



**LESSONS LEARNED FROM ARMED  
CONFLICTS IN COLOMBIA AND GUATEMALA  
TO PREVENT VIOLENCE AGAINST GIRLS  
AND WOMEN**

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# Introduction

The armed conflicts in Colombia and Guatemala were among the most extensive and violent in Latin America. Sexual violence was used as a weapon of war to subject women and communities to control and fear, in addition there were multiple forms of sexual violence and the perpetrators acted with absolute impunity. Over time, many of the survivors of sexual violence during the armed conflicts in both countries are breaking the silence and beginning to demand justice; They also demand strong actions to prevent these events from recurring and to end violence against girls and women in the present.

The conflict in Colombia, which seemed to end with the signing of the Peace Accord, lasted six decades (1960-2016) and involved various armed groups - guerrillas and paramilitaries, several linked to drug trafficking - and the armed forces of the Colombian state. The National Centre for Historical Memory (CNMH for its name in Spanish, Centro Nacional de Memoria Histórica) recorded that 218,094 people died; there were 27,023 victims of kidnapping; 11,751 victims of massacres; 25,007 victims of forced disappearance; 5,712,506 victims of forced displacement; and 1,754 victims of sexual violence (CNMH, 2012). In Guatemala, the Commission for Historical Clarification (CEH for its name in Spanish, Comisión para el Esclarecimiento Histórico) established that during the armed conflict (1960-1996) more than 200,000 people died, 45,000 disappeared and more than one million were internally displaced. It estimated that on average 75% of the direct victims of all crimes (arbitrary executions, torture, deprivation of liberty) were men and 25% were women. However, in the case of enforced disappearance, 88% were men and 12% women. In the case of sexual violence, 99% of the victims were women, and 88.7% were Mayan women (CEH, 1999: 19).

In both countries, the signing of the Peace Accords was positive, but violence in general and sexual violence continue to affect the lives of women, particularly indigenous women in the case of Guatemala and rural women in Colombia. There are still regions with high levels of conflict, and sexual violence continues to be used as a mechanism to exert control and fear over women and their communities. Similarly, judicial processes for acts of sexual violence in the context of conflict in both countries have provided important lessons learned and have resulted in landmark and ground-breaking sentences. Nevertheless, impunity levels remain high. As the UN Secretary-General stated in 2020, on the occasion of the 15th anniversary of the adoption of the principle of the Responsibility to Protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity, “systematic and grave human rights violations; widespread impunity; hate speech, exclusion and discrimination ... can all increase the risk of atrocity crimes, including war crimes and crimes against humanity” (United Nations, 2021:2).

This Policy Paper aims to identify good practices of policies and

measures to prevent sexual violence and violence against girls and women in post-conflict countries, based on the experiences of Guatemala and Colombia. These can contribute to the design and implementation of measures to prevent sexual violence. The document was prepared on the basis of case studies in each country by member organisations of Global Action Against Mass Atrocity Crimes (GAAMAC), as part of the Americas Initiative, Corporación Humanas in Colombia and Impunity Watch in Guatemala.

This document is organised into four chapters, the first on sexual violence, its use in war contexts and as an atrocity; the second on measures that have been implemented by states and civil society; the third on lessons learned; and finally a chapter with recommendations.

## 1. Sexual violence against women



Photo: Gabriela Eraso Villota. Colombia

Sexual violence is one of the most serious forms of violence, occurring mainly against women, but also affecting men, with particular impacts. It has various impacts: physical; emotional, psychological and sexual; and on the social, family and community life of the victims. In addition, these impacts can exacerbate one another and persist over time with various manifestations when they are not adequately addressed (Benjumea Rúa and Loaiza Zapata, 2018; Loaiza Zapata, 2018 and Kauffman, 2019).

In Colombia, the Single Registry of Victims (RUV for its name in Spanish, Registro Único de Víctimas<sup>1</sup>) includes 29,622 victims of crimes against sexual integrity and freedom that occurred between 1985 and 2019, 91.12% of the victims being women (Victims Unit, 2020).<sup>2</sup> According to this source, the highest concentration of incidents occurred between 2000 and 2005, which coincides with the most intense years of the armed conflict in territories disputed by the paramilitaries against the guerrillas. In Guatemala, there is no registry that allows a comparison over the years of the prevalence of sexual violence against women before, during and after the conflict. However, data from the most recent years allow us to deduce an increase in acts of sexual violence, from 2017 to 2020. According to the National Institute of Statistics (INE for its name in Spanish, Instituto Nacional de Estadísticas) in the year 2017, 19 women were raped every day. The Public Prosecutor's Office registered 9005 rape victims and 4682 sexual assault victims in 2019, and in 2020 it registered 7676 rape victims and 3960 sexual assault victims. Adolescent girls are the group most vulnerable to rape in Guatemala. According to data from the Public Prosecutor's Office, 20% of the victims of crimes related to violence against women since 2019 have been girls and adolescents.

<sup>1</sup>The Registro Único de Víctimas (RUV) is the national registry of victims of violence related to the armed conflict. It was created so that victims could access state assistance. It registers the victimising events experienced by people from 1 January 1985 to the present day, considering that the armed conflict persists.

<sup>2</sup>Figures as of 1 January 2020. Available at: <https://www.unidadvictimas.gov.co/es/ruv/37385>

## a. Structural causes of sexual violence against women

In Latin America, the structural causes of sexual violence are historical and derive from unequal patriarchal and colonialist power relations. As such, various dimensions of race, ethnicity, gender, class and sexual identity are interrelated. These are power relations that are based on the inferiorisation of women, or what is considered feminine, articulated with the inferiorisation of indigenous and Afro-descendant peoples, using sexual violence as a tool for sexual, racial and class-based dispossession. Thus, sexual violence affects women throughout their lives, from childhood and adolescence, in times of conflict and “peace”

The perpetrators are usually people close to the girls or women, however, when it comes to sexual violence in the context of conflict, the perpetrators are usually from the group that wants to take control of a population or territory. The perpetrators, forms and contexts of sexual violence may vary, but there is always a motive of control, domination and power over the victims or towards the group to which they belong. One of the aims of sexual violence is domination: with it, the aggressor “demonstrates that you can do whatever you want with whomever you want; it is the crudest form of exercising dominance: entering into possession of someone through the invasion or use of their body, their intimacy or their sexuality” (Corporación Humanas, 2009:23).

Because of the underlying causes of gender and racial inequalities, sexual violence does not end when conflicts end. If the structural causes of inequalities are not addressed and prevention measures are not put in place, sexual violence continues to affect the lives of women and their communities, creating contexts in which atrocities may be repeated. The sexual violence faced by indigenous women throughout history is an example of the continuum of violence and the historical cycle of the use of sexual violence to dominate, control and exercise power. In this context, sexual violence against indigenous women has its origins in the early part of the 16th century, when the systems of patriarchal and colonial domination in Latin America were interconnected for the purpose

of subjugating Indigenous Peoples, and persists to this day.

