

2020

Contributions from Colombia to the International Reparation Initiative for Conflict-Related Sexual Violence



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Contributions from Colombia to the International Reparation Initiative for Conflict-Related Sexual Violence

May 2020

International Organization for Migration (IOM)

Mission in Colombia <http://www.oim.org.co>

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So, what can we do? What can you do?

First, it is incumbent upon all of us to act in this direction.

Taking action is a choice.

It is a choice:

- **whether or not we stop violence against women, – whether or not we create a positive masculinity which promotes gender equality, in times of peace and in times of war.**

It is a choice:

- **whether or not to support a woman,**
- **whether or not to protect her,**
- **whether or not to defend her rights,**
- **whether or not to fight on her side in countries ravaged by conflict.**

It is a choice: whether or not to build peace in the countries in conflict.

Taking action means saying ‘no’ to indifference.

Denis Mukwege, Nobel Peace Prize 2018

December 13, 2018



Abbreviations

	<p>UARIV (In Spanish) Unit for the Victims Assistance and Integral Reparation</p>	<p>RUV (In Spanish) Official Victim Registry</p>
<p>OSIGD (In Spanish) Sexual Orientations And Diverse Gender identities</p>	<p>NCHM National Center of Historical Memory</p>	<p>SEMA Global Network of Victims and Survivors of Sexual Violence</p>
<p>IOM International Organization for Migration</p>	<p>IIRVVS (In Spanish) International Initiative for Reparations to Victims of Sexual Violence in the Framework of the Armed Conflict</p>	<p>ICBF (In Spanish) Colombian Institute of Family Welfare</p>
<p>NSSIRV National Service System and Integral Reparation to Victims</p>	<p>PAPSIVI (In Spanish) Psychosocial care and comprehensive health for victims Program</p>	

Introduction

“[...] Let the victims who have been overshadowed begin to show themselves. That the society that has not suffered the ravages of war realizes that there is a population that did suffer, that we are within society, that we walk, we ride the same bus, we go to the same shopping center” (Gutiérrez, 2018). With these words, Bellarmina Gutiérrez talks about the victims of sexual violence in the framework of the armed conflict in Colombia, a population that has been invisibilized for a long time. As she speaks, a video shows images of her and a group of women gathered around the fire; with candles in their hands, the women participate in a symbolic act that is part of the Integral Reparation Strategy for Female Victims of Sexual Violence of the Unit for the Victims Assistance and Integral Reparation (UARIV).¹

Although talking about sexual violence in the framework of the armed conflict seems a recent topic, the alarming reality is that this type of violence, so vicious with women, has been silenced for many years despite being continuously present in the dynamics of the conflict. That is why many of these victims remain invisible to the rest of the population. However, this does not mean that it is a minor phenomenon, but that it suffers from high underreporting for multiple reasons.

Out of the more than 8'469,678 people registered as victims of the armed conflict in Colombia in the Single Registry of Victims (RUV, In Spanish)², a little bit more of the 50% are women. Around 31,184 have reported being victims of crimes against freedom and sexual integrity, of that number of people, 28,377 are women, 2,316 are men and 489 are people with diverse sexual orientations and gender identities (OSIGD, In Spanish). Of the total of women, 5% are indigenous, 20% Afro-Colombian, 0.18% Raizales and 0.10% Palenqueras. This reveals that more than 91% of those affected by this crime are women. The above corresponds to what is collected by the report of sexual violence *The war inscribed in the body*, of the National Center of Historical Memory (NCHM)³, which explains that, in addition, the vast majority of the

1 The Unit for the Victims Assistance and Integral Reparation is an institution created on 2012 by Law 1448, the Victims and Land Restitution, by which measures of care, assistance and integral reparation are issued to victims of the internal armed conflict. The Victims Unit seeks to bring the State closer to victims through efficient coordination and transformative actions that promote the effective participation of victims in their reparation process. It is in charge of coordinating the measures of assistance, care and reparation granted by the State and articulating the entities that are part of the National Service System and Integral Reparation to Victims. It is an entity of the national order with administrative and patrimonial autonomy belonging to the sector of social inclusion and reconciliation, led by the Department of Social Prosperity – DPS (In Spanish) (Unit for the Victims Assistance and Integral Reparation, 2019).

2 The Official Victim Registry is the database in charge of UARIV where the data of all those people who are considered victims of the Colombian internal armed conflict as a result of a victimizing event that occurred from January 1, 1985 on, and in accordance with the provisions of Law 1448 of 2011 and its Regulatory Decrees.

3 The National Center of Historical Memory is a public establishment of the national order, attached to the Department for Social Prosperity – DPS (In Spanish). Its purpose is the reception, recovery, preservation, compilation and analysis of all documentary material, oral testimonies and those obtained by any other means, related to the violations that occurred on the occasion of the Colombian internal armed conflict, through the carrying out of research, museum and pedagogical activities, among others, that contribute to establishing and clarifying the causes of such phenomena, knowing the truth and helping to avoid their repetition in the future. (NCHM- National Center of Historical Memory, 2020).

perpetrators have been men. “These cases speak of gender violence, as it is an exercise of power and domination over people based on their sex or gender, based on the social asymmetry between men and women” (NCHM- National Center of Historical Memory, 2017, p. 264).

This document is the result of the articulated work between women’s organizations and entities encouraged by the challenge of gathering information on victims of sexual violence in the framework of the armed conflict. This, with the aim of generating proposals to the International Initiative for Reparations to Victims of Sexual Violence (IIRVVS, In Spanish) regarding integral reparation, based on the Colombian case. For this, the following objectives were set: 1. Carry out a participatory diagnosis that would account for the impacts and consequences on victims of sexual violence in the framework of the armed conflict, as well as the institutional progress in the country in terms of reparation to this population; 2. Deliver proposals and recommendations to IIRVVS, led by the 2018 Nobel Peace Prize Winner, Dr. Dennis Mukwege and his foundation specialized in integral reparation for victims of these crimes. The articulation of the Network of Female Victims and Professionals with the Global Network of Victims and Survivors of Sexual Violence, SEMA, was also highlighted in the process.

The International Organization for Migration (IOM), the Investigation and Accusation Unit of the Special Jurisdiction for Peace, Fragments-Space of Art and Memory, and the Central and National universities of Colombia were part of this articulation led by the Network of Female Victims and Professionals.

Thus, this document accounts both for the contributions of victims of sexual violence and their ideas on reparation, as well as for the different advances made by institutions in Colombia in the framework of reparation processes with this population. Advances are understood as the actions planned and implemented by different entities, both from the Colombian State and from international cooperation, through inter-institutional alliances.

In terms of scope, this document is conceived and executed as a bet of inter-institutional and international articulation where the Colombian experience, both of the victims’ organizational processes and of the institutionality, serves as input for the global proposal that is promoting the Dr. Mukwege.

Methodology

In the framework of the IIRVVS (In Spanish) a series of activities were carried out aimed at gathering information from various sources on sexual violence in the context of the armed conflict in Colombia, as well as advances in terms of reparation, while collecting the perspectives of the victims of this crime and their expectations regarding the forms of reparation.

An academic cycle was developed with expert speakers on topics such as sexual violence and transitional justice (Pascha Bueno-Hasen), testimonial injustice (Miranda Fricker); anger, commemoration and forgiveness in cases of sexual violence in armed conflict (Louise Du Toit); sons and daughters born of sexual violence in the framework of the armed conflict (Kimberly Theidon); girls and boys in the economies of conflict (Carolyn Nordstrom) and alternative masculinities (Gary Barker), which endowed the analysis of this phenomenon with conceptual elements.

These conferences, carried out mainly in Fragments-Art Spaces and Memory, were held with the purpose of knowing and disseminating new academic approaches in the analysis and understanding of sexual violence, its causes, consequences, and social and institutional responses. These academic cycles were also supported by platforms and organizations of women and victims, who from their story, experience and knowledge contributed elements of analysis.

In turn, qualitative methodology tools were designed for the development of workshops with people who are victims of sexual violence. Eight (8) national and regional workshops were held with populations mainly from the Victim Participation Tables, the Network of Female Victims and Professionals and the Association of Women Managing Peace (*Asociación de Mujeres "Gestionando Paz"*), which facilitated the direct approach with the survivors of different organizational and social processes of the victims.

The workshops had the voluntary and active participation of 333 people, 330 women and 3 men⁴ members of the aforementioned networks and groups, which are mostly made up of women. Activities included body cartography to address the impacts and consequences of sexual violence at the individual, family and community levels; identification of obstacles in accessing justice for these type of cases; mapping of institutions involved in the process of assistance and reparation for this population, as well as a balance of the institutional response received so far. Finally, a space was opened to collect the proposals for integral and transformative reparation that the victims identify as necessary.

On the other hand, a workshop led exclusively by the IOM (Workshop "Reparation from our voices") was held with women from Antioquia, Atlántico and Bogotá, participants in the Reparation Strategy of the Unit for the Victims Assistance and Integral Reparation (UARIV, In Spanish), as well as in different state programs focused on victims of the armed conflict (not necessarily of sexual violence). This workshop explored the impacts and consequences of sexual violence at different levels, individual and collective resilience strategies, experiences

4 345 people belonging to victims' organizations attended the closing event and presentation of public proposals to Dr. Denis Mukwege and representatives of the Global SEMA Network on August 16, 2019. Some of these organizations, in addition to the Network of Women Victims and Professionals and the Tables of Effective Participation of Victims were: Asociación de Mujeres víctimas "Gestionando Paz", ONIC, Asomadere, Las Mujeres Contamos, No es Hora de Callar, Solidaridad por Colombia.

as participants of the reparation strategy and its balance of it. The workshop had a special emphasis on the most urgent needs and requirements in terms of integral reparation.

The information collected in all the workshops was systematized from each meeting and categorized for the construction of this document, analyzing the different levels of affectations, as well as the reparation alternatives expressed in these spaces. The results of the contributions are detailed in the section on impacts and consequences of sexual violence, as well as in the section on proposals and recommendations.

Finally, the systematization of the institutional experience was carried out through the review of key documents of entities directly related to reparation to victims of the armed conflict, especially those prepared by UARIV with the support of the VISP (Institutional strengthening for the victims) program (this is the case of the document of systematization “Targeted Strategies for Integral Reparation to female victims of sexual violence and people with sexual orientations and non-hegemonic gender identities”, (UARIV, USAID and IOM, 2018)). Additionally, interviews with key officials of the UARIV Differential and Gender Approaches Group were taken as input. This systematization was complemented with a review of secondary literature on reparations for victims of sexual violence with a gender and women’s rights perspective.

Situation of victims of sexual violence in Colombia in the framework of the armed conflict

This chapter addresses the analysis of the most up-to-date information on sexual violence reported by the National Institute of Legal Medicine and Forensic Sciences, the information on the registry of victims of victimizing acts classified as crimes against the freedom and sexual integrity of the Unit for the Victims Assistance and Integral Reparation, as well as the aspects identified by the victim victims participating in the workshops conducted within the framework of this project.

First, it is important to understand that sexual violence in armed conflict can have different motivations and purposes. According to the Humanas Corporation (2009, p. 23) it is possible to identify four contexts in which it takes place: 1. of attack, 2. of territorial control, 3. of deprivation of liberty, 4. intra-lines. The purpose of sexual violence is varied, but in the most common cases it has been used to regulate behavior, silence, obtain information, punish, expropriate, exterminate, reward and unite.

However, it is necessary to bear in mind that the dynamics of occurrence of sexual violence are not exclusive to contexts of war, but rather an expression that extends from the unequal relations of gender and race that exist in Colombian society, but that in times of armed conflict, are reinforced by the patriarchal, hierarchical, exclusive and violent system, which places women and the feminine in a place of subordination and oppression (NCHM- National Center of Historical Memory, 2017, p. 205).

Thus, for 2018, the National Institute of Legal Medicine and Forensic Sciences reported that, of the 26,065 evaluations for the alleged sexual crime, 85.6% of the victims were women and 14.4% were men. On the other hand, 22,794 of the cases corresponded to girls, boys and adolescents, that is to say, 87.72%. It was also reported that the most affected population group is that of women, since for every male victim of this crime, there are six female victims and that there was an increase of 2,267 cases compared to 2017 (National Institute of Legal Medicine and Sciences Forensics - National Reference Center Group on Violence, 2019, p. 231).

The average of the age record of the victims in the reported period was 12.3 years and the most affected five-year group was 10 to 14 years. Sexual legal medical examinations for alleged sexual offenses that were carried out on girls, boys and adolescents represented 87.45% of total sexual violence. In 47.80% of the 11,605 cases, the alleged aggressor was a

family member and the main scenario was housing (National Institute of Legal Medicine and Forensic Sciences - National Reference Center Group on Violence, 2019, pp. 231-232).

The Institute shows the risk situation of this crime in girls from 10 to 13 years old, since the total registry of cases, 41.9% of the evaluations carried out on women correspond to this age group and also shows the highest rate in the last 10 years. For every boy between 10 and 13 years of age who is the victim of an alleged sexual crime, there are eight cases of girls. On the other hand, as a result of sexual violence, 5,713 pregnant minors were found in this same age range (ibid.), the departments with the most registered cases were Bogotá (4,169), Antioquia (3,302), Valle del Cauca (2,268), Cundinamarca (1,658) and Santander (1,358).

This difference in circumstance seems to show that the main risk to the lives of women in Colombia is not the armed conflict, but the personal relationships established from a patriarchal culture, a conclusion that has been previously indicated in other investigations on violence against women and its relationship with the armed conflict, as explained in the report *The war inscribed in the body*, by the National Center of Historical Memory (NCHM - National Center of Historical Memory, 2017, p. 264). This does not mean that the terrible effect that the armed conflict has had on women is irrelevant, since they have also been victims in that context and their bodies have been territories of conquest for armed groups, but most of the time this is exerted on through sexual violence and not homicidal.

