

GUARANTEEING THE RIGHTS OF VICTIMS OF SEXUAL VIOLENCE WITHIN THE FAMILY CONTEXT IN COLOMBIA: A LEGAL AND INSTITUTIONAL ANALYSIS OF LAW 2126 OF 2021 AND THE ROLE OF FAMILY DEFENDERS¹

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¹Article resulting from the doctoral research project entitled "Guarantee of Rights for Victims in the Family Context, Within the Competences of Family Commissioners. Law 2126 of 2021" of the University of Medellín.

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Abstract

Families are the central nucleus of society; however, they face internal violence that affects their functioning and stability, leaving consequences that impact mental, psychological, and physical health. Sexual violence is a crime that has reached unimaginable levels. In 2024, 66,621 cases were reported, and so far in 2025, Colombia's National Institute of Legal Medicine and Forensic Sciences has recorded 36,436 cases involving children and adolescents. To address this issue, the Congress of the Republic of Colombia enacted Law 2126 of 2021, which introduced significant changes in the responsibilities of authorities regarding the prevention, restoration, protection, and reparation of victims' rights. Its implementation concluded on July 1, 2024. However, the situation continued to escalate uncontrollably throughout 2024 and 2025, surpassing the functional, administrative, operational, and budgetary capacity of the competent authorities. This juridical-dogmatic and descriptive research, using a qualitative approach, analyzes how Family Defenders guarantee the rights of victims of sexual violence in Colombia, contrasting the law with its practical application. It seeks to evaluate the effectiveness of the legislation in addressing systemic gaps and is relevant for various legal and academic stakeholders in the country. The findings reveal that the implementation of the law has been gradual, exceeding the established timeframe. The administrative, political, and financial factors identified over the past three years remain unresolved as of April 2025, generating an institutional crisis that affects victims who are entitled to special constitutional protection and deepening the multicausal obstacles to timely, efficient, and effective access to justice.

Keywords: domestic violence, sexual violence, family, family defenders, guarantee of rights, Law 2126 of 2021.

I. INTRODUCTION

The exercise of family law reveals persistent obstacles that violate the rights of children and adolescents who are victims of domestic sexual violence. The slowness of

administrative and judicial procedures, the inefficiency of officials, their lack of professionalism, and work overload have generated a crisis in the restitution of rights, hindering access to justice and causing revictimization, underreporting, impunity, and inhumanization (Rodríguez et al, 2021). This situation worsened during the COVID-19 pandemic (UN, 2020; IACHR, 2020).

To address this, Law 2126 of 2021 was enacted, a public order law that modified the Family Welfare System and other related laws and sought to strengthen the system through professionalization, specialization, institutional articulation, redistribution of competencies, budget allocation and optimization of resources to prevent, protect, restore, repair and guarantee the rights of children. girls and adolescents who are victims of sexual violence in the family. Law 2126 of 2021 (Art. 44) established a maximum period of 18 months for its implementation, which expired in July 2024.

The implementation of this law in Colombia, with its 32 departments and the Capital District, is complex, due to budgetary, administrative, and political differences between its 33 territorial entities and more than a thousand local administrations, each autonomous (Administrative Department of National Planning, 2025). The principles of coordination, concurrence, subsidiarity and cooperation are essential for integrating the Family Welfare and Family Justice systems, guaranteeing the rights of children and adolescents who are victims of domestic sexual violence (Congress of the Republic of Colombia, 1991).

The implementation of Law 2126 of 2021, coordinated by the Colombian Institute of Family Welfare (ICBF), has been gradual, exceeding the 18-month period. Despite this, in July 2024, the Family Ombudsmen's Offices and Commissariats assumed the powers granted by the law, which attributes to them the responsibility for all cases of intra-family sexual violence against children and adolescents, even when other minors in the same family nucleus are victims of other crimes, except in cases involving violence against adults in the same family nucleus (Art. 1).

In municipalities without ICBF Zonal Centers or Family Ombudsmen, the Family Commissariats assume subsidiary competencies (Congress of the Republic, 2021), which reveals that Law 2126 of 2021 did not have a positive impact on these municipalities, where work overload persisted (Ordóñez et al, 2024). These municipalities, mostly in categories 4, 5 and 6, with limited budgets, urgently required cooperation from the national government and the Welfare and Family Justice systems to meet the administrative, technical, budgetary and personnel qualification requirements of the law (Ombudsman's Office, 2021), so the lack of administrative, financial and political commitment exceeded their institutional capacity for its implementation (Ordóñez et al, 2024).

This research raises the question of guaranteeing the rights of victims of domestic sexual violence from the competences of Family Ombudsmen under Law 2126 of 2021. The objective is to analyze this guarantee, describing the practices and competencies of the Family Ombudsmen in these cases.

The research is developed with a normative or legal-dogmatic, descriptive methodology, based on documentary, ethnographic and descriptive analysis, based on legal hermeneutics and an inductive qualitative approach. The information is contrasted with the functional reality of the Family Ombudsmen's Offices through flexible and semi-structured interviews with expert professionals.

