

## **The Silences of Sexual Violence: Commission Faces Truth Deficits in Colombia**

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Following a half century of internal armed conflict, a peace agreement between the Colombian government and the FARC is finally within reach after two failed attempts. With millions of affected victims demanding truth and justice, the extensive involvement of victim-survivors and civil society in Colombia's current peace process is unprecedented and innovative. However, as all parties prepare for the formation of an investigative truth commission, certain silences within truth-telling efforts remain under-acknowledged throughout the country, particularly those of sexual violence against women, men, and children.

Colombia's armed conflict dates back to 1964.<sup>1</sup> The largest non-state actor, the Revolutionary Armed Forces of Colombia (FARC), originated as an armed Marxist peasant movement, which has since then grown to be one of the world's richest guerilla armies. The Colombian government, the FARC, and right-wing paramilitaries such as the notorious United Self-Defense Forces of Colombia (AUC) have all committed human rights violations, including murder, torture, forced displacements, and sexual violence, contributing to a total number of 7.6 million registered victims. However, conditions have modestly improved since the Colombian government directly began engaging in peace talks with the FARC in 2012.<sup>2</sup> The two sides are expected to sign the final peace agreement by March 26, 2016,<sup>3</sup> which would officially end the conflict and pave the way for the creation of a Truth Commission.<sup>4</sup>

### **The Truth Commission**

Colombia's Truth and Reconciliation Commission (*La Comisión para el Esclarecimiento de la Verdad, La Convivencia y la No Repetición*, or TRC) will play a crucial role in the transition to peace. A statement from the peace talks in Havana announced that the independent and impartial commission would have three objectives: to contribute to the clarification of conflict-related events and offer a full explanation of the complexity of the armed conflict; to promote the recognition of the victims; and to open an atmosphere of dialogue.<sup>5</sup> Colombia's TRC would consist of 11 commissioners, and would operate without judicial authority for three years after six months of preparation. Its long-term goals include clarification, the acknowledgment of human rights violations, and reconciliation in order to

<sup>1</sup> "The Guerrilla Groups in Colombia." United Nations Regional Information Centre for Western Europe. [Web](#).

<sup>2</sup> Strasser, Fred. "Q&A: Colombia Breakthrough a World Model for Peace Talks." United States Institute of Peace. September 4, 2015.

<sup>3</sup> "Colombia Peace Deal with Farc Rebels 'within Six Months'" BBC News. September 24, 2015. [Web](#).

<sup>4</sup> Cosoy, Natalio. "Colombia and Farc Announce Truth Commission." BBC News. June 4, 2015. [Web](#).

<sup>5</sup> "Informe Conjunto De La Mesa De Conversaciones Entre El Gobierno Nacional Y Las Fuerzas Armadas Revolucionarias De Colombia – Ejército Del Pueblo." Presidencia De La República De Colombia. June 4, 2015. [Web](#).

promote cohabitation and non-repetition. The Commission will focus on a range of violations including sexual violence, one of the most underreported crimes in Colombia. A gender subcommittee, established in September 2014, has specifically addressed sexual violence at the peace negotiations in Havana.

### **Women as Victims of Sexual Violence in Colombia**

Sexual violence, most frequently used as a weapon of terror against women, has been utilized with the highest level of impunity in Colombia's armed conflict. It has proven extremely effective as a form of cementing social control—paramilitaries sexually abused women as punishment for simple disobedience.<sup>6</sup> Sexual violence repeatedly has been used as a tool for public stigmatization; paramilitaries shave women's heads to inflict shame and to publicize their misconduct for trying to leave the house to socialize.<sup>7</sup> Many cases have reported assaults on individual women by several *guerrilleros*, including insults, physical injury, and death threats to women resisting sexual advances. This has occurred in both private and public settings, and even against children in front of their parents.<sup>8</sup> Many women in Colombia have even been subject to forced abortions and births, especially within guerrilla groups. Moreover, many abortion procedures were inadequate and took place very late in the pregnancies, resulting in high risks of health complications.<sup>9</sup> Thousands of women, especially indigenous and Afro-Colombian women have been deeply affected by sexual violence practices.

