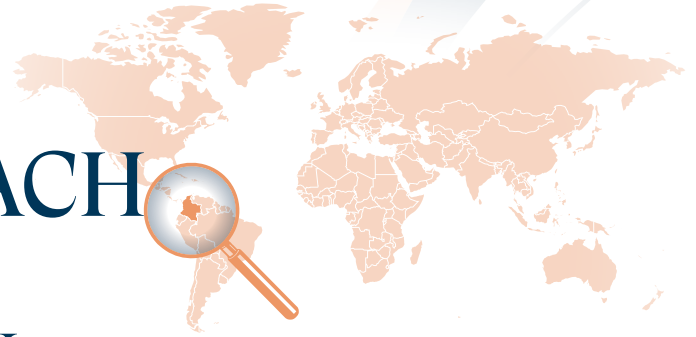


ADVANCING A HOLISTIC APPROACH TO JUSTICE AND ACCOUNTABILITY FOR CRSV SURVIVORS



The following case study has been written by an independent consultant on behalf of the Global Initiative for Justice, Truth and Reconciliation (GIJTR). This case study is informed by a combination of desktop research, document analysis and interviews. It therefore reflects these perspectives and findings, as compiled and written by the consulting author(s). Interviewees have been anonymized to ensure their safety and privacy but GIJTR extends its gratitude for the time and participation of all interviewees.

A Case Study from Colombia

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Introduction¹

This work on sexual violence and justice, particularly transitional justice, is carried out based on the experience of the Ruta Pacífica de las Mujeres, hereafter referred to as the “Ruta,” taking into account their trajectory in the pursuit of peace, the visibility of women victims, and the events and impacts they have suffered, as well as the contributions made over years of work in truth, justice, reparation, and non-repetition processes.

This document captures historical elements of the armed conflict in Colombia, its persistence to this day, the negotiation processes, and the contributions of women in relation to sexual violence. We conducted a review of secondary sources on sexual violence, many of them from the Ruta, such as publications, internal reports, work guides, workshop designs, public reports, as well as other external sources: legislation, court rulings, international judgments, the peace agreements carried out in Colombia, and several volumes of the recent Final Report of the Commission for the Clarification of Truth, Coexistence and Non-Repetition 2022,² hereafter referred to as “CEV.” Likewise, the strategies carried out by the Ruta and other organizations to make this crime visible and the achievements reached, especially in the recent Peace Agreement and its implementation, were taken into account.

ABBREVIATIONS

CEV: Truth, Coexistence, and Non-Repetition Clarification Commission

IACHR: Inter-American Commission on Human Rights

EPL: People’s Liberation Army

FARC-EP: Revolutionary Armed Forces of Colombia—People’s Army

JEP: Special Jurisdiction for Peace

M-19: April 19th Guerrilla Movement

Ruta: Ruta Pacífica de las Mujeres (Women’s Pacifist Route)

RUV: Victim’ s Unit Registry

UBPD: Special Unit for the Search of Persons Declared Missing in the Context of the Armed Conflict

The Ruta has garnered experience from the regions in which it operates—the areas most affected by the armed conflict. It acknowledges the diversity of the women and their local contexts, offering psychosocial, legal, and organizational support. Their goal is to amplify these women’s voices in advocacy initiatives, legal procedures, and social or administrative requests, among others.

Their expertise is mainly captured in the Women’s Truth Commission, which was publicly presented in 2013.³ This initiative amassed significant testimony from women and victims of various forms of violence, including conflict-related sexual violence, highlighting the recurring patterns in the context of the armed conflict.

Further, this document gathers information on the prevalence of sexual violence and the processes that the Ruta has carried out since achieving the Peace Agreement: it played an important part in the CEV, currently litigates in the Special Jurisdiction for Peace (JEP)⁴ and was part of the advocacy for opening Macro-case 11 on sexual violence in this court.⁵ It has also submitted proposals for restorative justice for women victims of sexual violence to the JEP, to be applied in the sentencing of the prosecuted perpetrators.

These are processes of learning and developing methodologies, with women victims of this type of violence at the core of their work, which has enabled them to contribute to the government-FARC negotiation process, the CEV, and the overall Integral System for Peace. This document encapsulates the rich organizational and personal experience in supporting these processes.

CONTEXT

Colombia has been entrenched in an armed conflict for roughly 60 years, arising from the bipartite violence of the 1950s that spawned guerrilla groups in the mid-1960s. The guerrillas declared their insurgent struggle against the political, social, and economic situation; according to their proclamation, they sought a new order, inspired by the Cuban revolution and socialism as a fair system. It is noteworthy that this prolonged armed struggle has eroded those founding ideals, especially since drug trafficking has permeated several guerrilla

The Global Initiative for Justice, Truth and Reconciliation

In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth and Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative and multidisciplinary approaches to issues of truth, justice and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors and governments to develop transitional justice approaches that are victim-centered, collaborative, and support dignity, respect, inclusion, and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged 801 local civil society organizations; 78 countries; 43 publications; collection of over 8,000 narratives of human rights violations; and supported 588 civil society organizations dealing with human rights violations.