This study begins with an analysis of the legal, regulatory, jurisprudential, theoretical and conceptual framework relevant to delimit the research. It focuses on the ICBF, the governing body of the Family Welfare System, specifically on the Family Ombudsmen, responsible for guaranteeing the rights of victims of sexual violence, and subsidiarily on the Family Commissariats. The implementation, materialization, services offered and guarantee of rights will provide the necessary information to compare the results with reality and thus determine the effectiveness of Law 2126 of 2021.

II. METHODOLOGY

The research is developed from a qualitative approach, carrying out a normative or legal-dogmatic, descriptive review, based on documentary and ethnographic analysis, based on legal hermeneutics. The information is contrasted with the functional reality of the Family Ombudsmen's Offices through semi-structured interviews and gatherings conducted with expert professionals in the departments of Colombia: Antioquia, Valle del Cauca, Chocó and Quindío. With the participation of mayors, Family Ombudsmen and Commissariats, Family Judicial Prosecutors, Ombudsmen, victims of domestic sexual violence and citizen observers from municipalities such as Fredonia, Segovia, San Pedro de Urabá, Peque, Istmina, Cartago, Cali, Circasia and Medellín.

III. RESULTS AND DISCUSSION

III.1 LEGAL, NORMATIVE, JURISPRUDENTIAL ENVIRONMENT, THEORIES AND CONCEPTS.

Within the international legal framework, Colombia and other countries have adopted treaties and conventions that reinforce human rights and promote laws to protect victims and prevent domestic sexual violence. Key instruments include the Universal Declaration of Human Rights (1948), which enshrines the inherent equality and dignity of all human beings, a concept exemplified by Kant (1785, 2002) as something invaluable in the human being. The American Convention on Human Rights (1969), CEDAW (1979), the Convention on the Rights of the Child (1989) and other subsequent treaties are also relevant.

The Political Constitution of Colombia of 1991 establishes a Social State of Law based on human dignity and the prevalence of the general interest (Art. 1). It obliges the family, society and the State to protect the rights of children and adolescents (Art. 42), whose protection prevails over the general interest (Art. 44), punishing any form of domestic violence. The public service must be guided by principles such as equality, efficiency and speed (Art. 209), and the transfer of resources to improve the well-being and protection of children is proposed. However, economic cooperation between territorial entities is often insufficient, leading to indebtedness and limiting development, especially in municipalities of categories 3 to 6 (Duque, 2017).

In 2006, the Congress of the Republic of Colombia enacted Law 1098, the Code of Childhood and Adolescence, developing article 42 of the Political Constitution of 1991. This law defines the family, establishes the comprehensive protection of children and adolescents, and distributes functions in a concurrent, complementary, subsidiary and articulated manner to restore their fundamental rights in the family environment, seeking to overcome obstacles in their guarantee (Constitutional Court, 1993).

The Fourth World Conference on Women in Beijing (1995) made visible how gender roles and relations impact health and development. In Colombia, this paved the way for recognizing the family as the central axis of society, diversity and gender equality. The Constitutional Court of Colombia has highlighted the responsibility of the family as a unit of life and destiny that intimately unites its members (C-271 of 2003), manifested in the search for sustenance, companionship, moral support and a shared project for the well-being of the family (Constitutional Court, 2011).

Law 1257 of 2008 in Colombia seeks to prevent, punish and eradicate gender-based violence against women and girls, defining various forms of violence and establishing mechanisms for prevention, care and comprehensive protection. This includes public policies with health services, legal advice and shelters, as well as legal measures and the improvement in the investigation and punishment of crimes, in line with international treaties such as the Convention of Belém do Pará.

This text introduces theoretical concepts to understand the various forms of violence that can occur in the family context, according to Law 2126 of 2021, especially in relation to the differences between men and women. The distinction between sex, which refers to the biological and physiological characteristics that differentiate men and women (Mead, 1949), and gender, which encompasses the ideas, behaviors, and attributions that a society considers appropriate for each sex, is emphasized (Miyares, 2017).

In Colombia, gender is understood in two ways: as a category of analysis and as a category of identity. As a category of analysis (introduced by anthropology and feminism) (Facio, 1992), it describes how biological sex assigns roles that generate hierarchies and structural inequalities between men and women. As a category of identity (originated in queer theory in the mid-twentieth century), it refers to the internal understanding of the experience of a role in society, affirming the concept of oneself as a sexual being and the associated roles, behaviors, feelings, and desires (Rodríguez, 2020).

These theories help to understand how gender differences, misused and stereotypically understood, can lead to violence. Iris Marion Young (2020) defines violence as a form of social oppression, the ability to exercise physical or non-physical coercion to submit to the will of others, violating their rights and integrity. This expression of inequality positions women and girls as weak and submissive, and men as holders of power and responsible for their education and protection (Young, 2011), causing serious psychosocial effects (UN, 2021).