The *Registro Único de Víctimas* (RUV) reported that of 748 registered cases, 370 (49.5 percent) were committed by guerrillas, 344 (46 percent) by paramilitaries, and 8 (1.1 percent) by the Colombian army.<sup>10</sup> Sexual assault was often seen as collateral damage of war until the Colombian government issued Decree 092 in 2008, ordering authorities to protect women.<sup>11</sup> The Colombian government has recorded 9,360 women as victims of sexual violence during the conflict,<sup>12</sup> but according to Oxfam *Intermón* and *la Casa de la Mujer*, 489,687 Colombian women were sexually abused between 2001 and 2009.<sup>13</sup> However, Oxfam has concluded that during that period less than 18 percent of women reported their attacks.<sup>14</sup> Moreover, only 100 of the reported cases were likely to end in prosecution, resulting in an impunity rate of 98 percent.<sup>15</sup> Thus, by failing to provide a system of protection and prevention against these sexual violations, the Colombian government has allowed an enormous amount of cases to slip under the radar. This high level of impunity perpetuates a culture that allows this cycle of violence to continue destroying women's lives.

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<sup>6</sup> "Colombia: Women, Conflict Related Sexual Violence and the Peace Process." ABColombia. November 1, 2013. [Web](#).

<sup>7</sup> Ibid

<sup>8</sup> Greiffenstein, Ignacio. "Colombia: Sexual Violence as a Weapon of War Part 2." Latin America Freedom & Justice Hub. August 6, 2015. [Web](#).

<sup>9</sup> Greiffenstein, Ignacio. "Colombia: Sexual Violence as a Weapon of War Part 1." Latin America Freedom & Justice Hub. July 15, 2015. [Web](#).

<sup>10</sup> Centro Nacional de Memoria Histórica. "Capítulo 1: Las dimensiones y modalidades de la guerra." In *¡Basta Ya! Colombia: Memorias De Guerra Y Dignidad*, 80. 2013.

<sup>11</sup> Greiffenstein, Ignacio. "Colombia: Sexual Violence as a Weapon of War Part 1."

<sup>12</sup> Ibid

<sup>13</sup> Ibid

<sup>14</sup> "In Colombia, Women Affected by Conflict Are Agents of Social Change." The International Center for Transitional Justice. June 11, 2014. [Web](#).

<sup>15</sup> Ibid



*¡Basta Ya!*, a report of victims' memories of the armed conflict in Colombia was released in 2013 by the government's Historical Memory Group (GMH), reveals that governmental institutions have failed to properly assist victims of sexual assault.<sup>16</sup> Legal procedures are inadequate and ultimately re-victimize women, as medical and government officials oftentimes refuse to believe their stories. One woman testified, for example, that when she sought assistance by reporting her assault to a government official he refused to believe her, arguing that she was too "old and ugly" to be raped.<sup>17</sup> By failing to provide access to protection and assistance, Colombia has forced its sexual violence victims to live in fear.

The approach of Colombia's TRC in addressing sexual violence is crucial for a peaceful transition within the country. Sexual violence has severe physical and psychological implications on women and must be brought to light to achieve reconciliation and non-repetition.

### International Truth Deficits

However, spearheaded by the GMH, truth-telling efforts in Colombia contain certain silences that reflect a long-lasting, flawed perception of gender violence and gender roles internationally—abetted by the United Nations. At the United States Institute of Peace's (USIP) Colombia Peace Forum on September 30, 2015, Dr. Kimberly Theidon explained the nature of these truth-telling silences, or "truth deficits," in the context of gender violence: "These truth deficits reflect, in part, certain silences, absences, and erasures in the Women, Peace and Security agenda itself as currently conceived.... [The] Women, Peace and Security agenda is a hard-won feminist victory. I'm going to argue it's also an ambivalent one."<sup>18</sup>

