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Sexual Violence and the Struggle for Justice: The Involvement of Indigenous Nasa Survivors in Armed Groups in Northern Cauca

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This Findings Report, and the research that supported it, were undertaken as part of UNIDIR's Managing Exits from Armed Conflict (MEAC) project. MEAC is a multi-donor, multi-partner initiative to develop a unified, rigorous approach to examining how and why individuals exit armed conflict and evaluating the efficacy of interventions meant to support their transitions. While the Findings Report benefited from feedback from MEAC's donors and institutional partners, it does not necessarily represent their official policies or positions.

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Key findings

- The main finding of this report is that some survivors of sexual violence join illegal armed groups in search of justice, partly because the mechanisms available to them in their communities fail to deliver justice and accountability for perpetrators.
- Unequal gender norms and roles between men and women within the community contribute to the lack of recognition of survivors' experiences and perpetuate a culture of impunity surrounding sexual violence cases.
- Men and women in the Nasa community hold contrasting views on sexual violence, its prevalence, perpetrators, and its link to joining armed groups, differences that likely undermine efforts to combat sexual violence.
- Although most cases of sexual violence in the community are committed against women and girls—the primary focus of this report—evidence indicates that men and boys are also victims of such abuses in the community.

Acronyms

ACIN	Association of Indigenous Cabildos of Northern Cauca
CORE	Conflict Responses Foundation
CRIC	Regional Indigenous Council of Cauca
DANE	Colombian National Administrative Department of Statistics
ELN	National Liberation Army
EMC	Central High Command
EPL	Popular Liberation Army
FARC-EP	Revolutionary Armed Forces of Colombia-People's Army
ICBF	Family Welfare Government Institution
MEAC	Managing Exits from Armed Conflict
ODHVM	Observatory of Human Rights and Violence Against Women
ONIC	National Indigenous Organization of Colombia
UNIDIR	United Nations Institute for Disarmament Research

Background

About MEAC

How and why do individuals exit armed groups, and how do they do so sustainably without falling back into conflict cycles? These questions are at the core of UNIDIR's Managing Exits from Armed Conflict (MEAC) initiative. MEAC is a multi-year, multi-partner collaboration that aims to develop a unified, rigorous approach to examining how and why individuals exit armed conflict and evaluating the efficacy of interventions meant to support their transition to civilian life. MEAC seeks to inform evidence-based programme design and implementation in real time to improve efficacy. At the strategic level, the cross-programme, cross-agency lessons that will emerge from the growing MEAC evidence base will support more effective conflict resolution and peacebuilding efforts. The MEAC project benefits from generous support by the German Federal Foreign Office (GFFO); Global Affairs Canada (GAC); the Swiss Federal Department of Foreign Affairs (FDFA); and the Irish Department of Foreign Affairs; and is run in partnership with UNICEF; and the International Organization for Migration (IOM); the UN Development Programme (UNDP); UN Department of Peace Operations (DPO); the World Bank; the Secretariat of the Regional Strategy for Stabilization, Recovery and Resilience in the Lake Chad Basin; and United Nations University Centre for Policy Research (UNU-CPR).

About this Series

The MEAC findings report series seeks to put evidence about conflict transitions and related programming into the hands of policymakers and practitioners in real time. The reports present short overviews of findings (or emerging findings) across a wide range of thematic areas and include analyses of their political or practical implications for the United Nations and its partners.

About This Report

The report is based on qualitative research carried out in July 2024 in partnership with MEAC's implementing partner in Colombia, the Conflict Responses Foundation (CORE). It explores the relationship between sexual violence and recruitment by armed groups within the Nasa Indigenous community in the North of Cauca, Colombia. The report is based on interviews and focus groups - designed as "Collective Spaces" for discussion - with the Nasa Indigenous Guard and with leaders of the Association of Indigenous

Cabildos of Northern Cauca (ACIN, for its initials in Spanish), specifically from the Women's Department (*Tejido Mujer*) and the Defense of Life Department (*Tejido Defensa de la Vida*) of the organization. Given the sensitivity of the topic and frustrations with prior research engagement in the community —such as the risks of re-traumatization and extractivist research practices, respectively— the research team implemented various strategies to ensure the study was conducted ethically and with cultural sensitivity. The study aims to fill knowledge gaps about how sexual violence, and particularly the lack of justice and accountability for survivors, can be contributing to armed group recruitment in Indigenous communities in the North of Cauca. The findings will inform gender-sensitive conflict prevention efforts and reintegration support¹ that consider the distinct needs of Indigenous communities and the realities of sexual violence.

Introduction

This report examines the link between the pursuit of justice for survivors of sexual violence in the Nasa Indigenous community and recruitment into armed groups operating in Northern Cauca, Colombia. The interest in researching this topic emerged in 2021 when the Conflict Responses Foundation (CORE) had informal conversations with members of Indigenous communities at the National Indigenous Organization of Colombia (ONIC, for its initials in Spanish) and the Regional Indigenous Council of Cauca (CRIC, for its initials in Spanish)² during which instances it became apparent that there were cases where some survivors of sexual violence - who were overwhelmingly women and girls - were possibly joining armed groups in an apparent effort to seek their own form of justice. The current research explores this phenomenon, and specifically analyses whether the Indigenous justice system successfully addresses sexual violence – and if not – whether failures in the system, in combination with the lack of community support to survivors, may be driving them to join armed groups in search for justice.

The report provides recommendations, developed in consultation with some Nasa community leaders from the ACIN, to better prevent sexual violence, aid survivors of these abuses, and address and prevent recruitment by armed groups in Northern Cauca. In practical terms, the findings of this study are important for prevention and Disarmament, Demobilization, and Reintegration (DDR)-like processes and can help

¹ There are various types of interventions to support the transition of individuals leaving armed groups to civilian life. These include the disarmament of members of an armed group, assisting combatants to leave armed groups, and helping them to reintegrate into society as civilians.

