



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States  
parties under article 18 of the Convention on the  
Elimination of All Forms of Discrimination  
against Women**

**Combined seventh and eighth periodic reports of States  
parties**

**Colombia\*, \*\***

[28 July 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* The annexes may be consulted in the files of the secretariat.

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## Acronyms and abbreviations

Acción Social	Presidential Agency for Social Action and International Cooperation
ACPEM	High Presidential Council for Women's Equity
APS	primary health care
CCC	Constitutional Court of Colombia
CS de la J	Higher Judicial Council
CAIVAS	sexual violence investigation and victim support centres
CAVIF	domestic violence investigation and victim support centres
CINEP	Research and Popular Education Centre
CNAIPD	National Council for Comprehensive Support to Displaced Persons
CNRR	National Commission for Reparation and Reconciliation
CP	Political Constitution
CPEM	Presidential Council for Women's Equity
CPP	Code of Criminal Procedure
CSJ	Supreme Court of Justice
CTI	Technical Investigation Corps
DAFP	Civil Service Administration Department
DANE	National Administrative Department of Statistics
DDHH	human rights
DIH	international humanitarian law
DIJIN	Criminal Investigation Directorate
DNP	National Planning Department
ENDS	national demographic and health survey
FGN	Prosecutor-General's Office
FOMMUR	Rural Women's Microfinance Fund
GEDES	sex crimes elite teams
ICBF	Colombian Family Welfare Institute
INCODER	Colombian Rural Development Institute
INML y CF	National Institute of Legal Medicine and Forensic Science
IOM	International Organization for Migration
MADR	Ministry of Agriculture and Rural Development
MAP/MUSE	anti-personnel mines/unexploded ordnance
MDGs	Millennium Development Goals
MDN	Ministry of Defence

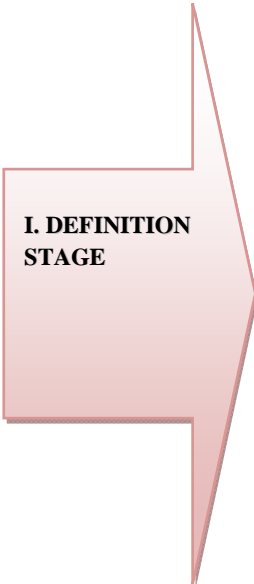
MEN	Ministry of Education
MIJ	Ministry of the Interior and Justice
MINTIC	Ministry of Information Technology and Communications
MPS	Ministry of Social Protection
MRE	Ministry of Foreign Affairs
OAG	Gender Monitoring Centre
PAICMA	Presidential Programme on Comprehensive Action against Anti-personnel Mines
PGN	Attorney-General's Office
PLANEDH	National Human Rights Education Plan
PMCFM	Female-Headed Microenterprise Family Programme
PND	national development plan
Política afirmativa	affirmative policy "Women as builders of peace and development"
PROFAMILIA	Association for the Promotion of Colombian Family Well-being
PSD	democratic security policy
RUPD	consolidated register of displaced persons
SENA	National Learning Service
SIJIN	Criminal Investigation Division
SISPRO	comprehensive social welfare data system
SIVIGILA	national public health monitoring system
SNAIPD	National System of Comprehensive Support for Displaced Persons
SNBF	national family welfare system
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
VBG	gender-based violence
VCM	violence against women
VIF	domestic violence


