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Displacement and sexual violence in Colombia: state obligations to protect and provide access to justice

Master thesis

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DEDICATION

This dissertation is dedicated to my mother and to my dear Lino.

I also would like to express my most sincere gratitude to my highly sophisticated supervisor, Diana Amnéus, who never lost her faith in me, though there surely were times when I felt completely hopeless.
“There must be no impunity for gender-based violence.
Let me be clear. What we are talking about is not a side issue.
It is not a special interest group, of concern to only a few.
What we are talking about are not only women’s rights but also the human rights of
over one half of this globe’s population.
Violence against women concerns not only women but above all the rest of us.”

(The late Sergio Vieira de Mello,
former United Nations High Commissioner for Human Rights)
ABSTRACT

Ensuring the protection of human rights and access to justice is an essential component in the effective realisation of universal human rights. Human rights are meaningless if they cannot be protected and enforced, in particular for vulnerable groups that are more exposed to violations.

This thesis examines the legal barriers facing women, in particular internally displaced women in Colombia and the international regulation protecting against acts of sexual violence, both in times of peace and armed conflict and their access to justice. The aim is to analyse the extent to which the Colombian State is fulfilling its international obligations to protect, prevent, prosecute, punish and provide effective remedies in relation to sexual violence.

Through the analysis of the relevant international, regional and domestic legislation and jurisprudence, this thesis exchange an overview of the standards applicable to the rights of women, specifically in regards to those perpetrated against displaced women, given the strict link between sexual violence and displacement in Colombia and the particular vulnerability of this group.

The principal conclusion to be drawn is that, even though it has not been effectively implemented, Colombia has made some progress through the creation of special programmes for displaced women, and the recent adoption of the “Law of Victims”. Nevertheless, these two initiatives do not provide sufficient protection or an adequate means for women, particularly those displaced, to access justice for violations, committed both during armed conflict and in peacetime. In order for this to be remedied, some recommendations are put forward. First, and foremost, allocate the necessary funding to ensure implementation of new legal initiatives and programmes, Secondly, the judicial system should be improved through training for officials and the incorporation of rules on the protection of victims. Finally, efforts should be made to improve the statistical registries of information on sex crimes committed by armed actors.

Keywords: sexual violence, violence against women, Colombia, prevention, protection, investigation, prosecution, remedies., displacement, internally displaced persons, state responsibility, due diligence.
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