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groups, causing profound victimization of the population due to the dynamics of the armed conflict. In the mid-1980s, counter-insurgent paramilitary groups linked to drug trafficking emerged, in which government armed institutions and third-party civilians (e.g., businessmen, ranchers) were also involved, leading to massive human rights and international humanitarian law violations against civilians.

Negotiations with insurgent and paramilitary groups have taken place in the country at various times, seeking to mitigate and de-escalate the war, and diminish its intensity. The initial negotiations of the 1990s with five insurgent groups lacked a transitional justice approach. They were focused on the surrender of weapons for amnesty and on a proposal for a National Constituent Assembly to redesign dysfunctional and obsolete institutions. The aim was to expand democracy and prioritize fundamental rights in their entirety. It is worth noting that the country embarked on a Constitutional Reform process that involved members of demobilized groups (M19-EPL) and included the social, indigenous, and Afro-Colombian organizations. Among the main achievements were institutional changes that modernized the system, the declaration of a multiethnic and multicultural state, the proclamation of Colombia as a social and democratic state of law, and a chapter on fundamental rights. Additionally, the constitutionality of the use of writs of protection (tutelas) for fundamental rights was a central feature of this new Political Constitution. It is worth noting that there have been modest gains regarding women's rights, resulting in numerous rulings by the Constitutional Court (the highest constitutional tribunal) in favor of women's rights and sexual diversity over the 30-year existence of the Political Constitution.

Despite an open door to negotiation, not all guerrilla groups participated, and there was a serious escalation of the conflict with paramilitary groups, as per the CEV's report. Between 1958 and 2022, this armed conflict resulted in nine million victims, including 6,402 extrajudicial executions, 120,000 missing persons, 5,235,000 displaced individuals, more than 32,000 cases of sexual violence, and between 25,000 and 35,000 child recruits, among other acts of victimization.⁶ These numbers reflect a reality that is difficult to overcome.

In 2006, negotiations with the self-proclaimed United Self-Defense Forces of Colombia were held. These talks generated substantial controversy among human rights organizations and victims who had been organizing since the 1990s, as they demanded truth, justice, reparation, and humanitarian aid for displacement, land dispossession, and the over 900 massacres that occurred during this group's expansion across the country.

As a result of the victims' demands, the Law of Justice and Peace (the legal framework for negotiations) was modified by the Constitutional Court, recognizing the rights of the victims. Thus, the members of the United Self-Defense Forces of Colombia were required to provide truthful accounts to the victims through voluntary testimonies to the specially created Justice and Peace Tribunal. The negotiations with these groups resulted in prison terms of five to eight years, with no condition that the penal benefits be linked to truth telling or victim compensation. However, the victims succeeded in ensuring that at least some truths about their relatives, land dispossession, and the disappeared were revealed during the hearings and voluntary testimonies. There was no truth finding on sexual violence, despite demands by women victims and organizations that litigated before this tribunal.

The outcomes of this negotiation were the following:

- A. Increased visibility of the victims, especially women, and the sexual crimes committed by the group. The women began to denounce the actions of this group, and it was subsequently revealed that it was the armed group that had committed the most sexual violence. But the court that was judging them did little or nothing to include that fact in the alleged crimes. Today, some of them are in the regular justice system with only one conviction.
- B. The Reparation Commission was established, where victims are administratively compensated by the state.
- C. Later, in 2011, Law 1448 on Victims and Land Restitution was passed, which in turn created the National Center for Historical Memory. The investigation into the country's history began from a memory perspective and later became a central reference for the Commission for the Clarification of Truth, created in 2017 and which concluded its mandate in 2022.

The third negotiation involved the government and the FARC-EP, the largest guerrilla organization and a significant national disruptor. They signed the Final Peace Agreement on November 23, 2016. Women played a major role in reaching this Peace Agreement, securing approximately 130 measures related to women's rights and gender focus concerning the LGBTQ population. These measures are included across the six agreed-upon points for comprehensive implementation (Comprehensive Rural Reform, Political Participation, End of Conflict, Comprehensive Solution to the Problem of Illicit Drugs, Measures for Victims, and Implementation of the Peace Agreement). It should be noted that the involvement of victims and women was central to what was in the accord. This led to the creation of a system of truth, justice, and reparation, including women victims in every aspect. The CEV, the JEP, and the Search for Missing Persons Unit (UBPD) are among the institutions responsible for prosecuting crimes, including sexual violence as a crime against humanity, and other forms of violence against women. This is significant because the JEP will judge the most heinous crimes committed by members of the state armed forces and former FARC-EP combatants. Alternative sentences as part of Restorative Justice in exchange for truth are also an option, as well as prison terms of five to eight years if the whole truth is not told, and up to 20 years in prison if the truth is not revealed.

The Peace Agreement is in the process of implementation until 2035, with some extended timelines and significant progress on various aspects thereof. Noteworthy in point 5 of the Peace Agreement⁷ are the Final Report of the CEV in June 2022, the Operational and Investigating Special Jurisdiction for Peace (JEP), with 11 macro-cases, where Macro-case 11 focuses on Sexual Violence, and the Unit for the Search for Disappeared Persons (UBPD) operating until 2024.

Sexual violence through the duration of the armed conflict has been widespread; it occurs throughout the country and demonstrates systemic failures, as it has been allowed, justified, minimized, and occasionally even ordered by the military structures of all factions, including the state armed forces.