² ONIC, “[We walk towards reunion: 10th National Congress of Indigenous Peoples of the ONIC](#)”, 17 June 2021; CRIC, “[16th CRIC XVI regional indigenous congress of Cauca- In Mosoco-NASA Çxhãçxha](#)”, XVI Indigenous Regional Congress of Cauca, 9 August 2019.

ensure the distinct needs of Indigenous populations are addressed in their design and implementation. This comes at an important time, as since the signing of the 2016 Peace Agreement with the Revolutionary Armed Forces of Colombia-People's Army-People's Army (FARC-EP, for its name in Spanish), the North of Cauca has seen the incursion of new dissident groups and has been increasingly impacted by their violence.

Context

Overview of the Nasa People

The 2016 Peace Agreement between the Colombian Government and the FARC-EP marked a pivotal moment for implementing concrete measures to address the decades-long conflict. However, the rise of FARC dissident groups and other criminal organizations that rejected the Agreement continues to create significant security challenges in certain regions of the country. Indigenous communities, such as the Nasa people in Northern Cauca, are among the most affected due to the persistent presence of armed groups and ongoing violence, exacerbating existing vulnerabilities and undermining efforts to achieve lasting peace.

According to the National Indigenous Organization of Colombia (ONIC), Colombia has more than 100 different Indigenous groups.³ The Nasa people are one of the largest, along with the Wayuu, the Pastos and the Zenú communities.⁴ In line with the census of the Colombian National Administrative Department of Statistics (DANE, for its initials in Spanish), 186.178 people self-identify as Nasa and most of them currently live in the department of Cauca,⁵ where the subregion of Northern Cauca is located (see Figure 1). The Indigenous Census shows that there are 22 *cabildos*⁶ (Indigenous political authorities) in the North of Cauca that are grouped into 16 *resguardos*⁷ (Indigenous collective territories).⁸

³ Truth commission, "[The contribution of indigenous people on the construction of the country](#)", 18 August 2020; ONIC, "[Indigenous People](#)", 29 November 2021.

⁴ DANE, "[Census of the Colombian National Administrative Department of Statistics 2018](#)", 16 September 2019.

⁵ Office of the Inspector General of Colombia, "[Characterization of the Nasa Indigenous people](#)", 2019.

⁶ A *cabildo* is a unique public entity formed by elected members of an Indigenous community. It is recognized by the community and operates within a traditional sociopolitical framework. Its primary role is to legally represent the community, exercise authority, and fulfill responsibilities as defined by the laws, customs, practices, and internal norms of each community.

⁷ A *resguardo* is a unique sociopolitical and legal institution consisting of one or more Indigenous communities that collectively hold rights to their land with the same protections as private property. These institutions own their territory, govern its use, and manage internal affairs through an autonomous organization guided by Indigenous law and their own normative systems. *Resguardos* are collectively owned by the Indigenous communities for whom they are established, and their lands are inalienable, imprescriptible, and immune from seizure.

⁸ Association of Indigenous Cabildos of Northern Cauca (ACIN), "[Autonomous territory](#)", 7 November 2024.

FIGURE 1 – MAP OF THE CAUCA DEPARTMENT AND THE SUBREGION OF NORTHERN CAUCA



Source: The National Centre for Historical Memory.

The Nasa People seek the “good living” (*buen vivir*), which refers to living in balance and harmony with the territory, the family, and the community. In contrast, they refer to the atrocities resulting from the armed conflict—such as homicides or inter-group violence—and those occurring within the community—such as domestic violence—as “disharmonies”. The Nasa community sees disharmonies as breaking the balance necessary for a stable and lasting harmony between its people and Mother Earth.⁹

In the North of Cauca, the Nasa people are organized in the Association of Indigenous Cabildos of Northern Cauca (ACIN, for its initials in Spanish) since 1996. This association promotes the political and territorial development of the Nasa people by providing political and organizational support to the community, strengthening the Traditional Authorities,¹⁰ and consolidating their own form of government.¹¹ The ACIN

⁹ Ministry of Justice and Law, “[Characterization of the justice systems of the Indigenous peoples and authorities that make up the Indigenous regional council of Cauca -CRIC-](#)”, Agreement 0338 of 2918 between CRIC (Popayán, 2020).

¹⁰ The Traditional Authorities are members of Indigenous communities who hold the power to organize, govern, and oversee community affairs.

¹¹ Ministry of the Interior, “Resolution 038 of 2023: Whereby the reform of the bylaws and change of name of the Association of Indigenous Cabildos of Northern Cauca - ÇXHAB WALA KIWE - ACIN (Association of Indigenous Councils of Northern Cauca), domiciled in the municipality of Santander de Quilichao, in the

has 7 *Tejidos* or Departments, which include the Justice and Harmony Department (*Tejido de Justicia y Armonía*), the Defense of Life Department (*Tejido Defensa de la Vida*) and the Women's Department (*Tejido Mujer*), among others. The Justice and Harmony Department is responsible for coordinating the functioning of the Indigenous justice system. The Defense of Life Department is responsible for coordinating the Indigenous Guard or *Kiwe Theгна*,¹² an ancestral non-violent organization led by Indigenous people which establishes order and territorial control within Indigenous communities in the region and focuses on the defense of Indigenous human rights in the context of the armed conflict. Finally, the ACIN's Women's Department, created in 2017, works to protect the rights of Indigenous women specifically. This Department has local coordinators in 16 of the 22 Indigenous political authorities (*cabildos*) only, as not all *cabildos* recognize the need for a local coordinator for this line of work and due to the lack of financial resources and security measures attributed to the Department.¹³ It is important to highlight that local coordinators of this Department do not receive any kind of compensation for their work, but rather do it for free and without any kind of resources available for the development of their functions.

