasingly important as the peace negotiations were nearing the end and the plebiscitary process to validate the final agreement with the FARC approached. In other words, the peace negotiations offered a structure of opportunity for mobilizing agendas which, up to then, had not had much strength.

The debate was exacerbated when Humberto de la Calle's statement (above) was brought up in discussions about a booklet issued by the Ministry of Education that hit the news in August 2016. This booklet, which had been put together attending a demand by the Constitutional Court, addressed the issue of non-discrimination of sexual orientations and gender identities in school environments.

The initiative made pedagogical sense, and made sense also from the point of view of the defense of fundamental rights, but it unleashed a mobilization wave in defense of the traditional concept of family consisting of one man and one woman, and against the so-called "gender ideology", which was allegedly seeking to settle in Colombia through the recognition of the rights of people with different gender identities and the creation of new types of family.

Other platforms joined the debate with the aim of reversing what has already been established by the Constitutional Court rulings on two closely-related questions which protect the rights of same-sex couples:

- Marital union of same-sex couples: The Constitutional Court recognized in 2016, through rulings C-577 of 2011 and SU-214, the marital union of same-sex couples, indicating that "establishing that men and women can marry each other does not entail that the Constitution excludes the possibility that this link be concluded also between women and between men".
- Right to adoption and establishment of families: through Case C-683, the Constitutional Court ruled in 2015 that same-sex couples can apply for adoption and that "the adoption of children by people with different sexual orientations in general, and same-sex couples in particular, does not affect in itself the interests of the child or compromise negatively his or her physical and mental health, or his or her harmonious and integral development".

In fact, the Constitutional Court has been a relevant player in ensuring the rights of individuals and populations historically excluded and discriminated against, including the LGBTI community. It has also been instrumental in the recognition and comprehensive care of the differential and disproportionate impact that the armed conflict has had on women, indigenous people, Afro-Colombians, children and teenagers, among other subjects enjoying special constitutional protection. It is not the first time, then, that the issues raised by the Constitutional Court come up against resistance to change. What is new is the use of the contents of the final agreement to question the Constitutional Court.

In this context, mentions to Humberto de La Calle's statement gained unexpected strength. It was interpreted by some religious leaders as a threat to their principles and moral values, and as evidence of the true intentions of the negotiating team and the FARC: replacing these principles by the so-called "gender ideology".

What is surprising is that it was only then that religious leaders successfully managed to alarm some sectors of the

population about the dangers entailed, according to them, by the "gender ideology". After all, John Paul II had expressed his concern about this in 1995, when the World Conference on Women in Beijing was held, and there have been several Vatican pronouncements on the issue, such as the following one, regarding Humberto de la Calle's speech:

"The most dangerous challenge comes from gender ideology, born in Anglo-Saxon feminist and gay environments and already widely diffused in the world. According to this theory, biological sex is not important and carries no more meaning than hair colour. What counts is gender, that is, the sexual orientation that everyone chooses freely and builds according to his or her impulses, tendencies, desires and preferences. Simone de Beauvoir's sentence has become famous: *"On ne naît pas femme; on le devient"*. (...) The human being is thus not a natural, but cultural reality (constructivism)."

Going back to Colombia, it is paradoxical that the gender connotation referred to by Humberto de la Calle is the same that was used in the National Development Plan (2006-2010) which was adopted during Álvaro Uribe's second term – the same Álvaro Uribe who played a leading role in the campaign for the No. This is what the Plan said:

"The gender concept refers to the sort of relationships established between men and women in a particular society, based on the characteristics, roles and opportunities that the social group assigns to each of them. In this regard, the gender category identifies differences and culturally-determined relations which can be transformed, and not biological, sex-determined characteristics".

### **Gender perspective, public policy and the Colombian legal framework**

Something that distinguished the negotiation process with the FARC in Havana was the creation of a number of mechanisms to discuss issues that required technical and specific knowledge. One of them was the "Subcommittee on Gender", which was responsible for including the gender approach as a guiding principle of the final agreement and its implementation.

This was not achieved spontaneously. It was the result of a process that women organizations began in the 80s, and followed through their participation in the National Constituent Assembly (1991), the El Caguán negotiations between Andrés Pastrana's government and the FARC (1998-2002), and the discussions preceding the passing of the Law of Justice and Peace (2005) and the Victims Act (2011), among other political processes.

Gradually, platforms and organizational processes have consolidated at national and regional level, bringing together women from all sectors, and have coalesced through partnerships in spaces like the National Summit of Women and Peace, founded in 2013.

They thus arrived in Havana with a preexisting political agenda which resulted in the gender approach being inscribed in the six-point agreement with the FARC and which is based on the local contexts where women and the LGBTI community live.

In addition to the above, it was also recognized that violence in Colombia has affected differently men, women and people with different gender identities. It should be remembered that in the context of armed conflict, women and the LGBTI community have been victims of various kinds of violence. For example, in September 2016, the National Register of Victims of the Care and Comprehensive Reparation of the Victims Unit published the following data regarding the LGTBI community: forced displacement (1.607 cases), threats (338 cases), murder (101 cases) and crimes against sexual freedom and integrity (84 cases). As regards women, it was reported that 3.541.992 women had been victims of displacement, 451.134 had been murdered, 162.761 had been threatened, and 14.573 had been victims of crimes against sexual freedom and integrity.

