

EXECUTIVE SUMMARY

Feminist organisations as agents of norm change

Advancing justice for victim-survivors of gender-based violence in Colombia



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Cover image: Feminist demonstrators in the National University of Colombia protesting about violence against women and president Iván Duque's Government, during the national strike in 2019.
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1 Introduction

In Colombia, levels of gender-based violence (GBV) are high, disproportionately affecting women, girls and LGBTQI+ people. In 2022, it was estimated there were 47,771 cases of domestic violence (HR Advocates, 2023) and in 2023, the Femicide Observatory documented 511 femicides in the country (Díaz and Calderón, 2024). Colombia's armed conflict has also contributed to the high prevalence of GBV in the country, with at least 35,000 victims-survivors of GBV in the history of the conflict (ICTJ, 2023). Despite the existence of a range of laws intended to prevent and respond to such cases, GBV continues and generally goes unpunished (Díaz and Calderón, 2024; CODHES, 2024; Parra-Barrera et al., 2021). The phenomenon is closely linked to the numerous obstacles victim-survivors face when they seek justice. Principal among these are the patriarchal gender norms that justice officials hold – and the stereotypes and biases in which these are expressed and consolidated. Thus, feminist and LGBTQI+ organisations in the country have pursued a range of strategies intended to transform the patriarchal gender norms held by justice operators.

Gender norms are the social rules and expectations associated with a person's assigned gender (Cislaghi and Heise 2020; Harper et al, 2020). They inform our behaviours, dictating how a person can and should feel, think, or act in relation to another's assigned attributes. Patriarchal gender norms, moreover, maintain male dominance over women and other genders. A gender norm lens contributes to the increasing contestation within feminist studies of the so-called neutral character of the law (Hunter, 2013; Munro, 2021). It sheds light on how men's historical role as lawmakers has led to the replication of patriarchal norms and values within the law, and thus to its lack of a gender perspective. This lens also calls into question the presumed neutrality of justice officials, calling attention to how their beliefs and attitudes can play an important role when applying the law. This has led to failed applications of the law, a lack of official recognition of victim-survivors of GBV, and the misuse of the law to re-victimise complainants.

Few studies have explored in-depth the role played by gender norms and stereotypes in producing the obstacles that GBV victim-survivors face when they seek justice in Colombia (Mosquera, 2022; Fajardo and Arce, 2020; Guzmán and Prieto, 2013). Research into the role of feminist and LGBTQI+ organisations in Colombia has focused principally on peacebuilding processes, rather than analysing their impact on GBV outside the context of armed conflict (Garrido, 2019; Sánchez and Rodríguez, 2015). Aware of this gap, and based on experience accompanying, representing and carrying out advocacy about GBV, this research project addresses the following three questions:

1. What are the obstacles faced by GBV victim-survivors when seeking access to justice and what role do gender norms play in creating them?
2. What strategies have feminist, women's and LGBTQI+ organisations employed to overcome these obstacles and transform the gender norms that underpin them?
3. What have these organisations achieved, and how have they transformed the gender norms that block access to justice for GBV victim-survivors in Colombia during the last 12 years?

The researchers used three qualitative methods, namely semi-structured interviews, focus groups and a literature review, as follows:

- Six in-depth semi-structured interviews with seven individuals working at four feminist organisations: Sisma Mujer, Colombia Diversa, Justicia Mujer and Women's Link Worldwide.

- Two focus groups involving a total of nine women who are victim-survivors of GBV and who Sisma Mujer has accompanied and represented. In the groups, the technique known as ‘femmage’ (or feminist collage) was used to help participants reconstruct and represent their experiences as they attempted to access the justice system.
- A document review of 19 court judgments, selected to analyse both the strategies and achievements of the organisations and their impact on gender norms in the justice system.¹

Drawing on the three qualitative methods outlined above, the next section unveils the key findings from the research. It begins by examining the obstacles hindering access to justice, before exploring the strategies employed by the organizations to tackle these challenges, and finally presenting their achievements.

2 Obstacles affecting access to justice

GBV victim-survivors face multiple gender-based obstacles to accessing justice. These are:

Revictimisation: This is the damage caused when victim-survivors approach judicial institutions and are met with responses that discourage them from making a complaint. This form of violence is exercised by officials whose role is to guarantee the rights of victim-survivors yet violate their constitutional and legal duties by exposing victim-survivors to a new scenario of violence (Sisma Mujer, 2021). The Constitutional Court (2017) defines institutional violence as all actions and omissions on the part of governmental and legal authorities with responsibility for attending to victim-survivors of violence which cause further damage to victims.

I’ve been a victim from the day I first went to [the Judicial Complex at] Paloquemao [Bogotá], where it was a man who took my statement. From the start he questioned my story and said I incited [the perpetrator] to hit me, asking me why I did that, or why I left, justifying the aggression.