## I. Introduction

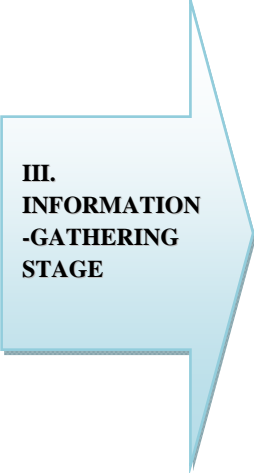
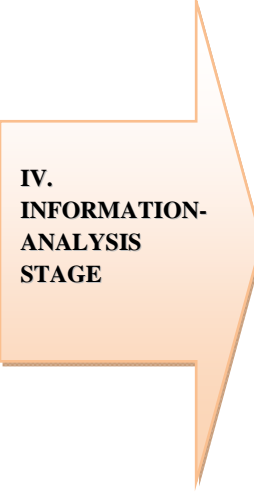
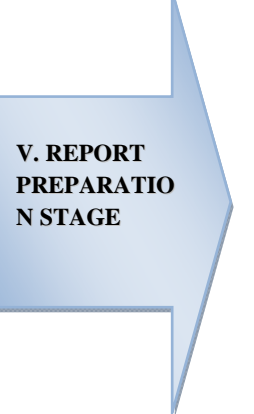
1. The Convention on the Elimination of All Forms of Discrimination against Women (adopted in 1979) was ratified by the Government of Colombia on 19 January 1982 and the Optional Protocol to the Convention (adopted in 1999) on 23 January 2007. Pursuant to article 18 of the Convention, the Colombian State has to date submitted six periodic reports to the Committee.
2. The seventh and eighth reports are being presented as a combined report in accordance with the invitation made by the Committee on the Elimination of Discrimination against Women in paragraph 37 of its concluding comments on the sixth periodic report (CEDAW/C/COL/CO/6).
3. The information contained in this combined report relates to the period from 2006 to 2010. However, statistical information covering the exact period is not in all cases available in view of the different data systems that were used as sources for reporting on each of the rights recognized in the Convention.
4. With regard to the steps taken by the present Government of President Juan Manuel Santos, these are set out for each article in the subsection entitled “Recent or ongoing measures”, given that the Government’s term began on 7 August 2010 and also allowing for the cut-off period for preparation of the present report.
5. The process of drawing up the present report was initiated in March 2010 under the direction of the Ministry of Foreign Affairs, the High Presidential Council for Women’s Equity and the Presidential Human Rights and International Humanitarian Law Programme, with the participation of all governmental bodies having responsibility for implementing the Convention and with contributions from a number of State bodies.
6. In conformity with current reporting guidelines (HRI/GEN/2/Rev.6), the structure of the present report reflects the sequence of the main headings of the Convention, i.e. a four-division format, as follows: Part I (articles 1 to 6), Part II (articles 7 to 9), Part III (articles 10 to 14) and Part IV (articles 15 and 16).
7. In accordance with the Committee’s General Recommendation No. 19 (1992) concerning violence against women, details of the main steps taken in Colombia to deal with this problem are contained in the information relating to article 1 of the Convention. Also, two specific sections are included, setting out the main measures adopted by the Colombian State with a view to eradicating violence against women and providing support to women and children in situations of forced displacement, in accordance with the recommendations specifically made to the Government of Colombia by the Committee in its last concluding comments (CEDAW/C/COL/CO/6, paras. 11, 13 and 19).
8. With respect to the other specific recommendations, information relating to each recommendation appears in the discussion of each article.
9. It should finally be mentioned that reference is made under each article to the annexes, which form an integral part of the report, and a list of annexes, arranged by article, is also included. As regards legislative and judicial measures, the full texts of each law and regulation are contained on the attached CD (available in the secretariat).

## A. Report preparation methodology used


10. Set out below is the methodology followed for preparing treaty reports, which has been devised by the Ministry of Foreign Affairs and which is supplemented or improved in accordance with experience acquired whenever a treaty report is prepared:

 <p><b>I. DEFINITION STAGE</b></p>	<ol style="list-style-type: none"> <li data-bbox="580 427 1406 887"> <p>1. Definition of the work team that will direct the report preparation process</p> <p>An executive secretariat has to be formed to direct the entire process, being composed of the body or bodies responsible for the topic to which the international instrument relates, the Presidential Human Rights and International Humanitarian Law Programme, since this is an international human rights instrument, and the Ministry of Foreign Affairs. However, all governmental and State bodies having responsibility for implementing the instrument concerned will be involved in the entire report preparation process. It is important to bear in mind that this is a government report and the work must therefore be carried out with bodies of the three branches of government and, since this is a domestic report, it is necessary to submit national, departmental and local information.</p> </li> <li data-bbox="580 904 1406 1205"> <p>2. Definition of the participation of civil society in the preparation of the report</p> <p>It should be borne in mind that, while it is not absolutely necessary to work in conjunction with civil society organizations, the Committees' guidelines state that the reporting process should encourage and facilitate, at the national level, public scrutiny of government policies and constructive engagement with relevant civil society actors in a spirit of cooperation and mutual respect, with a view to advancing the enjoyment of all rights protected by the convention concerned.</p> </li> <li data-bbox="580 1223 1406 1487"> <p>3. Definition of the resources necessary to prepare the report</p> <p>It is important to assess what resources will be needed, in the preparation of the report, for organizing inter-institutional meetings (which will each require the allocation of a full day's work, in particular during the information-analysis stage), for publishing and disseminating the report, for engaging experts — if required — or other assistance and for determining how such resources will be obtained.</p> </li> <li data-bbox="580 1505 1406 1682"> <p>4. Definition of the reporting time frame to be used for the preparation of the report</p> <p>The period to be covered by the report has to be identified taking into account the date of the last submission and the approximate date when the report will be delivered to the Committee.</p> </li> <li data-bbox="580 1700 1406 1877"> <p>5. Definition of a work schedule</p> <p>This schedule should incorporate the activities to be undertaken and the periods planned for each of them in accordance with the stages set out in the document in order to ensure that the report is submitted to the Committee in timely fashion.</p> </li> </ol>
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 <p><b>II. PREPARATION STAGE</b></p>	<ol style="list-style-type: none"> <li>1. Identification of information requirements and data collection sources A matrix should be generated, showing the Committee's guidelines for preparing the report and specifying the information to be included in it for the purpose of reporting on each of the rights recognized in the international instrument or convention.</li> <li>2. Definition of partners within each body The superior authority in each body should be requested to delegate an official to serve as the liaison person for gathering information within the body concerned and be able to take part in any meetings or discussions required and, if necessary, to have available a specialist or expert on a particular topic who can be contacted and invited to the meetings.</li> <li>3. Organization and holding of the initial workshop Once the above-mentioned aspects have been determined, an initial workshop is organized and held for the following purposes: <ol style="list-style-type: none"> <li>(a) To communicate background details of the Colombian Government's obligation to submit periodic reports;</li> <li>(b) To make a presentation on the international instrument, bearing in mind that there is a high staff turnover in public bodies;</li> <li>(c) To give a general presentation of the contents of the last report submitted to the body concerned in order to determine the starting point;</li> <li>(d) To present the most recent comments and recommendations made to the State by the monitoring body and the general recommendations of the Committee concerned;</li> <li>(e) To present the methodology and work schedule;</li> <li>(f) To explain the role of each body in the preparation of the report.</li> </ol> <p>(At this stage, technical support may be requested from the Office of the United Nations High Commissioner for Human Rights in Colombia and/or another United Nations agency present in Colombia with a view to their participation and presentation of information on (a), (b) and (d) above to the bodies.)</p> </li> </ol>
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 <p><b>III. INFORMATION -GATHERING STAGE</b></p>	<ol style="list-style-type: none"> <li>1. Preparation of specific requests for information and their transmission to each of the bodies by the executive secretariat. (At this information-gathering stage, the executive secretariat is responsible for the four activities.)</li> <li>2. Design and implementation of the data-collection system.</li> <li>3. Gathering and compilation of information, including recommendation follow-up information.</li> <li>4. Consolidation of information</li> </ol> <p>At this time, information may be sought from non-governmental organizations and any other non-governmental actors where deemed relevant to the preparation of the report.</p>
 <p><b>IV. INFORMATION- ANALYSIS STAGE</b></p>	<ol style="list-style-type: none"> <li>1. Analysis and collation of the compiled information by the executive secretariat.</li> <li>2. Holding of information-analysis workshops by topic.</li> </ol> <p>These workshops are arranged for the purpose of carrying out analyses and evaluations, with the participation of all the bodies involved, in order to ensure that the information to be included in the report is reliable, appropriate and relevant, bearing in mind that, on the same topic, there may be different sources which produce different or non-comparable findings, data or indicators, challenges to be met and the need to present plans for overcoming them or to explain the difficulties which have prevented those challenges from being met, among other situations.</p> <p>It should be mentioned that the most recent conclusions and recommendations made by the Committee to the State have to be taken into account throughout the report preparation process. The executive secretariat will take steps to secure the participation of all the bodies concerned.</p>
 <p><b>V. REPORT PREPARATIO N STAGE</b></p>	<ol style="list-style-type: none"> <li>1. Preparation of the preliminary report by the executive secretariat.</li> <li>2. Transmission of the preliminary report to the bodies.</li> <li>3. Holding of an inter-institutional meeting to present the preliminary report, organized by the executive secretariat and attended by all the bodies involved.</li> <li>4. Review of the text, initially by the executive secretariat and secondly by the bodies with lead responsibility for the topic dealt with by the report.</li> <li>5. Adjustments and preparation of the final report.</li> <li>6. Adoption of the report by the most senior authority of the bodies comprising the executive secretariat, in all cases with the participation of the Ministry of Foreign Affairs:</li> </ol>