According to the National Institute of Legal Medicine and Forensic Sciences, sexual violence, the victims of which are 85% women on average, has increased over the past 10 years, from 17.912 cases in 2004 to 21.115 in 2014. In

the case of violence against the LGBTI community, data from Colombia Diversa (the Colombian LGBTI organization) show that homicides peaked in 2010 (172 cases) and 2011 (119 cases), and that cases of police violence went up by 50% between 2013 and 2014, from 79 to 143.

As can be seen, in Colombia gender-based violence has not been a minor phenomenon, and so the expectation was that it would be given special importance in the negotiations in Havana. To this should be added, from the perspective of women rights, the existing international framework which has served as a basis for promoting change in the country and for supporting Colombian women organizations' demands of the right to equality. As a result, Colombia has ratified the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention to prevent, punish and eradicate violence against women.

Moreover, Resolution 1325 of the United Nations Security Council recognizing the significance of the participation of women and the inclusion of the gender perspective in the peace negotiations, humanitarian planning, the operations for the maintenance of peace and peace-building in post-conflict situations, is particularly important for the process underway in Colombia. This is why the fact that in 2013 two women were appointed as plenipotentiary negotiators, and that in September 2014 the Subcommittee on Gender was created at the negotiations in Havana cannot be minimized.

Consistent with the international protection of women rights framework, Colombian law does not only refer to the principle of equality and the right not to be discriminated against. There are laws that specifically address the rights of women, including the 2002 Rural Women Act (Act 731), which aims to improve the quality of life for women in rural environments, and Law 1257 of 2008, which establishes rules for increasing awareness, and for the prevention and punishment of violence and discrimination against women.

Regarding public policies, national development plans have been incorporating since 1994 the gender category to refer to equity or gender-based violence, and in some cases to include crosscutting strategies on gender in public policies. In parallel with the legal developments at the national level, secretariats and gender and/or women offices were created in state and city governments for dealing with gender-based violence and the protection of rights with a gender perspective, including the LGBTI community, and for the implementation of the legal framework described above.

Although more recently a legal framework has also been developed for the recognition and protection of the rights of the LGBTI community, it should be noted that, since 2011, the Constitutional Court has issued two significant rulings: one urging Congress to regulate, in the following two years, the marital unions of same-sex couples, and the other ordering the Ministry of the Interior and Justice to develop a national public policy for LGBTI people to fully realize their rights. The same year, Congress enacted Act 1482, or "anti-discrimination law", for categorizing discrimination against persons due to their sexual orientation and gender identity.

Including the gender approach in the final agreement with the FARC was not therefore a last-minute matter or one that responded to recent interests. It came from the effort of many years and any pullback in renegotiating the agreement would entail a loss on the way to effectively guaranteeing the rights of women and the LGBTI community. The same would happen with equitable relationships as a basis for coexistence, and the guarantees of non-repetition and reconciliation, which are central to what was agreed in Havana.

The final agreement not only maintains and strengthens what has already been achieved in the country, but offers an opportunity for progress through the incorporation of affirmative action for the recognition of the concrete effects of the armed conflict on women and the LGBTI community – of the upsurge, that is, of gender-based violence in that context.

### **A matter of rights and peacebuilding**

The inclusion of the gender approach in the final agreement results in actions and initiatives that are structural and

strategic in guaranteeing such rights as:

- Access to and formalization of rural property on an equal terms.
- Guarantee of economic, social and cultural rights of women and persons with different sexual identity living in rural communities.
- Promotion of the participation of women in spaces of representation, decision making and conflict resolution.
- Prevention and protection measures catering for the specific risks of women.
- Access to truth, justice and guarantees of non-repetition.
- Public recognition, non-stigmatizing and diffusion of the work of women as political subjects.
- Institutional management to strengthen women's organizations and LGBTI movements and thus ease their political and social participation.

Without going into an exhaustive analysis of each of these points, what is important here is that, contrary to what the leaders of the campaign for the No have been stating, the gender approach seeks to gather up the initiatives that women and LGBTI organizations have developed for decades, and to make them part of the peace process. Nothing could be farther from reality than to claim that this means imposing values, or transforming the family model, or contributing to the academic and conceptual innovation on gender.

Let us not lose sight of the fact that, through unfounded arguments about the inclusion of the gender approach in the final agreement, significant results have been achieved: first, attracting mass votes for the No; and, second, opening the door to a reversal of the legal advances backed by the Constitutional Court.

The debate misrepresented the inclusion of the gender approach in the peace agreement and diverted attention of public opinion to the so-called "gender ideology", shadowing such a priority human rights issue as the compensation for the particular effects of the armed conflict on women and the LGBTI community.

Jeopardizing the rights of more than half of the victims of armed conflict in Colombia is no small feat and it obliges those who are opposing the agreements to come up with more dignified and technical proposals. After all the fuss, it is not enough to just say that the solution is "to purge gender ideology from the Havana agreements".

The realization of the gender approach in the framework of what the government and the FARC have agreed is going to require adjustments not only as regards the new institutions that will be created if the agreements are implemented, and the characteristics of the institutional offer, but also as regards the transformation of the narratives voiced by those responsible for guaranteeing the rights of women and the LGBTI community. A few examples of this: patriarchal, sexist and *macho* language, or the gender-based access barriers that permeate Colombian institutions. To this must be added the role of women, the LGBTI community and their organizations in the process of social and institutional change.

The gender approach as a guiding principle of the peace agreements, endorsed and recognized by the international community and the United Nations, is a must for peacebuilding. The moral and religious debate cannot overrun the advances in the recognition and guarantee of citizen rights. It is important not to lose sight of the fact that the gender approach is a means for peacebuilding to generate inclusive relationships based on equality in Colombia.



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