Woman, focus group participant

In one such example, victim-survivors of sexual violence do not possess physical evidence, or have not been examined, and their version is questioned. Officials’ adherence to sexist stereotypes such as ‘women tell lies and use the legal system to take revenge on their partners’ which encourages this practice.

A second example occurs when complaints are evaluated according to stereotyped criteria, related to the form or the circumstances of the sexual violence experienced. Assessments of this kind are rooted in gender norms such as, ‘women shouldn’t go out alone in the streets or dress in a certain way, so what happens to them is their fault’, or a family-oriented approach adopted by legal and political authorities which prioritises the role of women as mothers and wives over their own wellbeing.

¹ In Colombia, the Constitutional Court’s glossary describes judgments (*sentencias* in Spanish) as ‘decisions of the judge that, regardless of the instance involved, decide on the claims made in the case, substantive defence arguments, the liquidation of damages and that resolve applications for appeal and review. The judgment marks the culmination of the process, in which the judge defines the rights and obligations of the parties involved in the proceedings’ (see Constitutional Court Colombia, n.d.).

They make you go through couples therapy, you're practically pressured into continuing to live with your abuser, which is the most illogical thing because if someone is constantly abusing me, at what point am I going to be calling or making a complaint or reporting it (...) at what point am I going to be empowered enough to be able to stop the violence, when I'm still suffering from it?

Woman, focus group participant

Lack of knowledge on the part of the authorities: Officials lack understanding of GBV as well as of the rights of specific populations, such as migrant women, children, the LGBTQI+ community, and human trafficking victim-survivors. As a result, they fail to apply an intersectional approach. This may be motivated by the beliefs that men are as vulnerable to violence as women, and that everybody has the same opportunities and living conditions, which discourage the recognition of differentiated needs and vulnerabilities.

Resistance to considering the effects of armed conflict: Consistent with the view that acts of sexual violence committed by armed actors are rare and individual occurrences, 'things that just happen' and which are disconnected from the armed conflict, justice operators refuse to investigate how GBV relates to the strategies and dynamics of armed actors in the region. This refusal to recognise the relationship has meant that for many years, victim-survivors of sexual violence in the Colombian armed conflict have not been recognised as such, nor included in processes related to the conflict. Instead, their cases have been investigated in parallel to, and independently of, the dynamics of the conflict itself.

An undervaluing of certain forms of GBV: This occurs, for example, in the case of sexual harassment, which certain justice operators consider to be less serious. Since they tend to regard it as a minor offence, authorities do not believe it warrants institutional efforts and believe that investigating these cases can reduce their capacity to deal with crimes they consider more important. As a result, sexual harassment is one of the least prosecuted crimes at national level.²

Institutional GBV against female lawyers: Violence against women lawyers who accompany and represent victim-survivors of GBV³ starts as soon as the lawyer identifies herself as a feminist lawyer, continues when it is known she is working on a GBV-related case, and heightens in cases where the lawyer is a young woman. The interviews indicated that aggression towards female lawyers is motivated by gender norms which dictate the public sphere is a male domain (the private sphere being female) and that the law is therefore a masculine profession. The norm that implies men's authority over women, here applied to the authority of justice operators, is also significant because it means women lawyers are perceived as having no right to question their authority.

² Interview with Linda María Cabrera. Director of Sisma Mujer.

³ The violence suffered by female lawyers also affects victim-survivors, as in many cases it discourages lawyers and victim-survivors alike from continuing with proceedings. It also increases the sense of helplessness and distrust in the justice system victim-survivors feel. As one focus group participant pointed out: 'If that's how they treat a lawyer, how are they going to treat me?'

3 Strategies pursued by feminist organisations

This research identified at least four strategies that feminist organisations have developed to overcome these five obstacles and transform the gender norms and biases that sustain them:

Comprehensive litigation: This type of litigation involves presenting a legal case in multiple courts to address different aspects simultaneously. This approach can have a strategic purpose, being intended to modify laws, policies and structures, but it can also respond to the immediate needs of victim-survivors. Thus, in some cases, the approach is combined with a communication and advocacy strategy designed to give visibility to the case, highlight the vulnerability of the victim-survivor, and demand a response from the state. In other cases, it may include psychological and legal support to mitigate the impact of the events on victim-survivors and incorporate inter- and transdisciplinary perspectives.⁴

We believe that it is also an important commitment in political terms to provide women with an opportunity to receive legal and psychological support that they would not have the possibility of accessing if it were not for the services we provide at Sisma. The women we accompany come from low-income backgrounds and do not have the opportunity to pay for an external lawyer or psychologist.