## b. Sexual violence in the armed conflicts of Colombia and Guatemala

Sexual violence in modern conflicts, as an expropriation of control over women’s bodies, is used to gain control over a space or area in the context of wars (Rita Segato cited by CNMH, 2017:21). The forms and reasons why sexual violence in conflict settings occurs vary according to each conflict and the actors involved. This paper analyses the ways in which it has occurred in the contexts of Guatemala and Colombia, as a weapon of war and constitutive of other crimes against humanity, as spoils of war, and as a systematic practice derived from unequal gender relations.

One of the ways in which sexual violence against women has been used has been to symbolically humiliate and emasculate men, an objective founded on the heteropatriarchal idea of manhood, whereby women and their bodies are appropriated by men, in non-war contexts by the men of the family, and in contexts of armed conflict by the men of the other side. Men must assert this privilege of appropriation and defend their property. “[T]he duty to protect women from sexual violence is not only a benevolent obligation, but also a reflection of women’s subordinate position vis-à-vis men, and the belief that their bodies do not belong to them, but to a man (father, and later her husband)” (Humanas, 2019: 176). In this way, sexual violence against women is a way of attacking men, as it demonstrates the failure of the male duty to “protect their women.” War settings foster these ideas of masculinity by reinforcing men’s conceptions of violence and the use of weapons, creating militarised ideas and models of masculinity.

Following the jurisprudence of the International Tribunals of the former Yugoslavia and Rwanda in classifying sexual violence as an act constituting genocide and crimes against humanity (Walsh 2008; Chappell 2014), the conflicts in Colombia and Guatemala confirm how sexual violence is used as a weapon of war, and the bloody ways in which it was used in combination with other crimes. In Colombia, the CNMH recognised that

sexual violence “was part of strategic events within the war logic of the armed actors, such as massacres, displacements and dispossessions, defined by the message of intimidation that was directed at the population” (Linares and Sierra, 2014:72, cited by CNMH, 2017: 71). Corporación Humanas has found that sexual violence, in addition to domination, has also been committed to regulate, silence, obtain information, punish, expropriate, exterminate, reward, and unify or symbolically reinforce hierarchies within an armed structure (2009:23).

In Guatemala, the CEH has stated that sexual violence was used as a weapon of war and constituted genocide. “Cases of mass or indiscriminate and public rape were recorded in areas of high indigenous concentration, as a common practice after the installation of military outposts and Civilian Self-Defense Patrols (PAC for their name in Spanish, Patrulleros de Autodefensa Civil), prior to massacres or as part of scorched-earth operations...” (CEH, 1999: 13). It explains that “rape was a widespread and systematic practice carried out by State agents in the framework of the counter-insurgency strategy, amounting to a real weapon of terror and a serious violation of human rights and international humanitarian law. The direct victims were mainly women and girls (CEH, 1999: 13). This was confirmed by the ruling in the Ixil Genocide case.<sup>3</sup> The organization Consorcio Actoras de Cambio (Women Actors of Change Consortium) identified six ways in which sexual violence was used as a weapon of war during the internal armed conflict, and which are similar to the uses and contexts identified by Humanas: as counter-insurgency policy (territorial control, in massacres, to dismantle guerrilla support and bases, in selective repression, during forced displacement, and as sexual slavery); as a form of torture, to silence, and to obtain information; as a strategy of terror, to punish in situations of selective repression; as part of genocide, to exterminate the group; as femicide; as abuse within the guerrilla due to gender power relations (Fulchiron, Paz, &

López, 2009).

The impacts on indigenous and Afro-descendant women in both conflicts are evidence of the racism and discrimination in Latin American countries, particularly in Guatemala, where indigenous and Afro-descendant people make up 44% of the population is according to the 2018 census, while in Colombia it is 13%. Sexual and other gender-based violence against racialised women is the result of the intersection of gender, ethnicity and class and reveals the pyramidal social structure inherited from colonial culture that determines who has power, access to resources and guaranteed rights and who does not. These forms of violence are rooted in racist and sexist worldviews, which are used to legitimise the violation of rights and reveal a continuum between the various forms of violence of structural racism and armed conflict.

In the case of Guatemala, the main victims of sexual violence were indigenous women. Of every 10 women who suffered sexual violence, nine were indigenous. Victoria Sanford (quoted in Muñoz, 2013:16) notes that in places such as Rabinal, in 1981 women (adults and girls) constituted 14% of the victims of massacres, and in 1982 this figure rose to 42%. This exemplifies how the state’s counter-insurgency policy directly targeted Mayan peoples, including women. The narratives and stereotypes arising from the racist servitude of colonialism were central to the fact that during the armed conflict indigenous women were taken to military outposts to “serve” the soldiers, as will be seen later in the Sepur Zarco case. As in Guatemala, in Colombia the racist stereotype of inferiority of indigenous women prevails, which leads to the idea of “the absolute availability of the bodies of girls and women, based on the deepening of the human/non-human dichotomy, which in this case corresponds to bodies seen as “animalised, savage” (CNMH, 2017:305-306). In the case of Afro-Colombian and black women in Colombia, these narratives stem from the era of the trade and trafficking of slaves, when a number of

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<sup>3</sup>On 10 May 2013, a national court convicted the former de facto head of state, General José Efraín Ríos Montt, of genocide and crimes against humanity committed between March 1982 and October 1983 against the Maya Ixil people. It was the first time that a head of state had been tried and convicted by his own country’s justice system. Twenty days later, opposition campaigns by the country’s economic and military elites succeeded in getting the Constitutional Court to annul the process until before the trial, repeating the trial three years later. Ríos Montt died during the retrial.

stereotypes emerged that represent black women as “sexual objects” and sexualised bodies available to be accessed and subjugated by men who consider themselves “owners” (CNMH, 2017:297). The RUV reports that 19.5% (5,263) of the victims of crimes against sexual integrity are black or Afro-Colombian, 5% (1,372) are indigenous, and 0.3% belong to other ethnic identities.

The signing of the two Peace Accords has not entailed a decrease in violence against women; rather, women continue to experience exacerbated forms of violence, as demonstrated by the data shared at the beginning of this chapter. In Colombia, there continue to be serious human rights violations, some committed by the security forces and others associated with the actions of the armed actors that reorganised themselves once the FARC-EP laid down their arms and the Colombian government failed to generate the necessary conditions to guarantee security in the territories previously occupied by these guerrillas. In Guatemala, indigenous women continue to be affected by serious violations of their rights, particularly in areas subject to land conflicts where indigenous populations are defending their territory and natural resources or are demanding basic rights. Indigenous women are criminalised, abused, criminally prosecuted and imprisoned on charges of kidnapping or invasion of property or protected areas. In most of these cases, business and state interests converge and make use of state security forces to commit these aggressions, as happened during the internal armed conflict.

## 2. Measures to prevent sexual and gender-based violence

Prevention measures are essential in order to ensure that these crimes, recognised as atrocities and crimes against humanity, do not continue to happen. Women’s and feminist organisations in both countries have implemented a number of initiatives to try to combat the sexual violence experienced by women. This has prompted the States themselves to take some measures.