 <p><b>VI. REPORT SUBMISSION</b></p>	<ul style="list-style-type: none"> <li>• <b>Transmission of reports</b> <p>The Colombian State, through the Ministry of Foreign Affairs, must transmit the report to the Secretary-General of the United Nations, who will forward it to the specific body concerned. The report will also be transmitted to the chairperson of the relevant body by diplomatic note sent through the Mission of Colombia in Geneva or New York, as applicable.</p> </li> <li>• <b>Form</b> <p>Reports should be submitted in electronic form (on diskette or CD-ROM or by electronic mail), accompanied by a printed paper copy.</p> <p>The length and format of reports must conform to the guidelines established by each Committee.</p> <p>The State must submit separately, as annexes, copies of the principal legislative, judicial, administrative and other texts referred to in the reports, preferably on CD-ROM.</p> <p>Reports should contain a full explanation of all abbreviations used in the text, especially where referring to national institutions, organizations, laws, etc. which are not readily understandable outside the Colombian State.</p> </li> </ul>
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11. It should be mentioned that it has been usual for civil society organizations in each State to submit “alternative” reports to the Committee, which are drawn up and presented by them so that the Committee can have another view of the implementation of States’ commitments. These reports are prepared independently by civil society organizations which decide to take such action.

## **B. Executive summary**

12. Of the total Colombian population (42,888,592)<sup>1</sup> 51.2 per cent is female and 48.8 per cent male. There is a higher proportion of females in all population groups except the 0- to 14-year group, where 51 per cent is male and 49 per cent female. With regard to ethnicity, 3.4 per cent of the population is of indigenous origin, 0.001 per cent Roma and 10.6 per cent Afro-Colombian.<sup>2</sup> As at 2010, 34 per cent of households were female-headed.

13. The national Government has incorporated special provisions in national development plans in order to promote gender equity through recognition of differences and special needs of women, bearing in mind that Colombian women play a role in the country’s development.

14. The affirmative policy “Women as builders of peace and development”, directed by the High Presidential Council for Women’s Equity, was continued in the period from 2006 to 2010. Under this policy, special measures in favour of women have been promoted in the thematic areas of enterprise development and employment, eradication of violence against women, education and culture, and women’s political participation. For its execution, the formation of public and private partnerships was encouraged, with the incorporation of a gender-based approach in institutions’ activities.

<sup>1</sup> Population adjusted to 30 June 2005. The total population is estimated at 46,020,850 as at June 2011.

<sup>2</sup> Data from the 2005 census, based on the recognition that these persons belonged to ethnic groups.

15. Gender mainstreaming in the other branches of government was also strengthened, with the establishment of the National Gender Commission of the Judiciary (2008) and the Congressional Legal Commission on Women's Equity (2011). The *Ministerio Público* (comprising the Attorney-General's Office and the Office of the Ombudsman) and the Office of the Comptroller-General<sup>3</sup> have reinforced their institutional framework on gender matters by strengthening gender departments at the national level, thereby exerting greater influence on the promotion and protection of women's rights.

16. Interest and concern have been generated among all civil society actors in Colombia regarding the issue of violence against women. Act No. 1257 (2008),<sup>4</sup> entitled "For a life free from violence", which defines violence against women in accordance with international standards, represents one of the main advances in eradicating this problem.

17. The Intersectoral Commission on Eradication of Violence against Women, established under Decree No. 164 (2010), recognizes the multidimensional nature of violence against women and is proposing a multisectoral and inter-institutional intervention strategy for coordinating efforts to provide women victims with comprehensive, differentiated, accessible and high-quality care. The present report contains details of other series of initiatives that contribute to the attainment of this goal and are aimed at ensuring women's right to a violence-free life, comprehensive support, redress and guarantees of non-recurrence.

18. Particular noteworthy among these initiatives is the signing by the President of the Republic, Juan Manuel Santos Calderón, on 10 June 2011, of the Victim and Land Restitution Act, in the presence of the Secretary-General of the United Nations, Ban Ki-moon, and Nobel Peace Prize candidate Yolandé Mukagasana. Women are major beneficiaries of this legislation.

19. Other initiatives being pursued include the project on combating impunity in sexual violence cases within the context of armed conflict, the panel on guarantees for the protection of human rights defenders, the differentiated investigative strategy of the Prosecutor-General's Office and the gender equity strategy in support of demobilized combatants.

20. With respect to the recording of data on violence against women, efforts are being made to develop and strengthen information systems which will highlight the various forms of such violence by means of indicators to assist in the formulation of relevant public policies. The recording of data on sexual violence has been identified as a challenge by the State.