Security Context

Since 2017, there have been various armed groups in the region, such as FARC dissident groups, the Popular Liberation Army (EPL, for its initials in Spanish), and the National Liberation Army (ELN, for its initial in Spanish), which all try to gain control over the territories formerly controlled by the FARC-EP before the signing of the Peace Agreement in 2016.¹⁴ Since then, the “Dagoberto Ramos” and “Jaime Martínez” fronts of the FARC dissident group the Central High Command (“EMC”, for its initials in Spanish) have become the most powerful armed actors in Northern Cauca. In late 2023, a new division of the “EMC”, called the 57th “Yair Bermúdez” Front, emerged.¹⁵

After the signing of the Peace Agreement in 2016, the Colombian Government under Ivan Duque's administration adopted a military strategy to confront the dissident groups and capture their main leaders. At this time, the Government had no intention of negotiating with these groups. However, when the current president Gustavo Petro was elected in 2022, the Government put in place the “Total Peace” policy seeking to negotiate with the main armed groups operating in Colombia, including the ELN and the various FARC

department of Cauca, is registered in the Registry of Associations of Indigenous Councils and/or Traditional Authorities”, Legal Resolution (Bogotá, 2023).

¹² *Kiwe Theгна* is the Nasa term for the Indigenous Guard. *Kiwe* refers to those who protect the territory and *Theгнаs* denotes individuals stationed to observe and report on events. Dedicated to defending life and territory, they carry out their mission without the use of any weapons.

¹³ MEAC, *Interview with a coordinator of the Observatory of Human Rights and Violence Against Women of the ACIN's Women's Department* (North of Cauca, Colombia, July 2024).

¹⁴ Ombudsman's Office, “[Early warning N° 005-2023](#)”, Report PP-P01-F10 (2023).

¹⁵ CORE, *Fieldwork conducted in Santander de Quilichao* (North of Cauca, Colombia, May 2024).

dissident groups, in order to demobilize its members. However, at the time of writing, negotiations with these dissidents have not resulted in reducing the impact of these groups on the Indigenous population in Northern Cauca. Quite the opposite; according to the ACIN, in 2023, there were three times more disharmonies in the community from the armed conflict than in 2019.¹⁶

Recent actions of the “Dagoberto Ramos” and “Jaime Martínez” fronts of the “EMC” against the Nasa community include threats, homicides, and attacks on their leaders as well as the forced recruitment of community members.¹⁷ The security situation further deteriorated since March 2024, when a ceasefire between the Government and the “EMC” was suspended in Cauca (including in the North of Cauca), Nariño, and Valle del Cauca. The ceasefire was suspended after the group murdered Indigenous leader Carmelina Yule Paví.¹⁸

When it comes specifically to recruitment, in 2023, the ACIN and the Ombudsman's Office reported 153 cases of recruitment of Indigenous minors by armed groups in Northern Cauca alone.¹⁹ However, over the same period, the Ministry of Defense reported that only 57 minors demobilized from armed groups in this region,²⁰ while the Colombian Family Welfare Government Institution (ICBF, for its initials in Spanish) reported that only 27 minors were admitted to its program for Demobilized Children and Adolescents, of which 18 were Indigenous.²¹ These numbers are problematic as they evidence that many young people who have demobilized from armed groups in the North of Cauca are not receiving adequate support from the Government for their effective reintegration into society. Although these statistics are only for children and adolescents, evidence suggests that many other Nasa adults have also been targeted by armed groups in the region. For example, in 2016, while “EMC” dissidents numbered between 400 and 600 members nationally, by 2023, this figure had risen to 3,500 - including both children and adults—who were forcibly recruited into the group.²²

For many young people in the Nasa community, it is difficult to avoid engagement with armed groups as they are a constant presence. The participants in the study shared that

¹⁶ ACIN, “[Summary of the territorial disharmonies report Cxhab Wala Kiwe in 2023](#)”, Research report 2023 (North of Cauca, 2023).

¹⁷ ACIN, “[Report of territorial disharmonies in Northern Cauca](#)”, Research Report 2024 (North of Cauca, 2024).

¹⁸ CRIC, “[Regional news March 19, 2024: Dagoberto Ramos dissidents, murder of the Mayora Carmelina Yule](#)”, 19 March 2024.

¹⁹ ACIN, “[Summary of the territorial disharmonies report Cxhab Wala Kiwe in 2023](#)”, Research report 2023 (North of Cauca, 2023); Ombudsman's Office, “[Early warning of imminence 019-24](#)”, Report PP-P01-F18 (2023).

²⁰ Ministry of Defense, “[Statistical information](#)”, 7 November 2024.

²¹ Family Welfare Government Institution (ICBF), “[Statistics of the demobilized children and adolescents program](#)”, 7 November 2024.

²² CORE, “[FARC-EP dissidences: Two paths of a war in the making - Parts 1](#)”, Report (Bogotá, 2024).

members of the armed groups continue to get involved in Nasa community spaces, such as assemblies and schools, and often reside inside the Indigenous collective territories (*resguardos*). This proximity makes it hard for young people to avoid armed groups and facilitates their recruitment. In addition to proximity, the precarious socioeconomic conditions, and the lack of educational and life opportunities for young people in the North of Cauca are also a contributing factor for recruitment.²³

Sexual Violence as a Disharmony

Sexual violence is considered by the Nasa Indigenous community as a serious disharmony. The Women's Department has an Observatory of Human Rights and Violence Against Women (OHDVMI, for its initials in Spanish),²⁴ which is an Indigenous organization coordinated by the ACIN that is responsible for monitoring violence against Indigenous women in Northern Cauca. The Observatory examines sexual violence in two different scenarios: in the context of the armed conflict, and specifically, when it is committed by armed groups, and sexual violence within the communities, which is referred to as "social conflict". In 2024, the Observatory documented more cases of sexual violence linked to "social conflicts" than to the armed conflict, noting that these "social conflicts" have continued to rise throughout the year.²⁵ The situation is so critical that, for cases of sexual violence, the Indigenous justice legislation recognizes that "there are girls and young women who go for a consultation with the healthcare services requesting contraceptive methods without having started their sexual life, claiming that 'many women are being raped' in their Indigenous collective territories (*resguardos*)."²⁶

In contrast to the OHDVMI's data above, which suggests that sexual violence is primarily perpetrated by community members, the Nasa people have traditionally viewed sexual violence as a disharmony caused by external factors to the community, such as armed groups.²⁷ There has been little recognition that beyond conflict related sexual violence, there is an internal community issue that urgently needs to be addressed.