These concepts help to understand that violence is a political category associated with gender, derived from the differences between men and women, and requires corrective political or legal action (Young, 2000). The United Nations - UN (2021) classifies violence into several forms: (1) Gender-based violence: Originated in inequality, abuse of power and stereotypes about gender roles. (2) Violence against women and girls: gender-based acts directed at women in public and private, political and institutional spheres, causing physical, sexual, economic, patrimonial or psychological suffering. (3) Vicarious violence: the father instrumentalizes the children to control or subjugate the mother. (4) Economic violence: absolute control over the property, limiting the economic development of the victim. (5) Patrimonial violence: mutation, concealment, destruction, retention or appropriation of property to coerce and limit the freedom of the victim. (6) Psychological violence: intimidation, threats of physical harm to the person, their family or their property,

psychological abuse or isolation from their social environment. (7) Emotional violence: undermining self-esteem through criticism, undervaluation, insults, verbal abuse, damaging family relationships or preventing contact with loved ones. (8) Physical violence: causing or attempting to cause physical harm, including property damage (Hoyos, 2014).

According to the UN (2021), sexual violence is any act of a sexual nature committed without the consent of another person. Includes: (1) Sexual harassment: non-consensual physical contact (grabbing, pinching, slapping, sexual touching) and non-physical violence (boos, sexual comments, requests for sexual favors, lewd looks, stalking, exhibitionism). (2) Rape: non-consensual vaginal, anal, or oral penetration with any body part or object, whether by an acquaintance or stranger, including within marriage or in armed conflict. (3) Corrective Violation: rape perpetrated against someone because of their sexual orientation or gender identity to force "normal" behavior. Rape culture: social environment that normalizes and justifies sexual violence, originated in patriarchy and fueled by gender and sexuality inequalities (Hoyos, 2014).

Johan Galtung expanded the study of violence with the triangle of violence, comparing it to an iceberg where visible direct violence is only one part of the conflict. To reduce it, three types must be addressed: (1) Direct violence: the most visible manifests itself in violent behaviors and acts. (2) Structural violence: it focuses on structures that prevent the satisfaction of basic needs, denying them. (3) Cultural violence: creates a framework that legitimizes violence through attitudes (Galtung, 1996).

Often, direct violence is related to structural violence (abuse of power over oppressed groups such as children and adolescents, social inequality) or is justified by cultural violence. The ultimate goal is to change the victims, bend their personality, deprive them of liberty and force them to commit criminal acts, generating multiple physical, psychological and mental health problems that transform their adultlives (Tolan, 1988).

The vulnerability of children and adolescents was aggravated during the COVID-19 pandemic in 2020, when they were confined and deprived of their protective environments (school, health, State, extended family), leaving them in the exclusive care of the close family circle. The World Health Organization (WHO, 2021) made domestic violence visible as a widespread global problem, exacerbated by the pandemic, with multiple manifestations such as physical, sexual and psychological abuse, abandonment, incest, infanticide, sexual and commercial exploitation of children, genital mutilation, honour killings, violence in armed conflicts, forced and early marriages, trafficking, sexual relations imposed for economic reasons, abortions due to mistreatment and human trafficking, classifying it as a serious public health problem and violation of human rights and crimes against humanity.

To address the public order problem of sexual violence, Colombia enacted Law 2126 of 2021, which modified the responsibilities of the authorities in prevention, protection, restoration, and reparation of victims' rights, qualifying the competent entities. Its implementation concluded in July 2024, seeking to guarantee human rights and facilitate access to administrative and judicial justice, granting powers to the ICBF. Law 2126 is of public order (Congress of the Republic of Colombia, 1991), which means that its provisions are mandatory and seek to protect fundamental interests for social, economic and political coexistence.

This law introduced the concept of "violence in the family context", as distinct from intra-family and domestic violence. It defines it as any action or omission that causes physical, sexual, psychological, patrimonial or economic harm or suffering, threat or offense and that is committed by members of the nuclear family, whether they live together or not.

The family context is made up of: 1. Internal and external members of the family nucleus, whether they live together or not. 2. Social, economic, cultural, territorial, religious, political, patrimonial or ethnic conditions that originate and delimit relations and are linked to acts of violence. 3. The assessment of personal or collective actions or omissions originating in the family nucleus that may be a source of violence (Law 2126 of 2021).

This law expands the notion of the family nucleus beyond physical residence, focusing on people and their relationships. The family context is a social and legal space made up of physical subjects and sociocultural situations that define the legal relationships of its members and the actions of external members. It includes non-family caregivers, ex-partners with a vocation for stability and people related to family care outside the home.

The family context, according to the law, encompasses a social and legal space with internal and external members, as well as the sociocultural situations that define their relationships.

This modern law introduces a new vision of family law, taking into account social and state developments, which will allow trained officials and through the full implementation of the law, to offer new possibilities to combat sexual violence against children, adolescents and women. In addition, it provides a gender perspective as an analytical tool to identify and eradicate inequalities between men and women, promoting corrective political and legal actions towards equality.