Particularly from the 2000s to the present, there have been advances in addressing sexual violence within the context of the armed conflict. For the Ruta, sexual violence is an extension of the continuous patriarchal oppression of women's lives, exacerbated in militarized environments by both unlawful and lawful armed entities. This was reported in "The Truth of Women," a truth commission founded in 2013.⁸ Due to heightened visibility, denunciations, investigations, and fervent activism for peace, the issue of sexual violence against women in conflict zones has seen

improvements, notably through the legislative process and a handful of verdicts. However, a high level of impunity remains, preventive measures are lacking, and there is a need for strengthened investigation and more stringent penalties.

The following legislations, verdicts, Peace Agreement terms, and rulings from the Inter-American Court empower female victims and LGBTQ individuals to report, investigate, and penalize instances of sexual violence against women and young girls, integrating certain gender-centric viewpoints:

- A. Law 1257 from 2008 is a comprehensive act that amends the Penal Code concerning violence against women. It focuses on sexual violence instigated by armed factions and recognizes the diverse forms of violence against women as an aftermath of the conflict, encompassing manifestations and instances of sexual violence.
- B. Law 1719 of 2014 outlines provisions to guarantee justice for victims of sexual violence, predominantly linked to the internal armed confrontation. This pivotal law specifies various forms of sexual violence manifested during the armed conflict, such as sexual slavery, involuntary pregnancies, forced abortions, and forced nudity, among other documented behaviors in these militarized settings. Further, it stipulates guidelines for investigations and trials, and links this type of violence to crimes against humanity as defined by the Statute of Rome. It also establishes protective measures and provisions for victim participation and compensation, amending the Colombian Penal Code by adapting definitions of sexual violence to International Humanitarian Law. It also prohibits prosecution via the military penal code.
- C. The Constitutional Court issued Ruling 092⁹, which stands as a cornerstone for future policies and standards concerning sexual violence in armed confrontations. Decree 092 focuses on displaced women and includes an appendix of 183 cases of sexual violence against women found within the 600 study cases. This annex was sent to the Prosecutor's Office with mandates for in-depth investigation and penalization. Currently, several cases against FARC and members of the armed forces have been transferred to the JEP by the Prosecutor's Office.
- D. In the context of peace negotiations, the 2005 Law 975 on Justice and Peace¹⁰ (paramilitary groups) achieved provisions that create opportunities for investigating and prosecuting crimes against personal integrity and sexual violence committed by these groups. This includes defining victims in the law and in regulatory decrees,¹¹ enabling women to access Truth, Justice, and Reparation.
- E. In 2011, The Victims and Land Law (Law 1448) was approved to regulate assistance to victims, provide humanitarian aid, and ensure reparation. In this context, the law has gathered statements from over nine million victims and has established an institutional framework with their participation in what has been referred to as the Victims Tables. Among these is a Victims Table for Sexual Violence, enabling women to have enhanced access to more speedy reparations, including housing, psychosocial support, recognition, and economic compensation. According to information from the Victims Unit, as of 2022, 13% of the total victims had been provided reparations, amounting to 1.2 million compensations. As of December 2020, 8,174 victims of sexual violence had been compensated and 3,547 had received psychosocial care.
- F. The peace negotiation between the government and FARC-EP gains new momentum through point 5, which refers to the victims, and Legislative Act 01. In 2017, the Comprehensive System of Truth, Justice, Reparation, and Non-Repetition Guarantees was created, as previously described.

In 2021, the Inter-American Court of Human Rights ruled in favor of the plaintiff in the case of Bedoya Lima and others vs. Colombia,¹² a significant ruling in the victims' pursuit of justice in the face of defendant Colombia's denial. The case occurred in the year 2000. Jineth Bedoya, a journalist who was investigating human rights violations committed by paramilitary groups in collusion with prison officials at the Modelo prison in Bogotá, within the prison itself, was summoned to the prison by the paramilitary group leader with the prison director's permission, and after being announced, she was abducted outside the prison, later tortured, and raped. Jineth did not obtain justice in Colombia, and she brought the case to the Inter-American Commission on Human Rights, eventually taking it to the Inter-American Court of Human Rights. The state acknowledged some of the actions but did not acknowledge its involvement in these incidents. In 2021, Jineth secured a guilty verdict against the state for lack of due diligence, denial of access to justice, and violation of other rights protected by the American Convention.

These are the mechanisms women victims of sexual violence have to access the courts and other forms of justice such as recognition, truth, and reparation. However, despite legislative and practical advances, justice for women remains elusive, with impunity continuing to exceed 90%.¹³ There are barriers and obstacles that have not yet been overcome due to the persistence of the armed conflict, including the following:

- A. Little or no investigation into acts of sexual violence
- B. Lack of questioning of witnesses about these acts
- C. Women being asked to report repeatedly, which ultimately leads to them giving up
- D. Alleged perpetrators denying these types of acts and insisting that their relations between the civilian population and members of their group were consensual
- E. FARC witnesses denying the existence of sexual and reproductive violence, claiming they had codes of conduct prohibiting it
- F. Extreme public exposure to which women survivors can be subjected
- G. Women's poverty as a barrier to paying for expensive legal processes, as moving from one place to another requires resources
- H. The legal mechanics and lengthy and endless processes that discourage women from initiating cases or lead them to eventually give up on cases
- I. A justice system that still lacks mechanisms for investigation and punishment, despite being more aware that such crimes occur

The concerns for women revolve around the recurring violence and the presence of armed actors in 200 municipalities. This environment fosters new forms of violence and apprehension regarding judicial processes. Moreover, public institutions still need to be strengthened and adopt a more empathetic approach to these cases, ensuring each victim's dignity.

