

REPARATIONS FOR VICTIMS AND SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE



COUNTRY BRIEFING COLOMBIA

Official Register of Survivors of conflict-related sexual and reproductive violence (CRSRV):

Yes, a [National Registry of Victims](#) of the armed conflict that includes “victims of crimes against sexual liberty and integrity” (although not all forms of sexual violence and reproductive violence are included).

Official number of CRSRV Survivors: [9,263,826](#) registered victims of the armed conflict, including 35,000 survivors of CRSRV as of April 2022.

Estimated Real Number of CRSRV Survivors: No reliable data available but presumed to be [higher](#) than registered number.

Domestic Legal Framework for Administrative Reparations Programme: Yes, there is a domestic reparations programme in place. The National Registry of Victims is open for registration provided certain [requirements](#) are met.

Mechanism to implement Administrative Reparations Framework: Yes, there is a [complex system](#) that spans across various State institutions.

Domestic Avenues for Reparations through Courts: Various, including ordinary tribunals, the domestic reparations programme and other transitional justice mechanisms.

Approximate Number of Survivors having received any formal Reparations for CRSRV:

- [2,907](#) women victims of CRSRV have received psychosocial care between 2015 and 2020
- Physical health services provided to [21,869](#) women victims of CRSRV.
- [8,267](#) victims of CRSRV registered in the RUV have been compensated. 63 persons born as a result of sexual violence have been compensated.

Survivor Perception regarding state of Implementation of Reparations: Impunity prevails, and victims are not getting access to comprehensive reparations either through the domestic reparations programme or through courts.

Ongoing CRSRV: Yes.



Nature and Scope of CRSRV

Through over seven decades of internal armed conflict, multiple forms of CRSRV have been used systemically by [all armed groups](#) (paramilitaries, guerrillas, national military, foreign troops), [including](#) rape, threat of rape or sexual violence, sexual harassment, forced sterilisation, forced contraception, forced pregnancy, forced abortion, trafficking of persons for sexual exploitation, sexual slavery, forced witnessing of sexual intercourse, obligation to carry out acts of sexual violence or to allow them to happen, torture during pregnancy, forced maternity, forced nudity, mutilation of sexual organs and forced changes of bodily or performative gender. Many children have been [born out of rape](#).

CRSRV has been [used](#) to silence, intimidate and/or punish victims, human rights defenders, journalists, and [political leaders](#), to exercise territorial control and to secure the militarisation of different regions. It has occurred alongside other forms of violence such as internal displacement, massacres, forced recruitment and land destitution.

[Women, girls](#), and members of the [LGBTIQ+ population](#) have been disproportionately affected, and indigenous, rural communities and afro-descendant peoples are at greater risk of CRSRV due to the [militarisation of their territories](#) and persistent [racial and socio-economic discrimination](#).

Different armed groups use CRSRV for [different purposes](#). For example, paramilitary groups tend to intimidate, silence, and punish human rights defenders, journalists and leaders, while guerrilla groups tend to practice [forced abortion and forced sterilisation](#) more often as part of forced recruitment.



Harm caused to Survivors, Families and Communities

Survivors have suffered physical, moral, spiritual, mental, material and intergenerational harms, some of which have also affected their children, partners, parents, other family members and their communities. A lack of prompt and adequate response to such harms has deprived survivors of access to justice, truth, reparation, access to education, vocational training and other forms of support. Victims narrate the impacts of CRSRV within a continuum of structural, everyday violence, and in the context of the armed conflict.

For victims belonging to indigenous, afrodescendant, Raizal and Palenquero peoples whose worldviews and ways of life are based on their ancestral relationship with their territories, the CRSRV have spiritual and disharmonious impacts on the life cycles of the territories and their ecosystems. CRSRV has effects on the continuity of the communal ways of life of indigenous and afrodescendant peoples and peasant communities.

Stigmatisation by families and communities is also a source of revictimisation and further harm for the victims.



"I would have liked that when I was a victim someone would have taken me by the hand and offered me support, psychosocial help. But it didn't happen. It was up to my mother, a single mother of 7 children, to find money to support her mother and us. My mum is hypertensive, and all this has only made it worse".

"My parents started fighting. They both blamed one another for what happened to me. The family got divided".

"What happened to us happened to us because we are a forgotten community. We can't count on the State, we can't count on the police. For the national strike, the president ordered the militarisation of the country, but no one was sent to protect us when they came".

Testimonies of CRSRV victims collected by GSF partner organisations.

