



Commuque Committee of Experts

Committee of Experts expresses concern for the duty of due diligence and the respect and guarantee of the fundamental rights of women and girls victims of sexual and psychological violence in Colombia in the El Shaddai case

Washington DC, April 15, 2020. The Committee of Experts of the Follow-up Mechanism of the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women "Convention of Belém do Pará" (MESECVI), expresses its concern for the respect and guarantee of the fundamental rights of women and girls victims of violence in Colombia in the El Shaddai case, and especially by the principle of due diligence that must be reinforced in these cases.

According to the information received by the CEVI, for more than 20 years there have been reports of acts of sexual and psychological violence in the context of a religious sect by José Francisco Jamocó Ángel, pastor of the "Centro Cristiano de Alabanza El Shaddai" Church. At least ten complaints were filed to the Office of the Attorney General of Colombia, but to date the accused has not been charged. After going through several judicial instances in which the lack of due diligence in the investigations was reported, the case is currently pending review before the Constitutional Court. Because of this, the victims and their representatives have expressed their well-founded fear that the lack of due diligence could re-victimize not only them but also their families.

This Committee reminds the Colombian State that the obligations set forth in the Belém do Pará Convention are part of the block of conventionality of Colombia. Therefore, it is worth remembering that article 2 of the Convention establishes that violence against women shall be understood to include all physical, sexual and psychological violence that takes place in the community and is perpetrated by any person. Likewise, Article 4 of the Convention establishes that every woman has the right to a simple and prompt recourse to the competent courts, which protects her against acts that violate her rights.

The States Parties to the Convention have committed to act with due diligence to prevent, investigate and punish violence against women, establish fair and effective legal procedures for women who have been subjected to violence, including, among others, protection measures, a timely trial and effective access to such procedures. The State Parties have also committed to establish the necessary judicial and administrative mechanisms to ensure that the women subjected to violence have effective access to compensation for the damage or other just and effective means of reparation.

This Committee also recalls that the Inter-American Court of Human Rights has highlighted that within the framework of the due diligence duty, adequate procedures must be established for complaints and that these lead to an effective investigation, which includes actions and activities

that must be carried out by police, prosecutors and judges directed to the protection of victims¹. The CEVI indicates that, according to the Inter-American Court, the authorities in charge of the investigation must carry it out with "*determination and efficiency, taking into account the duty of society to reject violence against women and the obligations of the State to eradicate it and provide confidence to victims in state institutions for their protection.*"²

The Committee of Experts recognizes the efforts that the Colombian State has been implementing in this area, such as the Protocol for the investigation of sexual violence³, which includes specific measures for the protection and integrity of women and girls against these events. However, the complaint received by this Committee affirms that the measures implemented have not been sufficient. The re-victimization and obstacles that women suffer in judicial processes must be considered so as not to incur high levels of impunity, especially in cases of sexual and psychological violence. In its Third Hemispheric Report, this Committee has highlighted the importance of the States Parties having these protocols in the area of women's rights, both to guarantee care and to demonstrate the different power relations that are not visible, and the effective application of protocols.⁴

Considering all of the above and in view of the report received, the Committee of Experts uses this opportunity to remind the Colombian State of its duty to take all necessary measures to prevent, attend to, investigate, and punish cases of violence against women, especially cases of sexual abuse against women and girls, under the highest standards of due diligence. This Committee, therefore, urges judicial authorities to apply these standards in the "El Shaddai" process to guarantee access to justice, including fair reparation for all victims.

The [Committee of Experts](#) is the technical body of the [MESECVI](#) responsible for the analysis and evaluation of the process of implementation of the Belém do Pará Convention. It is composed of independent experts, appointed by each of the States Parties among their nationals, who exercise their functions in their personal capacity.

¹ Inter-American Court of Human Rights (2009) Case of González et al. ("Cotton Field") v. Mexico.

² Inter-American Court of Human Rights (2010) Rosendo Cantú et al. v. Mexico.

³ Fiscalía General de la Nación (2016) *Protocolo de investigación de violencia sexual. Guía de buenas prácticas y lineamientos para la investigación penal y judicialización de delitos de violencia sexual.*

<https://www.fiscalia.gov.co/colombia/wp-content/uploads/Protocolo-de-investigacion%CC%81n-de-violencia-sexual-cambios-aceptados-final.pdf>

⁴ MESECVI (2017) *Third Hemispheric Report on the Implementation of the Belém do Pará Convention.*