The Women, Peace and Security agenda was conceived in 2000 with the passage of UN Security Council Resolution 1325, the first resolution addressing the disproportionate impact of armed conflict on women.<sup>19</sup> Despite their innovative nature, Resolution 1325 and a series of UN resolutions from 2008 to 2013 that form part of the Women, Peace and Security agenda shift the focus away from gender equality to conflict-related sexual violence against women and girls.<sup>20</sup> Although women represent the majority of victims,<sup>21</sup> strikingly absent in the UN resolutions—and in the Women, Peace and Security agenda as a whole—are men and boys as victims of sexual violence, not just perpetrators hovering in the margins.<sup>22</sup>

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<sup>16</sup> Centro Nacional de Memoria Histórica. *¡Basta Ya!* 77.

<sup>17</sup> Ibid. 77.

<sup>18</sup> Theidon, Kimberly. Lecture, Colombia Peace Forum: *¡Basta Ya!* Historical Memory and Transitional Justice in Colombia, Carlucci Auditorium, United States Institute of Peace, Washington, DC, September 30, 2015.

<sup>19</sup> "Women, Peace and Security." United Nations Peacekeeping. [Web](#).

<sup>20</sup> In specific reference to UN resolutions 1820, 1888, 1889, 1960, 2106, and 2122 (available on the UN's Peacekeeping [website](#))  
Theidon, Kimberly. Lecture, Colombia Peace Forum.

<sup>21</sup> "Chapter 6: Sexual Violence." In World Report on Violence and Health, 156. 2002.

<sup>22</sup> Theidon, Kimberly. Lecture, Colombia Peace Forum. Note: The Security Council also stresses the "urgent need to mainstream a gender perspective into peacekeeping operations," Resolution 1325 as well as the "important role of women in the prevention and resolution of conflicts and in peacebuilding" in Resolution 1820. One of the implicit understandings of the agenda is that women are intrinsically peace-seeking individuals, or as Dr. Theidon has stated, "Have womb, ergo look for peace."



These UN Security Council resolutions on Women, Peace and Security thus contribute to a skewed understanding of sex and gender relations that conditions the work of truth and reconciliation commissions within transitional justice throughout the world.

### Men as Victims of Sexual Violence

Scant reporting on male victims of sexual violence continues to present a problem. Belén Sanz, the national coordinator for UN Women in Colombia, noted that of 226,898 sexual violence cases presented to the National Institute of Legal Medicine and Forensic Sciences in the years 2012 to 2014, 75 percent of victims have been identified as women, and 25 percent as men.<sup>23</sup> It is estimated that only 18 percent of sexual violence crimes on women are even reported,<sup>24</sup> but the statistics in this category for men are virtually unknown.

In part, the underreporting of male sexual violence is due to the lack of a concrete international definition of sexual violence.<sup>25</sup> This lack of clarity is coupled with a focus on women and girls as victims. According to the World Health Organization (WHO), for instance, “a wide range of sexually violent acts can take place in different circumstances and settings [...] for example: violent acts against the sexual integrity of women, including female genital mutilation and obligatory inspections for virginity.”<sup>26</sup> Despite the highlighting of prominent instances of sexual violence, gender-specific language has effectively barred men from receiving equal attention, treatment, or even the status of sexual violence victims.

Moreover, it seems as though a modern understanding of what exactly constitutes sexual violence is not based on the nature of the crime, but instead the gender of the body on which it is committed. Male sexual violence is frequently re-categorized as a form of torture,<sup>27</sup> and often not detected by medical workers on the ground. This contributes to ongoing silences in modern truth-telling efforts and only further promotes a notion of incompatibility between masculinity and victimization,<sup>28</sup> which is particularly evident in Colombia’s pervasive *machismo* culture.<sup>29</sup>

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<sup>23</sup> Sanz, Belén. Lecture, Libertad De Expresión Y Violencia Sexual En Colombia De Cara Al Proceso De Paz, CEJIL, Washington, DC, October 21, 2015. Note: this is the report she is referring to: “2014 Forensis: Datos Para La Vida.” *Medicina Legal Y Ciencias Forenses* 16, no. 1 (2015). [Web](#).