III.2 IMPLEMENTATION, STRUCTURING AND MATERIALIZATION OF LAW 2126 OF 2021, FOR THE GUARANTEE OF RIGHTS TO VICTIMS OF SEXUAL VIOLENCE IN THE FAMILY CONTEXT

The ICBF is a decentralized public body attached to the Ministry of Equality and Equity, responsible for strengthening the family and protecting the rights of minors. Its functions include executing public policies, formulating programs and coordinating actions with other entities through the Family Welfare System, of which it is the governing body.

Laws 2126 of 2021 and 2294 of 2023 create and complement the Family Justice and Family Welfare Systems, led by the Ministry of Justice and the ICBF, respectively. These entities must promote public policies, mechanisms and care routes to prevent, protect and restore the rights of victims of violence in the family context, especially children and adolescents who are victims of sexual violence, strengthening the Ombudsman's Offices and Family Commissariats in conjunction with the National Care System. These three systems must articulate their capacities to optimize services, under constitutional principles of universality, co-responsibility, autonomy, subsidiarity, participation and solidarity in financing.

The ICBF operates through 33 Regional Directorates, 217 Zonal Centres and 1392 Family Ombudsmen's Offices in 160 municipalities, being administrative authorities to prevent and restore the rights of minors. Law 2126 of 2021 assigns them the care of

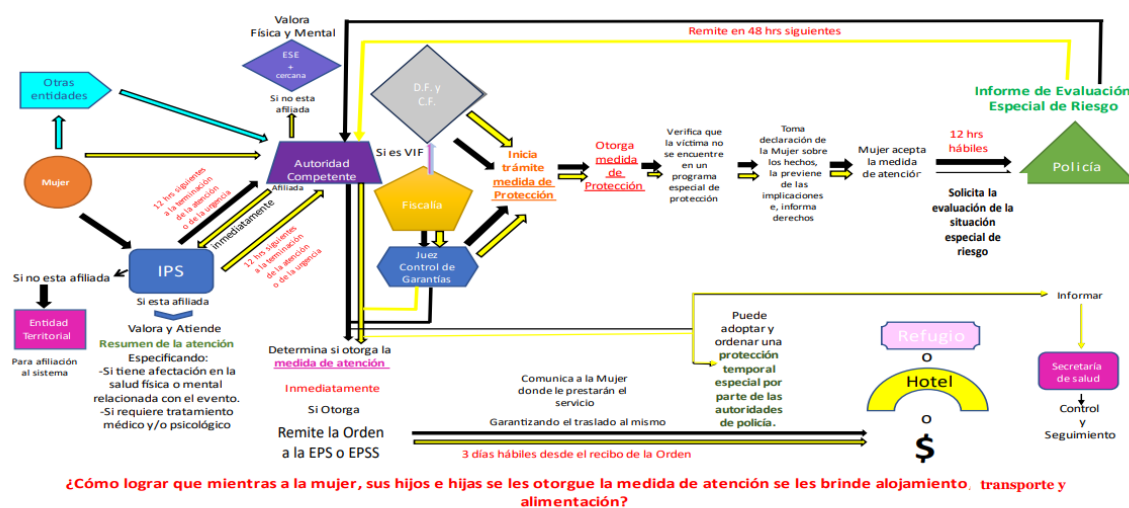
children and adolescents victims of domestic sexual violence, subsidiarily with the Family Commissariats in municipalities without Ombudsmen's Offices, with an implementation deadline of July 1, 2024.

Through Resolution 3307 of July 26, 2024, the ICBF established a plan to strengthen the Ombudsmen's Offices, seeking to improve their labor, administrative, technical, and professional conditions at the national level, with a deadline until December 2024. This administrative act modified the implementation period of Law 2126 of 2021, contravening its character as a public order law of immediate compliance. Despite this, the Police Stations and Family Ombudsmen's Offices began care under Law 2126 on July 1, 2024.

The ICBF, according to information extracted from the family defenders interviewed, is underfunded and has not been able to implement this law. Neither did the Ministry of Justice and Law, as stated in its report by the Ministry's Internal Control audit (F-SE-01-02 Version: 04 Validity: 08/25/2022), which establishes that "it is failing to meet the goals, causing the monitoring of the implementation of the Law to face great structural, cultural and social challenges" (p. 14). Thus, credibility and trust are lost, and there is a resistance to change manifested in entrenched practices and attitudes (Ramírez et al., 2024) that over time is being mimicked in the culture of families, which makes it difficult for institutions to address (Ramírez et al., 2024).

The Center for Institutional Care for Victims of Sexual Violence (CAIVAS) of Medellín, determined, jointly with the institutions that make it up (Prosecutors, Family Ombudsmen's Offices, Prosecutors and operators of the protection system), the following route of care, which was used as a parameter of analysis in this research.

Figure 1. Care Route for victims of sexual violence, in the family context



Fuente: Autoría, Trabajo interdisciplinario (Procuraduría General de la Nación, Fiscalía General de la Nación, Medicina Legal, Autoridades administrativas, ICBF. (2024)

Source: Joint work with the Office of the Attorney General of the Nation, Office of the Attorney General of the Nation, ICBF (2024). In original language Spanish

This route becomes possible when public and private institutions converge: ICBF, territorial entities, Family Ombudsmen's Offices, Family Commissariats, Attorney General's Office, Judges of the Republic, National Police, Intelligence Agencies, Hospital Health System, IPS, Legal Medicine and Forensic Sciences, Public-Private Protection System, among others.