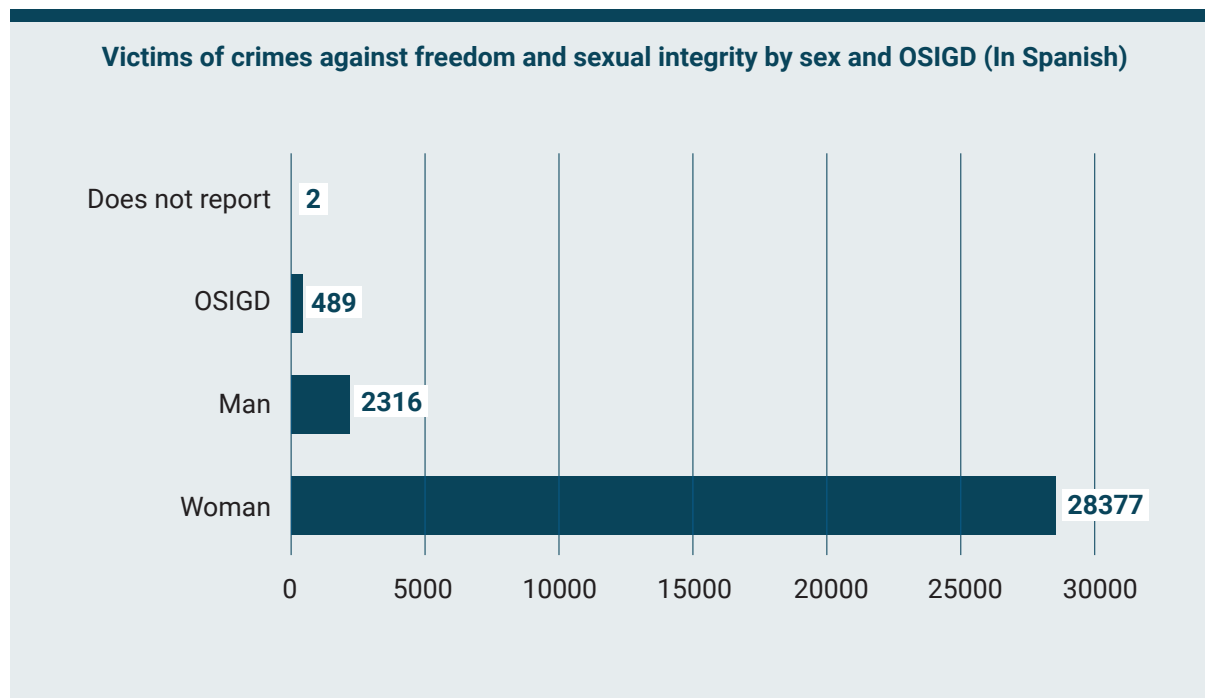
In the NCHM report (2017), an effort is also made to quantify these crimes in the framework of the armed conflict, based on the recurring premise on this topic, since in the Colombian case having quantitative, reliable and official information on sexual violence has been impossible, due to technical difficulties in collecting information, financial and operational problems, under-registration and large silences associated with this type of crime. This aspect has been claimed by several organizations, as it is understood that without this information it is even more difficult to access justice and subsequent reparation. For example, the measurement of Casa de la Mujer in its *First Survey of Prevalence of Sexual Violence against women in the context of the Colombian armed conflict* (Casa de la Mujer; OXFAM, 2011), presented estimates of types of sexual violence in municipalities with high impact of the armed conflict and found that of the 489,678 female victims of some type of sexual violence (including rape, forced prostitution, sexual harassment, forced pregnancy, forced abortion, forced sterilization, forced domestic services and the regulation of social life), 82.15% had not reported these acts of violence out of fear, lack of confidence in justice or absence of institutionality in their territories.

Despite the challenges involved in calculating the dimensions of a crime that tends to be silenced, the NCHM report (2017), based on data from the Memory and Conflict Observatory, presents the figure of 14,982 cases of sexual violence in the framework of the Colombian armed conflict from 1958 to 2016 and 15,076 victims of sexual violence. In turn, the period from 1985 is detailed, as this is the date on which Law 1448 of 2011⁵ recognizes the victims of the armed conflict; This period includes 14,254 cases and 14,309 victims (NCHM - National Center of Historical Memory, 2017, p. 474). The delimitation of this period also shows that sexual violence was a more frequent phenomenon between 1997 and 2005, followed by a second period between 2006 and 2017, the report's deadline.

On the other hand, the information recorded in the Official Victim Registry (RUV, In Spanish) of the Unit for the Victims Assistance and Integral Reparation, the historical data can be observed as of January 1, 2020 with a total of 29,619 victims of crimes against freedom and sexual integrity (Unit for the Victims Assistance and Integral Reparation, 2020). From this total it is

5 Law 1448 of 2011 and Decrees Law 4633, 4634 and 4635 of 2011 (commonly referred to as the "Victims and Land Restitution Law" and ethnic decrees) are a guiding principle that represented a normative framework of great importance to recognize and to retribute the victims of the Colombian armed conflict. The importance of this regulatory advance will be explained later.

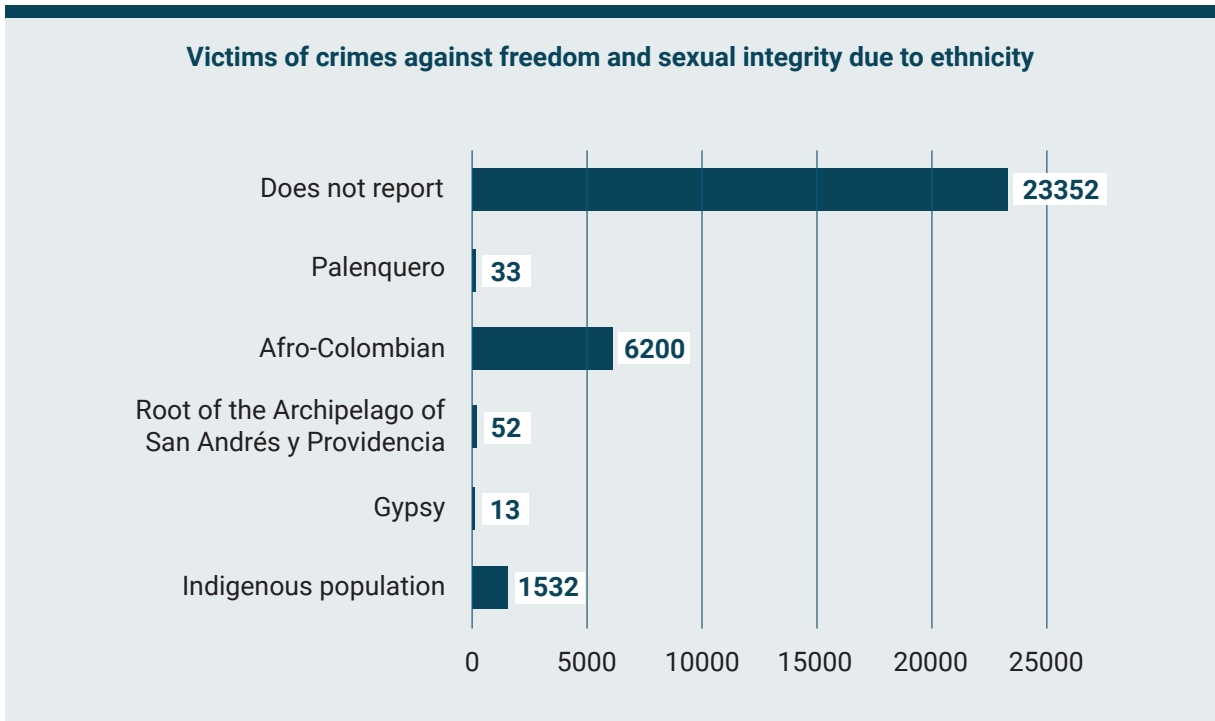
possible to disaggregate by sex, taking into account people with sexual orientation and diverse gender identity (OSIGD). Thus, 28,377 correspond to women (91%), 2,315 to men (7.43%), 489 to the OSIGD (In Spanish) population (1.57%) and 2 (0.0064%) there is no information. In the case of women, 5% are indigenous, 20% Afro-Colombian, 0.18% Raizales and 0.10% Palenqueras.



Source: National Information Network of the Official Victim Registry as of January 1, 2020. Own elaboration.

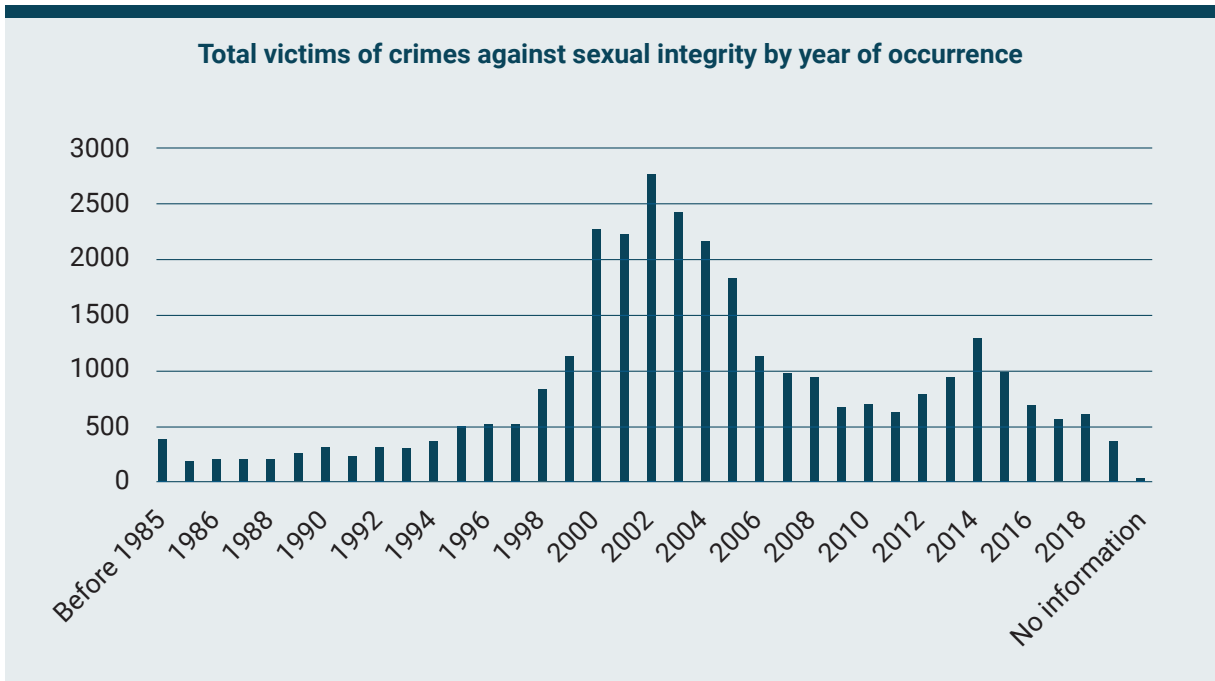
It should be mentioned that, although it is notorious that the figures of sexual violence point to girls and women in a systematic way, the existence of men in the group of victims of sexual violence in the context of the armed conflict should not be ignored. As the 2017 *Humanitarian Challenges for Colombia report of the International Committee of the Red Cross* indicates, "The fact that there is little documentation of male victims or people with other sexual identities does not imply that sexual violence against them does not exist, but that the invisibility of the phenomenon is even greater, which should serve to avoid biasing the concept of sexual violence, since it is presented to both sexes" (International Committee of the Red Cross, 2017, p. 25).

From a perspective of differential approach, in the RUV (In Spanish) the reported victims are divided by their ethnic recognition in the following way: indigenous population 1,532, gypsy 13, root of the Archipelago of San Andrés y Providencia 52, Afro-Colombian 6,200, palenquero(a) 33 and no ethnicity reported, 23,352.



Source: National Information Network of the Official Victim Registry as of January 1, 2020. Own elaboration.

In turn, according to the year of the reported events, an increasing trend is evident from 1998 onwards, where the years between 1998 and 2006 record the highest number of cases. The following figure also shows how in 2014 there was a greater increase in crimes against freedom and sexual integrity than in its previous years.



Source: National Information Network of the Official Victim Registry as of January 1, 2020. Own elaboration.

Finally, according to the contributions of the victims who participated in the workshops carried out in this project, it is possible to present some elements to take into account considering the current situation of the civilian population, especially human rights and victims of sexual violence defenders, -both male and female leaders- who mentioned in these meetings the concern for their safety and demand their right of non-repetition of the victimizing acts, since the murder of this population increases the fear of reporting, making it difficult to overcome the obstacles of underreporting in this crime.

The report of threats in the country's territories where the action of armed groups has not ceased, and on the contrary has intensified, shows the danger posed by exercises of leadership, management and incidence before different instances. For this reason, they demand effective measures to protect their lives and physical integrity. Likewise, they demand compliance and implementation of the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace (Government of the Republic of Colombia; FARC-EP, 2016) to guarantee the non-repetition of violence against female leaders and victims. It is understood that the repetition of situations of violence in the armed conflict increases the conditions for sexual violence to be a permitted and widespread practice throughout the national territory.

Impacts and consequences of sexual violence

Sexual violence has been recognized by International Humanitarian Law (IHL) as a crime against humanity, when it is committed as part of a generalized or systematic attack against a civilian population and with knowledge of said attack, it includes: rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or other sexual abuse of comparable severity (United Nations Organization, 1998, article 7.1). Furthermore, these acts are considered war crimes “when they are committed as part of a plan or policy or as part of the large-scale commission of such crimes” (United Nations, 1998, article 8.1).

For the purposes of this document, the definition of violence against women is considered relevant from the provisions of Law 1257 of 2008, Article 2, that is: “any action or omission that causes death, damage or physical suffering, sexual, psychological, economic or patrimonial due to her condition as a woman, as well as threats of such acts, coercion or arbitrary deprivation of liberty, whether it occurs in the public or private sphere”. It is important to highlight the violence against women since, although sexual violence also occurs in men and it is estimated that there is a high underreporting in this aspect, the generalized condition places women as the main victim of these crimes (and men as main perpetrators). For this reason, the gender perspective is essential to adequately attend these types of cases.

As already mentioned, the various armed actors (legal and illegal) have used sexual violence for different purposes. This implies that sexual violence is not exclusive to the conflict, but that in the middle of it, it is exacerbated and becomes a tool for, among other purposes, marking power within the territory (NCHM - National Center of Historical Memory, 2017). This section then reviews some theoretical developments on sexual violence as a type of gender-based violence and its consequences when it occurs in the context of armed conflict.

a. Theoretical contributions in the conceptualization of sexual violence as gender-based violence

The explanations on the occurrence, prevalence and manifestations of sexual violence, although diverse, coincide on one point: the quantitative impact of this crime is greater on women and girls, as well as on feminized bodies (Guzmán, 2012, p. 11). This fact makes it possible to establish a relationship with gender inequality prevalent in a big part of the world, particularly in patriarchal societies such as Colombia, which under these conditions favor the perpetuation of a continuum of violence against women, which are exacerbated in situations of armed conflict, as will be discussed later. Sexual violence is a violation of women’s human rights and at the same time it is a form of gender violence.

