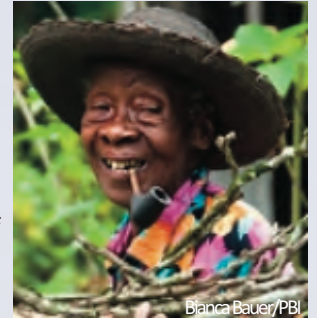


In Colombia, as in other countries, women suffer violence and discrimination in all aspects of their lives. In 2011, 70,134 cases of domestic violence against women were reported, as well as 18,982 cases of sexual violence – an increase of 11% when compared with 2010, and 130 cases of femicide (Sisma, based on National Institute of Legal Medicine and Forensic Sciences).

It is important to highlight the **high levels of under-reporting** of these crimes and the lack of legal complaints. The victims themselves do not report crimes for fear of their attackers, or because of the lack of guarantees in the administration of justice to protect and guarantee their rights. According to the Ombudsman's Office, this situation is compounded by Colombian institutions which contribute to the invisibility of violence against women.

**While progress has been made in the formal recognition of these crimes, the lack of implementation of norms and generalised impunity leads to worsening violence.** Thus, the Law on violence against women (Law 1257 of 2008), which includes measures for prevention, attention and protection in areas such as health, education, employment and justice, took between 3 and 4 years to be regulated, and is still not being implemented. According to figures from the Attorney General's Office, more than 90% of cases of sexual violence remain unpunished (Sisma).



Blanca Bauer/PBI

**The armed conflict reproduces and deepens the discrimination and violence which women suffer on a daily basis.** Indeed, the use of *“sexual violence as an instrument of war has created patterns of “naturalization” of violence against (...) women in the private sphere, at home and with partners”* (PCN).



Charlotte Kes/PBI

The militarisation of civilian life and the relationship between the war and the economy, also contribute to the worsening panorama of violence against women. This can be seen in particular in the exploitation of natural resources through mining, which especially affects women from indigenous and afro-descendant communities: armed actors fight for control over the rich natural resources in their lands; while the arrival of corporations is accompanied by State militarisation. According to the ONIC, on occasion the number of soldiers surpasses the number of members of the indigenous community. The presence of different armed actors also leads to an increase in prostitution and sexual violence.

## Sexual violence as a weapon of war

According to the Office of the Prosecutor in the International Criminal Court *“there is a reasonable basis”* to believe that **acts of sexual violence constituting war crimes and crimes against humanity have been committed in Colombia by the different armed actors** to date.

The Colombian Constitutional Court, in its historic Ruling 092 of 2008 on women and displacement, recognised that **“sexual violence against women is a habitual, extensive, systematic and invisible practice within the Colombian armed conflict”**.

Nevertheless, as highlighted by Amnesty International, it is *“very hard to assess the extent of these crimes”* due to *“widespread under-reporting coupled with the failure of state institutions to gather accurate statistics”*. It is estimated that 82.1% of women victims of sexual violence in the armed conflict do not report these crimes (Sexual violence in Colombia: First Survey of Prevalence. Oxfam International and Casa de la Mujer, 2010).

In January 2012, the United Nations High Commissioner for Human Rights stated that *“in 2011, acts of conflict-related sexual violence attributed to illegal armed groups continued to be reported, some of which were particularly cruel”*. In 2011, 71 cases of sexual violence directly related to the armed conflict were reported. For the cases in which the presumed aggressor is known, responsibility is distributed in the following way: members of the Armed Forces - 47 cases; paramilitaries - 15 cases; guerrilla - 2 cases (INML and CF).

**Almost all of these cases have gone unpunished.** According to figures from the Attorney General's Office, by April 2011, only 842 incidents of sexual violence committed within the context of the armed conflict, were being heard by the ordinary justice system, and of these, 98.6% were in a situation of impunity (with only 11 convictions). Under the Justice and Peace Law (Law 975), of the 38,473 confessed incidents only 89 correspond to sexual violence (0.23%) and there have only been 2 convictions. Although the Constitutional Court ordered the General Attorney's Office (under Ruling 092 of 2008) to swiftly investigate 183 cases of sexual violence perpetrated by armed actors, by October 2012, just 11 convictions had been made.