It is important to note that in the North of Cauca, as in many other contexts, sexual violence - regardless of the perpetrator - is significantly underreported, raising questions about the accuracy of existing statistics and highlighting the need for more thorough and

²³ ACIN, "[Summary of the territorial disharmonies report Çxhab Wala Kiwe in 2023](#)", Research report 2023 (North of Cauca, 2023).

²⁴ ACIN, "[Observatory of Human Rights and Violence Against Women \(OHDVMI\)](#)", 7 November 2024.

²⁵ ACIN's Women's department, "[First semi-annual report of the Observatory of Human Rights and Violence Against Indigenous Women of Çxhab Wala Kiwe – ACIN](#)", Report (Cauca, 2024).

²⁶ ACIN's Women's Department, "Indigenous law legislation to respond to situations of sexual violence in the Indigenous territories of Northern Cauca", Report (Cauca, 2021).

²⁷ Valero Londoño Alba Nelly & Anzorena, Claudia Cecilia, "[Comprehensive sexual education in educational processes from an intercultural perspective: building challenges with the Nasa indigenous people of the northern of Department of Cauca, Colombia](#)", 2016 Report on the 5th Latin American Meeting of Social Science Methodology (Mendoza, 2016).

reliable data on the issue. This study therefore aims to make a modest contribution to highlighting the issue and the needs of survivors of sexual violence in the Nasa communities in Northern Cauca.

The Indigenous Justice System

The Nasa people resolve their conflicts through Indigenous justice. As highlighted by the United Nations Special Rapporteur, “a general characteristic of the Indigenous justice systems that is fundamentally different from the ordinary justice systems is that the sources of law applied do not derive from codified laws or tribunal decisions, but rather from oral histories, world views, spiritual and other cultural traditions, family or clan relations and obligations, and their close relationship with their traditional lands”.²⁸ For the Nasa and other Indigenous peoples, “notions of justice or law are not seen as separate from spiritual, religious, cultural or other aspects of Indigenous societies and cultures that bring coherence to their communities and are accepted by their members”.²⁹

The Nasa justice system may take different forms depending on the authority of each Indigenous collective territory (*resguardo*) and the type of disharmony committed. In the case of sexual violence, specific legislation has been put in place since 2021 requiring the survivor (or another person in the community) to file a report before the Indigenous political authority’s legal entity (which is supposed to be qualified to deal with cases of sexual violence), the local coordinators of the Women’s Department of the ACIN, the Indigenous Guard, or a Territorial Authority, who in turn reports the case to a Legal Commission.³⁰ This Commission is responsible for investigating the reported case: collecting evidence, talking to witnesses and verifying the facts. If the Commission finds evidence that sexual violence occurred, it convenes an assembly in which the entire community participates, and together, decides whether the person is guilty and assigns a punishment. Punishments³¹ are referred to by the community as “remedies” (or *remedios*) and take the form of physical punishments³² or incarceration.³³ In addition to

²⁸ UN Human Rights Council, “[Report of the Special Rapporteur on the rights of indigenous peoples. Rights of indigenous peoples](#)”, United Nations, 2 August 2019, A/HRC/42/37.

²⁹ Ibid.

³⁰ ACIN’s Women’s Department, “Indigenous law legislation to respond to situations of sexual violence in the Indigenous territories of Northern Cauca”, Report (Cauca, 2021).

³¹ Ministry of Justice and Law, “[Characterization of the justice systems of the indigenous peoples and authorities that make up the indigenous regional council of Cauca -CRIC-](#)”, Agreement 0338 of 2918 between CRIC (Popayán, 2020).

³² Some forms of punishment include: i) *Fuete* is a type of whipping administered to the lower legs. While it causes pain, within the Indigenous justice system, the intent is not to inflict excessive suffering, but rather to serve as a form of purification. It functions as a symbolic act or ritual used by the community to sanction the individual and restore harmony, and ii) *Cepo* is a restraint device that confines a person’s hands or legs between two wooden boards for a period of time. This punishment is considered non-harmful to the physical and mental well-being of the individual, aiming to serve as a corrective measure rather than inflict lasting damage.

³³ The deprivation of liberty may occur in two locations: the *harmonization centres*, which are situated within Indigenous territories, and State Prisons, where there is a designated area specifically for Indigenous individuals.

this, according to the legislation, no arrangements between the survivors and the perpetrators' families are allowed; and therefore, no conciliation or economic settlement processes may be considered.³⁴

Within this context, the study sought to examine the factors driving survivors of sexual violence in the Nasa community of Northern Cauca to join armed groups in pursuit of their own version of justice. It specifically investigates how family and community dynamics, alongside limitations within the Indigenous justice system, may contribute to this phenomenon.

Methodology

The study employed two qualitative research techniques: individual interviews and focus groups, or “Collective Spaces”. These activities were carried out from July 8 to 11, 2024, in the municipality of Santander de Quilichao in Cauca, Colombia.

“Collective Spaces”

The research team collaborated closely with the ACIN to refine the focus group methodology to adapt it to local culture and address community concerns about extractive research practices. This collaboration led to designing an approach that more authentically represents the lived realities of the Nasa people and labeling these activities as “Collective Spaces” rather than focus groups. Despite the initial intention to conduct a “Collective Space” exclusively with survivors of sexual violence, the research team had to cancel these due to security risks and concerns about re-traumatization, and instead, focus on the following populations, considering them the next most direct and knowledgeable sources on sexual violence and recruitment occurring in the community:

I. Local Coordinators of the Women’s Department of the ACIN

In each Indigenous collective territory (*resguardo*), the local coordinators from the Women’s Department address cases of violence against women and girls and provide them with support within the Indigenous justice process as well as psycho-cultural support.³⁵ This “Collective Space” was held with ten women in total: seven of them were local coordinators of the Women's Department of the ACIN; one of them was a survivor

³⁴ ACIN’s Women’s Department, “Indigenous law legislation to respond to situations of sexual violence in the Indigenous territories of Northern Cauca”, Report (Cauca, 2021).