FOCUS OF THE WORK OF THE RUTA PACIFICA DE LAS MUJERES TO SUPPORT VICTIMS OF SEXUAL VIOLENCE

The Ruta is aligned with the various approaches and developments of feminism, placing women at its core as agents of political change. It seeks to ensure the full exercise and guarantee of women's rights, particularly for women who are victims, and aims to promote cultural shifts that challenge patriarchal society, striving for women to be part of an equal, just, and inclusive society at all levels.

The Ruta network consists of over 300 women's organizations from nine regions, operating since 1996. Present in 142 municipalities, it represents a diverse group of women including rural, urban, Afro-Colombian, indigenous, lesbian, youth, artists, housewives, and entrepreneurs among others. The Ruta has worked for negotiated solutions to the armed conflict with different armed groups and organizations, focusing on truth, justice, reparations, and non-repetition when assisting women victims. Their efforts challenge the militarism present throughout Colombia. From their first mobilization, they've denounced sexual violence as an integral part of the war on women's bodies. Therefore, they assert the body as the primary territory of peace, recognizing that this crime and others have profound effects on their lives, their physical and mental health, and that of their families and communities.

As part of their agency, they have worked on the crime of sexual violence against women from different perspectives and approaches, starting with a feminist lens and analyzing it as a structural issue and practice. While it has connections to the armed conflict, it also prevails in women's everyday lives. Armed actors replicate the practices of violence present in society, and in militarized contexts they are intensified through the power of weapons and territorial control. The Ruta has referred to this as the Continuum of Violence. Typically, women are expelled from their territories after experiencing sexual violence, a tactic used by perpetrators to establish territorial control.¹⁴ Sexual violence in the context of armed conflict deeply wounds its direct victims, their families, and communities. It sends a message of fear to all women, as it becomes increasingly tolerated and justice mechanisms are shrouded in high levels of impunity. In Colombia, over 95%¹⁵ of these cases remain unresolved, with 90% of cases targeting women and girls. While we can't pinpoint an exact increase or a percentage, women consistently report the ongoing influence of armed groups controlling communities.

According to the Single Victims Registry (RUV), at least 32,446 people in Colombia have been victims of sexual violence, with women and girls accounting for 92.5% of the victims registered by this organization.¹⁶ According to the testimony collected by the Ruta, this type of violence was the fourth most reported by women. Additionally, many experienced more than one form of violence (e.g., torture, threats, mutilation) in a single sexual violence incident.¹⁷ Between the years 1976 and 2021, the peak of the violence occurred in 2002.¹⁸

FOCUS ON JUSTICE

Through the process of working with women, and particularly with the Truth Commission conducted by the Ruta: The Truth of Women Victims of the Armed Conflict, the pursuit of justice for women has been carried out from the contributions of women to the concept of justice. Impunity excludes them from the institutions responsible for dispensing justice, and it is the responsibility of these institutions to address their inadequacy in dealing with sexual violence. Simultaneously, impunity intertwines with all forms of violence against women, including the lack of prevention, investigation, and sanction and low rates of reparation, revealing much about how women's lives are valued in this country.

Women pursue justice so that the perpetrators can be punished by the same system's laws, but in practice, impunity in cases of violence against women, including sexual violence, exceeds 95%. For women and the Ruta, justice is not accomplished solely through the punishment of the guilty; it also requires truth and recognition of sexual violence as a fact, both in private life and public, that should be categorized as an emblematic crime of the armed conflict as well as a crime against humanity. No actor can justify sexual violence as a collateral effect of their combat actions or their presence in the territories. Preventive measures against sexual violence in armed conflict must be adopted. The absence of an effective state presence (e.g., prosecutors, judges, defense offices, and community justice mechanisms), gives armed actors opportunities to seize territorial control and commit sexual violence against women. Impunity further increases the risks faced by women in these territories from both armed and civilian actors.

Another central element in the focus on justice is protective measures. When armed actors control the territories, women are highly vulnerable. They control the life of the communities, forcibly recruiting women and girls, using sexual violence or threats of sexual violence to force them to become messengers or informants. Often this is used as a way to emotionally stabilize their troops, and women can be subjected to domestic and sexual slavery as long as they are present in their communities. According to the CEV, one expression of the degradation of the war is the obsession of armed men¹⁹ with girls and teenagers. Similarly, women involved in prostitution frequently face stigmatization, threats, banishment, and even murder, as they are often suspected of providing information to the different factions.

All of this results in a high level of vulnerability for women, whose protection should be provided by the state. Women's organizations receive demands for this protection, and they strive to maintain the safety and well-being of women. However, these organizations do not have the comprehensive means to protect them. The Ruta works with female victims to develop protective strategies. They assess vulnerabilities, threats, potential opportunities, and potential allies—usually organizations and women who have self-protection tools and procedures ready to activate when faced with risks and threats.