<sup>24</sup> Guggenheim, Julia, and Alice Bradshaw-Smith. “Who Commits Most Sex Crimes in Colombia’s Armed Conflict?” *Colombia Reports*. April 20, 2015. [Web](#).

<sup>25</sup> The UN utilizes vague language in its definition of sexual violence, “sexual violence under international law encompasses rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, trafficking and *any other form of sexual violence of comparable gravity*” See: “Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements.” New York: United Nations Department of Political Affairs, 6, 2012.

<sup>26</sup> “Chapter 6: Sexual Violence.” In *World Report on Violence and Health*, 149-150. 2002.

<sup>27</sup> For example, the Peruvian TRC final report included a testimony of the electric shock of male testes under its section on torture, despite depicting a clear form of genital mutilation and enforced sterilization. See: “Volumen 6: Crímenes.” *Reporte Final. Comisión de la Verdad y Reconciliación, CVR, Peru*. 2003, 247.

<sup>28</sup> Sivakumaran, Sandesh. “Sexual Violence Against Men in Armed Conflict.” *The European Journal of International Law* 18, no. 2 (2007): 255-256. doi:10.1093/ejil/chm013.

<sup>29</sup> Perhaps the greatest reason for the underreporting of male sexual violence is the current understanding of gender roles and masculinity in Colombia and Latin America as a whole. This *machismo* culture is particularly notable in Colombia, where roughly two-thirds of the population is opposed to same-sex marriage. This has profound effects on victim-survivors, who simply refuse to



The GMH falls short of providing a comprehensive depiction of gender violence in Colombia. *¡Basta Ya!* examines the effects of the armed conflict on victims of all genders, with section 4.3.2 referring to the emasculation of male victims. However, this emasculation is exclusively limited to men who are forced to take on the household roles of their deceased or disappeared wives, or the powerlessness of male witnesses of murder and female sexual violence.<sup>30</sup>

While the GMH fails to fully depict men as direct victims of sexual violence,<sup>31</sup> *¡Basta Ya!* promotes a novel approach to investigating gender violence in Colombia by including the use of sexual violence against male and female recruits in the barracks. Like the Peruvian TRC,<sup>32</sup> *¡Basta Ya!* mentions both forced recruitment and sexual violence as prominent crimes against minors,<sup>33</sup> but also includes testimonies of sexual violence against male recruits.<sup>34</sup> The GMH does not mention the frequency of sexual violence within the armed groups; however, it does suggest a larger system of sexual violence: “The men who commit these crimes, rather than responding to uncontrollable instincts unleashed in the midst of an armed conflict, are reacting to incentives or sanctions that have been established by commanders and leaders of each armed group.” The investigation of systematic sexual violence against male recruits can provide valuable insight as to how sexual violence in the barracks can induce them to perform the same acts on the civilian population.<sup>35</sup>

As Colombia prepares for peace, its Truth Commission will face challenges. *¡Basta Ya!* is in some respects a powerful record of historical memory in the country, but it contains silences and erasures pertaining to sexual violence that must be addressed.

## Recommendations

While the Colombian government must take concrete action and implement an effective plan to reduce and eliminate sexual violence in the country,<sup>36</sup> the pending Truth Commission can set an example for the improvement of sexual violence truth-telling efforts.

Colombia’s TRC must adequately protect human rights defenders, community leaders, and victims from retaliation by offenders. The Commission must also address sexual violence as an urgent matter, and treat each victim’s testimony with impartiality, eliminating speculation. Necessary psychological support must be provided to victims and a follow-up report should be compiled on the status of survivors that have shared their stories.

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speaking up in fear of emasculation. See "The Rainbow Tide: Spreading Gay Rights Show the Clout of a Secular Middle Class." *The Economist*. October 10, 2015. [Web](#).