In addition, there is an international normative framework that States have a responsibility to implement domestically. Global instruments on women’s rights, or specific ones on discrimination against women and violence against women, include measures for the prevention of sexual violence and have served as an important guidelines. Examples include the Convention on the Elimination of Discrimination Against Women (CEDAW) and General Recommendations 19 (on violence against women) and 35 (updating Recommendation 19), Recommendation 30 (specifically on the prevention of sexual violence in conflict) and 34 (on rural women), the Inter-American Convention of Belém do Pará, the Beijing Declaration and Platform for Action, and General Recommendation 25 of the Committee on the Elimination of Racial Discrimination (CERD) on gender-related dimensions of racial discrimination. UN Security Council Resolution 1325 and related

*In Guatemala, the main victims of sexual violence were indigenous women.*

resolutions on Women, Peace and Security, which directly address the situation of women in war and post-war contexts and emphasise the prevention of conflict and sexual violence, have been an important framework for justice processes in both countries, and for women's participation in the Colombian peace process, as will be seen below. These instruments establish an important basis for the creation of prevention measures that States should implement and enforce.

## a. State Measures

In both countries, the States have passed a series of legal instruments and public policies as a result of the advocacy of the women's and feminist movement. Most of these regulations have emerged to address the problem of violence against women, from prevention to reparations for survivors. The main focus has been on violence against women and sexual violence, derived from the unequal gender power relations faced mainly by women. In the case of Guatemala, there are no laws or public policies that specifically address the prevention of sexual violence in conflict or post-conflict contexts, despite the fact that it has been 25 years since the signing of the Peace Accords. In Colombia there have been important advances in the creation of laws and specific policies to address violence arising from the internal armed conflict.

## Peace Accords

*The Guatemalan Peace Accords*, signed in 1996, established that in order to overcome the conditions that generated the armed conflict and build guarantees of non-repetition, the structures of the justice system had to be democratised, creating an institutionalism attached to truth and justice that could also be pluralistic and gender-equitable. Sexual violence was not directly addressed, nor were there any prevention measures. Institutions such as the Presidential Secretariat for Peace, the National Compensation Programme, the Women's Forum, the Land Fund and the National Commission for the Peace Accords were created, which implemented some measures such as compensation for victims of sexual violence and the promotion of women's participation in peacebuilding. Likewise, the context of the years following the signing of the Peace Accords favoured the creation of an institutional framework for indigenous women and peoples, the Presidential Secretariat for Women (SEPREM for its name in Spanish, Secretaría Presidencial de la Mujer), the Office for the Defence of Indigenous Women (DEMI for its name in Spanish, Defensoría de la Mujer Indígena), and the Presidential Commission against Discrimination and Racism (CODISRA for its name in Spanish, Comisión Presidencial contra la Discriminación y Racismo). However, all of these institutions are subordinate to the president,



Photo: IW Archive. Nobel Peace Prize Rigoberta Menchú. Guatemala.

limiting their activity and their binding nature in relation to other State institutions. 25 years after the Peace Accords were signed, the institutional framework they created has been weakened since 2012 and several institutions were closed without having achieved all the commitments established in the Peace Accords. For example, the National Reparations Programme (PNR for its name in Spanish, Programa Nacional de Resarcimiento) never managed to implement an adequate policy for the care of survivors of sexual violence during the internal armed conflict (Impunity Watch, 2018).

**The Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace in Colombia**, for its part, recognised that sexual violence is one of the “least visible but no less painful forms of victimisation” (2016:126). It envisaged measures for responding to, investigating and punishing sexual violence, but did not specify measures for prevention. Nevertheless, some measures implemented can be important for prevention, such as the National Plans for Comprehensive Rural Reform, designed to overcome inequalities in the territories most affected by the armed conflict and to strengthen institutions (Implementation Framework Plan, 2018:34); the updating of the Early Warning System that incorporated risk categories for women (CERAC-CINEP, 2020:21); the awareness-raising campaigns on gender-based violence in the process of reintegrating ex-combatants and security guarantees (CERAC-CINEP, 2020:27). Finally, the System of Truth, Justice, Reparation and Non-Repetition recognises that sexual violence against women is one of the lines of clarification of what happened in the armed conflict (CERAC-CINEP, 2020: 41), and is one of the crimes under the jurisdiction of transitional justice. In addition, the advocacy of women’s organisations, mainly Cinco Claves, ensured that in the framework of the Peace Accord, violent sexual intercourse and other forms of sexual violence were not subject to amnesty or pardon, the only peace agreement in the world that so far establishes this.

Colombian women’s organisations have criticised the denial of sexual violence that has taken place and the lack of progress in investigation, prosecution and punishment. They have highlighted the need for research methodology aimed at recognising sexual violence in the development of the armed

conflict, and to contribute to establishing individual and command responsibility. They have proposed the opening of a national case focused on sexual violence, reproductive violence and other violence determined by the sexuality of the victims (Cinco Claves, 15 July 2021).

### **National Legislation**

*In Guatemala* there are four laws that address the prevention of violence against women: Law to Prevent, Punish and Eradicate Domestic Violence (Decree 07-96); Law for the Dignification and Overall Promotion of Women (Decree 7-99); Law against Femicide and other Forms of Violence against Women (Decree 22-2008); Law against Sexual Violence, Exploitation and Trafficking in Persons (Decree 9-2009). The Law against Femicide was an important step forward in providing a legal framework for the analysis and understanding of violence against women as a product of unequal power relations and for the creation of specialised courts. It establishes that “the governing body for policies relating to the prevention and eradication of violence against women will be responsible for inter-institutional coordination, the promotion and monitoring of awareness-raising campaigns and the creation of spaces for discussion for the coordination and promotion of public policies for the prevention of violence against women and femicide, which are considered of national urgency and social interest, in accordance with the international commitments signed and ratified in this area” (Art. 4). Likewise, the Law against sexual violence and trafficking in persons, Decree 9-2009, addresses the problem of sexual exploitation and trafficking in persons, within the context of migration and forced labour.

These forms of violence are becoming increasingly complex with globalisation, drug trafficking and organised crime. Both laws have been a tool that has slowly contributed to the denormalisation of violence against women. As Sonia Acabal of the Red de la No Violencia (No Violence Network) states, the passing of legislation has contributed to the fact that certain cases of violence in some women’s lives has been prevented from continuing. However, even in cases where violence has been reported, security measures are not complied with (interview with Sonia Acabal, 2021). In community discussion circles, women indicate that when

*Violence is becoming increasingly complex with globalisation, drug trafficking and organised crime.*

men learn that there are laws that protect women, they are initially afraid, but when they see that the law does not reach them, their violent behaviour is reaffirmed and can worsen (Cumes, 2019). Of the complaints received, only 8% result in a sentence; many cases are dismissed or resolved in other ways, such as abbreviated proceedings (Impunity Watch, 2020). The main advances have been in the specialisation of the justice system, but not in violence prevention measures, despite the fact that all laws propose a plan to prevent violence. No law includes a consideration of the prevention of sexual violence in conflict situations.