CAIVAS is a referral from the Office of the Attorney-General of the Nation, which receives and, together with Family Ombudsmen, attends to children and adolescents who are victims of sexual violence. Before Law 2126 of 2021, they received and processed the processes for the restoration of the rights of children and adolescents victims of sexual violence. After the entry into force of this Law (July 2024), they modified the form of operation, where they receive and, through the distribution system, distribute the cases to the Family Ombudsmen's Offices by competence.

In a community dialogue in Fredonia (Antioquia) with 50 people, it was concluded that the care route for victims of sexual violence is partially applied due to lack of resources. The Family Police Station, dealing with cases due to the absence of a Family Ombudsman, lacks trained personnel and a permanent and specialized psychologist. Local health personnel do not activate the fuchsia code, prioritizing basic emergencies and referring cases to distant municipalities (Amaga and Medellín). Sexological or psychological tests are not carried out, nor is the chain of custody of exams ensured. Statistical information is sent to the Government without clarity on its use. The judicial police functions of the police station are not always fulfilled, referring victims to the Family Ombudsman in the municipality of Andes (located two hours from there), whose expenses are borne by the victim and his family. There are no quotas for protection measures, and the cumbersome procedure leads parents to postpone complaints. When cases are passed over to judges due to loss of competence, the situation worsens due to work overload, administrative errors and loss of evidence, revictimizing victims and forcing them to restart processes.

Law 2126 of 2021 establishes a single information system (SIF) that integrates data from the Ministry of Justice, ICBF, Legal Medicine, Police and territorial entities. Currently, the information is independent by institution, not consolidated, which reveals a critical and worrying situation in 2025.

Table 1
Cases of sexual violence against children and adolescents in Colombia⁴

Year	Legal Medicine	ICBF
2019	17.449	15.874
2020	15.539	14.029
2021	18.000	5.519

⁴It should be noted that these figures represent only the cases reported by the authorities and do not reflect the full reality of the problem. These are partial figures from specific entities and do not represent the total number of victims of sexual violence against children and adolescents in Colombia. However, the available data already point to an alarming situation. A serious and underreported crime, and it is necessary to continue working to prevent and eradicate it.

2022	20.877	16.221
2023	38.000	11.135
2024	66.621	18.611
2025 (January)	36.436	-0-

Source: Authors, adjusted with information from Legal Medicine and Forensic Science of Colombia and the Colombian Institute of Family Welfare (ICBF).

III.3 DESCRIPTION OF THE PRACTICES OF FAMILY DEFENDERS AND THEIR COMPETENCIES IN GUARANTEEING THE RIGHTS OF VICTIMS OF SEXUAL VIOLENCE IN THE FAMILY CONTEXT

The testimonies collected through the methodology applied confirm the veracity and impact of the implementation of Law 2126 of 2021 by the ICBF, with the support of the Family Welfare System, the Family Justice System and the Care System, in accordance with Law 2294 of 2023.

In the interviews carried out in Antioquia, Valle del Cauca, Chocó and Quindío, with the participation of mayors, Family Ombudsmen and Commissariats, Family Judicial Prosecutors, Ombudsmen, victims of domestic sexual violence and citizen observers from municipalities such as Fredonia, Segovia, San Pedro de Urabá, Peque, Istmina, Cartago, Cali, Circasia and Medellín, it was possible to carry out an analysis of the situation of the guarantee of rights of victims of domestic sexual violence from the competences of the Family Ombudsmen at the national level. Relevant aspects of the interviews were extracted, the general conclusion of which is presented to make visible the similarity of the information collected, classifying it by groups of interviewees.

A. According to testimonies of Prosecutors and Ombudsmen, the ICBF's late actions after Resolution 3307 of July 2024 paralyzed the implementation of Law 2126 of 2021, misinterpreting the law and leaving Ombudsmen's Offices and Police Stations unprepared to assume the new competencies, generating work overload, lack of knowledge of the subject, lack of specialized personnel, inadequate equipment and facilities and non-compliance with legal routes and deadlines.

The articulation of the system is defective, omitting psychological and sexological assistance, and a quota center for immediate and long-term protection. When cases go to judges due to the expiration of administrative deadlines, often they must be restarted due to lack of information, which revictimizes victims and generates mistrust.

The ICBF lacks technical studies to coordinate authorities at the regional level, which is vital for the operation of the law. Administrative reorganization is needed to strengthen the regional directorates, define personnel and resources, and create a central of effective quotas.

There is an imbalance in the attributions of protection measures between Ombudsmen's Offices (administrative authorities with limited judicial police functions) and Commissariats (with autonomous judicial police functions). The lack of police accompaniment makes the work of the Defenders difficult.