Woman looking at the horizon, Santander de Quilichao, Cauca, Colombia, August 2021 © Angie Larrahondo / ASOM



Survivors' Perspectives

Survivors request reparations to address their needs, which are often connected to the harms they have experienced. They request resources and support to help them out of poverty, vulnerability, and exclusion. This includes requests for compensation or for access to work, education or housing. There is also a strong expectation that reparations provided for under the domestic reparations programme under the Victims and Land Restitution Law ([Law 1448/2011](#) and its [three Decree-Laws](#)) ("VLR") will provide transformative reparations to address the root causes that allowed such violence.

Survivors require access to mental, psychosocial and physical health services of appropriate quality to overcome some of the most extreme harms caused by CRSRV. They indicate that the health consequences of CRSRV do not allow them to pursue justice or reparation, or to exercise other rights.

Survivors need to be recognised as victims and to see that what happened to them is fully acknowledged. This includes a diligent investigation of the violations, followed by prosecution and punishment of perpetrators. Survivors also note continuing high levels of impunity, and the further harm it causes.

LGBTIQ+ survivors expect to be recognised as right holders before any other type of recognition as prevailing stereotypes mean they are not seen as victims. Heterosexual men mostly remain silent because of what it entails to speak out and the feelings of emasculation they experience. The underreporting of cases needs addressing, especially relating to heterosexual men and LGBTIQ+ individuals. Given the extent of stigma experienced, male survivors require a one-on-one approach to allow them to speak, express themselves and participate in the reparations process, and to ensure they can secure reparation.

Victims also highlight the lack of State coordination to ensure comprehensive reparation. Different forms of reparation are given to victims in an isolated and uncoordinated manner. For example, survivors may receive compensation but nothing else. Here the opportunity for the process itself to have a reparatory value is lost. Survivors indicate that reparations would achieve a better result if different types of reparation were provided together, as part of a well-designed process where one type complements the others. For example, a victim gets access to quality rehabilitation, can access compensation and, at the same time, is also provided with support as to how to seek justice and make a living, while State institutions continue to address the root causes of CRSRV.

"The priority is compensation. But when I started this process, years ago, I thought there would be opportunities for us, to start our projects, to study (...). I have tried several times to get in to study. But the opportunity never comes up. I've only been called to do a baking course. I applied to National Centre of Learning (SENA), but that's all they've called me for".

"The first need is money. My grandmother says that having a house is not wealth, but not having a house is poverty. Most of us women are waiting for the compensation so that we can have a house. And those who have it to fix it up".

Testimonies of CRSRV victims collected by GSF partner organisations.



Survivors' Initiatives

There is significant organisational capacity and collective action across female victims of some forms of CRSRV and other violence suffered in the context of the armed conflict. That said, feminist and women's rights organisations have created important opportunities for advocacy and organisation for LGBTIQ+ victims. There are however no victims' groups or civil society organisations doing focused work on sexual violence suffered by heterosexual men or work mainly on the consequences of sexual violence and other violations for children born out of rape.

The network of survivors and civil society organisations working towards combating CRSRV has different layers, including international civil society organisations, national organisations and local organisations, as well as indigenous organisations and authorities, whose mandate includes combating CRSRV. Some LGBTIQ+ organisations also work on CRSRV. All these organisations are complemented by others working on women's rights within and outside armed conflict, which come together as part of alliances working to address CRSRV.

An important advocacy campaign that has mobilised and brought together victims of CRSRV in Colombia is the campaign by journalist and CRSRV survivor, Jineth Bedoya, "It's not time to keep quiet" ([no es hora de callar](#)), which started in 2010 and aims to highlight CRSRV concerns including impunity, and to secure reparations for victims.

The VLR Law includes [victims' participation](#) in its implementation and monitoring. There is a National Table of Effective Participation of Victims (*Mesa Nacional de Participación Efectiva de Víctimas*), as well as municipal, district and departmental tables. These bring together all victims' representatives across the country, including more than 4000 victims' organisations. More than half of the participants are women. The Table includes thematic committees, including on sexual violence, women, LGBTIQ+ and ethnicity.



Reparations

IN THEORY

Judicial remedies

Reparations from the State: Council of State and Constitutional Court.

Reparations from individual perpetrators: ordinary criminal courts.

Transitional judicial remedies before the Final Peace Agreement: Justice and Peace Law.

Administrative remedies

VLR Law enacted in 2011 together with three decree laws to regulate reparations for indigenous peoples, afro-descendants, and Roma.

The VLR Law creates a National System (SNARIV), that includes three key institutions: The Victims Unit, The Land Restitution Unit and the Centre for Historical Memory.

VLR Law recognises CRSRV victims, including children born out of rape and provides for assistance and reparation measures. The Law was renewed for 10 years in 2021.