³⁵ The psychocultural support is a form of psychological attention with an ethnic-cultural approach that recognizes the differentiated needs of indigenous populations.

of sexual violence herself who was invited by the local coordinator of her municipality; one was a psychologist and another was a social worker from the Department. The participants came from the Canoas, Huellas, Toribío, Miranda, López Adentro, Jambaló and Santander de Quilichao Indigenous collective territories (*resguardos*) and were between the ages of 30 and 60 years old.

II. The Indigenous Guard

Two other "Collective Spaces" were held with the Indigenous Guard—one with men and one with women. The ACIN suggested to separate both groups to create a more supportive environment for discussing sensitive issues related to sexual violence and allowing for more open and focused conversations. These "Collective Spaces" were of great importance since one of the functions of the Guard is to assist the coordinators of the ACIN's Women's Department in addressing violence against Nasa women and detaining suspected perpetrators until the competent authority takes over the case.

The first "Collective Space" conducted with the Indigenous Guard was composed of seven female members of the Guard, all between the ages of 17 and 60 years old and pretraining to the Toribío, Corinto, Miranda, and Santander de Quilichao Indigenous collective territories (*resguardos*). The second "Collective Space" was held with four male members of the Guard, between the ages of 25 and approximately 70 years old.

Interviews

To shed light on the topic under investigation, two one-to-one semi-structured interviews were also conducted with: 1) The coordinator of the Observatory of Human Rights and Violence Against Woman (OHDVM) of the ACIN's Women's Department, which works to protect Indigenous women's rights by monitoring cases of violence against them and providing psycho-cultural assistance to women survivors of sexual violence, and 2) the Coordinator of the Program "Rebuilding the Way Back Home", which is part of ACIN's Defense of Life Department, who works to protect human rights in the territory and prevent and address the recruitment of minors into armed groups.

Challenges Researching Sexual Violence in Indigenous Communities in Conflict Contexts

Researching sexual violence in Indigenous communities in the context of the armed conflict comes with a series of methodological and ethical challenges. The biggest challenge had to do with ensuring that research practices were culturally sensitive to the Nasa people and that they did not reproduce extractivist dynamics that could potentially harm participants and create frustrations with the community. To this end, the research team adopted several strategies such as paying attention and adapting the language used throughout the activities to make sure that it accurately reflected the realities of the Nasa people. In addition, self-care and collective care activities³⁶ - that were led by an art therapist³⁷ with extensive experience working with Indigenous communities - were included within the “Collective Spaces”.

FIGURE 2 – COLLECTIVE SPACE WITH WOMEN OF THE INDIGENOUS GUARD³⁸



Source: Picture taken by the research team

³⁶ The self-care and collective care spaces activities focus on the physical, mental, emotional and spiritual health of its participants. They are implemented through art therapy, aromatherapy, meditation, breathing exercises, the use of medicinal plants, among other methods that foster holistic health and promote harmony within individuals.

³⁷ Art therapy is a profession based on the psychotherapeutic applications of the artistic process, which essentially uses visual arts as a means to promote significant and lasting changes in people, enhancing their development and growth as individual and social beings. Art therapy is part of the four expressive therapies also known as creative therapies: Art therapy, music therapy, drama therapy and dance and movement therapy (DMT).

³⁸ Picture taken by the research team during one of the self-care and collective care activities led by an art therapist during the “Collective Space” with women of the Indigenous Guard.

The security concerns in Northern Cauca over the last months also presented a series of challenges and demanded researchers to adopt effective protection measures. For instance, fieldwork had to be postponed on at least three occasions to guarantee the safety of the research team and the participants. Moreover, to protect the privacy and confidentiality of the participants, all the interviews and the “Collective Spaces” were carried out within the ACIN's facilities, as these are considered safe and private spaces.

Additionally, to protect the emotional and psychological wellbeing of the participants, an Indigenous psychologist from the Kankuamo³⁹ community with experience assisting Indigenous survivors was hired to provide psycho-cultural and psycho-social assistance to participants in need and to advise the research team. This approach allowed the research team to support a survivor of sexual violence who unexpectedly joined the “Collective Space” with the ACIN coordinators, as well as the caregivers who support survivors, while simultaneously confirming some survivors are indeed turning to armed groups in search for justice as they fail to find justice and accountability within the Nasa justice system.

Findings

The main finding of this report is that some survivors of sexual violence from the Nasa Indigenous communities of Northern Cauca are joining FARC dissident groups in search of justice. However, it is important to note that the number of identified cases in this study remains limited, which makes it difficult to ascertain how widespread this pattern is in the wider Nasa community and whether other Indigenous communities in Colombia are experiencing similar cases. Additionally, in the “Collective Spaces” discussions, at least three participants also shared stories of sexual violence survivors reaching out to members of illegal armed groups to seek revenge or punishment against their aggressors, without necessarily joining these groups. However, the research team was unable to gather detailed evidence on this phenomenon. While further research is needed to gain a deeper understanding of this phenomenon and how many people are impacted, the study does clearly identify a disturbing pattern of unsatisfactorily addressed sexual violence that is contributing to conflict. As highlighted in this section, the study also found that the handling of sexual violence is marred by a lack of recognition of the problem, its frequency and causes, a lack of support to survivors from their families and communities as well as a lack of overall capacity within the Indigenous justice systems.

³⁹ The Kankuamo community is another Indigenous community in Colombia. They are located in the Sierra Nevada of Santa Marta.