Sexual violence, as a type of gender-based violence, is a phenomenon that deserves a deep and holistic view. For the researcher in social epidemiology, Lori Heise, violence against women can be understood through an integrated ecological model of abuse, seen as a multifaceted phenomenon in which all relational levels are interwoven: individual, family, community and social. where different expressions and dynamics of violence can occur (Heise, 1998).

The dynamics of conflicts at the individual, family and community levels are intertwined with the structural violence present in society that is lived day by day. The main contribution of Heise's model is the emphasis on the interrelation, superposition and complementarity of the factors that appear at each level, since it allows us to understand the causes of violence and the risk factors that operate in people, in their relationships, in the community and in the social, cultural and historical spheres (Olivares Ferreto & Inchustegui Romero, 2011).

The Inter-American Court of Human Rights (2010) has indicated that the severe suffering of the victim is inherent in sexual violence, even when there is no evidence of physical injury or illness: "in effect, not in all cases the consequences of rape will be bodily illness or injury. Women victims of rape also experience severe psychological and even social harm and consequences. " Victims' suffering generally has several facets: Not only do they receive potentially dangerous and persistent injuries and trauma, but they also face stigmatization and rejection by their families and communities.

Sexual violence as a political and not a moral problem

The sexual violence experienced by women in the framework of the conflict is not isolated from the structures of discrimination based on gender that persist in our society and that are also lived outside the conflict. So much so that in contexts of armed conflict as in the Colombian case, this gender inequality, as the subordination of female bodies, has been exacerbated and adapted to exercise violent power over Colombian women. For the anthropologist and feminist Rita Laura Segato, the expression "sexual violence" confuses, "because, although the aggression is carried out through sexual means, its purpose is not of the sexual order but of the order of power [...]. Through this type of violence power is expressed, exhibited and consolidated in a gruesome way before the public gaze, therefore representing a type of expressive and non-instrumental violence" (Segato, 2016, p. 18). That is why conceiving sexual violence as a crime of power broadens the understanding of its use.

According to the NCHM report, "the non-understanding of sexual violence as a crime, as something morally reprehensible, has constituted a very strong element that serves to legitimize sexual violence in the armed conflict", (NCHM - National Center of Historical Memory, 2017, p. 226). This is why armed actors have great difficulty admitting to having raped, harassed or forcibly prostituted a victim. For the investigative team, it was notorious to find that it is easier to reach confessions about dispossession, forced displacement and even murder, "but a deep moral sense prevails over sexual violence, which makes it a horrendous crime, which denotes, not the inhumanity of the victims, but that of the victimizers" (NCHM - National Center of Historical Memory, 2017, p. 17).

In another sense, rape as an act of control over the feminine or feminized body, following Segato (2003), is tied to recurring themes such as using it as punishment or revenge against a woman who subverts the order of subordination. In these cases it becomes a disciplinary act, "and the rapist, in his conception, a moralizer."

The dichotomy that these two positions represent becomes complex. On the one hand, there is the justification of acts of sexual violence that are normalized and not accepted as such by the perpetrators and also the consideration of rape as a horrendous crime that few dare to confess (or even identify). On the other, there is the explanation of rape as a moralizing and corrective

act on the conduct of women. This contradiction speaks to us of a social reality framed in the hegemonic mandates of gender, that is, in established roles about being a man and being a woman, where her attitudes and behaviors that are outside the socially accepted moral order serve to excuse this type of violence.

In the case of men, sexuality becomes a mechanism of control and male domination that naturalizes, for example, their aggressiveness. That same “moral sense” of the rapist hides the normalization of these types of violence, which may later even prevent the perpetrator from recognizing himself as such and using a speech of rejection of rape as a horrendous act. In addition to this, rape can also be understood as an act of aggression against other men and a demonstration of virility and strength before a community of peers to prove their sexual competence and guarantee or preserve a place between them (Segato, 2003, p. 31).

Historically, social and historical constructions on gender have placed women and the feminine in conditions of inequality and subordination vis-à-vis men and the masculine. Sexual violence is then registered as a form of gender violence that is based on the normalization of certain types of abusive relationships, the product of a patriarchal system deeply rooted in our society. Faced with this phenomenon, men and women can assume that these relationships do not constitute forms of abuse of women’s sexual autonomy and see them as something natural. In this regard, the author Claudia Card explains that “the ever-latent threat of rape from childhood to old age produces a society of women generally oriented to serve men (women who hope to receive male protection as a reward for said service) and that they generally feel attached to those whom they serve out of gratitude in exchange for “protection” that consists principally of the perpetuation of abuse” (Card, 1996, p. 7).

Beyond the particularities of the armed conflict, sexual violence must be understood as a *continuum* that has historically permeated the structures of our society, which in turn are based on hegemonic discourses in which the female body is understood as subordinate to male power. As Carlos Martín Beristain explains, this is a violence little recognized socially, since “it crosses the borders of the public and the private; [it is] an intimate aggression that occurs both by state agents and private aggressors, or even in the context of affective or family relationships” (Beristain, 2009, p. 461).

On the other hand, according to the philosopher Louise Du Toit, (2019), the common differentiation between rape in the midst of war and rape in common contexts outside it should be carefully treated, because the impact on the victims, especially women, it is the same and because on both occasions a woman’s ability to have consensual relationships is limited. In his investigation of the South African case, after the political transition of Apartheid, Du Toit wonders about the rates of violations that do not decrease, while other crimes do, in the process of normalization of this society. There she questions various assumptions that associate sexual violence as something intrinsic to or a consequence of war.

Furthermore, for Du Toit, the distinction between rapes that occurred in times of war and in times of peace is not relevant, since it does not do justice to the victim of the rape, his voice and his ability to give meaning to what happened (Du Toit, 2009, p. 297). It is an act of revictimization insofar as the victim is the least important to justice.

b. Consequences of sexual violence

The consequences of sexual violence are multiple. The experience can be profoundly traumatic at the individual level, as well as affecting the family, community and social spheres. Depending on each case, this type of violence has physical, mental and social consequences. Humiliation,

shame, loss of confidence, ethical dilemmas in the face of possible unwanted pregnancy, gynecological problems and sexually transmitted diseases, anxiety about sexuality and fear of men are problems that victims must face over time (Beristain, 2009, p. 462). Furthermore, the feeling of stigma and loss of self-esteem can be exacerbated when the environment is blamed for women, “while men and women who are wounded or killed are considered to be “heroes” or “martyrs.”, There is no similar status assigned to women who have suffered rape (p. 462).

Without underestimating the traumatic event that arises from sexual violence, feminist anthropologist Kimberly Theidon (2015) offers a pertinent reflection on the commonplace in which rape is classified as “worse than death”. For her, the disturbing message sent to survivors of this brutal form of violence must be considered, since “they may have forged a different relationship with their past, no matter how painful it may have been” (Theidon, 2015, p. 161). Furthermore, it problematizes the idea of shame as a factor that prevents this crime from being declared, as this may inadvertently “carry reactionary messages regarding purity, chastity and hygiene, implying that the survivor is, in a way, ‘ill-fated.’” (Ibid.).

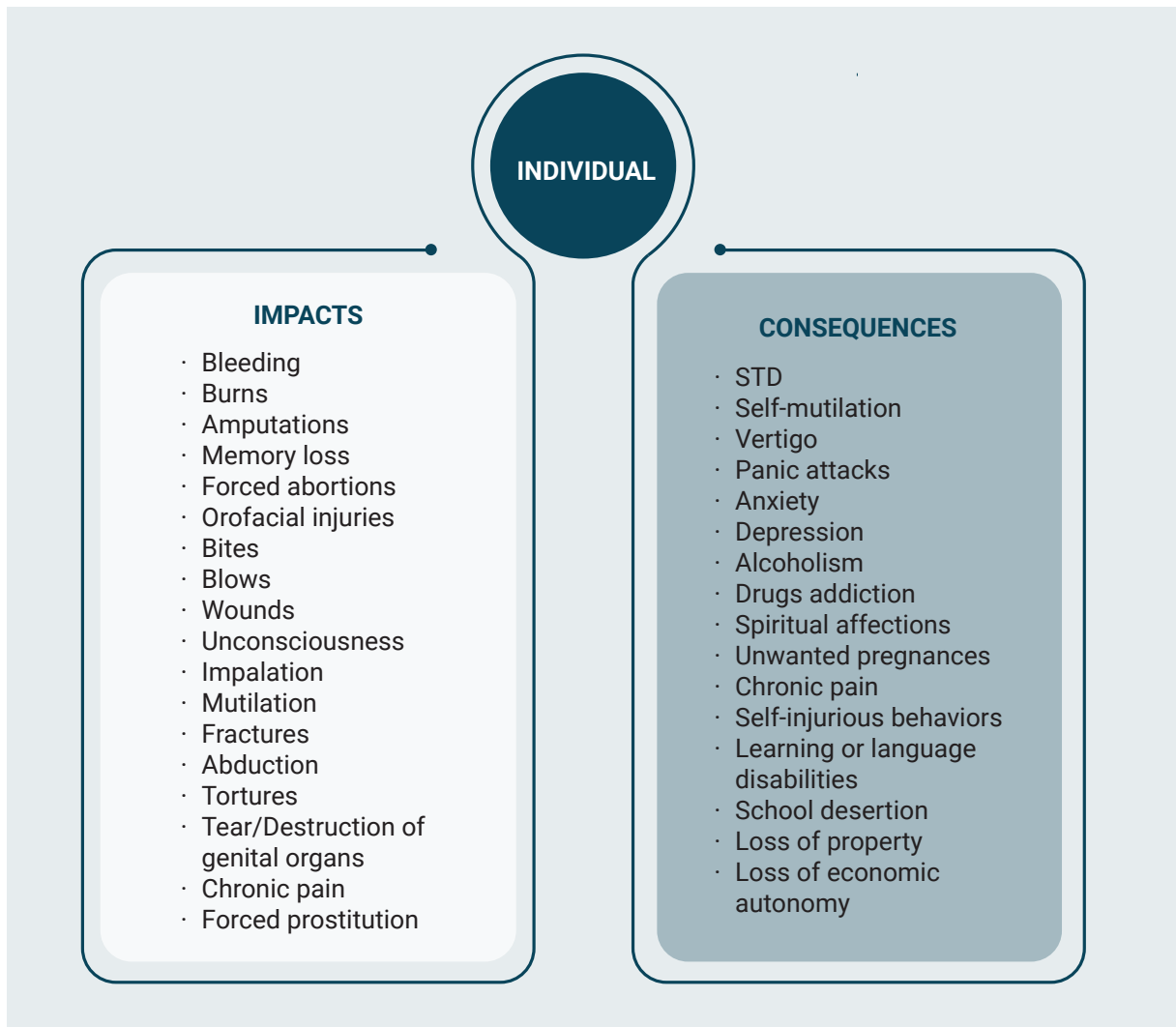
From an institutional perspective, it is pertinent to review the Protocol for Comprehensive Assistance in health with a Psychosocial Approach of the Ministry of Health and Social Protection through its PAPSIVI (In Spanish) Program (Psychosocial care and comprehensive health for armed conflict victims program)⁶ in which they are identified in terms of damages, the different effects of the armed conflict on the population. The four perspectives contemplated are, the psychosocial perspective (in terms of damage to the life project, psychosomatic damage and collective or sociocultural damage); the perspective of historical memory (moral damages, psychological and emotional damages, physical damages or damages on the body, sociocultural damages, material and environmental damages, political damages and damages to the life project); the rehabilitation perspective of the Ministry of Health and Social Protection, within the framework of comprehensive reparation for victims of the armed conflict (damage to health, damage to physical health, psychosocial damage); and the legal perspective (moral damage, non-pecuniary damage, damage to health). Although all of the above perspectives analyze the general effects on all victims of the armed conflict, several of these intersect with the particular situation of the impacts of sexual violence described both in the secondary literature and in the workshops carried out in this project (Ministry of Health, 2017).

According to the experiences gathered through the workshops with people who are victims of sexual violence, elements such as those mentioned above were found, as well as a series of impacts and consequences at the individual, family and community levels, while also drawing consequences at the macro social level.

In the personal sphere, the participants identified affectations that impacted the body (physical), mind and emotions (often referred to as the spiritual). The cartography exercise allowed identifying that some impacts of this crime are recognized in the medium and long term, evidencing the profound consequences and the challenges that this represents for a timely and integral reparation. The most obvious are physical and mental health problems such as sexually transmitted diseases, self-mutilation, bleeding, burns, amputations, mental illness, memory loss, loss of self-esteem, panic attacks and uncontrolled anxiety, depression, alcoholism, drug addiction , physical and / or motor disability, spiritual disorders, unwanted pregnancies, forced abortions, urinary incontinence, orofacial injuries, cardiovascular disorders, chronic pelvic pain and self-injurious behaviors.

⁶ The program of psychosocial assistance and comprehensive health for victims – PASIVI (In Spanish) corresponds to a set of activities, procedures and interventions designed by the Ministry of Health and Social Protection for comprehensive health care and psychosocial assistance for victims of the armed conflict, in accordance with Decree 4800 of 2011, which regulates Law 1448 This program is reviewed in more detail in the “Most representative developments in public policy execution” section.

At the individual level, the impact on the development of the life project was also identified, from the educational field (learning and / or language problems, dropping out of the school system and illiteracy) to the economic field (loss of assets, lack of economic autonomy, loss and lack of property titles). A considerable group of women victims were raped and sexually abused from an early age in their families, or by people close to them, and on many occasions they suffered sexual violence from one or more armed actors.