The ICBF has not expanded the positions of Family Ombudsman, although it hired personnel specialized psychosocial. The plant personnel have not been trained. Nine

months after the law came into force, the same administrative processes are still used, generating revictimization due to duplicate openings of cases due to failures in the SIF.

The care route must be improved, defining a first responder (ideally the health area with specialized professionals and application of the fuchsia code, which is not always decreed). In municipalities with subsidiary police stations, attention is limited. There are contradictory criteria between Ombudsmen's Offices on the request for psychological and sexological tests, which leads to the omission of this evidence and the inhumanization of the victims by not following international conventions.

The ICBF's SIF to unify data on sexual violence is inconclusive and erratic. based mainly on information from CAIVAS and with late reports and inconsistent of the Zonal Centers. The information has not been unified with Legal Medicine, the Prosecutor's Office, the Police and the Ministry of Health. The information entered reveals non-compliance with deadlines and violations of due process. The lack of coordination between the Family Welfare and Justice Systems makes it difficult to provide care, without understanding the urgency of cases of child sexual violence. The intervention of institutions is disjointed, and psychological and sexological tests often disappear or are inoperative. The application of the fuchsia code is discretionary, affecting the route of attention and the chain of custody in criminal proceedings. The justice system has not enriched the management of the Ombudsman's Offices.

The lack of training in sexual violence for Defenders and support teams is serious. The process for victims of special constitutional protection is different in the collection of evidence, the approach and the hearings, requiring forceful and timely measures.

In municipalities with subsidiary police stations, attention to victims has not improved and the workload has increased without specialized resources.

B. According to Ombudsmen and Family Commissariats, the administrative structuring of these entities was not carried out, with the difficulties prior to Law 2126 of 2021 persisting, even in critical situations. There is no diagnosis of their condition, capacity, expertise and workload, which affects the guarantee of the rights of children and adolescents who are victims of sexual violence.

The central plan for the territorial organization of the Ombudsmen's Offices has not advanced, without relocations or the formation of exclusive interdisciplinary teams. A specialized Zonal Center has not been created for the comprehensive care of these victims.

No programme has been designed to strengthen skills or to provide exclusive incentives for the staff of the Ombudsmen's Offices, which are insufficient in the Department of Antioquia. A national bank of supernumeraries has not been created to fill temporary vacancies, and the calls are suspended, a situation that also affects the police stations that serve subsidiarily, where vacancies paralyze the service and harm the victims. They show that the administrative actions to define the structuring of the Ombudsman's Offices and Police Stations never took place, and they are currently encountering the same difficulties as before Law 2126 of 2021.

C. According to citizen oversight, the ICBF did not carry out a legal or technical analysis to adjust the guidelines for attention to Law 2126 of 2021. Nor are there campaigns to prevent sexual violence, becoming a silent problem. The monitoring of accountability and statistics on domestic and gender violence at the national, departmental and

municipal levels reveals superficial, scarce and contradictory information, with inconsistencies between the reports of the Ministry of Justice, Legal Medicine and the National Police, being even more incomplete at the territorial level.

- D. The testimonies of victims of domestic sexual violence reveal a pattern of escalation of abuse, from verbal to physical, with limitation of freedom and internalized control, culturally normalized to generate serious mental health problems such as anxiety, depression and suicidal ideation, which finally leads them to report it. However, many give up due to fear, shame, economic dependence, reprisals or emotional exhaustion, being referred without effective solutions.

There is an urgent need for protection, security (shelter, restraining orders), justice and comprehensive reparation (punishment of the aggressor, compensation, support and recovery), which in practice is hampered by the slowness of procedures, loneliness with children in the hands of aggressors, insufficient foster homes and lack of comprehensive reparation. To access protection services, they must resort to the system of petitions, complaints and claims.

- E. Representatives of social organizations and trial lawyers point out that the delay in the attention and follow-up of cases, together with the conflicts of competence between Ombudsman's Offices and Family Commissariats, are the most worrying challenges. The lack of timeliness and efficiency of protection measures and limited access to specialized services (shelters, psychological and legal counseling) increase the risk for victims, generating revictimization and risk of femicide.

In neighborhoods controlled by criminal structures, families lose authority, and these groups impose their rules and influence family conflicts, displacing Family Defenders and violating the rights of children, adolescents, and women with impunity. This situation, normalized by society and families, affects the development of the personality of its members and generates resistance to change, limiting the effectiveness of the work of Police Stations and Family Ombudsmen's Offices.

- F. The testimonies of the mayors of municipalities in categories 4, 5 and 6 showed a serious budget crisis due to the scarcity of resources, without receiving departmental or national cooperation. ICBF projects are in deficit and budgets have been cut. Although the governorates created stamps to finance the implementation of Law 2126 of 2021, the revenues are insufficient. The demand for domestic violence services is increasing, but the qualification of the Family Commissariats was not carried out, who continued to attend cases of domestic and sexual violence subsidiarily, generating work overload and conflicts of jurisdiction resolved by the judges.

