

Transitional justice in the Colombian peace process and the need to ensure male survivors of sexual violence are not left out

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The peace agreement between the Colombian government and the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP) in November 2016 marked the beginning of the end to over five decades of internal conflict. Sexual violence has been extensive and systematic throughout this conflict. The 2016 report of the Secretary General to the UN Security Council on conflict-related sexual violence noted that sexual violence constituted a widespread risk in at least 10 departments in Colombia, predominantly in areas under the influence of armed groups. Men and boys have also been victimized. By November 2016, the Colombian Registry of Victims had registered 1291 male victims of conflict-related sexual violence. If the newly-formed transitional justice mechanisms are to uncover the truth and dignify all victims, Colombia must learn from the mistakes of past transitional justice processes and ensure male survivors of sexual violence are not left out.

Colombia’s Final Agreement to end the Conflict and Build Peace signed in November 2016 includes an Agreement Regarding the Victims of the Conflict (Item 5) which provides, inter alia, for the creation of a Comprehensive System for Truth, Justice, Reparation and Non-Repetition. This system is made up of different extra-judicial and judicial mechanisms including a Truth, Coexistence and Non-Repetition Commission and the Special Jurisdiction for Peace (JEP). Although, it is unclear how the different mechanisms will work and collaborate with each other, they will certainly play a crucial role in the transition to peace and the recognition of victims.

On February 7th, 2018, All Survivors Project attended the Conference on Universal Jurisdiction and the Special Jurisdiction for Peace celebrated at the University Externado of Colombia (Bogotá). This event was organized by the *European Center for Constitutional and Human Rights (ECCHR)*, *Colectivo de Abogados José Alvear Restrepo (CCAJAR)*, *Fundación Internacional Baltasar Garzón (FIBGAR)* and University Externado of



Patricia Linares Prieto, President of the Special Jurisdiction for Peace, speaking at the Conference at Universidad Externado de Colombia (Patricia Ollé/All Survivors Project Photo).

Colombia. The conference involved discussions on experiences of other countries like Chad and Argentina on dealing with past atrocities and an analysis of the JEP.

The Special Jurisdiction for Peace is an unparalleled and complex model designed jointly by the Government and the FARC. This mechanism will exercise judicial functions by investigating, prosecuting and sanctioning crimes committed in the context of the armed conflict. The peace agreement indicates that sexual violence related crimes will not be subject to amnesty and that the JEP will have a special team to investigate such cases. Along with the other transitional justice mechanisms, the JEP has the potential to dignify survivors of conflict-related sexual violence by giving them voice and uncovering the truth. However, All Survivors Project's research indicates that male survivors of sexual violence are at risk of remaining invisible and being excluded from these processes.

Stigma, shame and another factors work as significant barriers to disclosure by male survivors of sexual violence. However, neglecting the needs of male survivors of sexual violence can reinforce and encourage patterns of violence. While no prevalence studies have been conducted in Colombia, the national civil society platform COALICO has documented information [on at least 7602 boys being subjected to conflict related sexual violence between 2008 and 2012](#). In addition, of all victims of sexual violence treated [by MSF in Tumaco and Buenaventura in 2016, 10% were male](#). Men and boys in Colombia have also been targeted for sexual violence due to their sexual orientation and gender identity. The March 2015 Report of the Secretary General to the UN Security Council on conflict-related sexual violence noted that LGBTI Colombians have been subjected to sexual violence as a form of "corrective violence" or to "cleanse the population" which has caused many to flee areas under the influence of armed groups. In interviews with All Survivors Project, several human rights and humanitarian organizations operating in Colombia noted that these figures are only the tip of the iceberg. Further research is needed to understand the scale, patterns, and motivations of conflict-related sexual violence against men and boys in Colombia.

There is a risk that sexual violence against men and boys might not be considered by the Special Jurisdiction for Peace. The sheer scale of violations committed during the conflict could potentially make it difficult to investigate each crime. It is important that the prosecutorial strategy of this mechanism includes sexual violence against men, as this would help address the silence and related impunity for these crimes.

The report ["When No One Calls It Rape"](#) explains how past transitional justice processes have ignored or mischaracterized sexual violence against men and boys. Truth commissions in East Timor, Sierra Leone and South Africa which encouraged disclosures by female survivors of sexual violence but did not take comparable measure for men and boys. Colombia should avoid repeating mistakes made by past transitional justice mechanisms.

If Colombia's System of Truth, Justice, Reparation and Non-repetition properly addresses sexual violence, it can set a precedent 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 while ensuring effective and comprehensive responses to the needs of all survivors, male and female.