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RESPONSES TO INFORMATION REQUESTS (RIRs)

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Colombia: Protection and legal redress available to women who are victims of rape (not pertaining to guerrilla or paramilitary perpetrators), domestic and sexual abuse, including relevant legislation, government and non-government institutions and responsiveness of the police and judiciary; recourse available to a woman who was sexually assaulted by a police officer, whether the victim would face any repercussions as a result of reporting the alleged incident (2003-July 2005)

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Generally, human rights reports covering 2004 reported that sexual violence against women continued to be an issue of significant concern (Freedom House 23 Aug. 2004; *Country Reports 2004* 28 Feb. 2005, Sec. 5; UN 28 Feb. 2005). While many sources reporting on violence against women focused on the impact of the armed conflict on female victims, some human rights and governmental sources did provide information on the general situation of, and legal remedies available to, those who have suffered rape and sexual abuse (Colombia Apr. 2005; OMCT 2004; *Country Reports 2004* 28 Feb. 2005, Sec. 5; UN 28 Feb. 2005).

In particular, the National Institute of Legal Medicine and Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses) reported that in 2004 it had attended to 17,912 cases of sexual crime (*delito sexual*), an increase of 25.8 per cent in comparison to 2003 when the organization saw 14,239 cases (Colombia Apr. 2005). The institute further reported that 65 per cent of sexual crimes were reportedly committed by family members and by people known by the victim, with the remaining percentage perpetrated by unknown assailants (*ibid.*). Nevertheless, various human rights sources noted that a large percentage of sexual abuse cases are never reported and that even fewer result in official complaints (OMCT 2004, 176; AI 13 Oct. 2004; *Country Reports 2004* 28 Feb. 2005, Sec. 5). In January 2003, for instance, the Office of the Prosecutor General of the Nation (Fiscalía General de la Nación) stated that 70 per cent of sexual violence cases are never reported (*denunciados*) (Colombia 22 Jan. 2003).

Legislation

With regard to legislation, the World Organisation Against Torture's (OMCT) 2004 report on violence against women provided the following summary of sexual abuse laws in Colombia:

The law divides sexual offenses into three general categories: rape, abusive sexual acts, and statutory rape. Under the law for rape, three sub-categories are delineated: violent carnal access, violent sexual act, and carnal access with a person who is incapable of resisting. The punishments for these crimes of sexual violence have recently been amended: violent carnal access is punishable with 8 to 15 years imprisonment (the maximum sentence having been lowered from 20 years); violent sexual act provides for a penalty of 3 to 6 years in prison (changed from 4 to 8 years); and committing a sexual act with someone who is not able to resist is punishable with 8 to 15 years imprisonment (increased from 4 to 8 years).

These punishments can be increased when certain aggravating factors are present, such as multiple perpetrators, the perpetrator has authority over the victim, the crime results in pregnancy or a venereal disease for the victim, the victim is less than 10 years old, or the victim is the spouse, partner of or has a child with the perpetrator (2004, 175).

In practice, however, various human rights sources reported on the shortcomings of the judicial system with respect to female victims of violence (UN 28 Feb. 2005; AI 13 Oct. 2004; OMCT 2004). Specifically, the United Nations High Commissioner for Human Rights noted in February 2005 that

[t]he judicial system continues to be ineffective in addressing cases of gender violence. Sexist stereotyping persists in providing attention in cases of domestic and sexual violence, along with a lack

of experience in gender affairs on the part of judicial officials. This situation tends to discourage the reporting of cases and increases the lack of confidence in the justice system therefore leading to increased impunity (28 Feb. 2005, 62).

Amnesty International (AI) also mentioned that "the chances that victims of sexual abuse have access to the courts and secure justice, whether or not the offences in question are connected with the armed conflict, are small" (13 Oct. 2004). Furthermore, the OMCT reported that

[w]hen women do come forward to denounce such violence, they are often met with discriminatory stereotypes in the judicial and law enforcement systems that perpetuate notions that the victim is to blame for provoking the violence. Also, it is reported that protection of women is sometimes granted according to opinions of whether a woman is "honest" or not, and that some opinions do not view women as credible witnesses.