*In the Colombian case,* In the Colombian case, there have been important advances in the creation of specialised legislation for sexual violence occurring within the framework of unequal gender relations and in the context of the armed conflict. Law 1257 of 2008<sup>4</sup>, the result of advocacy by the women's movement, aims to guarantee all women a life free of violence, both in the public and private spheres (art. 1), and therefore aims for comprehensive action by including information, prevention, guidance, protection, punishment, reparation and stabilisation (art. 6 no. 4). With regard to violence against women in the armed conflict, the national government must strengthen the entities responsible for prevention, protection and care, particularly in areas affected by the armed conflict; develop prevention, care and care programmes for women displaced by violence who live as women; and adopt measures to investigate and punish acts of violence against girls and women committed by the security forces. Law 1719 of 2014 aims to guarantee access to justice for women victims of sexual violence, especially in the context of the armed conflict. In terms of prevention, this law mandates "a special public report on sexual violence during the armed conflict" as part of the initiatives of historical memory for victims (art. 29); and the strengthening of the Ministry of Defence's policy on sexual and reproductive rights, equity and gender-based violence. Law 1761 of 2015 typified femicide as an autonomous crime, and established guidelines for due diligence in the investigation and prosecution of femicide. There are also two rulings by the Constitutional Court: Order 092 of 2008 which mandated the creation of 13 programmes to address the differentiated impact of displacement, including the "Programme for the Prevention of Sexual Violence against Displaced Women and Comprehensive Attention to its Victims"; and Order 009 of 2015 which recognised that sexual violence continues to be a risk for women and also concluded that, despite the existence of various measures that can contribute to prevention, including public policy initiatives (CONPES 3784 of 2013), the actions of the State are characterised by "isolated and uncoordinated activities provided by each entity", and therefore do not have an impact on the effective enjoyment of rights.

<sup>4</sup>Which enacts norms for awareness-raising, prevention and punishment of forms of violence and discrimination against women; reforms to the Criminal Code, the Criminal Procedure Code, Law 294 of 1996; and other provisions.

## Public Policies

There are no public policies to prevent sexual violence as an atrocity. However, there are policies that can contribute to prevention. In the case of Guatemala In the case of Guatemala there are two public policies focused on prevention, the National Plan for the Prevention and Eradication of Violence against Women 2020-2029 (PLANOVI for its name in Spanish, Plan Nacional para la Prevención y Erradicación de la violencia contra las mujeres); and the National Policy for the Prevention of Violence and Crime, Citizen Security and Peaceful Coexistence 2014-2034. The PLANOVI includes reparation in cases of transitional justice as an action that can contribute to prevention, considered as measures to improve the living conditions of survivors and their communities. The National Policy for the Prevention of Violence only includes the “strengthening of spaces for citizen complaints, providing adequate treatment to the typologies of domestic violence and sexual crimes” (2014:19). The National Policy for the Promotion and Full Development of Women and the Equal Opportunities Plan 2008-2023 include survivors of sexual violence during the internal armed conflict as a priority population for education and literacy programmes at all levels (p. 32 and 68). However, these measures have not been implemented. The now non-existent PNR was one of those responsible.

With the support of civil society organisations, including Impunity Watch and IEPADES, in alliance with UN Women, the Inter-Institutional Roundtable on Women, Peace and Security (MIMPAZ for its name in Spanish, Mesa Interinstitucional sobre Mujeres, Paz y Seguridad) was established in 2012. Fourteen state agencies and institutions participate in the roundtable, and in 2017 they elaborated the National Action Plan (NAP) with 5 pillars: Women’s empowerment and participation, Women’s training and development, Respect for women’s human rights, Women’s leadership for peacebuilding, and dignified and transformative reparations for human

rights violations. The first four pillars are considered preventive in nature (MIMPAZ, 2017). However, the fulfilment of the NAP has been difficult, as there is no allocated budget and the Plan is not binding for all members of the MIMPAZ to comply with it.

Colombia also has three policies, one general gender policy and two focused on survivors of the armed conflict. The Public Policy on Gender Equity 2012-2016 recognised the specific nature of the effects of the armed conflict (ACPEM, 2012) and included the creation and implementation of two plans: “Comprehensive plan to guarantee women a life free of violence” and a “Comprehensive plan for the prevention of and response to the disproportionate and differential impact of displacement on women” (ACPEM, 2012:55 and 56). The processes of developing both plans were important, but they did not have a strong intersectional approach (Proyectamos, 2017:30) nor did they involve the direct participation of survivors. Most of the actions were carried out through campaigns, consultancies and technical assistance, guidelines, training and capacity building of officials, dissemination and outreach, and awareness raising. Unfortunately, there is no evidence of their impact.<sup>5</sup>

The National Policy for the Comprehensive Care and Reparation for Victims (Law 1448 of 2011), in terms of prevention, includes the identification of risks for women leaders and defenders and the adoption of relevant protection measures; technical assistance to local authorities (departments and municipalities) for the formulation and updating of prevention plans, which must have a differential approach and include the risk of sexual violence; and orientation and training for victims (p. 142 et seq.). The Public Policy for the prevention of risks, and the protection and guarantee of the rights of women victims of the armed conflict 2013-2015, addresses three problematic areas: the serious and particular forms of violence against women in the conflict, including sexual violence; the socio-cultural contexts and practices that do

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<sup>5</sup>Among the most robust initiatives are the creation of a national hotline (Line 155); the actions in the Ten-Year Health Plan mainly aimed at addressing sexual violence; an application for the registration of protection measures by the National Police and the piloting of its implementation; the document outlining “technical guidelines for the implementation of care measures”; the strengthening of the Family Police Stations; and the “Second evaluation of the study on social and institutional tolerance of violence against women”; in addition to actions to strengthen access to justice for women victims of violence (Proyectamos, 2017: 49-52).

not recognise women as rights holders; and the difficulties in accessing and restoring their rights (p. 17). The CONPES Action Plan 3784 (2013-2015) established a focus on sexual violence, in which strategies were proposed to implement preventive measures in areas of high risk of victimisation: develop intersectoral strategies to address the particular risks and violations faced by women, and implement initiatives to improve access to justice and comprehensive protection for women victims (p. 42). The preventive measures envisage the incorporation of a gender-sensitive and differential approach in public policies; the improvement of the attention given to cases and their prioritisation by institutions; the training of public servants; the accompaniment and training of leaders in the protection of rights and response to sexual violence; pedagogical strategies in sexual and reproductive health and a life free of violence; psychosocial accompaniment for victims; and guidelines for the management of files of cases of sexual violence (p. 43).

## Access to justice

Access to justice in both countries has been achieved thanks to the legal frameworks created that have improved the prosecution of sexual violence cases and have allowed for specialisation in how they are addressed. The promotion of cases has been mainly thanks to civil society organisations.