The assistance provided by the Ruta is guided by a holistic and systemic vision. Some of the prominent aspects of its support for women include the following:

Documentation. Over the years, the Ruta has chronicled the plight of women subjected to sexual violence. This has been achieved through two tribunals against impunity (the International Tribunal for Denouncing Impunity and Reclaiming Memory, 1999; and For Truth, Memory, Justice, and Meaningful Reparation for Women, 2007), where cases of sexual violence committed by armed actors were documented with firsthand testimony from the women. The courts play a crucial role against impunity by establishing the facts and empowering denunciation.

Another documentation strategy involves submitting reports to UN Special Rapporteurs (2002), the Inter-American Court of Human Rights (2006), and the UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (2012). Compiled in association with other organizations, these reports have garnered attention and recommendations from various state institutions due to the severity of violence against women and sexual violence in the context of the armed conflict. Similarly, for the Constitutional Court of Colombia's ruling in 2008 on displaced women (Ruling O92), cases of sexual violence were documented. Consequently, the court directed the Prosecutor's Office to investigate 183 such cases and prosecute those responsible. Some of these cases were transferred to the Special Jurisdiction for Peace (JEP), given allegations of violence by ex-FARC members and/or the state armed forces during the armed conflict.

With the investigation of the paramilitary groups, the Ruta documented 300 cases in four departments regarding the situation of women in the Justice and Peace Process (2009). Although they achieved truth in the voluntary statements of the accused about acts such as murders and disappearances of family members, these truths had a revictimizing impact on the women due to how they found out, the lack of care and preparation provided to them, and the justification narratives of the perpetrators' actions. This process was executed through workshops and interviews. The experience was systematically documented, and feedback was later given to the participating women. None of the women admitted to having experienced sexual violence in those voluntary statements. This work prompted the Ruta to consider establishing a truth commission for women.

Later, in the establishment of the Commission: The Truth of Women Victims of the Armed Conflict (2010-2013),²⁰ the Ruta documented 1,000 individual cases of violence against women and nine collective cases in nine regions. Out of these 1,000 sworn statements, 13.2% were from women who were victims of sexual violence during the armed conflict, and just over 15% referred to having experienced sexual violence by individuals or family members at some point in their lives. The most commonly reported form was rape, accounting for 56% of the statements. Other forms included groping, threats of sexual violence, sexual assault, emotional and sexual control, seduction or insinuation as a sexual attack on underage women, forced nudity, breast and/or genital beatings, marking as a symbol of dominance, control of women's bodies, public chastisement and restrictions on clothing choices, the obligation to witness rapes of other women (especially daughters), sexual slavery, forced pregnancy, torture during pregnancy, forced abortion, domestic slavery with sexual services, forced prostitution, using women's bodies to extract information, genital mutilation, and trafficking of women for sexual exploitation. This expresses the horror to which women and girls have been subjected during the armed conflict.

The Ruta had guidelines for both individual and collective interviews. The latter were conducted collectively, with women testifying about the events from their perspectives, what they felt the impacts to be, the challenges they faced, and ultimately, what they wanted in order to be made whole.

Guidelines that were applied by the Ruta during the interviews included the following:

1. **Taking extreme care to ensure the interviews were carried out in an appropriate setting,** which required the location to be prepared in advance, usually with tissues, water, a clean space, and candles if the women allowed it, creating a caring environment, as though in their own home.
2. **Ensuring the locations allowed for privacy,** including by asking family members or others present to leave if the interview took place in the interviewee's home.
3. **Whenever it was not possible to conduct the interview at the survivor's home,** Ruta would provide transportation, as the cost of getting to another location could prevent women from giving their testimony.
4. **Starting the interviews with questions about other victimizing events, rather than immediately asking about sexual violence.** When the interviewee permitted, interviewers would then ask if they had experienced or knew of other people or family members who had experienced sexual violence. This served as an opening for them to recount sexual violence suffered by both private individuals and armed actors.

The purpose of the guidelines was to reassure women that they were in a place of confidence and that the interviewers believed them. For this reason, interviewers understood that requests of the women to expand on their stories should be measured and intuitive, so as not to give the impression that they did not believe the information the women had given them.

For cases where women needed psychosocial support, this resource was made available—not for all, but for those most in need. The psychosocial support always included trained psychologists when discussing the topic of sexual violence. In addition, the protection of women and their information was ensured throughout the process, fostering a sense of empathy and trust.

The documenters had three instruments:

1. **A guide that included names, addresses** (if applicable), municipality, department, the number of victims in their area, age, sex, gender, and other data that was useful in establishing if there was a significant number of victims, or for purposes such as the Ruta Truth Commission's Truth of the Women Victims of Armed Conflict
2. **A guide to questions for the four main topics:** facts, impacts, coping mechanisms, and reparations; within these were subtopics to be explored depending on the interview
3. **A guide on obtaining informed consent**

This process was conceived as a contribution to overcoming impunity. To do so, it was necessary to document what had happened to women during the armed conflict which, so far, had not been addressed. The aim was for women to be recognized, supported, and heard throughout the process, while also highlighting and promoting the leadership of women as part of an ethical, emancipatory, and humanistic project. Their stories and experiences were collected, with their perspectives and contributions to building truth and memory.