<sup>30</sup> Centro Nacional de Memoria Histórica. *¡Basta Ya!* 311-314.

<sup>31</sup> *Ibid* 310. Translated by author (Miguel Salazar).

<sup>32</sup> Sexual violence as a method of forced recruitment has been noted in the Peruvian TRC in specific reference to women and girls despite the fact that over 80 percent of forced recruits were men and boys. See: "Volumen 6: Crímenes." *Reporte Final. Comisión de la Verdad y Reconciliación, CVR, Peru. 2003, 273.*

<sup>33</sup> Centro Nacional de Memoria Histórica. *¡Basta Ya!* 261.

<sup>34</sup> *Ibid* 82-84.

<sup>35</sup> *Ibid* 84. Translated by author (Miguel Salazar).

<sup>36</sup> Amnesty International. *Colombia: Hidden from Justice*. 2012. [Web](#).



Male sexual violence must not be recorded erroneously under the rubric of torture; such mischaracterization only reinforces the notion that men simply cannot be victims of sexual violence.<sup>37</sup> In addition, systematic sexual violence against male recruits should be investigated thoroughly, as it may develop a propensity in recruits to commit sexual violence against civilians.

To avoid reopening psychological wounds, survivors of sexual violence are often reluctant to provide testimonies.<sup>38</sup> In order to relieve victim-survivors of the truth-telling burden, one possible solution would be to turn greater attention towards perpetrators as an alternative mechanism for recording sexual violence.<sup>39</sup> This, however, has not proven to be feasible in Colombia as evidenced in the paramilitaries' *confesiones libres* in 2005.<sup>40</sup> Instead, witness accounts should be considered to play a larger role in the identification of sexual violence and the prosecution of offenders.

## Conclusion

Sexual violence in Colombia has developed freely for decades due in large part to a broken system that has failed to protect victims and prevent future abuses. The current peace talks show a strong commitment to address this issue, but represent only the beginning of a long reconstruction and reconciliation process. If Colombia's Truth Commission properly addresses sexual violence, it can pave the way for the inclusion of male victims within a larger international debate and thus present an alternative to the modern understanding of gender roles in times of war. With victims and civil society at the forefront of truth-telling efforts, Colombia's peace process has the opportunity to shift the scope and mechanism of modern truth and reconciliation commissions.

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<sup>37</sup> Sivakumaran, Sandesh. "Sexual Violence Against Men in Armed Conflict." 256.

<sup>38</sup> Debate has ensued regarding the healing potential of truth and reconciliation commissions. While TRCs may heal wounds of victim-survivors, whose pain has not been previously acknowledged publically, they may also exacerbate or renew trauma by burdening survivors with truth-telling. This is particularly true of male victims, as many simply refuse to speak up in fear of emasculation. Even if male survivors are willing to come forth with testimonies, "they may find that, as victims also of masculine stereotypes, they do not have the right words to express themselves." See: Sivakumaran, Sandesh. "Sexual Violence Against Men in Armed Conflict." 255. See also: Laplante, Lisa J, and Kimberly Theidon. "Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru." *Human Rights Quarterly* 29 (2007): 237.

<sup>39</sup> Dr. Theidon highlighted the "obsession" of the Peruvian TRC in obtaining reluctant testimonies from victim-survivors of sexual violence: Theidon, Kimberly. Lecture, Colombia Peace Forum

<sup>40</sup> The 1,754 cases of sexual violence included in *¡Basta Ya!* sits in stark contrast with the mere 96 instances of sexual violence confessed to by paramilitaries in their *confesiones libres* of 2005, who are the largest perpetrators of this specific crime. Given that sexual violence is considered a crime against humanity and will be penalized in Colombia, perpetrators will be even more reluctant to provide testimonies. See: Centro Nacional de Memoria Histórica. *¡Basta Ya!* 78. See also: Guggenheim, Julia, and Alice Bradshaw-Smith. "Who Commits Most Sex Crimes in Colombia's Armed Conflict?" Colombia Reports. April 20, 2015. [Web](#).

