

Chacruna Handbook on Sexual Abuse Law Colombia

1. General Situation

a. High-Profile Problems

One of the most frequently-visited countries for ayahuasca tourism alongside Peru and Brazil, Colombia has a thriving shamanism industry bolstered by a strong presence of indigenous groups, with about 1.5 million people in around 87 different indigenous groups including the Kogi, Cofán, Tukano, and Huitoto who have been subjects of extensive ethnographic and ethnobotanical study. Colombian shamans who work with ayahuasca, known as ‘yagé, in Colombia, are referred to as “taitas” and as ‘yageceros’ in the Putumayo – Caquetá and some groups in the Vaupes and Amazonas region. A notorious yagecero, Taita Juan, was detained for carrying ayahuasca through customs at the U.S. border in 2010 but was [ultimately released with charges dropped](#) after an unprecedented outpouring of community support, have gained considerable notoriety. [Here’s an interview with Taita Jaun on Bialabate.net](#).

Most reported issues regarding sexual abuse in ayahuasca contexts in Colombia occur in urban areas and with non-indigenous mestizo shamans. One infamous shaman allegedly embroiled in ayahuasca tourism for the last decade is Édgar Orlando Gaitan Camacho, a non-indigenous cult leader and (initially) celebrated peace activist [whose non-profit foundation won a Swedish peace prize in 1990](#). He was convicted of four charges of sexual abuse of minors with disabilities in December 2019. Initial charges brought against him six years previously, in 2013, involved eight women, though prosecutors calculated that [he likely drugged and raped as many as 50 women over decades](#) by adding sedatives to the ayahuasca he served. A first-hand account is available via the Chacruna Institute for Plant Medicine’s chronicles on sex and power, “[How I Lived Twelve Years in a Colombian Ayahuasca Cult Led by a Sexual Abuser](#),” authored by a woman who served as an expert witness at Édgar Orlando Gaitan Camacho’s trial, and who describes how he appropriated a fake ethnic identity, sold himself as “the last Carare” of an extinct race of famed indigenous healers, and exploited unequal power dynamics to abuse people under the influence of ayahuasca. A similar high-profile case of non-indigenous shaman is Alberto Varela, who ran an global ayahuasca business called Ayahuasca International. Varela faced [several allegations of sexual abuse and unsafe business practices](#). Here is [one woman’s testimonial](#) of abuse suffered under his spell.

Although it is very rare, the reader should be aware that there are unconfirmed rumors that some urban shamans in Colombia infuse their ayahuasca drink with a plant called borrachero, which contains hyoscyne and scopolamine (locally known as burundanga), made from varieties of the datura plant genus, also known as Angel’s Trumpet or the Tree of the Evil Eagle, which has gained fame due to its popularity as a date-rape drug—or worse—as detailed in this Vice documentary titled The Worst Drug in the World. Nonetheless, the relationships of the yageceros with these plants has been ethnographically and ethnologically reported in serious and legitimate contexts.

Colombian indigenous elders and medicine men from five indigenous groups created a code of ethics through their organization Unión de Médicos Indígenas Yageceros de la Amazonía Colombiana (UMIYAC). The UMIYAC code of ethics holds that member shamans must be approved by their communities and maintain their integrity. Those seeking ayahuasca healing in Colombia

might be able to reduce risks of sexual abuse by working with shamans who are members of UMIYAC, especially important for those considering doing a long “dieta”, plant diet, when they will be under the supervision of a particular shaman for an extended period of time throughout many consecutive ayahuasca sessions. You will find contact information for UMIYAC in the resources section below. Additionally, it is important to highlight that Law 1448 of 2011 (“Ley de Víctimas”) in its art. N° 38, establishes the obligation of the State Prosecutors to adopt a protocol for the criminal investigation of crimes against sexual freedom, integrity and identity.

b. National-Level Progress

Though significant issues remain to be resolved in Colombia, the country has achieved important progress since the turn of the millennium in the areas of gender equality and access to justice for women victims of sexual violence. The much-celebrated 2016 peace treaty between the Fuerzas Armadas Revolucionarias de Colombia (FARC) and Colombian Government, signed after more than five decades of conflict, contained 100 provisions on gender equality and women’s human rights, several of which addressed conflict-related sexual violence. But the implementation of those provisions has been limited. UN research indicated that only 4 per cent of those gender provisions had been implemented by mid-2018.

Though there was hope that the high levels of sexual violence in Colombia during the conflict would be lowered as a result of the 2016 peace treaty, the implementation failures of conservative president Ivan Duque, elected in 2018, [pose threats to ongoing progress](#). Notwithstanding, Colombia has ratified all current international treaties on human rights and women’s rights and has made significant progress towards drafting [laws that promote gender equality and warrant the human rights of women](#). For example, in 2012 the government issued Public Policy Guidelines for Women’s Gender Equality and a Comprehensive Plan to assure women have a life free of violence; in 2008 the government passed Law 1257, under which regulations were issued to raise awareness of, prevent, and punish violence and discrimination against women; in 2014 the government passed Law 1719, which set in place measures to guarantee access to justice to victims of sexual violence, especially sexual violence during the half-century of armed conflict with the FARC; and in 2015 the government passed Law 1761, a law against femicide—the gender-motivated killing of women—with a penalty of 20-41 years’ imprisonment.

c. Difficult Realities

Despite progress on the legislative front, the ground-level data on sexual violence and access to justice remains alarming. In the three years since the passing of Law 1761 against femicide only 17 convictions had been handed down against perpetrators. This is despite the fact that approximately 1000 women are murdered each year in Colombia and that there are tens of thousands of reported cases of sexual violence against women. In cases for sexual assault brought under Colombia’s flagship law on gender-based violence, Law 1257, [charges are laid in about 10% of cases and the conviction rate is around 23%](#).