The principles of Participatory Action Research served as the foundation for this work. The women were subjects of the investigation, deciding to provide their testimony, actively participating in the process, and contributing to the search for other female victims, recognizing the potential impact of their contributions on symbolic, material, and legal reparations for women in the country. After the publication of the Final Report, feedback was provided to the women in their territories. Another central element in the methodology was women's mediation. The interviewers were part of the Ruta Pacífica's social base, and some were victims themselves. This approach created a connection between two subjectivities: the narrator and the listener, starting from the credibility of the narration, recognizing the pain, and understanding it through their own experiences, or what some theorists call "compassionate listening."

The objective was for women to experience healing during the process itself, being aware that revisiting their stories meant reopening old wounds. Therefore, the documenters made every effort to provide them with support, and in some cases, they received psychosocial assistance.

Psychosocial support. A psychosocial support process should always be based on the individual needs and specificities of each woman, considering "factors like ethnicity, age, sexual orientation, culture, and territorial differences as foundational principles... It not only recognizes the diverse ways the conflict has impacted women but also their varied coping mechanisms. Further, it prioritizes protecting the rights of these women before those of other groups."²¹

In psychosocial care, women must be seen as bearers of rights. This perspective implies that institutions aren't doing them a favor. Instead, they are upholding a constitutional duty to ensure

and protect their full rights as citizens. This understanding has been pivotal in support processes, as it encourages women to see themselves as entities on both collective and individual levels, inspiring them to voice their wish for restitution and to report their past traumas. A prime example of this is when women express having “reclaimed their dignity,” especially when addressing instances of sexual violence.

Psychosocial care should be comprehensive in its intervention strategies. This care approach should allow women the opportunity to participate in both individual and group settings, which serve the recovery phase as well as provide education and information related to reparatory paths. This often contradicts government mandates, which subdivide different services and offerings to women in order to reach a larger number of beneficiaries. This approach, however, undermines the restoration of rights and emotional recovery of the victims. Typically, the Ruta conducts focus groups with women who feel comfortable discussing sexual violence collectively, sharing their experiences and the suffering they have endured. These are safe spaces where various methodologies are employed, fostering open dialogue. If requested by the victim, individual therapy sessions can be arranged where they often explore personal issues or address unresolved grief and trauma. The Ruta has found that when these two strategies are combined, there is greater personal and community healing.

A bond, trust, and respect are the foundations for building a positive process, as they enable women to feel acknowledged in their human and feminine dimensions. However, this is contrary to the care that victimized women often receive from institutions. Consequently, some of them report having achieved no results when filing accusations or seeking restoration of their rights, which results in mistrust, suspicion, and fear of the institutions, often leading them to abandon the reparation processes.

An essential premise of psychosocial intervention is that psychological harm cannot be dissociated from its social and collective effects, particularly when events and actions are initiated by actors wielding power over historically marginalized, subordinate, and disadvantaged population groups.

Thus, it is impossible to establish a sharp differentiation between individual construction processes and collective processes. In the case of sexual violence, which objectifies women’s bodies, various factors described in the previous sections of this case study converge. These need to be addressed when designing and implementing a psychosocial process that aims to be dialectical and facilitate victims’ processing of the effects caused by acts such as rape and physical abuse.²²

Legal support and strategic litigation in the JEP. As sexual violence is often accompanied by other forms of violence during armed conflict (e.g., displacement, disappearances, killings, land grabbing, threats) it is essential to have a legal strategy. This means pursuing cases through particular legal processes (e.g., legal protections, presumption of death due to disappearance, land ownership claims) in addition to lodging criminal complaints about acts of sexual violence. When possible, women are also supported to undergo medico-legal documentation for the trials.

Training and information, from a women’s human rights perspective, are central to supporting women through this process. They should be aware that they are exercising their right to justice, for which the state bears full responsibility, and that the denial of this responsibility constitutes a violation of their rights, even warranting recourse from international institutions.

Legal documentation. In order to file lawsuits, it is also essential that women address the facts through interviews in which they are able to speak freely about their experiences, what they are seeking, possible reparations, and other elements. This process requires compassionate, credible, and caring support, and must also be conducted in accordance with legal parameters.

Amicus Curiae. The Ruta has provided Amicus Curiae, providing specialized opinions regarding violence against women and gender-based violence, when requested by the courts.

Psychosocial assessments. These reports, presented to the Court either orally or in writing, provide relevant technical elements for case evaluation.²³

The intersectional approach. Keeping in mind the region and its context, how armed actors operate, and factors such as ethnicity, age, and sexual orientation, an intersectional approach is an important element for documentation and contributes to establishing patterns of macro-criminality linked to sexual violence.