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**“Colombia must increase its efforts to fight impunity for crimes of sexual violence”**. Margot Wallström, UN Special Representative on sexual violence in armed conflict, May 2012.

## Women, the main victims of forced displacement

There are between 3.9 and 5.5 million internally displaced persons in Colombia (official figures/Codhes). Of these, more than 80% are women and children (UNHCR).

**Colombian Constitutional Court Ruling 092 recognises the disproportionate impact of the internal armed conflict on Colombian women and makes a direct link between displacement and sexual violence.**

Ruling 092 of 2008 orders the Colombian government to create 13 protection programs for women in situations of forced displacement. However, to date the government has not complied with the order.

The Law on Victims and Land Restitution (Law 1448, June 2011) includes measures in favour of women, including the creation of special protection programs. At the end of 2012, none of these provisions had been implemented.



## Women human rights defenders

Women who work for the promotion and defence of human rights face greater risks because of their gender, including rape and sexual harassment, the use of offensive ideas about sexuality aimed at discrediting their personal reputation and their work, and threats and attacks against their children. This means that they require a special focus on their protection.



**According to the UN Special Rapporteur on the situation of human rights defenders "women defenders are at greater risk of suffering certain forms of violence and other violations, prejudice, exclusion and repudiation than their male counterparts".**

In 2012, 92 women defenders were victims of attacks (SIADDH). As the Special Rapporteur on violence against women has pointed out, in Colombia women defenders, and in particular women community leaders who defend land rights, indigenous peoples and ethnic or religious minorities, are particularly vulnerable and are some of the main victims of femicide (Report of May, 2012).

## Economic, social and cultural rights

There continues to be an employment gap between men and women. The unemployment rate is higher for women than men (12.3% compared to 7.4%), and women have generally been incorporated into the labour market as part of the informal economy, accepting precarious and exploitative conditions (58.5% of women work in sectors where informal work is prevalent – compared to 46.8% of men) (DANE – October 2012). Land rights are another example of this inequality: 72,871 men have rights to land, compared with 37,434 women; and there are 36,516 women and 80,220 men with formal land titles.

The maternal mortality rate remains very high in Colombia, with 92 deaths per hundred thousand live births (UNFPA, 2010).

## Political participation

Women currently fill 14% of seats in Congress. Only 16% of councillors, 10% of mayors and 9.3% of governors are women.

## In light of the serious violation of women's rights in Colombia, we recommend:

- Urging the Colombian State to implement the normative framework in an efficient and transparent manner - in particular Law 1257 – and United Nations recommendations on prevention, protection and access to justice with regards to violence against women.
- Showing concern about the situation of violence against women and monitoring the situation of impunity.
- Monitoring the implementation of UN Security Council Resolutions 1325 and 1820, on women and peace and security, in particular regarding the equal participation of women in the current peace process, including post-conflict reconstruction.
- Showing support for organisations which defend the rights of women and urging the Colombian State to guarantee specific protection measures with a differential focus, for women human rights defenders, including women community leaders and land claimants, in full consultation with them.

Acronyms used: CF – Forensic Sciences (Ciencias Forenses); CODHES - Consultancy for Human Rights and Displacement; DANE – National Administrative Statistics Department (Departamento Administrativo Nacional de Estadísticas); INML – National Institute of Legal Medicine (Instituto Nacional de Medicina Legal); LGBTI – Lesbian, Gay, Bisexual, Transexual and Intersex; ONIC - National Indigenous Organization of Colombia; PCN – Black Communities Process (Proceso de Comunidades Negras); SIADDH - Information System on Aggressions against Human Rights Defenders in Colombia; UN – United Nations; UNFPA – United Nations Population Fund; UNHCR – United Nations High Commissioner for Refugees.