*In Guatemala*, mechanisms have been created to improve justice processes in cases linked to the armed conflict, such as the High Risk Courts and Tribunals that try high-impact cases, including serious human rights violations and crimes against humanity. Likewise, the Public Prosecutor's Office during the administration of Claudia Paz y Paz issued several general instructions for the investigation of cases related to the armed conflict, including a specific one to address sexual violence. This helped to prosecute and draw attention to the sexual violence that occurred during the armed



Photo: IW Archive. Sepur Zarco Case. Guatemala.



conflict, as in the cases of the Ixil Genocide, Sepur Zarco, and Molina Theissen. The cases that were previously brought to trial did not address sexual violence, despite the fact that sexual violence was evident in the victims' testimonies, as in the case of former military commissioner Cándido Noriega.<sup>6</sup> In several cases, lawyers and complainants themselves considered that it would be very difficult to prove sexual violence that had occurred several years earlier (Impunity Watch, 2015). International instruments such as the Rome Statute of the International Criminal Court (ICC) were key in later cases to validate women's testimony as sufficient proof that sexual violence had occurred.

The Ixil Genocide and Sepur Zarco cases demonstrated the cruel impacts on indigenous women, and the intersectionality of racism and sexism in the use of sexual violence against them. In the Ixil Genocide case, in 2013 the court convicted General Efraín Ríos Montt of genocide. This is the first trial in which a national court has recognised sexual violence as constituting genocide.<sup>7</sup>

The Sepur Zarco Case highlighted the crimes committed by the Guatemalan state through the army against Q'eqchi women, who were enslaved and subjected to sexual and domestic servitude. The results of the sentence had a strong impact on the community of Sepur Zarco, where the victims continued to experience aggression from the perpetrators and harassment from community members sympathetic to the army. Although the sentence has had a great impact, for the survivors it has only meant the beginning of a process that will allow them to overcome the conditions that the

aggression has led them to experience, through individual and community reparation measures, in order to build collective memory and dignity. However, the reparation measures have only been partially achieved, and mainly due to pressure from the plaintiff organisations. The state does not comply with what has been established and this makes survivors vulnerable to community pressure.

Despite these important advances, indigenous women continue to face a discriminatory and racist judicial system, as demonstrated by the Achi Women Case<sup>8</sup>, which has encountered several obstacles. The survivors have faced openly racist, sexist and discriminatory treatment and a judge<sup>9</sup> who has been accused on multiple occasions of influence peddling, of being close to the upper echelons of the army and to sectors of economic and political power that she seeks to favour (Juarez:2018).

In conclusion, the creation of agreements and policies provides an important basis for sexual violence prevention measures. However, the political will of governments for real and effective implementation is minimal, limiting the impact on prevention.

*In Colombia*, there are two central instruments to guarantee access to justice for women victims of sexual violence. One of them is Law 1719 of 2014, which was passed for this purpose, especially for women who were victims of sexual violence in the context of the armed conflict. The other is CONPES 3784 of 2013, which, in addition to proposing initiatives to guarantee such access, incorporated

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<sup>6</sup>Noriega directed massacres, sexual violence against women, individual murders, and the theft of victims' land and property. A court in Santa Cruz de Quiché in 1999 sentenced him to 220 years in prison for murder and assassinations committed in 1982. However, he was released after 15 years on "good behaviour". He was not convicted for the sexual violence reported by thirty women, as the court considered that there was insufficient evidence (CONAVIGUA, 2013).

<sup>7</sup>The trial questioned and exposed the structural racism of the Guatemalan state, institutions and society that nullified the basic rights of the victims. The judges of this tribunal, especially the president Yassmin Barrios, suffered political harassment, threats and aggressions because of their decision in this case. Economic, political and military sectors, represented by the Coordinating Committee of Agricultural and Commercial Financial Associations (CACIF for its name in Spanish, Comité Coordinador de Asociaciones Financieras Agrícolas y Comerciales), challenged the judgement and succeeded in reversing it. Despite this, the ruling was paradigmatic for the national collective consciousness.

<sup>8</sup>Between 2011 and 2012, 36 women of the Maya Achi People denounced the acts of sexual violence they suffered repeatedly in their homes, in the vicinity of their communities or while they were illegally detained in the former military outpost of Rabinal, between 1981 and 1985.

<sup>9</sup>This case was prosecuted up to the intermediate stage by Judge Claudette Domínguez, who was recused and accused by the survivors of having reproduced and endorsed forms of racism and discrimination that severely restricted the Achi women's right to justice.

measures to comprehensively protect women victims. Despite this, access to justice continues to be limited, especially for rural and racialised women.

## b. Measures from civil society

The measures for the prevention of sexual violence promoted by civil society have been varied, multidisciplinary and mainly promoted by women's and feminist organisations that have worked for the promotion and enforceability of women's rights. They were also key in providing technical content and a feminist perspective in the legislative framework in each country. The experiences and lessons learned are similar in both countries, albeit with their own distinctive features.

### Documenting sexual violence

*In Colombia*, through the joint initiative of the Mesa de Trabajo Mujer y Conflicto Armado (Working Group on Women and Armed Conflict)<sup>10</sup>, in which Corporación Humanas participated, civil society made progress in documenting the different forms of violence against women, including sexual violence, and the differentiated effects of socio-political violence on women, as well as the analysis of gender-based discrimination (Mesa Mujer y Conflicto Armado, 2001 b:6). This contributed to placing these issues on the international agenda, and through international mechanisms for the protection of human rights, improved their visibility among national authorities. The Mesa de Trabajo lobbied for the UN Special Rapporteur on Violence against Women to visit Colombia and follow up on its recommendations. The Rapporteur's report was an important point of reference for the IACHR and decisions of the Constitutional Court. The work of the Mesa de Trabajo was also instrumental in getting the State to include sexual violence within historical memory initiatives and for the National

Report on Sexual Violence.<sup>11</sup> Ultimately, the Mesa de Trabajo was an important precursor for the organisations that formed part of it to initiate their own processes of documentation of sexual violence in the context of the armed conflict and to present national reports in international arenas and before the Constitutional Court, which laid the groundwork for constitutional advances that were fundamental for advancing the rights of victims of sexual violence to truth, justice and reparation.

*In Guatemala*, sexual violence and its impacts have been documented through research reports that have been an important resource for trials, particularly "Tejidos que lleva el alma (Woven onto the soul): Memoirs of Mayan women survivors of rape during the internal armed conflict" by the Actoras de Cambio Consortium (ECAP, UNAMG and feminists).

### Strategic litigation in sexual violence

Strategic litigation has been a tool used in both countries in justice processes for sexual violence. This litigation strategy allows for a comprehensive approach to the problem and also to the response needed to achieve justice and implement reparation measures and guarantees of non-repetition. Strategic litigation also allows the justice process to be a pedagogical process for the justice system on how to judge cases of sexual violence during a conflict, as there are institutional obstacles to access to justice for victims, which are part of the structural and historical discrimination against women, particularly indigenous women. The judicial processes that have brought justice to indigenous women, particularly in Guatemala, could become preventive mechanisms in terms of the stigmatisation of sexual violence, due to their pedagogical impact. Due to dominant colonial and patriarchal ideologies, there is a tendency to blame indigenous victims, so when the justice system

<sup>10</sup>The Mesa de Trabajo Mujer y Conflicto Armado was "a team made up of women's and human rights organisations, social organisations, individuals and national and international entities interested in highlighting the multiple forms of violence that affect women and girls in the context of socio-political violence, including that of Colombia's internal armed conflict" (2001 b:5). It met and produced reports from 2001 until 2012, when most members considered that the talks with the FARC-EP guerrillas required a change in the agenda that had been pursued until then, and that the work should focus on peacebuilding rather than on documenting the conflict. Nevertheless, in 2015, three organisations that insisted on the relevance of continuing with the space produced report No. 12.