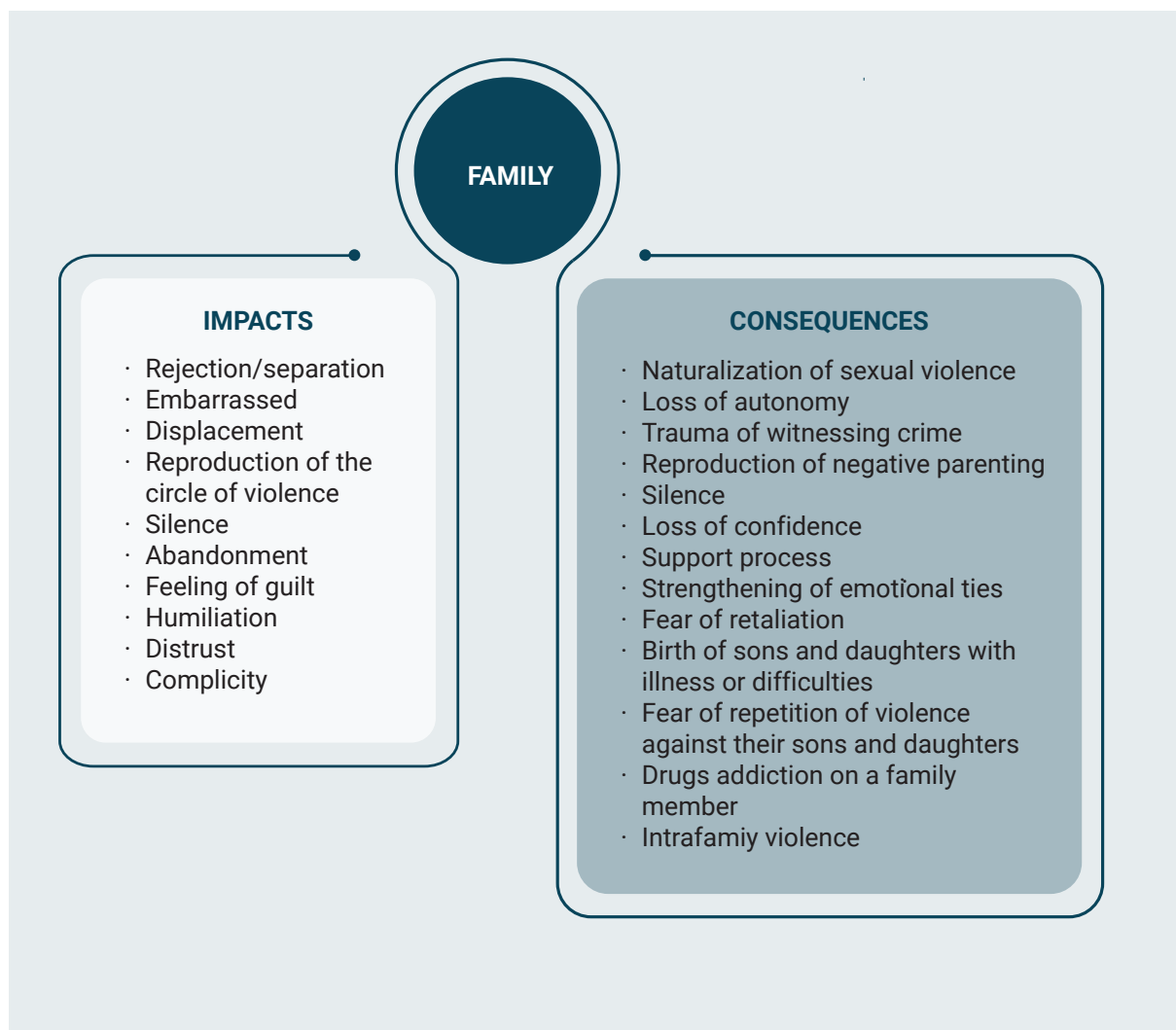


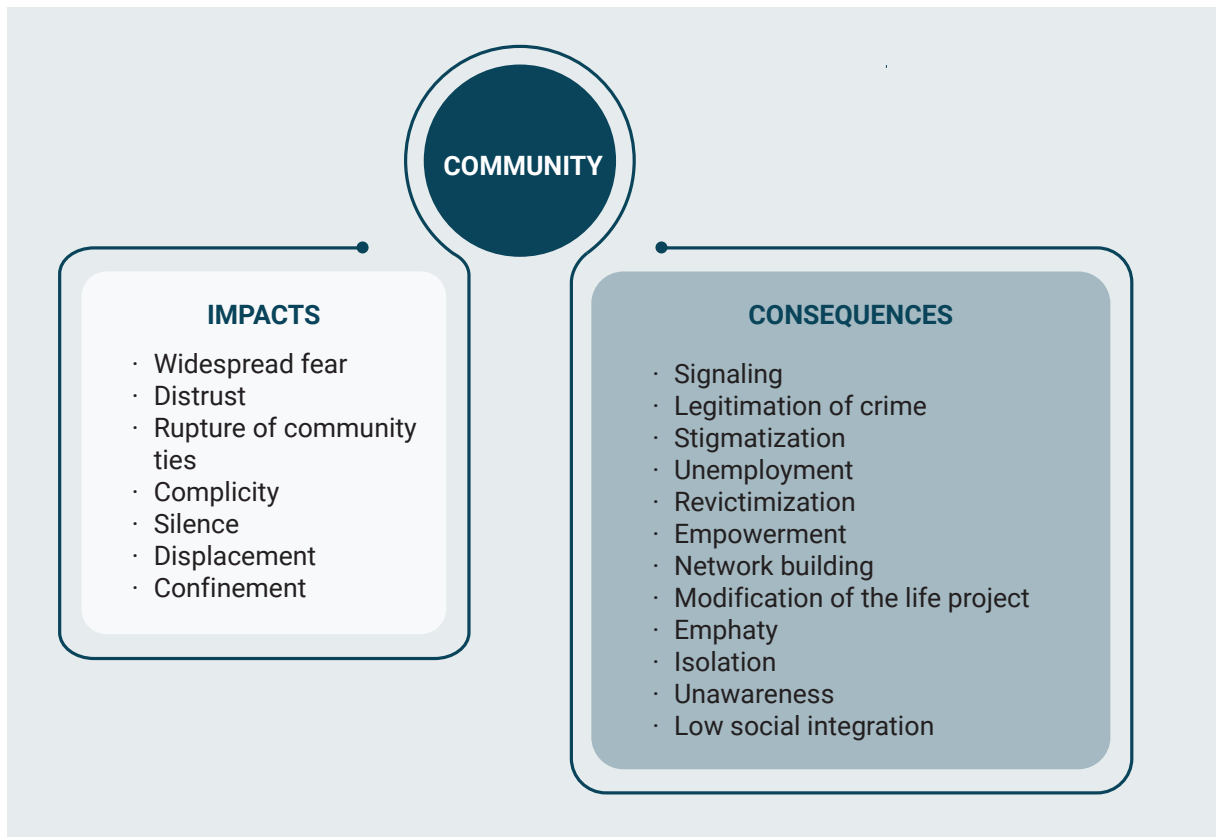
At the family level, reference was made to care ties and family and / or affective relationships. Here were found topics such as abandonment, isolation, confinement, exclusion, discrimination, loss of property, silence and concealment of the violation, or of the perpetrators for fear and fear; sons and daughters as a result of rape or abandoned as negative behaviors of revenge or hatred, feelings of mutual guilt, shame of parents, spouses and children.

Understanding this dimension is key to understanding individual processes. Those with strong support networks generally have more advanced healing processes. Likewise, it is recognized that in most cases the circle of violence is reproduced in daughters and sons; This increases the level of guilt and hinders the healing process. The pacts of silence with sons and daughters as a result of sexual violence over their origin are a constant in the experiences presented by women for fear of rejection, of causing pain, humiliation and / or stigmatization.

In the community sphere, the impacts and consequences are reflected, apparently less evident, but which go beyond the family and even the community level to achieve an impact at the social level. If it is taken into account that sexual violence has been a way of exerting power and control over the territory and over its inhabitants, in this dimension affectations are added, although they vary in each territory, share some of the following features: rupture of circles of care and socio-political and cultural ties within the community, forced displacement, obligation to take care of the family alone, confinement, and / or dispossession by concentration and hoarding of resources. With the latter, the identity and development of the ways of life of the communities are directly affected, especially those that have strong territorial roots, and collective identity such as indigenous, Afro and peasant communities in the Colombian case.

At this level it is also relevant to mention that there is a few cases of some victims who transform this fact into organizational processes or leaderships in defense of human rights. Resilience and resignification is an aspect present in many life trajectories that even become forms of collective healing along with other victims of sexual violence. With this aspect, it is not intended to present this type of crime as something positive in the lives of these people, but rather as a recognition of the capacity of resilience and organization of many victims despite the difficult circumstances, and in any case not they are norm, but each person finds different ways of interpreting these facts in their lives.





c. Sexual violence from an ethnic perspective. Indigenous and Afro-descendant communities

Sexual violence is one of the serious human rights violations that has differentially affected indigenous peoples and Afro-descendant communities⁷. In the case of victims belonging to these groups, the effects are differentiated given the cosmogony of the communities of origin that tend to place victims in conditions of exclusion and greater vulnerability (Guzmán, 2012, p. 12). Although this document does not have a detailed scope on these cases, it is considered essential to recognize that all armed actors have used sexual violence as a weapon of war against indigenous and Afro-descendant communities, particularly affecting girls and women and causing spiritual and cultural suffering. This situation has been poorly documented and remains at a high level of impunity, as stated in the document *Indigenous women, invisible*

⁷ The categories of indigenous peoples, Afro-descendant communities and the Rrom people in Colombia correspond to political concepts by recognizing them as subjects of special constitutional protection (Political Constitution of Colombia 1991. Article 13). In the case of the category of Afro-Colombian communities, it is conceived as an eminently political concept used for some decades by the leaders of the black community in order to vindicate or highlight their African ancestry. The use of this ethnonym has been generalized to the point that it is done indiscriminately with the word black, according to the level of consciousness or the political location or historical conception of whoever appeals to it. In turn, it has emerged as an integrating category of the different ethnic expressions of Colombian Afro-descendants. These ethnic expressions include the black communities, palenqueros, and raizales of the San Andrés and Providencia Archipelago. (Unit for the Victims Assistance and Integral Reparation, 2017).

victims of the armed conflict in Colombia prepared by ONIC (In Spanish) - National Indigenous Organization of Colombia (2012, p. 285).

This document lists situations that violate the sexual and reproductive rights of indigenous girls and women with cases such as sexual exploitation, unwanted pregnancies, sexually transmitted diseases, affective involvement and sexual violence in which all armed actors (legal and illegal) have been implicated.

The effects of sexual violence on people belonging to communities with strong territorial roots and / or with a collective identity such as indigenous, Afro and peasant communities, is related to other victimizing events such as forced displacement, uprooting and in some cases the expulsion of victims from their communities. In some indigenous peoples, silence on sexual violence is reinforced due to the low visibility of this type of violence (AECID (In Spanish); Presidential Council for Women's Equality, 2018), something that hinders their reporting, registration and subsequent reparation. This is in addition to obstacles to accessing justice for geographic, economic, cultural and linguistic reasons. This barrier accentuates impunity, since in Colombia there are around 86 indigenous languages and generally there are no translators in judicial processes and there are no specific assistance protocols for indigenous women. Consequently, the identity and development of the way of life of the communities suffer both individually and at the community level (National Indigenous Organization of Colombia (ONIC, In Spanish) and National Institute of Legal Medicine and Forensic Sciences, 2012, pp. 283 -284).

The multiple forms of violence against indigenous peoples have differential effects in these communities. Often the cases are ventilated collectively which results in the violation of the victims' right to privacy. On the other hand, sometimes violence affects women who belong to peoples at risk of extermination and extinction or in a state of great vulnerability, "breaking the cultural, spiritual and physical balance already threatened" (National Indigenous Organization of Colombia (ONIC, In Spanish) and National Institute of Legal Medicine and Forensic Sciences, 2012, p. 285).

In the case of Afro-descendant communities, the Official Victims Registry (RUV, In Spanish) contains the highest number of people affected by this victimizing act and who self-recognize with some ethnicity to 6,200 of Afro-Colombian victims. Departments with a high Afro population such as Nariño, Cauca and Chocó have been intensely affected by the armed conflict, generating vulnerable conditions especially for girls and women. In the case of Afro-Colombian women, researchers such as Carmen Marciales Montenegro (2015) suggest that sexual violence should not only be understood in terms of gender-based violence, but as an expression of structural racism (something that extends to the indigenous population). The author clarifies that thus the armed conflict in Colombia does not have an ethnic character, the social, racial and sexually hierarchical structure that characterizes this society "underlies the dynamics of the armed conflict and deepens the affectations suffered by Afro-Colombian women".

The justification of sexual violence against Afro-descendant women can be traced back to the hypersexualization they have received since the colonial order for this conjugation between sexism and racism. In territories of high influence by armed actors such as in the Montes de María or in Chocó, the social order imposed by paramilitary control reproduced a hierarchical racial structure, where, for example, relationships of forced coexistence with the women of these territories were established (Marciales Montenegro, 2015, pp. 84-85). Likewise, the violence served not only as an expression of the control of the territory or as a message of humiliation on the men considered enemies, but also as a frontal attack against the organizational processes of female leaders who are re-victimized for their visibility within the communities or in groups of victims of these crimes.

Contemplating the diversity of victims of sexual violence and especially the diversity of women affected by this crime requires an effective application of the gender perspective and women's

human rights. As Kimberly Theidon (2009) writes “from gender audiences to gender units and truth commissions with a gender perspective, ‘adding gender’ is a discursive policy to ‘add women’”. Attention must be paid to the multiplicity of social factors, as assigned to all types of bodies. Through the effective exercise of the implementation of the differential approach and the gender perspective, as well as tools such as prior consultation, which is a fundamental and constitutional right in Colombia, it is possible to contribute to equity and the reconfiguration of fairer societies that promote recognition of the diversity of victims and their collective and individual rights.

d. Consequences of sexual violence against girls, boys and adolescents in the framework of the armed conflict

This initiative recognizes the importance of treating in a differentiated way and contributing to preventing, repairing, and guaranteeing non-repetition of the crime of sexual violence in girls and adolescents. For the purposes of the document, sexual violence against girls, boys and adolescents shall be understood, according to Law 1146 of 2007, as “any act or behavior of a sexual nature exerted on them, using force or any form of physical, psychological or emotional coercion, taking advantage of their conditions of defenselessness, inequality and the power relations existing between victim and aggressor”.

Sexual violence comes in many forms, all with serious consequences. That is why it is important to recognize their different manifestations regarding girls, boys and adolescents. For the Colombian Institute of Family Welfare (ICBF, In Spanish)⁸, this contemplates sexual abuse, rape or sexual assault, sexual exploitation, trafficking for sexual exploitation and violence in the armed conflict. The latter is defined as any act of sexual violence committed against girls, boys and adolescents in the framework of the armed conflict (ICBF, 2007).