21. The present Government is continuing the commitment to pursue these and other initiatives with a view to addressing the problem of violence against women, which is present both in the family setting and in the public sphere. According to statistical data, there are high rates of intimate partner violence and violence against children within the family environment. Also, the State recognizes the risks and specific violations affecting women in armed conflict situations and, for this reason, is directing efforts and energies towards enhancing differentiated measures for the benefit of women victims of illegal armed groups and other criminal organizations.

22. As regards the policy on comprehensive support for displaced persons, a gender perspective has been incorporated in the provision of support to displacement victims and,

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<sup>3</sup> These are oversight bodies.

<sup>4</sup> Containing stipulations on raising awareness of and preventing and punishing forms of violence and discrimination against women, introducing amendments to the Criminal Code, the Code of Criminal Procedure and Act No. 294, of 1996, and incorporating other provisions.

pursuant to Constitutional Court Decision T-025-04 and Rulings 092 and 237, programmes specifically aimed at displaced women and women at risk of displacement have been designed and put into operation. Different strategies are, however, currently being pursued to meet the needs involved and address the challenges to programme implementation at the local level.

23. With respect to women's participation in political and public life, in addition to the promulgation of the Quota Act (Act No. 581 of 2000), the Agreement on Effective Inclusion of Women in Politics has been concluded, the Congressional Legal Commission on Women's Equity has been set up, the women's community councils and participatory councils of female coffee growers have been strengthened, regional workshops have been conducted, the national indigenous women's symposium has been organized and meetings, forums, workshops and training seminars have been held to those ends.

24. During 2010, the Quota Act target of a minimum of 30 per cent of posts occupied by women was met by the executive, autonomous organs, supervisory and oversight bodies and the National Civil Registry Office in the discharge of public posts at the most senior level or positions at other decision-making levels. There has also been a gradual increase in women's participation in Congress. Women's representation in this latter area is still low and efforts are accordingly being aimed at strengthening measures to promote it. The Constitutional Court recently declared constitutional the political reform bill<sup>5</sup> laying down the obligation on the part of political movements or parties to provide for a minimum female participation level of 30 per cent on electoral candidates' lists with a view to promoting gender equity in Colombia.

25. In the elections held for the period 1998–2002, women's participation was 13 per cent for the Senate and 11 per cent for the House of Representatives. In the period 2010–2014, their levels of participation were 16 and 12 per cent respectively.

26. Under the "Education Revolution" policy, women have benefited from expanded educational provision at all levels, support for vulnerable population groups, high-quality education in line with international benchmarks, quality assurance in higher education, improved school infrastructure, increased numbers of students with access to computers and the Internet, teacher selection and assessment on merit, modernized and strengthened administration of the sector and participatory management. During the reporting period, important policies were implemented, such as the National Ten-Year Education Plan 2006–2016 and the National Human Rights Education Plan (PLANEDH).

27. The results of these and other initiatives can be seen from indicators such as the increased rates of coverage at all educational levels and hence the fall in the number of children and young persons outside the education system. With regard to primary and secondary enrolment, 50 per cent of the 10,978,743 children enrolled in primary and secondary education in 2010<sup>6</sup> were girls, a figure which has been maintained during the past six years. As to higher education, there were 514,568 female and 485,580 male enrollees in 2002 and 863,473 and 810,947 respectively in 2010, which represents an increase of 67 per cent for men and 67.8 per cent for women, the gender gap thus moving from 28,988 to 52,526 in favour of females. Graduation data indicate a higher proportion of

<sup>5</sup> Decision C-490 (2011) concerning the Constitutional Court's examination of the constitutionality of legislative bill No. 190 of 2010 (Senate) – No. 092 of 2010 (House of Representatives) establishing rules on the organization and operation of political movements and parties and electoral procedures and incorporating other provisions.

<sup>6</sup> It should be borne in mind that, for 2010, the information reflects final State enrolment data gathered prior to audit deductions and private enrolment data gathered with the cut-off date of 30 November 2010 before allowing for omissions.

degrees obtained by women between 2002 and 2009. For that period, 55 per cent of all higher-education graduates were female and 45 per cent male. In the period from 2006 to 2010, 54 per cent of recipients of employment training offered by the National Learning Service (SENA) were women.

28. It has been possible to reduce dropout rates at virtually all educational levels. However, there are very high dropout levels in higher education. Although the quantitative imbalance has been redressed, there are still considerable disparities related to the perpetuation of gender stereotypes in school, which have a negative effect on the all-round development of the skills, interests and abilities of girls and women.

