



**U.S. Office on Colombia**  
connecting civil society to policymakers



## First Survey of Prevalence

### “Sexual Violence against women in the context of the Colombian armed conflict”

**Colombia 2001-2009**

#### Sexual violence and the presence of armed actors

The results of the first survey on the prevalence of sexual violence<sup>1</sup> allowed us to make the link between the presence of armed actors and the increase in sexual violence, and the reasons behind why the victims do not report these abuses. For the purposes of the study, the different forms of sexual violence were considered rather than just rape or sexual harassment. The study includes violations that are established as crimes by the Colombian Penal Code (rape, sexual harassment, and forced prostitution) and others that are not, such as forced domestic labor and the regulation of social life.

The results of this research, covering the period 2001-2009, show the high rate of sexual violence: **18% for the 407 municipalities that have an active presence of the armed forces, guerrillas and paramilitaries. This means that during the nine years in which the study was carried out, 489,687 women were victims of sexual violence.** This is an average of 54,410 women per year, 149 per day, or 6 women every hour suffering sexual violence. Based on these numbers it can be inferred that sexual violence constitutes a habitual and frequent practice in the context of the armed conflict and therefore can be described as being “generalized” according to international humanitarian law.<sup>2</sup>

#### Violence that is not socially recognized

The research evidences a prioritization within the different types of sexual violence in which certain types are “normalized and naturalized” (regulation of social life, forced domestic labor,

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<sup>1</sup> Researched by Casa de la Mujer in the framework of the Campaign Rape and other Violence: Leave my Body Out of the War  
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<sup>2</sup> Generalized can be defined as “massive, frequent, large scale action, carried out in a collective manner with considerable gravity and with a multiplicity of victims”. Ad Hoc Tribunal for Rwanda. Case Akayesu. Sentence of September 2 1998, paragraph 580.

sexual harassment and forced sterilization), while others are openly recognized as sexual violence (rape and forced prostitution). This naturalization contributes to the repetition of this criminal conduct, and the failure to find among the authorities and civil population attitudes of repudiation, prohibition and prosecution of these abuses; therefore these abuses are present in women's lives on several occasions. It is important to highlight that before being asked about the different types of sexual violence included in the research, **4 of every 10 victims didn't recognize themselves as victims of sexual violence.**

### **Continuation of sexual violence in both private and public places**

Sexual violence against women is carried out by "public actors", including armed actors and by private actors, including their partners or family members. It is evidenced in the research that violence against women is carried out both in public and private places. **To this respect 64% of women consider that the presence of armed actors in the municipalities increases sexual violence in public spaces, while 49% consider the same for private places.**

### **Impunity and obstacles to denouncing sexual violence**

The high prevalence of sexual violence against women in the context of the Colombian armed conflict is exacerbated due to a lack of attention to this crime and high levels of impunity. According to the survey **74% of women consider that the presence of armed actors constitutes an obstacle to denouncing sexual violence; while 82% of women, whilst recognizing that sexual violence is a violation of their rights and a crime, preferred to not denounce the aggressions due to fear of retaliation and lack of trust in the judicial system, among other reasons.** This silence contributes to the crime remaining invisible and to the high levels of impunity.

### **Sexual violence and armed violence**

It is important to highlight that the use of weapons by the perpetrators is generalized. According to the research 21% of women victims of sexual violence were attacked and threatened through the use of weapons.

### **Colombian State Responses to sexual violence against women in the Context of the Colombian armed Conflict**

The Colombian State has adopted some policy measure to prevent and eliminate sexual violence against women in the context of the Colombian armed conflict. There have also been some important legal advances, such as Law 1257 of 2008 and Constitutional Court Order 092 of 2008. However the continuation of the armed conflict and obstacles in the implementation of these policy measures mean that to date there are no significant changes in women's lives, especially for victims of sexual violence in the context of the armed conflict, nor in the levels of impunity for these crimes.

In December of 2008 the Colombian Congress approved Law 1257 which established a set of norms for the prevention and prosecution of different forms of violence and discrimination against women. This law was the result of women's organizations' many years of struggle. However two years after its enactment, the law has not been fully implemented, and many agencies and public officials of the government are not even aware of its existence. It is

evident that in order to make effective the policies within the law, the Colombian government must allocate sufficient personal and financial resources to promote its implementation.

In the context of the Justice and Peace process women face another set of obstacles when trying to achieve justice; the unwillingness of demobilized paramilitary to confess to crimes of sexual violence in the justice and peace hearings; the failure of the prosecutors to conduct in-depth investigations into sexual violence cases; and obstacles for the participation of the victims in the hearings due to lack of protection measures. To date the Justice and Peace Unit of the Attorney General's Office has registered 701 cases of gender/sexual violence attributed to paramilitary and guerrilla groups (42 cases were identified in confessions at the hearings). There are no sentences registered for these crimes.

The Constitutional Court Order 092<sup>3</sup> ordered the creation of an Attention and Prevention Program for Forcefully Displaced Women Victims of Sexual Violence. However women's organizations have found the program to be highly centralized and not open to their participation, marginalizing them from the design and implementation of the public policy that affects them.