<sup>11</sup>In 2017, the National Centre for Historical Memory presented the report commissioned by Law 1719 of 2014, entitled "War engraved on the body: National report on sexual violence in the armed conflict". Women's organisations and women victims actively contributed to this analysis and its dissemination.

finds that they are innocent and judges those responsible and constructs a narrative of justice contrary to the dominant view, it can generate changes at the community level for the victims, who in the vast majority of cases have been attacked in their community. In this sense it can also be pedagogical for society because trials allow for dissemination and communication to inform and promote a discussion about sexual violence, its impacts and ideally how to prevent these atrocities from happening again.

*In the Colombian case*, strategic litigation has contributed to the recognition by judicial bodies of the seriousness and pervasiveness of sexual violence against women in the armed conflict, and to the issuing of orders to state entities and authorities to act resolutely to prevent the disproportionate impact of the armed conflict and guarantee the effective enjoyment of women's rights, such as Order 092 of 2008. It was also instrumental in ensuring that the Justice and Peace model (the first transitional justice model that accompanied the paramilitary demobilisation) made progress in the prosecution of violence against women, including sexual violence. It also contributed to the design of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition, particularly in terms of due diligence. The Cinco Claves (Five Keys) platform<sup>12</sup>, among other bodies linked to the women's movement, has been crucial in making sexual violence visible and has raised the need for this crime to be investigated and punished. They have insisted on strengthening punishment and non-tolerance for sexual violence, both in the armed conflict and in the ordinary justice system, contributing to the search for justice, reparation and non-repetition. The understanding and use of psychosocial approaches and advocacy as tools of strategic litigation, as opposed to simply using the law, has been fundamental.

*In Guatemala*, strategic litigation has been key to transitional justice cases. The Ixil Genocide case and the Sepur Zarco case pioneered the use of strategic litigation by the plaintiff organisations in both cases. These organisations have developed innovative philosophies, ideological principles, scientific approaches, methods and interpretations. They have carried out highly sophisticated work, putting the voice and testimonies of the victims at the centre in order to structure the other physical evidence such as exhumations, testimonies, expert evidence from multiple disciplines, using strategies that combined legal, political and communicational approaches, in order to seek justice in a context of profound impunity, obstruction of justice and malicious litigation.

Strategic litigation has included transformative reparation with collective measures that can help to subvert the conditions that allowed the reported assaults to occur (Impunity Watch 2017; Impunity Watch 2019), but which must also send a strong message to the community to stop the blame and stigmatisation that has marked survivors of sexual violence for decades, in order to restore dignity and peace of mind to their lives. The message coming from the justice system is that raping women is a crime that deserves to be punished, and that the shame over rape should not be on the women, but on the perpetrators.

### **Care and accompaniment for survivors of sexual violence**

In both countries there are specialised organisations that provide multiple care and accompaniment services to survivors of sexual violence. This care and accompaniment can prevent violence from happening again to survivors. They contribute financial resources, advice and support material to ensure that the state care system works, or through the work of organisations at the local level that bring

<sup>12</sup>The Alliance "Five Keys for the differential treatment of sexual violence" is currently made up of Colombia Diversa, Women's Link, Red Nacional de Mujeres, Corporación Humanas and Corporación Sisma Mujer. It emerged as an initiative between feminist organisations and LGBT rights defenders to incorporate measures into the Peace Agreement that would guarantee that sexual violence would be addressed, and has continued to monitor the implementation of the Agreement in order to demand the guarantees that have been established for women, girls and LGBT people who are victims of sexual violence and other forms of gender-based violence in the context of the armed conflict.

<sup>13</sup>The genocide case was accompanied by Asociación Justicia y Reconciliación (AJR) and Centro de Acción Legal para los Derechos Humanos (CALDH), and in the Sepur Zarco case by Mujeres Transformando el Mundo (MTM), Unión Nacional de Mujeres Guatemaltecas (UNAMG) and Equipo Comunitario de Acción Psicosocial (ECAP).



Photo: Humanas Colombia. Women defenders meeting.

together the various bodies jointly responsible for dealing with violence against women. They have also provided support to women criminalised for defending territory and natural resources.

### Amendments and adjustment of the regulatory framework

Civil society has been an advocate for changes and adjustments to national legislation and compliance with international standards on women's human rights and international criminal law.

*In Colombia*, advocacy by women's organisations has resulted in several laws on violence against women. The prevention measures contained in these laws have been the result of the advocacy of women's organisations and women survivors of various forms of violence. Given the tendency towards focusing on the criminal sanctioning of violence against women, civil society has called for the incorporation of measures that allow for comprehensive attention to the problem. For example, Law 1257 addresses all state obligations, including prevention. In Law 1719 and 1761, there are measures for the social recognition of sexual violence (National Report on Sexual Violence by the CNMH<sup>14</sup>); the training of public servants (judicial and executive branches, with an emphasis on the security forces); the strengthening of defence and national security sector policies on the prevention of sexual violence by the security forces; the integration of a gender perspective in the education system; and the establishment of a unified registry system.

*In Guatemala*, civil society initiatives for prevention include the modification of forced and compulsory military recruitment mainly in indigenous communities, promoted by CONAVIGUA, which has contributed to the dismantling of the military structures that enabled the commission of sexual violence during the armed conflict and genocide. This type of initiative included campaigns and demonstrations at community, regional and national level and gathering 33,000 signatures, beyond the 5,000 required by law. In 2003, they succeeded

<sup>14</sup>In 2017, the National Centre for Historical Memory presented the report commissioned by Law 1719 of 2014, entitled "War engraved on the body: National report on sexual violence in the armed conflict". Women's organisations and women victims actively contributed to this analysis and its dissemination.



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in passing the National Civic Service Law (Decree 20-2003), which prohibits compulsory military service (CONAVIGUA, 2013). Likewise, in response to efforts by the military sectors to reform the National Reconciliation Law in order to obtain amnesty for serious human rights violations, various victims' and civil society organisations held demonstrations, presented appeals, communiqués, and obtained statements from United Nations rapporteurs and the Under-Secretary for Sexual Violence in Conflict Situations against this initiative. In the end, they managed to get the initiative shelved by the Congress, although the military sectors continue to seek ways to obtain amnesty. Awareness raising and Education.