It's important to emphasize that this perspective is essential for addressing sexual violence against women and girls. Afro-descendant, indigenous, and peasant women were predominantly affected by the armed conflict, given its prevalence in rural areas. Significantly, the age group most represented among the victims was between 10 and 24 years old, as reported by the National Center for Historical Memory.²⁴ It is crucial to take into account these facts and the perspective they create, as multiple forms of oppression, territorial control, the racism of these crimes, and the state's neglect are all deeply entrenched in these territories. It has been observed that sexual stereotypes against Black women have intensified the forms of violence directed toward them, highlighting profound racism and the devaluation of Black women. These elements are crucial to the analysis of sexual violence, as they shed light on their prevalence in specific territories and interact with other motivations and forms of violence (e.g., racism, displacement, dispossession, community control, collective and individual threats, prejudice).

The Ruta is engaged in strategic litigation within the JEP, including the Urabá macro-case and the macro-case against the FARC and agents of Fuerza Pública of forced recruitment involving acts of sexual violence.

The strategy for the legal representation of women before the JEP includes the following:

- A. **Training and information**, ensuring women understand transitional justice and the JEP tribunal specifically
- B. **Structuring informed consent**, which is a document signed by women in accordance with the country's legislation and the Ruta's data policy. This is to ensure women engaged with the Ruta are aware of the work JEP will do, its purpose, and how interviews and workshops will be used for the documentation of cases for the Truth Commission.

OTHER AVENUES AND PROCESSES FOR SEEKING JUSTICE

Peace Activism.

The Ruta has engaged in activism and advocacy for a negotiated resolution of the armed conflict and for making visible both the violence within the conflict and women's contributions to the peace process. It has influenced every negotiation and continues to press for women's participation and the inclusion of their demands in the negotiations with armed organizations and groups currently being promoted by the government. It has accompanied the victims in the justice and peace process of paramilitary groups and in the tribunal created for this purpose; it was one of the organizations that notably influenced the Government-FARC Table, where it was invited on two occasions. Our approach to justice is based on the triad of truth, justice, and reparation. The overall objective of the Ruta's advocacy is to avoid the recurrence of war so that women and their children can live in peace and tranquility.

Self-protection and Self-defense.

As already mentioned, during the course of the armed conflict, protection and self-defense continue to be crucial for women and their organizations—particularly in light of the assassinations of human rights leaders in the country—even after the negotiation process. Ensuring the protection of women continues to be a critical concern for the Ruta. In litigation processes with the JEP, a protection strategy for female victims and the organizations to which they belong was implemented. The Ruta works from individual protection and self-care to collective protection, where we all are supported and understand that what happens to one affects everyone. The Ruta serves as a protective umbrella for women, facilitating reporting, seeking institutional protection, exploring international protection mechanisms, and, when necessary, arranging transfers within or outside the country. Additionally, the creation of collective protective environments where women lead and are recognized are actively promoted, thereby increasing the cost of possible threats against their lives and their organizations.

Memory.

Part of achieving justice for women involves attaining collective and individual memory processes. In this regard, women who have been victims of sexual violence document their history and develop self-healing processes. The Ruta also works in the places where sexual violence has occurred, creating theatrical works that explore psychosocial aspects of their personal and collective grieving processes. These works express their pain, hopes, and coping strategies and have been presented in their communities and certain cities.

Challenges and Lessons Learned

Through the process of accompanying women and girls who have been victims of sexual violence, the lessons that have been learned are varied. A central insight for the Ruta has been that it is essential to listen to the voices and aspirations of the victims, as they are the ones who hold the key to what they need, and know what they are willing to accept. The following recommendations flow from this central insight:

Situating victims' within the context. When engaging in support and litigation processes related to sexual violence crimes during armed conflict, understanding the presence and behavior of armed actors in the region, the period they were present, and their modes of operation helps victims to discern situations that may become ambiguous to them due to fear and the impact the conflict had on them. Similarly, understanding these contexts in relation to victims allows for a more customized intervention for each situation, considering family and community dynamics, or the continued presence of the perpetrators. Without accounting for the women and their circumstances, the situation may re-victimize them.

Providing support for women. For female victims, it is essential that any process, whether legal, psychosocial, medical, or spiritual (especially in ethnic communities), is inherently reparative. This concerns the level of trust women have in those performing this work. In the case of the Ruta, women were willing to give their testimony without any return other than having their truth known and their experience dignified. Female mediation between the accompaniers and the victims, along with mutual care, lends political meaning to the process. Likewise, for strategic litigation, female victims must trust the process, knowing that legal representation bears the responsibility to protect them from being victimized again by armed actors or institutions. This requires preparation for hearings with those responsible, respecting their wish to be present or not, and coordinating with judicial authorities from a victim-focused perspective.

Strengthening of female victims' organizations. Taking into account that sexual violence in armed conflict often coincides with other crimes (e.g., dispossession, displacement, threats against children, murder of relatives, torture), strengthening female victims' organizations ensures these events are acknowledged and primarily shared by women. When organizations speak out and advocate, they risk stigmatization and being singled out, intensifying the danger they face, especially in areas where armed factions persist. If female victims' organizations possess the essential abilities and conceptual, educational tools for advocacy and protection, they can offer significant support to victims of such violence.

Advocacy in armed conflict negotiations. Advocacy by feminist and female victim organizations in the negotiation between the government and FARC-EP ensured that the Final Peace Agreement included measures for transitional justice to address not just sexual violence but also severe human rights and international humanitarian law violations endured by women during the prolonged armed conflict. Organizations such as the Ruta propelled the women's agenda in the negotiation and placed the focus of the agreements on truth and justice, which encompasses the serious crimes committed against women, particularly sexual violence as an emblematic crime that should be prosecuted as a crime against humanity. Without such advocacy, it's likely that the Peace Agreement wouldn't have included mandates against crimes targeting women.