Reparations provided under the VLR Law include compensation, restitution including land restitution, rehabilitation, satisfaction measures and guarantees of non-repetition. It also recognises individual and collective reparations.

The Final Peace Agreement (2016)

Adds new forms of reparation to complement the VLR Law such as early acts of reparation from the FARC and the Government or conditioning the grant of criminal benefits to perpetrators to their contributions to reparation, truth and non-recurrence.

Creates a system with various mechanisms to pursue reparation, justice, truth and non-repetition. Among them are the Special Jurisdiction for Peace (SJP), the Unit to Search for the Disappeared, and the Truth Commission.

IN PRACTICE

Judicial remedies

Council of State: a handful of decisions ordering reparation for CRSRV. Important forms of reparation ordered. Not prompt justice. Low levels of implementation.

Recent decision establishing statute of limitation to claim reparations from the State - 2 years from the moment the victim has known that the State was responsible.

Constitutional Court: Essential to safeguarding CRSRV victims' right to reparation. Key highlights: Follow up mechanism on measures taken by government to implement its orders, and on the investigation of CRSRV cases.

Case of Helena: recognises that although Helena was a guerrilla member, as a victim of reproductive violence she is entitled to reparations under the VLR Law.

Case of Carmen: removes time limitations for victims of CRSRV to register and claim reparations under VLR Law.

Justice and Peace Law: Of the 72 convictions handed down during 17 years of work, 25 have resulted in convictions for CRSRV offences, but this has not necessarily translated into reparations for the victims.

Administrative remedies

Implementation of the VLR Law began in 2011 for ten years. In 2021 it was extended for a further decade.

Status of implementation for victims of CRSRV

Compensation: One-off payment of 30 times the minimum wage in Colombia at the time of payment (the minimum wage in Colombia in 2021 is approx. 244 USD per month, equating to a one-off payment of approx. 7,320 USD in January 2021). 8,267 victims of CRSRV received such compensation.

Rehabilitation for mental health for victims of CRSRV (2011-2020): 2,907 victims have received mental health support.

Rehabilitation for physical health for victims of CRSRV (2015-2020): 21,869 women victims of CRSRV have received physical care.

Vivificarte Strategy (complementary strategy to psychosocial support provided by the Victims Unit) 2020: 11,138 women CRSRV victims have had access to psychosocial support.

Satisfaction measures: Diverse measures such as Fragmentos, a letter of dignification recognising the harms suffered by victims once they are registered at the national registry, and declaring May 25th as the National day for the dignification of CRSRV victims in Colombia.

Collective reparations: Only 16 (2%) of those registered as collective subjects for reparation under the national registry have had their right to collective reparation fulfilled.

Final Peace Agreement

No case has been prioritised at the SJP on CRSRV.



Opportunities

The VLR Law and its implementation has generated important reparations processes, some of which constitute significant opportunities for survivors to obtain reparation. The lack of access to adequate and prompt rehabilitation services faced by survivors could be partially addressed by considering existing opportunities and reflecting on the impact they have had. Existing opportunities that could be strengthened and implemented more broadly include:

1. The health services (physical and mental) programme of rehabilitation called “Fenix process” implemented at the Ministry of Health of the Department of El Valle. This programme brought together different institutions at local level to leverage health resources (financial and human) to provide victims of CRSRV with comprehensive - and not fragmented - health services going beyond gynaecological services.
2. [Entrelazando](#) (Interwoven) is a strategy set up by the Victims Unit to provide rehabilitation to victims who have suffered collective harms, particularly peasants. Its success appears to lie in its capacity to generate ownership and restoration of the social fabric in communities by promoting participation, healing potential and leadership.
3. [Vivificarte](#) is a complementary psychosocial and differential strategy created by the Victims Unit and targeted at women who have suffered CRSRV. Its approach is to strengthen women’s capabilities using a rights approach.

Another opportunity is the potential opening of a macro-case on sexual and reproductive violence by the SJP. While this is noted as a failure to-date, there is hope that the SJP could prioritise a case on CRSRV, which in turn could lead to restorative sanctions being ordered against the most responsible perpetrators. These sanctions must include a reparatory dimension and could become an example of gender justice and reparation.

Another notable opportunity is the recent extension for another decade of the VLR Law, which allows the continuation of reparations to CRSRV Survivors. Equally, decisions of the Colombian Constitutional Court in the cases of Helena and Carmen have opened new opportunities for victims of CRSRV to access reparation, including former combatants and victims who did not speak out within the time limits set by the initial VLR Law.

The judgment of the Inter-American Court of Human Rights in the case of [Jineth Bedoya Lima and Other v. Colombia](#) and the reparations ordered by the Court, also create new opportunities to address structural causes of sexual violence in Colombia, as well as to provide collective reparations for victims of sexual violence who happened to be leaders, human rights defenders or journalists.