Awareness raising and education has been promoted among different actors, public officials, justice operators, and community leaders to strengthen their understanding of sexual violence, its causes, impacts and the changes needed to address and prevent it. Communication campaigns have been carried out and in both countries there have been initiatives to define a national day to commemorate victims of sexual violence. In Colombia, the 25th of May was declared the "National Day for the Dignity of Women Victims of Sexual Violence in the Context of the Internal Armed Conflict" (Decree 1480 of 2014). In Guatemala, the initiative to approve the "Law for the National Day for Victims of Sexual Violence, Sexual Slavery and Domestic Slavery", stemming from the reparation measures of the Sepur Zarco case, has not yet been approved, but has a favourable opinion from the Legislation and Constitutional Points Commission (Bill number 5223). Initiatives have also been undertaken with survivors and young women to strengthen their knowledge, psychosocial care and their empowerment as protagonists in all processes. In both countries, capacity-building and psychosocial support for women have enabled victims to recognise themselves as rights-holders, to demand a response from the judicial systems or to contribute their stories to the construction of a collective memory of what happened in the armed conflict. In Colombia, women have initiated their own leadership and organisational processes. They have participated in dialogue and political advocacy forums. In Guatemala, there have also been initiatives with young men on violent masculinities and campaigns to promote masculinities respectful of women's rights (e.g. against alcoholism, promoting responsible fatherhood) as prevention measures and how this impacts on violence against women.

### **Follow-up and monitoring by international human rights bodies**

International human rights bodies play a key role in denouncing the situation in countries and putting pressure on governments. In Colombia, women's organisations have pushed for these bodies to: be aware of the various forms of violence against women and girls and integrate them into human rights monitoring; adequately assess the information provided by the state and civil society; issue recommendations that contribute to measures being put forth at the national level; and closely monitor compliance beyond legislative reforms. Thanks to the visit of the UN Special Rapporteur

on Violence against Women, specialised attention began to be paid to violence against women in the armed conflict, and initiatives for prevention, care and penalisation.<sup>15</sup> In Guatemala, given MIMPAZ's lack of openness to coordinate with civil society organisations, the Mesoamerican Alliance of Women for Peace, made up of the Political Association of Mayan Women MOLOJ, MTM and CONAVIGUA, drew up the Alternative Action Plan, which was a basis for MIMPAZ's NAP.

In terms of visits by rapporteurs, civil society organisations invited the Rapporteur on justice, truth and reparation as well as the Rapporteur on violence against women for an academic visit in 2018. The Rapporteur on Indigenous Peoples also paid an official visit to Guatemala. The rapporteurs held meetings with victims' organisations and civil society. In her report the Rapporteur on Indigenous Peoples noted the importance of combating impunity for serious human rights violations, including sexual violence, and the prevention of violence against women, particularly indigenous women and girls (A/HRC/39/17/Add.3.). In both countries, civil society organisations have been a source of information for international human

rights bodies, and have provided complementary information or alternative reports to state reports, as in the mechanisms of the IACHR and CEDAW, as well as providing information to the special rapporteurs through consultations or reports.

### **Women's participation in transitional justice processes and the Peace Accords**

Women's participation is perhaps the pillar of the UN Security Council resolutions on Women, Peace and Security that has made the greatest progress at the global level. In the case of Guatemala and Colombia, the participation of survivors and victims of sexual violence, as well as women's and feminist organisations, has been key to the advances achieved in all areas of transitional justice and the Peace Accords. They have been the ones insisting on the importance of profound structural and cultural changes to prevent sexual violence and other atrocities.

Women's participation in peacebuilding is in itself a preventive measure, for as long as war persists, women and girls will continue to be at high risk of sexual and other forms of violence.



Photo: IW Archive. Achi women's case. Guatemala.

<sup>15</sup>OHCHR first reported on sexual violence against women committed by actors in the armed conflict in its 2001 report, and since then has documented: sexual abuse within military ranks (2002, para. 172; 2003, para. 47; 2007, para. 81), violations of the sexual and reproductive rights of female combatants in illegal armed groups by their comrades-in-arms (2003, para. 48; 2004, para. 111; 2007, para. 81), sexual slavery by armed actors and its relation to forced contraception and abortion and the transmission of sexually transmitted diseases (2004, para. 106), and the use of sexual violence against women as a mechanism of pressure or reprisal (2008, para. 70).

### 3. Lessons Learned

The experience of both countries, Colombia and Guatemala, allows us to identify some lessons learned about the contributions to the prevention of sexual violence as an atrocity and the challenges still pending. Some of the lessons learned are presented below.

#### a. Perspective of intersectionality

Understanding sexual violence in armed conflict from the perspectives of feminism and human rights, and recognising the historical construction of unequal gender power relations generated by the intertwining of racism and patriarchy and the logic of destruction and accumulation, has made it possible to demonstrate the destructive impacts on women and indigenous women, and the links with genocide. It has also revealed the systematisation and pervasiveness of this violence, its use as a strategy of war and the serious impact it has on the lives of women, their families and territories. Sexual violence during conflicts cannot be seen in isolation from other forms of violence, because these stem from deep structures of gender, race and social class domination that predate the conflicts. Having information disaggregated by sex, ethnicity and territory is fundamental to make differentiated impacts visible. This also allows us to think about differentiated responses according to each context. Indigenous, racialised or rural women continue to be at risk of violence.

The documentation of sexual violence against boys and men has been less well documented and analysed. While there has been under-reporting, an understanding of these events can contribute to the development of more inclusive prevention measures.

#### b. Strategic litigation of emblematic cases

While criminal law is androcentric and racist,

strategic litigation by feminist and indigenous lawyers, from victims' and human rights organisations, has made it possible for national criminal law to provide protection and justice for survivors. Through the understanding of women's human rights, a body of law has been developed that recognises that sexual violence constitutes a serious human rights violation and can amount to crimes against humanity and war crimes. International criminal law and international human rights instruments have been important tools used to demand justice and in litigated cases, for example, instruments such as the Rules of Procedure and Evidence and the Rome Statute of the ICC, and the UN resolutions on Women, Peace and Security Resolutions.<sup>16</sup> Strategic litigation allows for a multidisciplinary approach beyond criminal law and places survivors at the centre, strengthening them and their quest for justice with political, communication, psychosocial and other strategies. It remains a challenge to maintain the centrality of survivors throughout the process, which implies much more communication with them when making decisions.

#### c. Legal reform and public policy

A combination of strategies has allowed feminist and civil society organisations to successfully advocate for jurisprudence and State reforms. In Guatemala, cases involving sexual violence have established jurisprudence for other cases, and Constitutional Court rulings have been obtained to combat impunity. In Colombia, constitutional pronouncements were achieved, such as Order 092 of 2008 and Order 009 of 2015, which reflect international standards for the prevention, care and prosecution of violence against women. Colombian women's organisations and women survivors have succeeded in using the law to force the State to make reforms, mainly legislative and in the formulation of public policies. Although States are often reluctant to engage in dialogue with feminist,

<sup>16</sup>The following resolutions provide the normative and legal framework for the Women, Peace and Security Agenda, in chronological order of adoption: 1325 (2000); 1820 (2008) ; 1888 (2009) ; 1889 (2009) ; 1960 (2010) ; 2106 (2013) ; 2122(2013) ; 2242 (2015) ; 2467 (2019) ; 2493 (2019) and 2538 (2020).

victims' and human rights organisations in the elaboration of public policies, it is necessary to insist on their right to participate and have a say in the elaboration of public programmes and policies, particularly in the area of prevention of violence and discrimination.