Linda María Cabrera, Director of Sisma Mujer

Advocacy: Once litigation has been pursued in different courts, feminist, women's, and LGBTQI+ organisations have emphasised the importance of including other non-judicial actors. This means engaging in advocacy and designing communication strategies to raise the profile of judicial cases, promote the recognition of rights, and encourage the adoption of new legal and social standards. Advocacy has also involved direct activities and litigation with institutions at regional and national levels, leading to advances in the recognition or protection of women's rights in judicial scenarios.

Training and educational activities with officials: Through these processes organisations also seek to raise awareness among officials and encourage them to reflect on gender norms and stereotypes, increase their knowledge of existing legal frameworks related to women and LGBTQI+ people, and provide them with the technical tools needed to incorporate a gender perspective. For example, Sisma Mujer has conducted training sessions with officials from the National Police, different Women's Secretariats and family police units nationwide. This training has addressed topics including gender biases in the justice system, as well as stereotyped assessments and myths about GBV. This is done through feminist methodologies, which facilitate collective reflection and discussions on individual and collective professional practices.

Alliances with other organisations: This strategy has sought to promote broad spaces for dialogue between a range of actors, and to engage with interdisciplinary approaches and wider experiences. Alliances have been developed between feminist and LGBTQI+ organisations and national and international bodies. For instance, Colombia Diversa worked to promote cohesion between the LGBTQI+ movement and their feminist and women's counterparts in their efforts to end the

4 Interview with Juliet Gómez Osorio. Director of Corporación Colectiva Justicia Mujer.

prohibition of adoption by same-sex couples. This alliance was rooted in an exploration of the way attitudes to same-sex families not only frequently violate the rights of homosexual couples but also impose a vision of the family that corresponds to hetero- and cis-normative gender norms.⁵

4 Achievements of feminist activism

The work of feminist organisations has led to judicial decisions that have not only resolved the specific situations of women and LGBTQI+ people, but have also set precedents for modifying the way in which national laws and regulations are applied to ensure they contain a gender perspective and respect the rights of girls, women and LGBTQI+ people. Table 1 presents some of the most important judgments achieved by feminist, women’s and LGBTQI+ organisations.

Table 1: Principal achievements of feminist, women’s and LGBTQI+ organisations in Colombia related to access to justice for victim-survivors of GBV

Topic	Judgment	Principal achievements
Sexual violence	T-843-2011	The voice of girls who have been victims of sexual violence was recognised because of litigation carried out by Sisma Mujer. This victory contests the gender biases mentioned above, according to which all population groups are equal and it is not necessary to adopt intersectional approaches (in this case one that not only considers gender but also child-specific needs and vulnerabilities).
Sexual violence	T-595-2013	A case on sexual violence litigated by Sisma Mujer, in which the Constitutional Court recognised the rights of an Afro-Colombian child with a disability and in a situation of forced displacement.
Sexual violence	T-418-2015	On the armed conflict, another case brought by Sisma Mujer led to a Constitutional Court judgment on the right to comprehensive reparations for victim-survivors of sexual violence in the notorious El Salado massacre.
GBV against migrants	T-236-2021	Women’s Link Worldwide achieved the first judgment to address the rights of a migrant woman who was a victim of human trafficking. The case adds to a series of progressive decisions by the Constitutional Court on the rights of migrants in the context of the exodus of Venezuelan citizens. The judgment requires the use of an intersectional approach that takes into account factors associated with migration.
GBV against migrants	T-344-2022	The Colectiva Justicia Mujer has also been successful in achieving the incorporation of intersectional gender approaches for the protection of the rights of migrant women. The case that produced this judgment focused on guaranteeing the rights of migrant and refugee women to access health services, particularly concerning sexual and reproductive health.

⁵ According to the Inter-American Commission on Human Rights (2015), heteronormativity refers to ‘the cultural bias in favour of heterosexual relationships, under which such relationships are deemed ‘normal, natural, and ideal’ and are preferred over same-gender or same-sex relationships’ (p.40). Cisnormativity is the ‘expectation that all people are cisgender, that those assigned male at birth always grow up to be men and those assigned female at birth always grow up to be women’ (p.41).