Key Challenges

- Lack of financial and other resources and political will to fully and adequately implement the VLR Law;
- Lack of adequate rehabilitation services, including the provision of timely care;
- Lack of a gendered, differential and [intersectional](#) approach to harms suffered by CRSRV victims as those providing reparations have not been adequately trained or given the necessary tools to deal appropriately and sensitively with CRSRV;
- Lack of information available to survivors regarding reparation and assistance, and the difference between the two concepts. Victims do not always know that what they have had access to constitutes reparation;
- Prevailing impunity;
- Ongoing failure to address structural causes of CRSRV;
- Underreporting of CRSRV particularly by heterosexual men and LGBTIQ+ persons;
- Underreporting regarding children born out of rape and consequent insufficient assistance and rehabilitation measures reaching such children;
- No understanding by State institutions of collective and ethnic claims for reparations from survivors of CRSRV who wish to be recognised as a collective and not only as individuals;
- Fragmented institution processes creating a significant bureaucratic barrier as the burden of the paperwork and requirements placed on victims acts as a deterrent to the fulfilment of rights rather than facilitating it. This barrier is even greater when institutions also embrace stereotypes about gender, race, sexual orientation or gender identity, further discouraging CRSRV victims from exercising their right to access reparation;
- Lesser knowledge regarding the specificities relating to heterosexual men, LGBTIQ+ survivors, and children born out of rape and fewer collective efforts to address them;
- Disproportionate focus on rape over other forms of sexual violence, such as reproductive violence, resulting in lesser or no reparation for survivors of the latter. Indeed, there is no explicit recognition of reproductive forms of violence as a violation covered by the VLR Law.



Recommendations

- Streamline accessibility to reparations under the VLR Law, its Decree-Laws, and mechanisms under the Final Peace Agreement by avoiding additional bureaucratic burden and coordinating the different parts of the reparations system to ensure that all CRSRV survivors can access reparation in a comprehensive manner and making the most of the reparations process. This streamlining should also include the provision of assistance and rehabilitation in a prompt and urgent manner to victims of CRSRV.
- Ensure survivors receive accurate and timely information about reparations under the various available avenues, and are supported when making claims. This includes letting survivors know about any changes ordered by relevant bodies like the Constitutional Court.
- Prioritise rehabilitation for physical and mental health (including psychosocial support). Such prioritisation should include an intersectional approach that includes gender identity, sexual orientation, class, ethnicity and other grounds.
- Promote the investigation, persecution and punishment of CRSRV and, in particular, push for the opening of a macro case on sexual and reproductive violence by the SJP. Ensure that sanctions in such a case are developed on the basis of CRSRV victims' perspectives.
- Further map diverse forms of CRSRV to ensure that those who are yet to come forward learn about their rights and are given the opportunity to speak out about what happened to them and to access reparations. Such efforts should include a focus on children born out of rape and heterosexual men and should ensure safe spaces where they can talk and can get help from existing support networks.
- Assess the impact of programmes like Vivificarte, Entrelazando or Fenix, to both define good practice and find ways to further strengthen these programmes so that comprehensive rehabilitation is provided to all victims of CRSRV.



Next steps

To the Victims' Unit:

- It should simplify its many institutional requirements for survivors to register and access reparation. It should also unify and streamline the processes survivors should go through to access reparation.
- It should take active steps to register former combatants who have demobilised and suffered sexual and reproductive violence in compliance with the decision of the Constitutional Court.
- It should revise its policy and work on collective reparations to make significant progress in the delivery of this form of reparation but also to ensure that it fully captures a gender and intersectional approach.
- It should design and implement a specific reparation policy and strategy and process to ensure that LGBTIQ+ survivors, heterosexual male survivors and children born out of rape are able to access adequate, prompt and effective reparation. Such policy and strategy should include the delivery of urgent forms of reparation.

To the National Government:

- It should ensure full coordination across the many institutions part of the SNARIV, as well as adequate human and financial resources to provide reparation to victims in an appropriate, effective and timely manner.
- It should fully implement and comply with the Final Peace Agreement (2016), in all that concerns the right to reparation owed to victims. Such implementation ought to have a gender and intersectional approach.

To the National Government and the Victims' Unit:

- It should ensure that survivors of CRSRV have access to comprehensive reparation and to a process of reparation that is also reparatory. The various remedies available in Colombia to provide reparations to victims, make it a challenge for them to ensure a reparative process capable of delivering comprehensive reparations.

To the Special Jurisdiction for Peace:

- It should open a macro-case on sexual and reproductive violence besides investigating such crimes as part of other cases.