It is pertinent to consider that due to the unequal power relationship centered on the adult world in our society, girls, boys and adolescents are in many cases seen as unfinished and unwilling subjects. This conception of their lives and their bodies makes them vulnerable to violent situations that become naturalized as part of the childhood experience and that is reinforced by hegemonic gender roles that emphasize male and adult domination (NCHM - National Center of Historical Memory, 2017, p. 265). In the context of the conflict, the armed actors have reproduced these logics and used the bodies of girls, boys and adolescents to their benefit in multiple ways, delving into the idea that they are available and fragile bodies. Thus, they have been assigned to domestic tasks, intelligence work, recruitment and in turn have been exposed to orphanhood, lack of protection, dispossession due to the displacement of their families and various forms of sexual violence.

The impacts and consequences of a victim of sexual violence are presented in a differentiated way according to the life course in which they are at the time of the event, the context in which it was generated, the personality characteristics of the victim and the family and social networks it has (CNGRJ (In Spanish - National Gender Commission of the Judicial Branch; IOM, 2016). As it has been investigated, sexual violence in minors seems to produce long-term effects that are not immediately appreciated, such as in socialization processes and subsequent eating disorders, substance abuse, anxiety, among others (Guzmán, 2012, p. 12).

8 The Colombian Institute for Family Welfare (ICBF, In Spanish) is the Colombian State entity that works for the prevention and comprehensive protection of early childhood, childhood, adolescence and the well-being of families in Colombia. It is attached to the Administrative Department of Social Prosperity – DPS (In Spanish).

Sexual violence, in general, towards girls and adolescents represents one of the greatest challenges to face as a society. Data from the National Institute of Legal Medicine and Forensic Sciences indicate, for example, that between 2006 and 2015, 47.36% of all examinations for alleged sexual offenses correspond to girls and boys under 11 years of age; 35.76% in adolescents; 9.32% in youth; 3.86% in adults and 0.27% in older adults (Ministry of Justice and Law, 2017). According to the ICBF (In Spanish), there are 21,868 girls, boys and adolescents in the Administrative Process of Restoring Rights⁹ victims of sexual violence. Of this number 18,435 are girls, and the age range that is most frequently recorded is between 12 and 18 years, of which 659 are disabled (ICBF, 2016).

The foregoing shows the vulnerability in which, particularly, girls and adolescents are faced with sexual violence, not only in the armed conflict, but outside it. Although this type of violence has been part of the repertoire of human rights violations against children by armed actors, the figures show that “88% of cases of sexual violence occurred in the family sphere, with the father being the main aggressor (...) and there is a clear tendency for acts of sexual violence inside homes by relatives and well-known men against girls on weekdays and in the afternoon” (Ministry of Justice and Law, 2017).

The vulnerability of this population is largely expressed in the figures. However, these statistical data cover only those complaints that reach the public, which ignores factors such as the coverage of the entities in charge of collecting these complaints, since other types of professionals are those who attend to these cases (such as health personnel). (Ministry of Justice and Law, 2017). Added to this are other factors such as geographical distances, difficult access to health centers, the absence of trained personnel, the lack of credibility of the testimonies of girls and adolescents (Fricker, 2017), the loss of evidence, the lack of identification of the crime, suicide, ignorance of the assistance route by the caregivers of the girl, boy or adolescent, the naturalization of the crime within the family and / or the community, the lack of security guarantees for the victims and their family, and even the lack of interpreters if the victim belongs to an indigenous or ethnic community, or has a particular condition that requires differentiated accompaniment.

On the other hand, given the particularities of the war in Colombia, its long duration and how permeated many communities are due to the relationships that they voluntarily or forcedly consolidate with different armed groups outside the law, the sexual violence that affects minors must be carefully analyzed.

For example, one type of impact of sexual violence in the armed conflict that requires further exploration is that of daughters and sons born as a result of rape. Anthropologist Kimberly Theidon has investigated the issue in the Peruvian context and has raised several questions about it that can be transferred to the Colombian case. Theidon brings a first reflection, according to which although children born from rape in war are generally invisible on the international agenda on sexual violence against women, “the empirical data indicates that they are not, at all, from in the face of their families and the communities in which they live [and that] on a local level, these children are most likely hidden in plain sight” (Theidon, 2015, p. 160). However, the author compares cases in several countries to show that the concealment of the origin of these daughters and sons from sexual violence is recurrent, largely as a way to avoid stigma for mothers and children. This poses very great challenges to the reparation of these daughters and sons, because although in the Colombian case they are considered victims of the conflict and subjects of reparation from Law 1448 of 2011 and Decree Law 4633, 4634 and 4635 of 2011, so far, it is necessary that these subjects recognize themselves as victims. In this way, the dichotomy places on one hand respect for the intimacy of female victims of

9 The Administrative Process of Restoring Rights is contemplated in the Childhood and Adolescence Law as an instrument to guarantee the effective exercise of the rights of girls, boys and adolescents when they are not observed, threatened or violated.

sexual violence who do not want to tell their daughters about their origin, and on the other hand their right to reparation.

Through naming practices, Theidon recounts elements where naming these daughters and sons goes from being a private matter for the mother or family to being a community matter. Generally, the names or nicknames assigned to these children bear the stigma of their origin, as well as a living memory of the suffering that accounts for the memory of the conflict and its consequences, “the names of these children can be a way of narrating the past, to testify to a legacy of violence in the present and to denounce the damage that was done and that continues, still without qualms (Theidon, 2015, pp. 165-166).

In the Colombian case, the researcher Tatiana Sánchez Parra presents the inconsistency in terms of numbers when reviewing the comparison between women and girls victims of sexual violence and the few cases of boys and girls as a result of sexual abuse (only 533) (Sánchez Parra, 2018, p. 46). But beyond reviewing the underreporting of these cases, the author explores some of the social processes through which children born in these circumstances have become part of the realities of the armed conflict in such a way that they remain invisible, despite being officially recognized as victims within the Colombian regulatory framework. Sánchez maintains that the lack of attention that the media, academia, government agencies, and human rights organizations have paid to this difficult situation reflects not so much the desire to hide an issue but the inability to see it (Sánchez Parra, 2018).

The author concludes that the inclusion of these children in the legal framework needs a category that is endowed with a social meaning that transcends stigmatization and victimization (since the identities of these girls and boys go far beyond their birth origin), so that their existence is finally intelligible within the realities in which transitional justice operates and thus can repair this population in such a way that the social order of the different layers of violence overlap in their lives is subverted (Sánchez Parra, 2018 , p. 54).

Finally, the consequences of sexual violence on children were also part of the topics discussed in the workshops with people who were victims of sexual violence in the armed conflict, resulting in the identification of gender-based violence experienced by girls, boys, and adolescents. The contributions included both the experiences of the participants, who in many cases lived this fact in childhood or adolescence, as well as the discussion of cases involving daughters and sons as a result of rapes.

Some elements mentioned in these spaces reviewed violence as a consequence of ideas and beliefs that are reflected in abusive parenting practices and reproduce socially assigned gender roles. The non-attention, prevention and punishment of these crimes generate more vulnerable conditions for girls and boys who continue to be victims of abandonment, institutional neglect, absence of safe spaces and protective figures that guarantee them a life free of violence. According to the systematization of the workshops, the main impacts and consequences of sexual violence on girls, boys and adolescents occur at the health and education levels with sexually transmitted diseases, physical illnesses, physical and / or motor disabilities, unwanted pregnancies, forced abortions, forced contraception, and self-injurious behaviors. With regard to education, the abandonment of the school system, learning and / or language problems, deconcentration, disorientation, violent behaviors, difficulties in relating, lack of sleep, loss of confidence towards their figure of protection and isolation are also listed.

Normative and institutional balance in Colombia in terms of reparation

The purpose of this section is to make a general account of the treatment that sexual violence has had at the institutional and regulatory level in the country in the recent period. The Colombian State, not only by ratifying international treaties, but by adapting its regulatory framework and jurisprudence to respond to its own context as a country in conflict, has developed a series of instruments related to sexual crimes and the protection of its victims. The main ones are mentioned below:

a. Regulatory and jurisprudential advances in Colombia

Sexual violence is recognized as a violation of Human Rights by International Human Rights Law (IHRL), as a crime against humanity and a war crime by International Humanitarian Law (IHL). In terms of article 7 of the Rome Statute, this constitutes a crime against humanity as long as it is demonstrated: its systematic and widespread; that said acts are directed against the civilian population; and that the author is aware that the conduct is part of a widespread and systematic attack. Likewise, according to article 8 of the Rome Statute, a war crime can be configured as long as it is committed as part of a plan or policy of a State or organization, or as part of the commission of such crimes. Colombia has accepted and ratified the different global pacts on the matter and has harmonized these points with internal laws as will be seen later.

It is worth noting the contributions of the Colombian Constitutional Court through Order 092 of 2008, and other follow-up to it, through which it ratifies the differentiated and disproportionate impact of the armed conflict on women. In this way, it establishes ten risks and impacts that must be considered in the implementation of the public policy of assistance for victims. These are:

- Sexual violence, sexual exploitation or sexual abuse in the framework of the armed conflict.
- The risk of exploitation or enslavement to carry out domestic work and roles considered feminine, in a society with patriarchal traits, by illegal armed actors.
- The risks derived from the contact or the real or presumed relations with the members of any of the illegal armed groups that operate in the country or with members of the Public Force.

- The risk of forced recruitment of their daughters and sons by illegal armed actors, or other threats against them, which becomes more serious when the woman is the head of the family.
- The risks derived from their membership in women's social, community or political organizations, or from their leadership and promotion of human rights in areas affected by the armed conflict.
- The risk of persecution and murder due to the coercive control strategies of the public and private behavior of the people that the illegal armed groups implement in large areas of the national territory.
- The risk of the murder or disappearance of their economic provider or the disintegration of their family groups and their networks of material and social support.
- The risk of being dispossessed of their lands and patrimony more easily by illegal armed actors given their historical position regarding property, especially rural real estate.
- The risks derived from the condition of discrimination and increased vulnerability of indigenous and Afro-descendant women.
- The risk of loss or absence of their partner or financial provider during the displacement process.

The sentences handed down by the Superior Court of the Judicial District of Bogotá in December 2011 against José Rubén Tobón (Vencedores de Arauca's block) and against Edgar Ignacio Fierro Flores, alias "Don Antonio", (North Block) are also part of the judicial progress in this matter, because, in addition to being the first sentences of the Justice and Peace system, the one against Tobón was the first in which he was convicted of a gender crime and the NCHM was ordered to document sexual crimes "as crimes of war and against humanity".

The purpose of Law 1257 of 2008 is to adopt regulations that guarantee a life free of violence for all women, both in the public and private spheres, the exercise of the rights recognized in the internal and international legal system, access to administrative and judicial procedures for their protection and assistance, and the adoption of the necessary public policies for their materialization.

On the other hand, Law 1448 of 2011 and Decrees Law 4633, 4634 and 4635 of 2011 (commonly referred to as the "Victims and Land Restitution Law" and ethnic decrees), is a guiding principle that represented a regulatory framework of great importance to recognize the victims of the Colombian armed conflict. Among other advances, this law incorporated the principle of differential approach and established five measures of reparation: compensation; rehabilitation; restitution; satisfaction; and guarantees of non-repetition, which must be adequate, differentiated and transformative (Law 1448 of 2011). The notion of integral and transformative reparation contemplated in this law is fundamental for the purpose of analysis of this document.

Subsequently, Law 1719 of 2014 sought to focus particularly on victims of sexual violence. With this law, which is the result of the adaptation of the Rome Statute, the intention is to guarantee access to justice for this population, especially when it occurs on the occasion of the armed conflict. The importance of this law lies, among other points, in that it recognizes the rights of victims and shows the various expressions of sexual violence in the framework of the armed conflict.

In Order 09 of 2015, the Constitutional Court found that after the issuance of Order 092 of 2008, and other follow-up to it, the armed actors continued sexual crimes against women, insisting on “the persistence of deficiencies in care, protection and access to justice for women victims of sexual violence in the framework of the armed conflict and forced displacement” (Constitutional Court, 2015).

More recently, Decree 1480 of 2014 established May 25 as the National Day for Dignity of female victims of the internal armed conflict; Law 1761 of 2015 creates the crime of femicide and the Peace Agreement, products of the negotiation between the FARC-EP and the national government.

In 2019, the Constitutional Court, through sentence T-211-19, required the UARIV (In Spanish) to include victims of sexual violence regardless of the date of occurrence of the event, or the time the statement is made, this with the in order to overcome the obstacles of access to State care that are framed in Law 1448. In addition, the Court considered that these crimes have a high percentage of under-registration due to the difficulty that victims have in breaking the silence in the face of this type of event, as well as the prevalence of armed actors as indicated by the *First Survey of Prevalence of Sexual Violence* (2011) carried out by the *Casa de la Mujer* (House of Women) where it is shown that “73, 93% of the women surveyed in 407 municipalities considered that the presence of the armed groups constitute an obstacle to denouncing acts of sexual violence in said municipalities”.

b. Advances of victim assistance on an institutional level

The Colombian State, through the different public entities, and framed in the regulations of Law 1448 of 2011 and Decree Law 4633, 4634 and 4635 of 2011, has developed actions aimed at attending to the population victim of the armed conflict. For example, the National Service System and Integral Reparation to Victims –NSSIRV – which is made up of all the public and governmental entities at the national and territorial levels and other public or private organizations, in charge of formulating or executing plans, programs, projects and specific actions that tend to the integral assistance and reparation of victims. Below are the advances in public policy that have addressed reparations for victims of sexual violence.

c. Most representative developments in public policy execution

Unit for the Victims Assistance and Integral Reparation – (UARIV, In Spanish):

Law 1448 of 2011 and Decree Law 4633, 4634 and 4635 of 2011 recognize not only forced displacement, but other associated crimes. Among the eleven victimizing acts, crimes against sexual freedom and integrity are included. This includes not only violent carnal access, but, based on Law 1257, they disaggregate these sexual crimes. The UARIV uses this regulation for the wide recognition of these crimes and is not exclusive to women, although it pays special attention to this population.

Recognition in the Official Victims Registry (RUV, In Spanish) can be considered in itself a measure of reparation, since for a long time the declarations before the UARIV were mainly reduced to forced displacement and other crimes. However, sexual crimes were not recorded

for various reasons, not least because the declaration and reporting of sexual violence raises fears and is not a crime that can be easily discussed.