Dissenting Perspectives on Gender and Sexual Violence

Exploring the community's gender roles and norms is essential, as they may contribute to the reproduction and normalization of sexual violence in the Nasa community, as well as to the resulting impunity for such crimes within the Indigenous justice system. The study evidences a lack of recognition that gender roles and norms fall short of the ideal help up by the community, demanding further attention to this phenomenon in order to effectively prevent and address sexual violence cases in the future. Specifically, the Nasa Indigenous worldview promotes the idea that men and women are equal and complementary. When the research team examined participants' perceptions of gender norms and roles within the Nasa Indigenous community in Northern Cauca, it became clear, however, that the view that everyone in the community is equal was only held by men from the Indigenous Guard. One man in the Guard shared,

"So far, we have tried to ensure that they (community members) have the same functions to avoid discriminating against women and to remedy some of the damage caused in the past. And today, we say that women are capable (...) of walking the territory, they are capable of participating in any scenario."⁴⁰

In contrast, women from the Guard disagree with this statement and emphasize the multiple inequalities that persist among Nasa men and women. For instance, a woman from the Indigenous Guard said: "We always talk about equality, (...) we always talk about walking together. But those are empty words."⁴¹

These diverging perceptions of gender equality in the Nasa community are evidence of men's lack of acknowledgement of existing sexist dynamics within the community. This lack of recognition that women are not treated equally in the community is problematic as it may contribute to the perpetuation of unequal gender roles and stereotypes that contribute to the normalization of different forms of gender-based violence, including sexual violence.

When it comes specifically to sexual violence in the Nasa Community, the findings also show dissenting opinions. Despite there being a general consensus among all

⁴⁰ MEAC, *Collective Space with men from the Indigenous Guard* (North of Cauca, Colombia, July 2024).

⁴¹ MEAC, *Collective Space with women from the Indigenous Guard* (North of Cauca, Colombia, July 2024).

participants that sexual violence is a real disharmony, there were different opinions from men and women about what constitutes this type of violence, its frequency, the identity of the perpetrators, and the possibility that these abuses are driving some survivors to join illegal armed groups to seek justice.

For the men of the Indigenous Guard, the most serious expression of violence against women is femicide, understood as "the murder of Indigenous women leaders or comrades of *Kiwe Thegnas* because of their activity".⁴² When it comes to sexual violence specifically, although they agree that this is an occurring problem in Nasa communities, they believe it is of lesser importance, it is not frequent, and they hardly see it as a motivation for women to join illegal armed groups. When sexual violence does occur, the participants explain it is committed exclusively by members of different armed groups present in the area. This perception among men from the community—that sexual violence is rare and external to their community—downplays the severity of the issue and overlooks the involvement of local men. Such attitudes also contribute to a neglect of survivors' suffering and hinder meaningful recognition of the problem within the community.

In contrast, the women of the Indigenous Guard and the local coordinators of the ACIN's Women's Department all recognize sexual violence as a recurrent and serious disharmony in their communities. The women from the study highlighted that perpetrators are usually members of the community rather than external armed groups. By identifying sexual violence as a recurrent issue and highlighting the impunity surrounding these cases as a problem rooted within the community, these women shed light on why some survivors may seek "solutions" outside their community, such as turning to armed groups for a form of "criminal justice".

Specifically, in the conversations held during the "Collective Spaces" and the interviews, the coordinators from the ACIN and the women members of the Indigenous Guard highlighted the existence of disharmonies originating within the family and community as one of the factors driving survivors of sexual violence to join armed groups in search for criminal justice. According to these participants, different forms of domestic violence, including sexual violence, are common within the Nasa families and communities. The participants state that survivors are mainly girls living in homes with recurrent domestic abuse predominantly committed by close relatives, such as partners, uncles, and stepfathers. The participants even reported knowing about cases of sexual violence perpetrated by members of the community's Territorial Authorities. To illustrate this point,

⁴² MEAC, *Collective Space with women from the Indigenous Guard* (North of Cauca, Colombia, July 2024).

Ana,⁴³ a survivor who joined the "Collective Space" with local coordinators from the ACIN's Women's Department, shared her experience of joining an armed group as a minor to seek revenge for sexual abuse inflicted by someone close to her family. However, she was expelled from the group after refusing to kill her abuser when given the opportunity. Upon returning to her community, she received no support; instead, she was met with stigma and isolation due to both her association with the armed group and her victimhood.⁴⁴ This story evidences the close proximity that survivors have with their perpetrators, often complicating their access to adequate support and even possibly motivating some to join armed groups as a desperate means of escaping continued abuse.

Although most cases of sexual violence in the community are committed against women and girls—the primary focus of this report—evidence indicates that men and boys are also survivors of such abuses. Given that sexual violence is already highly underreported for women and girls, this trend may be even more pronounced among male survivors due to the existing stigma surrounding male victimization and the limited support measures available to them. One woman member of the Indigenous Guard reported knowing about a 16-year-old boy who was sexually abused by his uncle. Following the abuse, the boy failed to receive adequate emotional support from his family, nor did they help him report the case to the Indigenous justice system. Lacking both support and justice for what happened to him, the boy eventually decided to join an armed group, where he reportedly remains to this day. This case highlights the potential that the lack of justice for survivors of sexual violence is driving not just girls and women into armed groups, but also men and boys. Given the specific challenges in documenting sexual violence against men and boys, more research is needed to determine how pervasive this is and if different factors are contributing to it - which would be important for crafting truly gender-responsive policies.

Lack of Justice and Accountability

According to the local coordinators of the Women's Department of the ACIN, some girls, and women survivors of sexual violence join illegal armed groups in search of justice, partly because the mechanisms available to them in their communities fail to deliver justice and accountability for perpetrators. Despite the system put in place, the perpetrators often receive very mild penalties—or no penalty at all—for the acts committed, contributing to a culture of impunity for such crimes. Furthermore, survivors

⁴³ This pseudonym is used to ensure the participant's anonymity.