In ongoing transitional justice processes, truth, justice, and reparations remain pivotal.

Merely adopting international standards on the right to truth, justice, and reparation for women is insufficient. Continuous and critical input from victims and supporting organizations is needed; otherwise, these cases may be overshadowed by other serious crimes. The system should treat them as standalone investigations in both Truth Commissions and Special or Transitional Tribunals. When integrated into broader agendas, their unique significance is often lost. Establishing a continuous, direct engagement with designated entities and supporting the educational processes of decision-makers and those liaising with victims (e.g., officials, commissioners, the judiciary) is crucial.

Women's leadership. Female victims should be prioritized, ensuring they are not overly exposed and that they and their families are safeguarded. When truth and justice processes are activated in cases of sexual violence, some women do not want their experiences to be publicly disclosed. However, this does not imply that they lack activism, which is reflected in their contributions to the processes, in how they testify for reports, and how closely they follow their cases in the Tribunal. They should be informed and taken into account during procedures by organizations that grant the power of representation. Similarly, when justice is restorative, the Tribunal must consider what women want as reparation. This has been the Ruta's experience with women who contribute to activities or projects with reparative or restorative objectives.²⁵ They themselves have helped to define what would be restorative for them, although there is still a need for further exploration. Many of their demands focus on truth and public exposure of perpetrators of sexual violence. This is fueled by the experience we have of witnesses denying or casting doubt on whether these events even occurred or, when the perpetrators are identified, of the acts being presented as consensual.

Focus on intersectionality and gender. The Ruta has provided support to women in all their diversity. Using an intersectional approach allows for the pinpointing of their individual needs based on the different kinds of oppression that women bear in their specific situations. Taking this into account fosters greater empathy and generates more trust in their support. It is important that those who provide support be women whenever possible, whether it is for psychosocial care, legal representation, or educational processes, as these processes involve dealing with grief and contribute to the healing of pain.

Training and education. It is important to include training and education throughout the transitional process so that women understand the components of transitional justice, as that can mean exchanging truth and recognition for reduced sentences or restorative alternative penalties. Likewise, in regular justice processes, the rights acquired through domestic legislation and international norms enable a better understanding and empathy for women's expectations when initiating these processes. In the Truth Commission of the Ruta, it is important that women be aware of their overall contribution and the limitations faced in a patriarchal society where this crime is still not adequately recognized.

Finally, in all its components, transitional justice cannot exist without the voices and contributions of women. In the case of Colombia, in addition to their contributions at the negotiating table, efforts were made to ensure gender parity in the Truth Commission and the JEP. Furthermore, both directors of the Unit for the Search for Disappeared Persons are women. Each entity includes women, which has contributed to ensuring that the focus is not lost. The instruments that have

been used have a gender perspective, and the Truth Commission decided to include a chapter in the Final Report called “My Body is the Truth.” The Final Report of the CEV was presented on June 28, 2022, and contains 10 volumes or chapters about what happened in Colombia between 1958 and 2022. It presents 67 recommendations for the state and civil society,²⁶

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Endnotes

- 1 Document prepared by Esther Marina Gallego Zapata, National Coordinator of the Ruta Pacífica de las Mujeres (Women's Pacifist Route).
- 2 Established following the signing of the Final Agreement between the Government and the FARC in 2017, under Decree 588 on April 5, 2017. Its Final Report was published on June 28, 2022.
- 3 Compiled by the Ruta Pacífica between 2010 and 2013, this report details incidents, impacts, coping mechanisms, reparations, and recommendations. It includes 1,000 individual testimonies, of which 123 are on sexual violence and 9 are collective cases.
- 4 A justice tribunal created after the Peace Agreement, responsible for prosecuting crimes against humanity committed by both members of the FARC and the Colombian Armed Forces.
- 5 The JEP uses a method of grouping cases into Macro-cases (class-action suits) according to the patterns of violence perpetrated by the offenders. As a result of the efforts of women's organizations, including Ruta, Macro-case 11 was created in November 2022 to address sexual violence, reproductive violence, and other crimes committed out of gender prejudice, hatred, or discrimination. There are 10 more Macro-cases concerning kidnapping, recruitment, extrajudicial executions, and forced displacement, among others.
- 6 "There is a future if there is truth," Final Report, Truth Clarification, Coexistence, and Non-Repetition Commission. Findings and Recommendations. Pages 21, 24, 92.
- 7 Point 5 is one of the sections of the Final Peace Agreement between the government and FARC. Signed November 2021. This encompasses the truth, justice, and reparation system, composed of the Truth Commission, which concluded its mandate in 2022, the Special Tribunal for Peace, and the Unit for Disappeared Persons.
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- 17 Colombia, Commission for the Clarification of Truth, chapter "My Body is the Truth ." 2022, page 111.
- 18 Ibid.
- 19 CEV, Superior District Judicial Court of Barranquilla. Justice and Peace Chamber. Hernán Giraldo et al. Ruling from the 18th of 2018.
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