Sexual crimes do not prescribe and, to date, people who recognize themselves as victims of a sexual crime can declare it before the public prosecutor and it is UARIV that reviews the times and reasons in case it is an extemporaneous declaration (taking into account that the Constitutional Court ordered this entity to accept the statements regardless of the date of the crime).

The Integral Reparation for female victims of sexual violence Strategy (hereinafter The Strategy) is perhaps the most concrete and targeted centralized initiative for this population victim of the armed conflict by the Colombian State. This has been developed through UARIV within the framework of the Integral Route of the Victims Unit.

After understanding the particular context of the impact of sexual violence on women, and with the help of different women's social organizations, UARIV considered it necessary to carry out differential actions that would respond to the particular damage caused by sexual violence against women and that would contribute to the reconstruction of their life projects from the psychosocial and economic dimension. On the one hand, through a psychosocial work that would allow emotional recovery and a work on the empowerment of women, strengthening their economic autonomy and empowerment against the appropriation of their bodies, their sexuality and the awareness of their dignity to break the cycles of violence that they face in and out of the armed conflict.

The Strategy is the set of actions aimed at the implementation of integral reparation measures established in Law 1448 of 2011 and Decree Law 4633, 4634 and 4635 of 2011, focused on the measure of rehabilitation, administrative compensation and measure of satisfaction from a rights approach, gender perspective and transformative approach; These approaches respond to the particular needs and disproportionate impacts that the armed conflict has on women.

The social movement of women victims of sexual violence, with emblematic leaders such as the late Angélica Bello, long claimed that in addition to administrative compensation, women required psychosocial assistance. From that same claim, UARIV sought a way to support women in this process of integral reparation. In conjunction with other state entities, such as the Ministry of Justice, the days of declaration and denunciation began voluntarily.

Since 2014 the development and implementation of The Strategy began at the national level. Its general objective was established to guarantee integral reparation to female victims of sexual violence in the framework of the armed conflict, through the formulation and implementation of actions articulated intra and interinstitutionally, which would allow priority, differential, and specialized access to components established in the assistance and reparations measures.

The Strategy integrates different components of Comprehensive Reparation, among which psychosocial support, training in women's Human Rights, guidance on the assistance routes of the programs of the institutional offer and support to the resources of the administrative compensation with the support program for the adequate investment of resources. Initially, the selection of women was related to their stage in the process of financial compensation (in the process of receiving it or who had already received it).

Until a few months ago, sexual violence was one of the prioritization criteria established by the Victims Unit for the delivery of due compensation (Resolution 0090 of 2015). The new prioritization criteria no longer correspond to female victims of sexual violence. Precisely, the Strategy is under review from 2017 with the aim of knowing the results and making the corresponding adjustments to maintain its application.

The Integral Reparation for female victims of sexual violence Strategy is developed through six strategic lines, which are addressed in three meetings with female victims of sexual violence included in the RUV (In Spanish) and who voluntarily decide to participate in the process:

- Harmonization of individual and collective routes to guarantee priority and specialized access for women.
- Updating and incorporation of the guidelines of differential approach and gender perspective in integral reparation measures for people victims of sexual violence.
- Access to the institutional offer of the NSSIRV of the victims of sexual violence.
- Territorialized and group process of integral reparation for victims of sexual violence.
- Monitoring and evaluation of the implementation.
- In its execution phase, the Strategy has been developed so far in a scheme that consists of three meeting moments (each one over two days) that are divided as follows:
 1. Setting, approach and orientation.
 2. Perspective of women's rights
 3. Meeting with the territorial institutional offer, definition and implementation of a symbolic act of reparation created by the women themselves (when they are arranged with women, symbolic acts of reparation are constructed under different parameters, although in general they represent pain suffered, as well as the resilience of survivors).

Until 2017, 2010 women from all regions of the country had participated. During 2017, IOM, through the Institutional Strengthening Program for Victims, with USAID funds, supported the strategy in seven territorial directorates (Antioquia, Caquetá, Cauca, Córdoba, Chocó, Nariño and Urabá) with the participation of 176 women.

Although the Strategy is built and implemented from the professionalism of UARIV, it has been identified that the type of situations and people it serves are highly complex and therefore require attention that exceeds the three established meetings.

After a process of evaluation and adjustments, UARIV has launched the "Integral Reparation Strategy, strengthening capacities from the rights perspective - VIVIFICARTE". This strategy is part of the set of methodologies with a differential and transforming focus of the Unit's Reparations Directorate for Victims and is implemented by the psychosocial leaders of the Psychosocial Focus Group, in the 22 Territorial Directorates of the Unit.

This methodology aims to contribute to the integral reparation of female victims of crimes against integrity, freedom and sexual formation in the framework of the armed conflict, contributing to the construction of a reparative and transforming sense of the resources for compensation of female victims participants, contributing to the strengthening of their life projects and their agency capacity, through the implementation of a satisfaction measure and the development of actions that contribute to guarantees of non-repetition.

Ministry of Health – PAPSIVI (In Spanish)

Although this document focuses mainly on the actions of UARIV, two relevant developments are mentioned that are also related to assistance for victims of sexual violence. One of them is the Program for Psychosocial care and comprehensive health – PAPSIVI (In Spanish).

The PAPSIVI (In Spanish) is a set of interdisciplinary activities, procedures and interventions designed by the Ministry of Health and Social Protection for comprehensive health care and

psychosocial care. These are developed at the individual or collective level and in any case are aimed at overcoming the health and psychosocial effects related to the victimizing act (Decree 4800 of 2011, Article 164).

These measures, although in charge of the Ministry of Health and Social Protection, are established and articulated in coordination with the other actors of the National Service System and Integral Reparation to Victims – NSSIRV – and with the actors of the General System of Social Security in Health (SGSSS, In Spanish).

The PAPSIVI constitutes the technical line that allows the different actors to attend to the psychosocial impacts and the damages in the physical and mental health of the victims caused by or in relation to the armed conflict, in the individual, family and community areas (included in this the subjects of collective reparation), in order to mitigate their emotional suffering, contribute to physical and mental recovery and to the reconstruction of the social fabric in their communities. A component of the UARIV Strategy contemplates the articulation and referral of victims of sexual violence to this program.

Ombudsman (Defensoría del Pueblo)

The Public Ministry represents a very important point in the assistance routes for victims of sexual violence. This is why the Ombudsman's Office established since 2017 the "Comprehensive Care Route to advise and instruct female survivors of acts of sexual violence in the framework of the internal armed conflict and forced displacement by violence of the Ombudsman's Office (Order 009 of 2015)".

This is an institutional development thought in the moments of contact of an official of the Ombudsman with survivors of sexual violence who require guidance, advice and/or accompaniment in the restoration of their rights through various processes/dependencies, will follow the next route.

The route seeks to avoid cases of revictimization and aims to apply a better internal articulation and facing the citizenship. The Ombudsman's Office, through the Gender Pairs, handles cases of violence and gender-based discrimination against women and the population with diverse sexual orientations and gender identities.

National Center of Historical Memory

Through various reports, the National Center of Historical Memory (NCHM) has technically supported the reconstruction of the historical memory of the Colombian armed conflict in order to satisfy the right to the truth that the direct victims of the conflict and society in general have. Part of its work has covered both a dimension of clarification of the facts, the reasons and responsibilities in the conflict, as well as the dignity of the victims. In the face of sexual violence, the NCHM has led investigations and the publication of reports of great importance to make visible an issue that tends to be considered part of the spectrum of "the unspeakable."

Some of the most emblematic reports are: *The war inscribed on the body. National report on violence in the armed conflict (2017)*, *Historical Memory with Victims of Sexual Violence: conceptual and methodological approach (2018)*, *Annihilate the difference Lesbians, gays, bisexuals and transgenderists in the framework of the Colombian armed conflict (2015)* and *Crimes they do not prescribe. Sexual violence of the Block Vencedores de Arauca (2018)*.

These reports, which appear as a result of court orders, judiciously capture different dimensions of the context and effects of sexual violence in the context of the armed conflict, as well as

filling gaps in information that has been silenced for a long time. This is the case of the Arauca case report, the product of a historic ruling by the Justice and Peace (transitional justice) courts that in 2011 recognized for the first time a crime of gender-based violence in the case of José Rubén Peña Tobón, alias “Lucho”, a middle command of the Vencedores Block of Arauca who sexually abused two underage women. In addition to the conviction, the NCHM was ordered to document the sexual crimes of the paramilitaries in that department.

d. Final Agreement for the termination of the conflict and the construction of a stable and lasting peace

The Final Agreement signed between the FARC-EP and the National Government in November 2016 contains point 5 dedicated especially to the victims of the armed conflict. In this section, several pertinent points regarding reparations for victims of sexual violence are considered. In principle, it starts by recognizing that the armed conflict, which has multiple causes, has caused suffering and damage to the population unmatched in our history with millions of Colombians victims of forced displacement, hundreds of thousands of deaths, tens of thousands of disappeared of all kinds and a large number of families, groups and affected populations throughout the territory [...] without forgetting other less visible but no less painful forms of victimization, such as sexual violence, psychological damage, or simple coexistence with fear” (Government of the Republic of Colombia; FARC-EP, 2016).

Through the Monitoring, Promotion and Verification Commission for the Implementation of the Final Agreement, the gender perspective and women’s rights are included as one of its general principles for the implementation of the agreement. The need for this perspective is recognized “to guarantee effective equality with affirmative measures that respond to the disproportionate impacts that the armed conflict has had on women, particularly sexual violence” (point 6).

In terms of reparation, the document contemplates specific actions to contribute to reparation, starting with the creation of the Integral System of Truth, Justice, Reparation and Non-Repetition. This system is made up of the Commission for the Clarification of Truth, Coexistence and Non-repetition; the Special Unit for the Search of Persons reported as Disappeared in the context and due to the conflict; the Special Jurisdiction for Peace and specific measures of reparation. These components must work in a comprehensive and articulated manner in order to achieve maximum justice and accountability for human rights violations and violations of International Humanitarian Law that occurred throughout the conflict.

In particular, in cases of sexual violence, the constitution of a group specialized in the investigation of these crimes is determined within the Investigation and Accusation Unit of the Special Jurisdiction for Peace and it is established that this type of crime will not be eligible for Amnesty or pardons: “Crimes against humanity, genocide, serious war crimes - that is, any violation of International Humanitarian Law committed systematically - will not be subject to amnesty, pardon or equivalent benefits, the taking of hostages or other serious deprivation of liberty, torture, extrajudicial executions, enforced disappearance, violent carnal access and other forms of sexual violence, child abduction, forced displacement, in addition to the recruitment of minors, all in accordance with the established in the Rome Statute” (Ibid.)

The measures of integral reparation for the construction of peace include the early acts of recognition of collective responsibility (acts in order to open spaces where the different sectors of society that have contributed to the conflict recognize their collective responsibility for the damage caused), concrete actions contribution to reparation, collective reparation, psychosocial rehabilitation, collective return processes for the displaced population and

victims abroad, land restitution, adaptation and participatory strengthening of the integral assistance and reparation policy for victims of the conflict. Psychosocial rehabilitation considers emotional recovery measures for victims according to the specific damage they have suffered, including the particular effects of victims of sexual violence.

Resignification and resilience initiatives by victims of sexual violence

A fundamental and recurring aspect in working with people who are victims of crimes against sexual integrity or victims in general is the capacity for resilience and resignification of the victimizing acts. This section will show some of the organizing initiatives of groups of women victims of sexual violence in the armed conflict, which are notable for their capacity for organization and impact on other people. Of course, they are not the only initiatives that have emerged in the long years of armed conflict in Colombia, but they are considered remarkable for their processes and impact.

a. Emblematic cases

Network of female victims and professionals

This network is made up of a group of women and organizations that work for the rights of female victims of sexual violence on occasion and during the armed conflict and socio-political violence in Colombia. Its main purpose is to strengthen the capacities of popular women victims of sexual violence to qualify their advocacy, accompaniment and monitoring of public policy and access to justice for all victims of these violence, as indicated in their official communications.

Throughout its work, the Network has been strengthened in different regions of the country by having 665 women and young victims of sexual violence who participate in local activities and have diversified regional leadership. The regional coordinators have documented 650 cases of victims of sexual violence against women, girls, boys and adolescents, they have led 19 collective workshops in which 1238 victims have reported their cases in 10 regions and established an information system to follow up on these cases.

In terms of incidence, they have participated in the design of Law 1719 of 2014, emphasizing the guarantees of justice, as well as being part of the delegations of victims who went to the Table of conversations in Havana and who were key in the inclusion of the issue of sexual violence and gender perspective in the Peace Agreement. Later they were part of the construction of the countermonument *Fragmentos*, made by the artist Doris Salcedo with the weapons delivered by the FARC-EP. In 2019, they presented the first report of cases of sexual violence before the Special Jurisdiction for Peace. This same year, within the framework of

Dr. Denis Mukwege's visit to Colombia, this organization delivered the text *For us, but with us*, with the data and proposals collected in the workshops with victims of sexual violence that were part of the project for which arises the present document.

A notable contribution of this organization in terms of reparation proposals is the development of the category of early reparations, as detailed below.

Early reparations: this category arises from the Network of Female Victims and Professionals, after being part of the process of building proposals with victims of sexual violence in different areas of the country (which are also stated in this document). For the Network, early reparations seek to address the consequences of sexual violence, preventing them from generating irreversible impacts. They consider them fundamental in the work on reparations to take measures that promptly initiate these processes, particularly for victims of sexual violence, and thus lessen the consequences of the impacts of crime.

These reparations would respond to immediate needs or to consequences and impacts that are the result of the victims not being assisted on time. They are called early because they are not the result of a judicial decision and therefore neither of the judicial evaluation of the damage. Early reparations are also the actions that seek to repair structural injustices that make girls and women more vulnerable, and that limit their equal access to judicial processes and institutional supply (for example, illiteracy).

Afromupaz

The Association of Afro Women for Peace (Afromupaz) was born in 2000 as a group of women who recognize themselves as Afro-Colombians, victims of the armed conflict, with more than ten years of experience in social and humanitarian work for the defense of the rights of women, especially Afro-Colombian female victims of sexual violence and other forms of gender-based violence. Their actions are aimed at improving their living conditions and rebuilding the community social fabric affected by violence, based on the ethnic and ancestral knowledge of the community. Starting in 2005, its leaders began to be subject to persecution, pressure and acts of violence such as pursuits, threats, physical attacks, murders and sexual violence, due to community work and the enforcement of rights carried out by the defense of the human rights and peace, events that seriously affected its organizational fabric, generating collective impacts.