In the Order 092 the Constitutional Court mandates the Attorney General's office to investigate 193 cases of sexual violence. Of a sample of 23 of these cases as of June 2010, only 21.7% have resulted in convictions with the majority of them (52%) still under preliminary investigation.<sup>4</sup> All of these convictions refer to civilians and usually members of the victim's family or partners. To date no armed actor has been prosecuted on sexual violence charges.<sup>5</sup> General statistics from the Attorney General's office reveal that between 2009 and 2010, this agency was investigating 82 cases of sexual violence, for a total of 133 victims. Out of the 82 cases there are only 8 prosecutions.<sup>6</sup>

Other initiatives include the adoption of a gender perspective in the Early Warning System and a strategic plan for the Defense of Women's Rights run by the Ministry of Interior. However the Ministry's plan does not include sexual violence in the context of the armed conflict and the Early Warning System has yet to produce results in preventing and protecting women in areas where there is an active presence of legal and illegal armed actors.<sup>7</sup>

Recently the government has announced that it will be submitting to Congress a Women's bill that will seek to include under one legislation women's rights including civil and political rights, as well as measures to combat violence and discrimination, among others. It is expected that the bill will include policy measures for the prevention and elimination of sexual violence in the context of the Colombian armed conflict.

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3 Court Order 092 is a sentence of the Colombian Constitutional Court that seeks to protect women's human rights, especially for women who have been forcefully displaced. The order follows the Court's 2004 declaration of an unconstitutional state of affairs due to the government's failure to respond adequately to the crisis of forced displacement.

4 This category includes investigations that are under preliminary inquiry (6) and preliminary investigation (6), in both cases the author of the crime has not been identified, or the crime has not yet been established. Based on the report of the "Working Group on Order 092", June 2010.

<sup>5</sup> Third Report of the Working Group on Order 092, June 2010.

6 Attorney General's Office, 2009-2010 Report

<http://fgn.fiscalia.gov.co:8080/Fiscalia/archivos/InformedeGestion/infogestion2009-2010.pdf>.

7 Pilar Rueda, "Recomendaciones de la OACNUDH para la Protección y la Garantía de los Derechos Humanos de las Mujeres". Mayo 2010

## Conclusions

The high prevalence of sexual violence in the Colombian municipalities with a presence of armed actors, the victim's lack of knowledge of the different types of sexual violence and the obstacles that the presence of armed actors presents for women when trying to denounce cases of sexual violence, contribute to this crime remaining invisible and unpunished in Colombia.

The Colombian government has not adopted adequate measures to break this cycle of high prevalence and impunity. Responding to its international commitments, the Colombian government should seek the elimination of the structural conditions that allow the existence of high levels of impunity in the cases of sexual violence against women in the context of the Colombian armed conflict. This can be achieved through the transformation of social, cultural and institutional practices; and the adoption of legal proceedings and protection measures that guarantee women victims of sexual violence right to truth, justice and reparations.

In addition, breaking the cycle of high prevalence of sexual violence and impunity for these crimes rests on the willingness of the Colombian government to take effective measures, with the cooperation and support of the international community.

## Recommendations

### **For the US Congress and Administration:**

1. We call on senior US government (USG) officials to publicly denounce the prevalence of sexual violence in the context of the Colombian armed conflict and to urge the Colombian government to adopt effective measures for the prevention and elimination of this form of violence, the investigation and prosecution of those responsible and attention and reparation for the victims.

2. Within the framework of the Colombian and US bilateral relations, we ask the USG to urge the Colombian government to comply with the recommendations set forth by international organizations such as United Nations and the Inter-American Human Rights Commission, on prevention and elimination of sexual violence in the context of the armed conflict. **The USG should urge the Colombian government to design and implement an integral public policy in regards to women's access to justice.** This would include: removing the obstacles that women face when denouncing these types of aggressions; standardizing the information system on this crime; facilitating the effective, uniform and transparent investigation of the cases; guaranteeing technical, infrastructural and financial resources; strengthening disciplinary controls over all public officials from the judicial sector with a zero tolerance policy to any type of action that re-victimizes women; guaranteeing psychological support for the victims during the judicial processes and implementing reparation measures, and the right of non repetition.

3. **We extend an invitation to the Ambassador-at-Large for Global Women's Issues, Melanne Verveer to visit Colombia,** to meet with victims and those representing them, as well as women's organizations and human rights defenders, and to see first-hand the reality facing women in Colombian, especially the widespread use of sexual violence in the context of the armed conflict and the high levels of impunity for these crimes.

4. The USG should encourage an in-depth investigation to ensure that where there is credible information of members of the armed forces committing acts of sexual violence that any military assistance to that unit is cut. It should also encourage an independent assessment on the effectiveness that US aid has had in strengthening the Attorney General's Office in regards

to the quality and quantity of the investigations, attention to the victims, prosecutions and other concrete measures undertaken by these agencies with regards to sexual violence against women in the context of the armed conflict. The results of this investigation would help with the design of future assistance programs.

5. We recognize the important efforts that USAID has taken in recent years in favor of victims of gender-based violence. We ask that in its third program phase (2011 to 2016) USAID prioritizes and strengthens its aid to victims of sexual violence, through the victims associations and women's organizations at the regional and national level that offer psychological, political and legal support to victims in their quest for truth, justice and reparations.

### **To the United Nations**

**We invite the United Nations Special Representative on Sexual Violence in Conflict, Margot Wallstrom**, to carry out an official visit to Colombia, that would allow her to see first-hand Colombian Women's reality and especially the gravity of sexual violence in the context of the armed conflict, and the high levels of impunity for these crimes; and to monitor and design recommendations directed to the Colombian government that would to urge it comply with international resolutions on the matter, such as resolutions 1325,1820 and 1880.

### **To civil society, NGOs and academics in the US**

We urge the American civil society to include in their work agendas a greater focus on highlighting the gravity of sexual violence against women in the context of the Colombian armed conflict. We also ask you to call on the USG to urge the Colombian government to adopt effective measures for the prevention and elimination of sexual violence in the context of the armed conflict. Furthermore, ask the USG to recognize and support victims of sexual violence, victims associations, women's organizations and human rights defenders that fight every day for truth, justice and reparations.