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Colombia: new law aims to address impunity for conflict-related crimes of sexual violence

A new law, which was signed-off by President Juan Manuel Santos on 18 June, could, if effectively implemented, contribute to bringing to justice those suspected of criminal responsibility in conflict-related crimes of sexual violence, Amnesty International said today.

Although Congress watered down the original text, the law still breaks new ground in Colombia by defining crimes of sexual violence as war crimes and also as crimes against humanity.

The law addresses a number of specific practices, which continue to be carried out in the context of the long-running armed conflict, including sexual slavery and sexual exploitation, as well as enforced practices of sterilization, prostitution, abortion, pregnancy and nudity. The law also provides for the non-applicability of statute of limitations with regard to genocide, crimes against humanity and war crimes.

It also sets out criteria for investigating sexual crimes, and on protecting survivors and guaranteeing their anonymity and their right not to be discriminated against by the authorities because of their sexual behaviour or orientation. The law also ensures that survivors will have priority access to free health services.

Rape and other forms of sexual violence have been one of the defining features of the conflict committed principally, but not exclusively, against women and girls, by all the actors in the conflict – the security forces, paramilitaries, and guerrilla groups. Colombia's Constitutional Court has defined sexual violence as “a habitual, extensive, systematic and invisible practice in the context of the Colombian armed conflict”.

The armed conflict has also been marked by shocking levels of impunity for sexual crimes, and very few of the perpetrators have been identified, let alone brought before the courts. The knowledge that they can simply get away with it has only served to embolden the perpetrators to carry out further attacks.

Amnesty International has repeatedly documented the legal and political obstacles that survivors of conflict-related sexual violence in Colombia continue to face in their fight for justice, and the failure of the authorities to support them, including by not providing effective medical and psycho-social assistance.

This legislation could become an important tool in the fight against impunity for conflict-related sexual crimes, and contribute to ensuring that survivors of sexual violence are treated with dignity by the justice system, but only if the Colombian authorities implement it effectively.

The law “to guarantee access to justice for victims of sexual violence, especially sexual violence in the context of the armed conflict” was presented to the Colombian Congress in 2012 by legislators Iván Cepeda and Ángela María Robledo and supported by the Office of the Human Rights Ombudsman.