In 2014, the Victims Unit –UARIV (In Spanish) recognized and included Afromupaz in the Official Victims Registry – RUV (In Spanish) - as a subject of Collective Reparation with incidence in Bogotá. Later, in 2018, the District Transitional Justice Committee approved collective reparation measures for the organization, which included actions such as the reconstruction of historical memory; strengthening their traditional practices of rehabilitation and psychosocial support; the productive strengthening; actions around the search for truth, access to justice; the implementation of a process of de-stigmatization and recovery of the good name of the organization, which starts from the recognition by the State of this subject of collective reparation. In October 2018, a headquarters house for the organization was handed over to them as part of the collective reparation measures.

AFROMUPAZ has developed in Bogotá a psychosocial healing proposal for Afro, mestizo and indigenous women who have suffered sexual violence from the ancestral knowledge of the Afro-Colombian culture of Chocó called "La huerta al perejil" (*the garden to the parsley*), which consists of 14 steps that women, in a support group mediated by dance, singing, games, praise and theater, they develop to restore their identity, where they love each other again, heal their wounds, confront the past and sow possibilities for the future (NCHM - National Center of Historical Memory, 2017, p. 435).

The COMADRE

This is an autonomous organizational process of Afro-Colombian women victims of the armed conflict in various regions of the country, who are members of organizations affiliated or articulated to the work of the National Association of Afro-Colombians (AFRODES, In Spanish). They have been organized as a horizontal coordination to carry out advocacy actions that lead the Colombian government to design and implement public policies and programs that guarantee with an ethnic gender approach the repair of the rights that have been violated as a consequence of the internal armed conflict.

The COMADRE is the result of a continuous process of more than 15 years of dialogue and articulation that has allowed them to consolidate as central political subjects of the institutional processes through which the Colombian Government has been building institutional responses to prevent, protect and restore the rights of Afro-Colombian women victims of the conflict. But, above all, The COMADRE has established itself as an autonomous alternative to accompany women in overcoming the serious impacts they have experienced as the population group most affected by the armed conflict (The COMADRE, 2020).

Renewed Butterfly Wings Network Organization

This network of women and organizations work to defend the rights and quality of life of women in Buenaventura, Valle del Cauca. From there they provide tools for the eradication of all forms of violence against women and girls. "The network envisions a Pacific region free from all forms of violence against women, contributing to the formulation of public policies, training, research and intervention to make this problem visible and eradicated in the Buenaventura District.

Meta Association with a Woman's eye (Meta Women's Network)

It is a group of women and associations from the Meta department that work for the defense of human rights and for a life free of gender violence. The Network of Women and Organizations of the Meta, carries out actions in defense of women's rights through fundamental axes, namely: citizen participation and political advocacy; sexual and reproductive health; gender violence and economic autonomy.

Narrate to live (Montes de María)

This is a network of female victims survivors of violence by internal armed conflict in the 15 municipalities of the Montes de María region. The organization brings together 840 women who decided to organize themselves, since 2000, as a strategy of civil resistance of women and as a way to overcome pain and loss of the meaning of life, and a way to process the duels postponed by lost loved ones. Her work focuses on making visible and promoting the participation of female victims of violence by armed conflict in the Montes de María region and contributing to their empowerment through psychosocial support, in processes of enforceability of rights, promotion of integration programs labor and literacy, access to justice and reconstruction of historical memory. The Narrate to Live Network was recognized as a subject of collective reparation by UARIV (In Spanish).

b. The spiritual and community support dimension in resilience processes

The spiritual dimension is mentioned repeatedly by the victims of the armed conflict. In the workshops conducted, participants include elements of faith and hope often associated as religious supports in their stories of resilience. However, the spiritual level in these processes is not limited to religions and rather includes emotional accompaniment between women, social organization and affective ties in community as self-healing strategies. This component was not only mentioned within the participant's stories as ways of resignifying what happened, but it was also put as an element that they consider vital in future reparation programs, since the effects of sexual violence also permeate their emotional and spiritual tranquility.

What was mentioned in the workshops corresponds to what is stated in the NCHM report, where it is explained that the Christian faith has been a mechanism to combat the death and disgust wishes on their own bodies, which, as a consequence, leaves sexual violence of the armed conflict (NCHM - National Center of Historical Memory, 2017, p. 419). The report, however, warns about the ambivalent nature of the Christian religion in these situations, because "although sometimes they contribute to alleviating the pain of sexual violence and produce social fabric to face loneliness and stigma, on other occasions it becomes a justifying discourse of violent acts and, therefore, a discourse that revictimizes" (p. 420). Thus, although religious institutions provide valuable emotional support for victims, on the other hand, they reproduce traditional gender structures and roles that perpetuate ideas of gender inequality or censor women's fundamental rights, as is the case of sexual rights and reproductive rights, among which the right to voluntary termination of pregnancy continues to be poorly disclosed.

From another perspective, ancestral healing practices in indigenous or Afro-descendant communities offer alternatives for the reconstruction of the social fabric. In 2015, OPIAC (In Spanish), with the support of IOM, developed a project of differentiated psychosocial and spiritual reparation for Amazonian indigenous women victims of sexual violence in the framework of the armed conflict. The project focused on women and knowledgeable grandmothers who attended traditional rituals so that women could narrate their experiences with the support of one another and deal with the pain of these victimizing acts.

Another emblematic experience of healing and resilience is that of the Association of Afro Women for Peace (AFROMUPAZ), who developed a psychosocial healing proposal for Afro, mestizo and indigenous women called "La huerta al perejil" (*the garden to the parsley*). This strategy combines singing, praising, dancing and theater, among other elements, to reconstruct intimate life and reconcile with her body and identity. It is also an Afro metaphor about the sowing and harvesting of women who leave pain behind and start a new life project (NCHM - National Center of Historical Memory, 2017, p. 435).

Lastly, the accompaniment and support among survivors and the eventual political mobilization in favor of women's rights are also mentioned as ways to lessen the impacts of sexual violence both inside and outside the armed conflict (NCHM - National Center of Historical Memory, 2017, page 416) and that the workshop participants valued positively.

Proposals and recommendations

a. Recommendations from the theoretical review on reparation

The Colombian State faces enormous challenges in the face of integral reparation for the population victim of sexual violence. According to Carlos Martín Beristain, reparation refers to the set of measures aimed at restoring rights and improving the situation of victims, as well as promoting political reforms that prevent the repetition of violations (Beristain, 2009, p. 173). Beristain also stresses the importance that reparation does not seek to return to an initial situation, prior to the violations, when the reality of the victims was characterized by discrimination and social or political exclusion, but that it has a focus centered on the full exercise of its rights that contribute to the debate a horizon closer to its true meaning (p. 174). This transformative approach is complemented by the comprehensive reparations and distributive justice approach necessary to overcome inequalities.

For researcher Diana Esther Guzmán, incorporating a gender perspective in reparations implies taking a methodological approach that recognizes the unequal impact of sexual violence on women, given the subordinate relationships and the social, economic and cultural structures that hinder the full exercise of their rights. The gender approach would contribute: (i) recognizing that men and women are affected by different forms of violence, according to the roles they play in society and the relationships established between them; (ii) establish that violence has differentiated impacts on the lives of men and women, even when they are affected by the same manifestation of violence; and that (iii) some forms of violence generate disproportionate impacts on the lives of women; (iv) that this situation is closely associated with the existence of various forms of discrimination that affect women in all areas of social life; (v) that these discriminations generate a particularly critical situation for indigenous and Afro-Colombian women, since they face various types of discrimination and that (vi) as a consequence, women are affected by forms of gender-based violence that must be remedied by attending to their particularities and in order to overcome the discriminations that generate them (2012, pp. 36-37).

The examination of inequalities between men and women makes it necessary to take into account inequalities between women themselves due to age, social origin, ethnicity, rural or urban settlement, etc. In this way, it is recommended to complement the gender approach with other approaches, especially an ethnic approach that considers groups that have historically been at greater risk of violation of their Human Rights. An intersectional view, or better, the consubstantial considerations of the relationships between sex / gender, race and class are presented as necessary both in the analysis of these social phenomena and in the proposals for reparation that are put in place and take into account the Colombian context. As researcher Ochy Curiel (2019) explains, these are central categories for analyzing social relationships and structures, given that “in a context like Colombia, with an internal armed conflict, we see how these categories are related. Displacement fundamentally affects Afro and indigenous women” (Curiel, 2019).

Likewise, Guzmán lists a series of principles that should guide the reparation of sexual violence, which includes: the participation of female victims, respect for privacy, individual and social recognition of the differences in the affectations that each one has lived, equality and recognition of difference, ethnic focus, recognition of responsibility by the State and effective access to reparation (Guzmán, 2012, p. 45).

Below are the proposals and recommendations made by victims of sexual violence, as well as those prepared by the institutions represented by the Unit for the Victims Assistance and Integral Reparation (UARIV, In Spanish) or Victims Unit.

b. Recommendations made by female victims and survivors of sexual violence

This section was constructed based on the recommendations collected in the different consultation exercises with female victims. These include subregional workshops with members of the Tables for Effective Participation of Victims and the Network of Female Victims and Professionals, as well as a workshop focused on participants in the Unit's Integral Reparation Strategy for Female Victims of Sexual Violence for the Victims. Also included are the contributions collected in the document *For us, but with us*¹⁰, prepared by the Network of Female Victims and Professionals.

In the first part, the proposals and recommendations resulting from these exercises are presented, grouped by subject. Subsequently, the recommendations made by the women participating in the UARIV Strategy to this program are collected.

Cross-cutting recommendations for all types of reparations

Throughout the conversations with the women participating in the different consultation exercises, a series of general elements came up, which are included in this section as they are considered basic principles for the implementation of any reparation program.

- Starting from good assistance and good treatment by professionals in charge of the processes.
- Careful handling of the cases and data processing in the competent entities.
- Appropriate professionals in charge of assistance, painless therapies and better specialized medical centers.
- Prioritization of their cases and not receiving responses of denial or delay of the service to be attended.
- Have spaces where they feel safe, calm and without prejudice.

¹⁰ The document *For us, but with us* was socialized by the Network of Women Victims and Professionals on August 16, 2019 in the city of Bogotá before Dr. Denis Mukwege, representatives of the SEMA Global Network and various organizations and platforms of victims of sexual violence in the framework of the armed conflict in Colombia.

- “Being heard” is repeated in almost all cases, not only by the institutions, but by their family and friends. At this point, it is recommended to equip women with tools so that they can, if they wish, face conversations that promote family support in these processes.

Recommendations on comprehensive health, including sexual and reproductive rights

Health, understood according to the World Health Organization as “a state of complete physical, mental and social well-being, and not only the absence of conditions or diseases” makes it essential to consider health in its different dimensions, as recorded in the following requests around health.

- Considering that psychosocial assistance is a recurring claim by women and that there are strategies and programs for their care, it is recommended that the Ministry of Health and Social Protection and the health secretariats in the territories evaluate and take corrective measures for a suitable application of the PAPSIVI (In Spanish) (Psychosocial care and comprehensive health for victims Program). The UARIV (In Spanish) must maintain constant coordination with the program so that assistance is real, timely, and suitable for those who request and / or require it.
- In terms of mental and social health, women highlight the need for tools that help them not to feel guilt about the victimizing act.
- A work of sensitization and humanization of treatment is also recommended for all medical and psychosocial personnel who interact with victims of sexual violence, always avoiding re-victimization.
- An aspect not very visible in the Colombian case is the impact of sexual violence on the physical health of the victims. Several women report catastrophic (particularly cancer) and chronic diseases, as well as Sexually Transmitted Diseases. Given this, women request physical recovery programs that address not only the dimension of disability, but a broader view of the impact of this type of violence on their bodies.
- The health sector should be more immersed in this type of strategy, especially at the territorial level, since some cases that require a slightly more specialized offer of care (case by case) are presented.
- Having a busy mind with some work that rewards them not only means the possibility of earning an income, but also a possibility of overcoming the events that may flare up with the daily situations of each woman.
- From the Network of Female Victims and Professionals, they propose to build an alliance with the Dr. Denis Mukwege Foundation, the Ministry of Health, the health areas of the territorial entities, the JEP (In Spanish), the universities that have health areas and the towns and ethnic groups to improve and guarantee health care for victims of specialized sexual violence. Likewise, they propose to join territorial, national and cooperative efforts to build a specialized center, or specialized programs, for physical, emotional, sexual and reproductive health care for victims of sexual violence.

Administrative compensation, economic autonomy and institutional offer, including education

- Economic autonomy is an aspect repeatedly mentioned to rebuild their lives. They denounce job insecurity, the absence of labor policies for the victims of the armed conflict, especially for them, since the scarcity of resources for social policies creates risks for peace, weakens social development and limits democracy.
- Regarding the compensation measure in its collective dimension, they recommend taking into account the tastes and interests of women who are being prioritized in certain projects and the offer that allows them to overcome some gaps. They highlight that, by valuing the interests and abilities of women, more lasting projects can be established over time, which do not depend on a certain program that can end and thus generate networks that allow empowerment and the way to achieve that each one establishes their productive unit as a group so that affirmative actions can prevail over time.
- Regarding the institutional offer, it is required that it be accompanied by counselling that is more grounded in the situation of women and not in programs and projects that are disconnected from the skills of the victims and from territorial needs. Not only must it stay with the intention of doing things, but it must go beyond the intention and generate more effective strategies.
- In order to rebuild their life projects with opportunities, in conditions of equality and security, they ask the Colombian State for the maximum effort, especially in rural areas to literate victims who still cannot read or write; facilitate access to higher, technical and technological education and guarantee education for peace, coexistence and respect for life.
- Training in new masculinities, power relations and identities (gender perspective), and the study of the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace should be included in formal education and in the school coexistence committees.

Access to justice, security and guarantees of non-repetition

- In terms of justice, women demand greater speed in the processes, since the level of impunity in this type of crime is high (98% according to different victim organizations).
- Some women express their disagreement when comparing their cases with those of the victimizers, since they feel that they often have more guarantees to achieve their life goals than they do. They also ask for effective guarantees for non-repetition.
- Several of the participants in these exercises ask for guarantees against the threats they receive in the territories for the leadership, management and advocacy they carry out. They appeal to comply with the provisions of the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace and request guarantees from the National Government of non-repetition of violence against female leaders and victims.
- The Network of Women Victims and Professionals, based on the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace, which created the Special Jurisdiction for Peace, hope that their actions will allow them to

overcome the high level of impunity of this crime in Colombia. They request that the Sexual Violence Case be declared and opened in the JEP (In Spanish - Special Jurisdiction of Peace) so that the judicial processes in the transitional justice model can begin.