Lack of funds is a serious obstacle to women's access to justice in Colombia. Legal services are not readily available free of charge and where they are, the providers have not received gender sensitivity training. Additionally, private lawyers are too expensive for most women. [In addition], the high cost of lab tests from government's forensic medicine department, which are required in order to sustain charges of rape, prevent many women from pursuing a case against their perpetrator (2004, 177).

Government response

In 1999, in response to cases of sexual violence committed against women, the government created the Centre for Comprehensive Assistance for Victims of Sexual Violence (Centro de Atención Integral a Víctimas de Delitos Sexuales) (Colombia 22 Jan. 2003; OAS 27 Sept. 2004, 6). Located in Bogota, the Centre's mission is to assist victims with psychological, social, legal and medical support (ibid.; Colombia 22 Jan. 2003). In 2003, the Office of the Prosecutor General of the Nation claimed that since its creation, the Centre has seen a significant increase in the number of complaints received (*denuncias recibidas*) (ibid.).

However, Amnesty International noted that the Centre was the "only example of sustained inter-institutional coordination" for victims of sexual abuse and that this project and others similar to it were geographically limited and not well publicized (13 Oct. 2004). In addition, Amnesty International criticized the government for its overall lack of free medical and psychological services for victims of sexual violence (AI 13 Oct. 2004).

Still, the Website of the Office of the Prosecutor General of the Nation provided recommendations on how to report incidents of sexual violence, including contacting a number of authorities such as the national police, the Unit of Offences against Sexual Freedom and Human Dignity (Unidad de Delitos Contra La Libertad Sexual y La Dignidad Humana) at the Prosecutor General's Office, and the Family Commissariats (Comisarias de Familia) (Colombia n.d.). The Prosecutor General's Website also stated that the authorities with which the complaint was filed would then interview the victim about what happened (ibid.). From this point, the authority would transfer the victim to the National Institute of Legal Medicine and Forensic Science, where medical, psychological or psychiatric examinations pertaining to the assault would take place (ibid.). After this step, the file is transferred to the Special Unit of Crimes against Sexual Freedom and Human Dignity, where a district attorney would "summon the victim again to submit any new evidence" (*cita nuevamente a la víctima con el objeto de que aporte nuevos datos*) that may assist in the investigation (ibid.).

NGOs

A number of non-governmental organizations (NGOs) provide a variety of services to female victims of sexual violence (Agenda de las Mujeres n.d.; ISIS Internacional n.d.). The Santiago, Chile-based women's organization ISIS Internacional provides a list of 20 NGOs located in cities across the country, including Bogota, Medellin, Cali, Bucaramanga, Barrancabermeja (n.d.). The following is a sample of some of the NGOs that assist women confronted by sexual violence:

Pro-Well-being for the Colombian Family Association (Asociación Pro-Bienestar de la Familia Colombiana, PROFAMILIA)

Created in 1989, PROFAMILIA is a national organization based in Bogota that offers various services, including psychological and legal assistance, to victims of sexual violence (ISIS Internacional n.d.; Agenda de las Mujeres n.d.).

Support Centre for Women and Children (Centro de Apoyo a la Mujer y al Infante, CAMI)

Based in Cali and founded in 1982, this local organization specializes in providing psychological and legal

support to female victims of violence (ibid.; ISIS Internacional n.d.).

Centre for Comprehensive Resources for the Family (Centro de Recursos Integrales para la Familia, CERFAMI)

Established in 1990, CERFAMI is local organization based in Medellín specializing in, but not limited to, advocacy and investigation on violence against women (ibid.; Agenda de las Mujeres n.d.).

Woman and Future Foundation (Fundacion Mujer y Futuro)

Based in Bucaramanga and created in 1989, this local organization provides psychological and educational assistance on issues such as sexual abuse (ISIS Internacional n.d.).

Popular Women's Organization (Organizacion Femenina Popular)

Created in 1979, this local organization based in Barrancabermeja provides programs for victims of violence, among other services (ibid.).

Information on the recourse available to a woman who was sexually assaulted by a police officer, and whether the victim would face any repercussions as a result of reporting the alleged incident could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

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