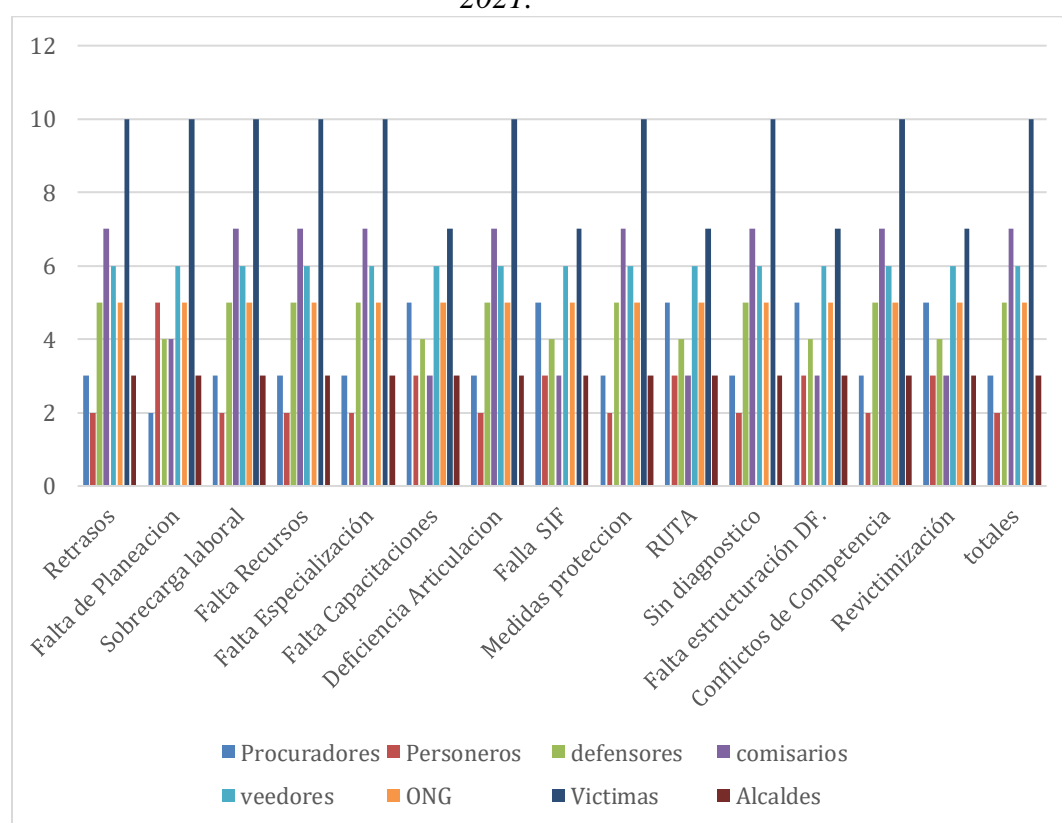
In practice, the systems of Acts 1098 and 1257 merged with those transformed by Law 2126, creating an unwieldy hybrid that has affected the mental health of Commissioners, Advocates, and support professionals. Emphasis was placed on aggravated problems in families from ethnic and immigrant communities, whose cultural and linguistic differences make it difficult to apply protection measures and guarantee fundamental human rights.

The interviews reveal a Worrying convergence of challenges which are hindering the effective implementation and materialization of Law 2126 of 2021. Despite the law's intention to strengthen the protection system and guarantee the rights of victims of sexual violence in the family context, the reality evidenced by the testimonies of various actors

(prosecutors, ombudsmen, ombudsmen, commissioners, overseers, victims and mayors) indicates serious deficiencies in planning, resource allocation, staff training, inter-institutional coordination and the operation of the system in general.

This situation generates Setbacks in the protection of rights, Revictimization of victims and a Significant gap between the spirit of the law and its practical application in the Colombian territory. The coincidences in the testimonies suggest that the challenges identified are systemic and require urgent and coordinated attention at the national level to overcome existing barriers and achieve a true guarantee of the rights of children and adolescents who are victims of sexual violence in the family context.

Figure 2
Guarantee of the rights of victims of sexual violence in the family context. Law 2126 of 2021.



Source: Authors' elaboration with relevant information from the interviews and fieldwork of the study. In original language Spanish

From Figure 2, the following can be analyzed:

Delay and lack of planning of the ICBF, there is a consensus that the ICBF's actions to implement Law 2126 were late (Resolution 3307 of July 2024) and ineffective, generating paralysis and setbacks instead of progress. There is no adequate planning or prior technical and legal analysis for implementation.

Work overload and lack of resources, both Ombudsmen's Offices and Family Commissariats experience significant work overload due to the demand for cases of sexual violence, without a proportional increase in human, technical and financial resources.

Lack of specialization and training, There is evidence of a lack of personnel specialized in sexual violence and a lack of adequate training for existing officials, including support personnel.

Deficiencies in the articulation of the system, the coordination between the different institutions (ICBF, the Prosecutor's Office, the health sector, the Police, etc.) is defective, which hinders the route of comprehensive care for victims and generates omissions in crucial steps such as psychological and sexological care, and the guarantee of protection quotas.