**d. Dissemination, education and enforceability of rights**

This strategy has made it possible to strengthen the comprehensive approach required to address the various forms of violence, and to demand the realisation of the standard in the actions of the State. Civil society organisations have made requests and proposals on how to strengthen due diligence. Training programmes have been carried out with justice operators, mainly with international cooperation funds. There is still a need for continuous capacity building and the incorporation of international standards. On the other hand, training for survivors, victims and other groups on how the legal system works, what their rights are, what due diligence is, strengthens the leadership and role of survivors in the processes. It is still necessary to strengthen these processes with young women so that they are aware of the pathways and tools as a preventive measure.

**e. The use of international instruments and the Women, Peace and Security Agenda**

International instruments on international women's human rights law, particularly the United Nations Security Council resolutions on Women, Peace and Security, have been an important framework for various processes in each of the countries. During the peace process in Colombia, the women's movement appealed to these resolutions to demand the participation of women (Resolution 1325), standards for the prosecution of sexual violence (Resolutions 1820, 1888 and 1889) and the inclusion of sexual violence in the prohibited acts in the ceasefire agreements (Resolution 2106). In Guatemala, the Sepur Zarco case ruling refers to these instruments and the State's

responsibility to comply with them (Ruling C-01076-2012-00021). Likewise, in 2017, the National Action Plan on Women, Peace and Security was drawn up, with five pillars, four of which are considered preventive in nature. However, not all institutions have taken on the comprehensive implementation of this plan, nor do they have the budget allocated to achieve it. Having instruments in place does not guarantee implementation if there is no political will on the part of governments.

**f. Physical and mental health care**

The accompaniment of women victims of sexual violence has shown that in any recovery process it is necessary to design a "dual approach" that balances the right to justice with the right to physical and mental health of the victims, because only the balance between these two rights will guarantee a satisfactory reparation to surviving victims, will facilitate the victims' social and political participation in the construction of peace, as well as the opening of horizons of reconciliation. The use of indigenous and native peoples' own approaches is important, as in the case of Guatemala with the use of healing practices based on the Mayan world view. Multidisciplinary accompaniment and mental health care beyond the legal process itself are key to moving towards the exercise of full citizenship for women and breaking with the idea of victimhood as an identity.

**g. Building alliances and networks**

The establishment of national, regional and international spaces for feminist lawyers and the increasingly frequent creation of international platforms and networks of feminist lawyers in the region and the world have helped to reclaim criminal law for women. Alliances have allowed for international advocacy, the collaboration of expert opinions or legal actions such as amicus curiae briefs, the exchange of experiences and learning in litigation and the search for justice and reparation for survivors of the various forms of violence against women in the region.

## 4. Recommendations

- a. **Strengthening the justice system for crimes of sexual violence in conflict situations.** The preventive nature of justice lies in its capacity to punish and penalise those responsible, and to reduce levels of impunity. Strengthening justice requires actions at different levels, in the training of justice operators and public officials, reforms or protective measures against initiatives that seek amnesty. While there has been investment in training and capacity building for justice operators and officials, there is little systematised information on the changes achieved. The justice system needs to understand the origins of sexual and gender-based violence against women, particularly indigenous women, and commit itself to addressing its causes, including by tackling the power relations and forms of patriarchal and colonial domination that make it possible. All civil servants responsible for prevention, care and prosecution of sexual violence in war and post-conflict contexts must take into account this intersectionality and how conditions of sex, class, age, (dis)ability, race and others generate greater risks of violence and obstacles to accessing safe contexts and State care and protection services. In addition, it is necessary to strengthen knowledge of international standards on the subject, international criminal law, as well as international instruments that are binding on States.
- b. **Develop a model for the prevention of sexual violence and violence against women in conflicts and peace processes** It is necessary to delve deeper into the patriarchal and racist structures that allow sexual violence and violence against women caused by gender inequalities to prevail. The State must elaborate a roadmap to prevent violence from occurring in situations of conflict, whether internal or territorial. In both countries, the Peace Accords outline a model that must be concretised in a model of prevention. Protocols are required, not only for the care but also for the prevention of violence against women, as well as the protection of victims and survivors, adapted to their territorial contexts and ethnic identity. These models must have the necessary resources allocated so that they can be implemented.
- c. **Creation and strengthening of systems for monitoring the situation of sexual violence, and evaluation of prevention programmes and policies.** The analysis of sexual violence and new forms of violence should provide elements for prevention, investigation, justice and reparation for victims, since the creation of regulations, programmes or policies has not meant a decrease in violence against women or sexual violence. Situations of armed conflict intensified the war against the bodies of women and LGBTI people, making it necessary to understand and address forms of violence in a more specialised and rigorous manner. The state must also be held accountable for the technical and financial implementation of its programmes and policies. Both monitoring and accountability require the generation of data and information disaggregated by sex, ethnicity, age and territory.
- d. **Innovate and adapt prevention options** The prevention of sexual violence is not a one-size-fits-all approach. It is therefore necessary to design prevention plans and programmes in accordance with the realities of each country and the different regions within these countries. Certain areas within a country represent greater risks for violence, for example: border areas; military bases; territories where State armed forces are deployed; and areas where goods and natural resources are extracted. It is also important to continue promoting dialogue processes and building horizontal alliances between survivors and women's organisations in order to guarantee the voices and perspectives of survivors in the creation of prevention measures. Another important yet still underdeveloped area is the work with men on the deconstruction of hegemonic masculinities and the demilitarisation of masculinities.



Photo: Gabriela Eraso Villota. Humanas Colombia.



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GAAMAC is a community of commitment made up of states, civil society and academic institutions that are committed to preventing atrocities through the establishment of national prevention mechanisms and policies. Its mission is to support the states that participate in the development of national architectures for the prevention of atrocities (genocide, war crimes, crimes against humanity and ethnic cleansing).

Impunity Watch is a Dutch-based non-profit organization that seeks to promote accountability for atrocities carried out in countries emerging from a violent past. It conducts research on the causes of impunity and includes the voices of affected communities; with the purpose of making recommendations on public policies, based on their research to promote truth, justice, reparation, and non-repetition of violence. It works closely with civil society organizations to increase their influence on policy making and implementation.

The Humanas Corporation is a center for feminist political action and studies, made up of an interdisciplinary team of women, which works from an intersectional approach in the promotion and guarantee of human rights and gender justice for girls, adolescents, and women in the national, regional and international scope. The above through alliances, legal, psychosocial support, and strategic litigation; research, advocacy, organizational strengthening and the promotion of economic proposals for overcoming gender inequalities and building peace

This publication analyzes the lessons learned from the experiences of the armed conflicts in Colombia and Guatemala for the prevention of sexual violence and violence against women. The prevention measures implemented by the States and civil society are examined.

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