A recent UN report found that impunity among state prosecutors and society are at large to blame – almost a quarter of 88 judges and prosecutors interviewed said [Colombia’s femicide law had done little to change biased perceptions that often condone the crime](#), such as “she provoked him,” “he loved her too much” or justified male jealousy perpetuated by a pervasive culture of machismo. Human Rights Watch reported that [as many as 80% of victims of gender-based violence in Colombia were reluctant to report it](#).

Indigenous and afro-colombian women have been [historically disproportionately affected by violence in Colombia](#), especially during the armed conflict. It is advised that today, foreign women must be increasingly vigilant within the burgeoning culture of ayahuasca tourism, especially in urban settings. As noted above, one way to stay vigilant might be to work only with shamans who are members of UMIYAC or another organization with a strict code preventing sexual abuse. Another way is to work only with shamans and organizations who have been extensively reviewed; another is to be aware of the laws and resources listed below.

2. Specific Law

Law 599, passed in 2000 – Colombian Penal Code Title IV “ Crimes against sexual freedom, integrity and identity” (Arts. 205 and subsequents)

Law 1257, passed in 2008, is the keystone law on violence against women in Colombia. It ensures victims’ rights and protective measures to be taken in the event of a report of sexual assault or abuse.

- It requires the government to provide victims of domestic violence immediate protection from further physical or psychological abuse.
- It allows authorities to prosecute domestic violence offenders when the victim does not testify so long as there is another witness.
- It gives 8-30 years’ imprisonment for the crime of violent sexual assault.

[Law 1719](#), passed in 2014, which seeks to guarantee access to justice for victims of sexual violence, giving a road map for health service providers to follow in order to provide comprehensive health services to victims of sexual violence (see Article 13).

[Law 1761](#), passed in 2015, defines and criminalized femicide, with a punishment of 20-41 years’ imprisonment.

Constitutional provisions focused on the rights of women to be free from sexual violence:

- [Article 13](#), passed in 2013, which requires that the state protects people who are vulnerable and sanctions abuses or ill-treatment perpetrated against them
- [Article 17](#), passed in 2013, which prohibits human trafficking, especially in the sex trade.
- [Article 42](#), passed in 2013, which sanctions family violence, e.g. partner violence.

3. Resources

The Colombian President’s High Commissioner for Women’s Equality (Consejera Presidencial para la Equidad de la Mujer) said that women who have been assaulted should follow the following steps to ensure that they are assisted and protected by the authorities:

1. Step one: request immediate protection at:

- a. Health Centres should treat the case with medical urgency
- b. The Colombian National Police (Policía Nacional de Colombia, PNC). The PNC will provide assistance to any woman victim of violence by accompanying her to the relevant institution

where she can receive support, or

- c. The Family Commissaries (Comisariías de Familia) if the aggressor is part of the family, or
- d. The State Prosecutor’s Office (Fiscalía General de la Nación, FGN) if the aggressor is from outside the family unit.

2. Step two: file a police report with the authorities at:

- a. The Comprehensive Assistance Centre for Victims of Sexual Crimes (Centro de Atención Integral de Víctimas de Delitos Sexuales, CAIVAS),
- b. The Comprehensive Assistance Centre for Intrafamily Violence (Centro de Atención Integral contra la Violencia Intrafamiliar, CAVIF); or
- c. The Immediate Response Units (Unidades de Reacción Inmediata, URI) of the FGN; or
- d. The PNC.

Helpline 155

Country-wide, free, 24/7, and confidential helpline for women who have suffered from gendered violence. Helpline 155 receives hundreds of thousands of calls per year.

- Simply dial “155”

National Helpline for the Prevention of Sexual Abuse

- Dial: 01 8000 112440

Services in Bogotá

- The Purple Helpline of Women Listening to Women – dial: 01 8000 112137
- Lawyers from the District Secretariat for Women are present at Justice Houses (Casas de Justicia) to provide orientation and legal advice to women at risk, or victims of, violence, and to promote women’s rights.

- [Here is a map of the Casas de Justicia in Bogotá](#)

UMIYAC

Membership organization for indigenous shamans who must adhere to a strong moral code, including no sexual abuse.

- [Website](#)
- [Contact page](#)

Check the Ayahuasca Community Guide for the Awareness of Sexual Abuse:

<https://chacrana.net/community/ayahuasca-community-guide-for-the-awareness-of-sexual-abuse/>