Care and protection for girls, boys and adolescents

- For female victims, girls, boys and adolescents' victims of sexual crimes in the armed conflict today lack care, prevention and recovery programs from the serious impacts of the conflict on their bodies, their family and territorial environment. For this reason, they request that the National Government include this problem effectively and urgently on its agenda.

Social Reparations / Early Reparations

This proposal, developed by the Network of Women Victims and Professionals, is a way of recognizing the victims' own initiatives to repair the damages caused by sexual attacks. These strategies have been called early reparations as a way to fill the gaps on the part of the Colombian State in the timely attention to the victims of this crime. Victims of sexual violence recognize the processes for the prevention of sexual violence, the assistance for victims, claims before the courts, contributions to the Peace Agreement and its implementation developed at the initiative of victims' organizations. They recognize this participation as reparative because of the possibility of recognizing themselves in the first instance as victims of a crime that nobody wants to talk about or listen to.

In this way, they make visible their fight against stigmatization and the transformation of many victims into defenders of the rights of girls and women, their leadership role to influence laws, to access education, to generate resources. They insist that everything that is done for them must be done with them, from there comes the "For us, but with us".

Subjects of collective reparation

The Network of Female Victims and Professionals also proposes that victims of sexual violence be recognized as a subject of collective reparation. In this way, they seek to see this type of violence as a fact that has affected the nation, not only on the occasion of the armed conflict, but also disproportionately affects women and girls in the countryside and the city. They seek to transform ideas and beliefs to eradicate the vision of women as a sexual object or as a spoil of war from the customs of Colombian society.

Recommendations of the participants to the Integral Reparation Strategy for Female Victims of Sexual Violence of the Victims Unit

- For the women participating in the Integral Reparation Strategy for Female Victims of Sexual Violence of the Victims Unit, the meeting spaces have been recognized as a fundamental aid in their recovery process. However, going through this strategy has also allowed them to identify improvement options.
- Participants highlight the importance of maintaining it over time and constant attention so that it is not restricted to just one, but, for example, do it annually.

- They highlight the benefit of allowing connection with other women, close or not, who have gone through similar experiences. In this case they mention an exercise that led them to write, send and receive letters from other women victims of sexual violence from other regions where they encouraged each other.
- They also advise that there be this type of monitoring space in each city or territory to accompany the women's process. Thus, they suggest that the scope of the strategy be a little broader in its coverage.
- A good part of your suggestion lies in the continuity of these processes and that activities that take place in other spaces, hopefully outdoors and that are more dynamic are included.
- They recommend a better institutional articulation, as well as accompaniment and follow-up in the presentation of the institutional offer.
- Some mention having an object, shirt or something that identifies them in meetings.
- They emphasize the importance of talking about sexual violence and that it be less a taboo and more visible.

c. Recommendations from the institutional framework based on the experience of the Unit for the Victims Assistance and Integral Reparation (UARIV)

When considering the importance of UARIV (In Spanish) as the main entity in charge of reparation to victims of sexual violence, this section includes its experience in the Strategy from the approach of the Group of Differential and Gender Perspectives of this entity, as well as of the systematization of the "Targeted Strategies for Integral Reparation to female victims of sexual violence and people with sexual orientations and non-hegemonic gender identities", prepared by UARIV and IOM (UARIV, USAID and IOM, 2018).

The internal document for the systematization of the Strategy makes a series of recommendations based on the analysis of the different moments of its execution, namely:

- Among the elements to be strengthened in the Strategy from the psychosocial component and mentioned by some of the women, they refer to the relationship of women with their family environments. Although this is a fundamental aspect in women's processes, the scope of the Strategy is limited to the process of individual reparation of women and each case is specific, so it would be quite complex to involve families, however, the possibility of providing tools for women to address their experiences or situations with their families could be considered.
- Another aspect to be strengthened has to do with monitoring women's emotional recovery processes. Taking into account the limitation of resources, it is important that women can be linked to the existing territorial offer, since this would allow individual processes to be sustained.
- Regarding the methodology used to approach this component, it is important to generate reflection regarding the economic autonomy of women, which is not based on a masterly presentation, but rather allows inquiry among women about their experiences and the capabilities that can be enhanced.

- Within this component, the inter-institutional articulation that allows the linking of women to projects or routes of labor inclusion and / or income generation is essential. Faced with this, the information will be expanded in the chapter on actions to strengthen the Strategies.
- Facing the symbolic act as a measure of satisfaction, it is recommended to make women understand the meaning of it so that this symbolic act is not taken as a merely playful activity.
- In the same way, there must be technical support from the central level, providing guidance regarding the construction of the symbolic act, because on many occasions stereotypes regarding the feminine and in general about gender roles are brought up that we do not want to reinforce in the strategy.
- In the aspect of empowerment, in which the strategy provides tools that contribute to the issue of sexual and reproductive rights and the economic autonomy of women mentioned above, it was possible to identify the need to explore topics such as gender-based violence, social mobilization and participation.
- Social mobilization was developed as a component in the 2017 implementation where some social mobilization actions carried out by different women's organizations were identified. Based on this, some of the women recognized the importance of these processes that women's organizations have been developing and expressed their interest in learning about and joining these exercises. To incorporate this theme, it is suggested that it could be cross-sectional work throughout the Strategy, in which women can build a mobilization proposal that contributes to deconstructing the stereotypes that stigmatize women victims of sexual violence, making sure that you have the consent and the willingness of women to carry it out.
- In turn, regarding participation, the Strategy calls for women who have mostly been outside of political training, leadership and social participation processes. However, by having an approach to these issues, some women demonstrate their interest in joining or getting to know them. Thus, it is important to address general elements regarding the guarantees that women have to participate in the victims' tables, where parity is established as an affirmative action.

The recommendations that emerged from the experience of the Group on Differential and Gender Perspectives included the following aspects:

- The development of the days of declaration and denunciation generate very high expectations among women in terms of access to justice so that their cases are resolved, something that did not happen. The scope should be reviewed, because although the information in the complaint was registered with the Prosecutor's Office, the progress of the cases was insufficient. Ordinary justice requires a series of tests that are not easy to obtain in this type of case. Articulation with the JEP (In Spanish) is one of the recommendations at this point.
- Likewise, reflection on the transitional justice process must be strengthened, since not all women are prepared to see that there will be no individualization or prosecution of the facts because it is not known who the perpetrators are, for example.
- In terms of coverage, there is a need to extend the Strategy to all female victims of sexual violence registered in the RUV (In Spanish) without additional requirements.

- In terms of delivery of the administrative compensation measures, a closer accompaniment process with the victims is recommended.
- From the UARIV (In Spanish), an immediate connection is made with PAPSIVI (In Spanish), since several women are already in mental health care processes or in cases in which a complicated situation is identified. However, some women express disagreement with the PAPSIVI and return to look for the UARIV territorial team. However, this entity does not have the institutional capacity to provide psychosocial assistance to all women or to provide continuity when treatment is required. It is recommended to strengthen the PAPSIVI to offer a better attention perceived by the victims.
- The crimes of sexual violence require recognition, access to reparation and have permanent and integral accompaniment before, during and after.
- The effective articulation with the other NSSIRV entities is essential. Each entity, depending on its mission, must take care of each part of the process in order to avoid gaps in assistance.

d. Recommendations from the childhood approach

Given the context of differential affectations received by girls, boys and adolescents' victims of sexual violence in the armed conflict, it is also necessary to propose differentiated reparation actions to meet the specific needs of this population. Sexual violence has a different impact depending on the moment of life of the person who suffers it. In the case of minors, the first reparative principle is that of protecting children and guaranteeing their rights.

As expressed by the victims of the workshops, rights such as education, health, and the right to the family are truncated by sexual violence in the armed conflict. The stories of various women about the victimizing act referred to childhood, and were also linked in many cases to a network of other violent acts such as forced displacement or the loss of family members. Several participants mentioned having been victims of domestic violence even before the event framed in the armed conflict, something that corresponds to the analysis of these types of violence as a continuum in which violence experienced in childhood is also a vulnerability factor in adulthood.

Girls, boys and adolescents are subject to special constitutional protection and differential measures along with other populations according to Law 1448/11 and Decree Law 4633, 4634 and 4635 of 2011. The differential approach to childhood is based on the recognition of boys, girls and adolescents as subjects of rights and not only as objects of protection. "The rights of girls, boys and adolescents are universal, imprescriptible, interdependent and inalienable and their enjoyment is not subject to the fulfillment of a duty or obligation and it is the duty of adults to train and guide their responsible exercise" (Unit for the Victims Assistance and Integral Reparation, 2015).

Taking into account the above, reparation must start from recognizing this population as legitimate actors of dialogue that can influence decisions that directly affect them. In addition, it should be guided by fundamental principles such as integral protection, the best interests of children and adolescents, the prevalence of rights, co-responsibility (by the State, the family and society), equality and non-discrimination, autonomy and diversity (Unit for the Victims Assistance and Integral Reparation, 2017, pp. 22-24).

Strengthening protective environments is essential to prevent the recurrence of sexual violence. Furthermore, integral and age-appropriate sex education for the child or adolescent can also generate recognition of rights and awareness of their defense.

In the cases of daughters and sons born of sexual violence, it is worth bearing in mind the stigmatization they may receive, but above all, the silence that keeps their origin hidden in many cases. Given this, the question that Kimberly Theidon (2015) raises is, How to recognize and repair these children and adolescents and at the same time respect the mother's decision not to tell them about their origin? How to repair a person who does not recognize himself as a victim?

This represents a major challenge for institutions, however, the possibility of accessing comprehensive reparations in terms of physical, emotional and psychological health allows and enhances healing processes for victims, which in turn contribute to the repair of family and community ties, to the construction of truth and the guarantee of rights. Following Theidon (2019), the moment of revealing the information about the origin of these sons and daughters requires careful management of the institutionality and in it the mother's decision must prevail.

Finally, other recommendations of this researcher include measures that guarantee the rights of women, girls and sons and daughters born as a result of sexual violence, taking into account the focus on the survivor. Also, it emphasizes the need to change the hegemonic maternity scripts, which limit the understanding of the impacts of sexual violence on women, boys and girls (Theidon, 2019).

Conclusions and final recommendations

In addition to the recommendations collected both from the institutional framework and from the voices of women, some closing considerations are presented in this section.

- As has been argued, sexual violence is not exclusive to armed conflict, but rather a continuum of structures of gender inequality towards women and men. As one of the forms that gender-based violence takes, it is the result of asymmetric power relations between men and the feminine. Although sexual violence also affects men, the number of women and girls who are victims of this scourge is considerably greater. In this measure, it is recommended to address sexual violence in its broadest dimensions, strengthen the work of dissemination of women's rights, especially sexual and reproductive rights, including the effective implementation of the Voluntary Interruption of Pregnancy under the three grounds contemplated by the Constitutional Court in Judgment C-355 of 2006.
- The participation of female victims is considered essential for a successful integral reparation that responds to their perspectives. It is recommended to create effective spaces and conditions for participation in the design of mechanisms, as well as in the implementation and evaluation of reparations.
- It is recommended to target public policies that address sexual violence without distinction of the conditions in which this crime occurs, without ignoring, for example, the recognition of the responsibility of armed actors in cases of sexual violence in the framework of the conflict and from the Colombian State.
- Health needs are the most recurring on the part of women. In this regard, it is recommended to strengthen the Social Security System and particularly the Mandatory Health Plan (POS, In Spanish) so that physical and mental health care is effective and has national coverage. To deal with cases of sexual violence, trained and sensitized personnel must be guaranteed.
- In the health aspect, the emphasis on prevention and the effective inclusion of differential approaches, in particular the gender perspective, to address the prevention of gender-based violence is also recommended.
- Alternative physical and emotional recovery methods and therapies can be a useful tool to encourage family and community ties reconstruction processes, whenever the victims of these events so wish.
- Although psychosocial rehabilitation is essential, it is recommended to include occupational therapy for victims in health care in order to strengthen skills lost due to sexual violence, for example, communication and relationship skills, as well as work in terms of life project.
- It is recommended to include in physical care the reconstruction of sexual organs and parts of the body affected by sexual violence, as well as cosmetic surgery that helps mitigate the traces on the body of women. At this point, in addition to budgetary strengthening of

the POS (In Spanish - Mandatory Health Plan), alliances can be established with the private sector and civil society that already have initiatives in this regard (See case “Luzca bien, siéntase mejor” - Look good, feel better”).

- In victim care processes, train and include other victims who provide support and psychosocial assistance. The women indicate that they would prefer to be cared for by other women who had effectively experienced situations similar to theirs and were sensitive to their pain in order to feel confident in these processes.
- The aforementioned underreporting of cases of sexual violence must be a point of interest and effort on the part of the institutionality. The registration of female victims of forced displacement in the RUV (In Spanish), for example, may be hiding a much higher number of women victims of sexual violence, since in the context of displacement many of the practices against the integrity of women were normalized by part of the armed actors. Despite the fact that the Victims Law made a great effort to recognize victimizing acts, many women did not declare. It is recommended to keep the topic of sexual violence in the relevant spaces to encourage women to freely decide to declare their cases.
- The effective coordination of the NSSIRV entities is urgent to avoid delays in the processes, repeated efforts, the impossibility of monitoring the programs and gaps in the care of victims. A recommendation in this regard would be to unify the victim databases, at least as a first step, in the same sector.
- A worrying fact is the handling of data and the confidentiality to which victims of sexual violence are entitled. The records must be treated with the utmost caution and respect. Women state that they have found their classification as a “victim of sexual violence” on multiple occasions in free movement documents and in procedures where it is not necessary to make this classification visible.
- Regarding childhood, this population must be recognized as legitimate actors of dialogue that can influence decisions that directly affect them.
- In the cases of daughters and sons of sexual violence, and following the recommendations of Kimberly Theidon, the timing of disclosing information on the origin of boys and girls is key and requires careful management of the institutional framework, prioritizing the decision of the mother. In addition, measures must be taken to guarantee the rights of women, girls and sons and daughters born as a result of sexual violence, taking into account the survivor-centered approach.
- At the same time, protective settings must be strengthened to prevent recurrence of sexual violence. Furthermore, comprehensive and age-appropriate sex education for the child or adolescent can also generate recognition of rights and awareness of their defense.

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