⁴⁴ MEAC, *Collective Space with local coordinators of the ACIN's Women's Department* (North of Cauca, Colombia, July 2024).

are not recognized as survivors and, therefore, do not receive adequate assistance, their rights are not reinstated, and they are not redressed for the damage suffered. According to a woman from the Indigenous Guard: “There is often no justice because sometimes cases are not reported, but when they are, justice fails to resolve issues (...). Sometimes, they (the justice system) don't believe them (the survivors) when they mention that they have been abused, they just don't believe them.”⁴⁵ So many women and girls who have been victimized “remain silent; they have no confidence to talk or seek justice because justice is always limited”.⁴⁶

Survivors staying silent because they have no confidence in the justice system contributes to a further underreporting of incidents of sexual violence in the Nasa community. This lack of confidence is driven by repeated failures of the system to hold perpetrators accountable. For instance, one of the local coordinators of the ACIN's Women's Department shared a story that highlighted not only the failure to sanction perpetrators but also to remove the survivors from the context of violence even after their abuse had been acknowledged. There was a case of sexual abuse of a minor by her stepfather, who belonged to the territorial authority of an Indigenous collective territory (*resguardo*). This case was reported to the Indigenous Justice system, and their decision following the investigation and trial was to force the perpetrator to forfeit their position of power, but he remained at liberty and continued living with the minor he had been found to have abused.⁴⁷

In addition to grossly inadequate consequences for perpetrators, the Indigenous justice system has on occasion failed to even open judicial processes after cases had been filed. During the “Collective Spaces”, two cases were highlighted where, despite investigations confirming occurrences of sexual violence against two women, no judicial process followed. Instead, participants noted that “the issue was shelved”,⁴⁸ leaving no further information on whether charges were dropped or if a private settlement was reached. One of these cases involved the rape of a 9-year-old girl by a Territorial Authority in one Indigenous collective territory (*resguardo*), where no justice was served.⁴⁹

When survivors of sexual violence bring their cases to the Indigenous justice system, they frequently encounter numerous barriers. Survivors are often met with skepticism and disbelief when reporting their abuse, and they lack protection against re-victimization.

⁴⁵ MEAC, *Collective Space with women from the Indigenous Guard* (North of Cauca, Colombia, July 2024).

⁴⁶ Ibid.

⁴⁷ MEAC, *Collective Space with local coordinators of the ACIN's Women's Department* (North of Cauca, Colombia, July 2024).

⁴⁸ Ibid

⁴⁹ Ibid

These obstacles reflect the gender inequalities persisting within the Indigenous justice system that prioritizes male perpetrators over female survivors, thus leaving survivors without adequate support. A significant factor contributing to these issues is the limited role that local coordinators of the ACIN's Women's Department have in the judicial process, restricting their ability to advocate effectively for survivors. The roles and responsibilities of these coordinators are unclear among Territorial Authorities, often resulting in their exclusion from key stages of the judicial process. This exclusion undermines comprehensive support for survivors and underscores the need to improve the work of local coordinators of the ACIN's Women's Department, including their resources and capacity, to better accompany survivors throughout the justice process.

There are other practices that make it difficult to see the perpetrators held accountable for their actions. Although the legislation⁵⁰ does not allow for conciliations or settlements in cases of sexual violence due to the crime's severity, the perpetrators often illegally pay survivors off to prevent the survivors from further pursuing their cases. For example, the research team learned that "there is a case in which a girl—a minor at the time—was raped, and the case was taken to the conciliation committees"⁵¹ but the perpetrator offered a payment to the survivor's family to settle the matter privately, thereby avoiding prosecution within the justice system. One of the local coordinators from the Women's Department of the ACIN lamented that "these cases are going unpunished because they reach a financial agreement to close the case".⁵²

Lastly, although the law mandates that survivors' identities should be protected (for example, by omitting their names), their names are often publicly mentioned during community assemblies where cases are discussed. In these close-knit communities, where everyone knows each other and the entire community is invited to the justice assemblies, the survivor's identity quickly becomes known, exposing survivors to potential stigmatization by the community or threats from their perpetrators. Furthermore, the survivor also attends the assembly, and their version is publicly contrasted with that of the perpetrator. Usually, the outcome of these assemblies is more favourable to the perpetrators, leaving survivors without adequate assistance and with no compensation nor guarantee of non-repetition.

As highlighted by the participants, the ineffective nature of the Indigenous justice system in cases of sexual violence is motivating some survivors to join illegal armed groups in

⁵⁰ ACIN's Women's Department, "Indigenous law legislation to respond to situations of sexual violence in the Indigenous territories of Northern Cauca", Report (Cauca, 2021).

⁵¹ MEAC, *Collective Space with local coordinators of the ACIN's Women's Department* (North of Cauca, Colombia, July 2024).

⁵² Ibid

search of justice they could not obtain in their community. This is illustrated by a case shared by one of the local coordinators from the ACIN's Women's Department: In one Indigenous collective territory (*resguardo*), a minor was sexually abused twice after having suffered physical and domestic violence. Although the Women's Department of the ACIN assisted the minor for six months by providing psycho-cultural assistance and supporting the process before the Indigenous justice, the survivor eventually decided to join the "EMC" dissidents seeing that she could not attain justice in her community. There is evidence that suggests that she continues in the group's ranks to this day.⁵³

The reported cases of Nasa people - particularly women and girls - joining armed groups after failing to get justice and accountability for sexual violence suggests 1) that by not effectively dealing with sexual violence in their communities, the Nasa authorities are inadvertently contributing to their own insecurity, and 2) beyond the knock-on effects of sexual violence, it is essential that the community's acknowledgement of and approach to sexual violence needs to change in order to eliminate an egregious disharmony from their society. While gender norms and a lack of awareness may hamper widespread recognition of the severity and source of this problem, there is recognition at various levels of the Nasa governance structures that there is a problem. Indigenous justice has been so ineffective in cases of sexual violence that their own legislation even states that "stealing a chicken is punished more severely than raping a woman".⁵⁴

Recommendations

This section outlines a series of recommendations - that were developed in consultation with leaders of the ACIN - to prevent and address sexual violence in the Nasa Indigenous community. Achieving meaningful change requires a multifaceted approach that addresses cultural norms, enhances institutional capacity, provides guidance, and tackles power imbalances that contribute to the issue. In addition, all the recommendations outlined below were developed with gender, age, and ethnic perspectives in mind to honour and incorporate the Nasa worldview at every stage of the process, reflecting their distinct social structures and ways of organizing.

⁵³ Ibid

⁵⁴ ACIN's Women's Department, "Indigenous law legislation to respond to situations of sexual violence in the Indigenous territories of Northern Cauca", Report (Cauca, 2021).