Information System Problems, the SIF is pointed out as inconclusive, erratic, outdated and without integration between the different entities, which makes it difficult to follow up on cases and obtain reliable statistics.

Inadequate protection measures and foster homes: There is a clear insufficiency of places in foster homes and other institutions for the protection of victims, which leaves them at risk.

Conflicts of jurisdiction: conflicts of competence between Ombudsmen's Offices and Family Commissariats generate delays in the processes and confusion in the care of victims.

Impact on revictimization: Delays in procedures, lack of coordination, the need to repeat testimonies and the lack of comprehensive care contribute to the revictimization of children and adolescents.

Critical situation in municipalities with Subsidiary Police Stations: in the municipalities where the police stations serve due to a lack of Ombudsman's Offices, the situation is especially critical due to the overload and lack of specialized resources.

Ignorance or non-application of the fuchsia code: There is inconsistency or ignorance in the application of the Fuchsia Code in health centers, which delays priority and specialized care for victims.

Difficulties in the collection and chain of custody of evidence: There are problems in the performance and chain of custody of psychological and sexological tests, often due to contradictory criteria among the authorities.

Impact on specific communities: The particular difficulties in caring for families from ethnic and immigrant communities due to cultural and language barriers are highlighted.

Budgetary challenges in territorial entities: Municipalities, especially those in lower categories, face serious budgetary problems that limit their ability to implement the law and guarantee services.

Normalization of violence and resistance to change: In some communities, violence is normalized, which generates resistance to change and hinders the effectiveness of interventions.

IV. CONCLUSIONS

This study reveals a Critical gap between the protective spirit of Law 2126 of 2021, aimed at strengthening the guarantee of the rights of victims of sexual violence in the family context, and their effective implementation in Colombia. A year after its entry into force, the testimonies of various actors in the system (Prosecutors, Ombudsmen, Defenders, Commissaries, Overseers, victims and Mayors) converge in pointing out Serious systemic deficiencies that hinder its materialization.

After a year of the implementation of Law 2126 of 2021, there is evidence of a worrying Institutional violence for the negligence of the Family Welfare, Family Justice and Care Systems in harmonizing and providing resources for their implementation at the national level. The Centralism in resource management has generated delay and ignorance of the plans in the territories, without observing regional progress.

The Invisibilization of the problem by the National Government and the control bodies contrasts with the serious situation of victims of sexual violence in the family and gender context, generating Distrust in victims and impunity for perpetrators. The alarming increase in cases of child sexual violence (66,000 in 2024) makes this crime the most serious in Colombia, requiring a joint effort by the public and private sectors to protect children and adolescents.

The lack of economic resources at the national level it has not allowed improvements in the Zonal Centers (infrastructure, personnel, technology). Although departmental ordinances were approved to create stamps, the income is insufficient. Support from departmental and national governments is limited. The Work overload of Family Defenders has caused mental health problems, aggravating the institutional crisis for victims.

The testimonies show the Brutality against children and adolescents. The lack of guarantee of rights and the abandonment by officials, authorities, families and communities have relegated this population to the last priority. The Invisibility and silence have generated profound physical, psychological and emotional consequences in minors, whose bodies are still waiting for justice and the end of their instrumentalization.

Victims of early sexual violence, treated as disposable objects, suffer the marks of a society, institutions and families that silence the problem, of a State incapable of doing justice and of a society tolerant of gender violence, under a cloak of finger-pointing and blame. This crime has become the most forgotten and silenced, making it easier to report other crimes with fewer victims.

The victims are stripped of their humanity by institutions that homogenize their bodies and erase their histories, reducing them to disposable bodies due to moral and political positions that legitimize certain forms of violence. They lose their support networks and struggle to build new ones in the midst of their traumas.

Currently, some victims have opted for the Violence and illegality as a way of resolving conflicts. Sexual violence fracture entire families and affects future generations.

It is necessary to refine the care route for victims of domestic sexual violence, integrating the capacities of public and private institutions, defining a first responder and demanding the application of the fuchsia code for differentiated care, avoiding interruptions in the chain of care and optimizing the response capacity of Ombudsmen and Police Stations.

The lack of unification of information systems on sexual violence in the family context generates dispersion, uncertainty and misinformation, affecting the best interests of minors. There is no technological revolution that accounts for assistance to reports and early warnings of cases of sexual violence, which supports patterns of risks identified in the regions. There is a lack of unified information platforms for cases and the status of administrative procedures for the restoration of rights, real-time complaints and educational programs to unlearn, since violence is normalized.

Overcoming the serious situation described requires a Coordinated, urgent and sustained action by all responsible institutions and society as a whole. Only through real commitment and effective implementation can progress be made towards the full guarantee of rights of the victims of sexual violence in Colombia and build a safer and fairer future for our children and adolescents. Sustained political and budgetary commitment is essential, essential to address the difficulties in a comprehensive and priority manner to guarantee the rights of children and adolescents who are victims of sexual violence in Colombia.

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