Topic	Judgment	Principal achievements
Sexual assault	SP-459- 2023	Feminist organisations were behind the classification of sexual harassment as a sexual crime under Law 1257. This, alongside communication work, has led to an overall increase in the reporting of acts of sexual harassment to the authorities and to feminist organisations. The classification sought to transform the belief that sexual harassment is a minor crime that does not warrant the investment of state resources. This judgment was an achievement in procedural terms and challenged what is usually expected of a 'good victim', as though such a standard could be said to exist.
Sexual assault	T-426-2021	This judgment, corresponding to a case led by Sisma Mujer concerns the recognition of sexual harassment as a form of GBV that must be addressed with a gender perspective, and in which the defence of women's rights must prevail over formalities.
Domestic Violence	001, 12 February 2021	Sisma Mujer has successfully used strategic litigation to oblige judicial operators to recognise the seriousness of domestic violence including, for example, the risk of femicide and applying an intersectional approach to gender and childhood. The ordering of protective measures for acts of domestic violence in criminal proceedings has been one of the major achievements of Sisma Mujer's litigation. As a result, domestic violence and GBV are recognised as serious crimes and as cases in which the safety of women rather than the fulfilment of family roles should prevail. The right of victim-survivors to receive comprehensive care and effective protection has also been established.
Femicide	Tribunal Superior del D J de Popayán. September de 2020, Acta No. 188	Sisma Mujer achieved the first national judgment on femicide against sex workers (in Law 1761 of 2015, known as the Rosa Elvira Cely Law). The judgment critiques gender norms that undermine cases in which victim-survivors are in a vulnerable condition and/or do not conform to traditionally accepted roles, as in the case of sex work. It also promotes the investigation of femicides that occur outside the private sphere.
Institutional violence	T-735-2017 T-015-2018 T-462-2018	The work of Sisma Mujer on three cases heard by the Constitutional Court on events that occurred in family police units has led to the recognition of institutional GBV in judicial settings. The judgments call for the application of a gender perspective in all state actions and for prioritising the pro-victim and pro-person principles in all state activities. These judgments have led to improve state services for GBV victim-survivors and laid the foundations for questioning and eradicating patriarchal gender norms and biases held by judicial operators.
Discrimination and violence against LGBTQI+ people	T-478-2015	Colombia Diversa also accompanied the case of an LGBTQI+ boy who took his own life after having suffered constant discrimination from the leadership team at his school. The resulting Constitutional Court judgment reiterated the obligations of educational institutions and the Ministry of Education to protect the life and integrity of LGBTQI+ people, as well as their fundamental rights to privacy and good name, equality and non-discrimination, free development of personality, education and due process. In addition to ordering reparation measures for the family, the Court ordered the Ministry of Education, the Ombudsman's Office and the Superior Council of the Judiciary to implement structural measures to ensure non-repetition, obliging these institutions to transform the discriminatory gender norms that have guided their actions to date.

Topic	Judgment	Principal achievements
Discrimination and violence against LGBTQI+ people	SU-617-2014	In its work to counter discrimination against the LGBTQI+ community, Colombia Diversa presented an Amicus Curiae to the Constitutional Court that led to a judgment safeguarding the rights of a child and her two mothers to form a family. This judgment reiterates jurisprudence on the right of LGBTQI+ people to adopt children (established in Judgment T-276-2012) and challenges heteronormative norms on the composition of the family.

The actions of feminist organisations have also contributed to questioning the gender norms held by accompanied victims. During the focus groups, the researchers found that, before participating in activities and receiving accompaniment, many women felt that the violence they had suffered was not very serious and did not need to be reported. After the accompaniment process had ended, they not only recognised the seriousness of GBV and their right to access justice, but they also came to identify acts of institutional violence and encourage other women to report cases of GBV.

5 Conclusion

Feminist, women’s and LGBTQI+ organisations have developed strategies to address the obstacles that prevent access to justice for GBV victim-survivors, which result from patriarchal gender norms internalised by justice operatives. Among the legal achievements of the organisations are: the incorporation by the judiciary of an intersectional gender approach, the recognition of the seriousness of GBV, and the granting of protection measures to women and LGBTQI+ people.

Although there is still a long way to go to transform patriarchal gender norms among justice operators, feminist activism has brought about considerable advances that have impacted the lives of multiple victim-survivors of GBV and set precedents for the future. A potential path for continuing this work is the construction and strengthening of alliances between organisations. It will also be important to develop joint advocacy activities focused on continued calls for the State to fulfil its obligations to protect the rights of victims. Above all, judicial institutions must undertake transformative actions that take into account any social or cultural factors which influence officials and any views and biases concerning gender, race, age, and social class they may hold, as these can perpetuate discriminatory and violent practices. To achieve this, it is essential to work to promote critical reflection and continuous training with judicial operators to ensure the justice system becomes truly gender-sensitive, equitable, and transformative.

All of the successes of feminist organisations in Colombia could not be captured in this report. Not only have they been central to legal change and new jurisprudence, but they have also played a crucial role in providing support to GBV victim-survivors: to represent, accompany and train them so that they can access the judicial system. This work does not only strengthen the ability of women to use the system, but it also serves as an encouragement to others to come forward and continue to work for justice.

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About ALIGN

ALIGN is a digital platform and programme of work that supports a global community of researchers, practitioners and activists, all committed to gender justice and equality. It provides new research, insights from practice, and grants for initiatives that increase our understanding of – and work to change – discriminatory gender norms.

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