Recommendation for the ACIN

To prevent and adequately address sexual violence in the Nasa community, the ACIN should address policy and guidance, capacity and training, documentation and data; enhance support for survivors; and run a normative campaign:

Policy and Guidance

- Enhance the clarity of roles and coordination between the work carried out by different Departments of the ACIN - such as the Defense of Life Department, the Women's Department and the Department of Justice and Harmony - and the work of the Territorial Authorities in handling cases of sexual violence.
- Update the Women's Department of the ACIN's guidance on the effective collection of complaints, monitoring of processes, and resolution of sexual violence cases.
- Socialize current sexual violence legislation and guidance prepared by the Women's Department regarding the investigation and prosecution of sexual violence in the 22 Indigenous collective territories (*resguardos*) with all actors involved in judicial processes (e.g., Indigenous authorities, Indigenous Guards, etc.).
- Publish and circulate, through the Observatory of Human Rights and Violence Against Women (OHDVMI), the decisions made by the Indigenous jurisdiction regarding gender-based violence, including sexual violence, to serve as a tool for improving awareness of case outcomes.
- Create guidance for when the Nasa justice system should request external technical, scientific, or legal support in sexual violence cases that require a certain degree of specialization (e.g., psychological evaluations).

Evidence, Data and Learning

- Present the findings in this MEAC report to all the Departments and Territorial Authorities that make up the ACIN to inform more effective joint actions for the prevention of and response to sexual violence.
- Create a judicial database of sexual violence cases that includes key case details that will be kept confidential but will allow for deidentified analyses of trends and judicial outcomes.

- At the end of each year, an Assembly should be organized in each Indigenous political authority (*cabildo*), where a summary of deidentified sexual violence data is presented in order to evaluate access to justice for survivors of sexual violence in the Nasa communities.
- Create a space to exchange information about how sexual violence cases are being addressed by the Defense of Life, the Justice and Harmony, and the Women's Departments of the ACIN to share lessons learned and promote best practices. Specifically, this exchange should explore whether these Departments effectively support survivors and if satisfactory judicial processes were followed to ultimately adopt measures to improve the quality of this support over time.

Capacity and Training

- Carry out awareness-raising and training sessions periodically for ACIN legal professionals⁵⁵ (lawyers and community members called to investigate and accompany authorities in judicial processes) to effectively implement a gender and ethnic perspective in the investigation and judicial processes surrounding sexual violence cases.
- Ensure any training about sexual violence raises awareness of the existence of sexual violence against men and boys to fight against stereotypes that prevent the recognition of male survivors.
- Collaborate more closely with the Ministry of Justice (e.g., through the “Bank of Initiatives and Projects”) to strengthen the protection of survivors of sexual violence in the Indigenous justice system.⁵⁶
- Strengthen the capacity of the Indigenous Guard in all procedural stages of the investigation of sexual violence cases, especially when it comes to the protection of survivors. Relatedly, conduct an awareness-raising campaign with men in the Indigenous Guard about the prevalence of sexual violence and its sources.
- Work across all 22 Indigenous political authorities (*cabildos*) - and possibly with outside expertise and support - to ensure that there are minimum standards for

⁵⁵ Judicial Branch - Superior Council of the Judicature, “[Statutory Law Project No. 000 of 2024: ‘By which article 246 of the Political Constitution is regulated in order to establish the coordination mechanisms between the National Judicial Branch and the Special Indigenous Jurisdiction, and other provisions are dictated’](#)”, Statutory Law Project (Bogotá 2024).

⁵⁶ Ministry of Justice and Law, “[Bank of Initiatives and Projects for the Strengthening of Indigenous People’s Own Justice in Colombia](#)”, Report (Bogotá, 2024).

documenting and investigating cases of sexual and protecting survivors across the patchwork of justice systems in the North of Cauca.

Support for Survivors

- Create a *Women's House*, a place where women can take refuge from the cycles of violence to which they are exposed while receiving adequate psychosocial and psycho-cultural support during their search for justice.

Communications and Normative Interventions

- Ensure the continuity and strengthening of the ACIN Women's Department campaigns, which emphasize that sexual violence constitutes a profound disharmony with the Nasa way of life. Encourage leaders in the 22 Indigenous political authorities (*cabildos*) to issue public statements against all forms of sexual violence, while committing to efforts aimed at preventing such violence and providing effective responses to it.
- Create a communication campaign that seeks to promote good parenting and prevent disharmony within the family, such as sexual violence. This campaign should also aim to provide family and community members with effective tools to support and accompany survivors of sexual violence.

Recommendations for External Actors in Supporting the ACIN and Nasa people

- The Colombian Government should establish a dedicated committee to facilitate effective coordination between its justice system and the Indigenous justice system, with a particular focus on addressing and preventing sexual violence cases within the Nasa and other Indigenous communities. The Government representatives of the committee must receive thorough training on the principles, methods, and cultural frameworks used in the Nasa Indigenous justice system, to promote respectful and effective collaboration. One specific role for these representatives should be to monitor how sexual violence cases are handled within the Indigenous justice system, ensuring that survivors' rights are fully recognized and justice is delivered in alignment

with the standards set by the Committee on the Elimination of Discrimination against Women and the Human Rights Committee.⁵⁷

- Limited financial resources and capacity within the ACIN and other local institutions present significant obstacles to sustaining effective efforts to address sexual violence. Therefore, it is essential for international, national, and civil society organizations to provide financial and in-kind support to the Indigenous justice system and other local actors working to address sexual violence within the Nasa community. Such financial support is critical to maintaining both the quality and continuity of their work overtime.
- Additionally, given the lack of reporting on sexual violence against men and boys in this community, there needs to be further attention and research on the subject. Evidence will help in awareness raising and in the further development of strategies to prevent all manifestations of sexual violence.

⁵⁷ General recommendation No. 33 on women's access to justice, para. 64, n C: *"Provide safeguards against violations of women's human rights by enabling review by State courts or administrative bodies of the activities of all components of plural justice systems, with special attention to village courts and traditional courts"* in Committee on the Elimination of Discrimination against Women, "[Convention on the Elimination of All Forms of Discrimination against Women](#)", United Nations, 3 August 2015, CEDAW/C/GC/33.



MANAGING EXITS FROM ARMED CONFLICT



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