29. The Government's labour relations and employment market policies are aimed at raising the number of Colombians engaged in productive occupations, receiving stable incomes and contributing to the social welfare system, which has been possible thanks to increased economic activity. In this connection, the effects of the strategy to ensure that economic growth has an impact on general levels of employment and occupation can be seen in a fall in unemployment rates and an increase in formal employment, which in turn means a rise in the number of contributing participants in the systems of social protection.

30. During the period from 2006 to 2010, female labour force participation increased by five percentage points.<sup>7</sup> Nevertheless, owing to the existence of barriers to women's access to paid employment, it is 24 percentage points below the male rate. During this period, the female employment rate rose by 4.4 percentage points, compared with 2.2 percentage points in regard to male employment. In 2010, however, the employment rate was 67.5 per cent for males and 43.7 per cent for females.<sup>8</sup>

31. The unemployment rate fell in the case of both men and women and the male/female difference, although constant, diminished slightly.<sup>9</sup> In 2010, the male unemployment rate was 9 per cent and the female unemployment rate 15.6 per cent. As regards the reasons for this difference, factors that may be considered include the fact that women have historically participated to a greater extent in the care economy and unpaid activities, having traditionally performed work associated with childbearing and looking after others, tasks to which no market value is attached and which are not readily visible.

32. Also, it can be seen from general social security data on formal employment that labour force participation is higher for professional women than for professional men, although they earn less than men. However, the pay gap has fallen over the years.

33. The Government of Colombia recognizes the challenges to achieving the full exercise of women's rights in this area. It is pursuing action to eliminate discrimination against women in the labour market, promoting strategies for their occupational training and taking steps to foster enterprise development and employment, among other measures. It draws attention to the recent adoption of the law extending paid leave for pregnant workers by 14 weeks.<sup>10</sup>

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<sup>7</sup> From 32.4 per cent (2006) to 37.5 per cent (2010).

<sup>8</sup> In the case of men, the employment rate increased from 65.3 per cent (2006) to 67.5 per cent (2010), equivalent to 2.2 percentage points. In the case of women, the increase was 4.4 percentage points, the rate having risen from 39.3 per cent (2006) to 43.7 per cent (2010).

<sup>9</sup> In 2006, the male unemployment rate was 9.2 per cent, while the female unemployment rate was 16.2 per cent, i.e. a difference of 7 percentage points. In 2010, the male unemployment rate was 9 per cent and the female unemployment rate was 15.6 per cent, representing a difference of 6.6 percentage points.

<sup>10</sup> Act No. 1468, of 30 June 2011, amending articles 236, 239, 57 and 58 of the Code of Substantive Labour Law and incorporating other provisions.

34. In the area of health, the Government points out that coverage under the general social security health-care system stands at 96 per cent of the total Colombian population. It has also been possible to standardize the mandatory health plan in line with judicial mandates and produce scientific evidence-based clinical practice guidelines for dealing with HIV/AIDS cases and other diseases. The same trend of increased coverage has been recorded with regard to pensions and the occupational risks insurance administration system.

35. In the implementation of the National Public Health Plan 2007–2010, various steps have been taken with a view to reducing infant mortality and morbidity, maintaining effective vaccination coverage and promoting sexual and reproductive human rights. These advances have been made in six areas: safe motherhood; family planning; adolescent sexual and reproductive health; cervical and breast cancer; sexually transmitted infections, including HIV/AIDS; and prevention of domestic and sexual violence.

36. According to the 2010 national demographic and health survey, there is a declining fertility trend, the rate having fallen from 2.4 children in 2005 to 2.1 in 2010. However, one in five women aged between 15 and 19 years has been pregnant at some time: 16 per cent are now mothers and 4 per cent are expecting their first child.

37. There are clear signs of the efforts made by the Ministry of Social Protection in Colombia to improve access to family-planning services and reduce inequalities between population groups. The use of contraceptive methods rose by 13 percentage points between 1990 and 2010.<sup>11</sup>

38. During the past five years, 92 per cent of pregnancies were under the care of doctors and 5 per cent under the care of nurses. Also, the number of antenatal check-up visits and vaccinations against neonatal tetanus increased. Between 56 and 66 per cent of post-partum problems received medical attention.

39. As regards knowledge of permitted reasons for interrupting a pregnancy in Colombia, slightly over three quarters of the women mentioned each of the grounds for termination: 76 per cent referred to cases where the pregnancy endangered the woman's life or health, 79 per cent to cases where the foetus was severely deformed and 78 per cent to cases where the woman had been raped. The 2010 demographic and health survey shows that awareness of the three reasons is greater among women aged between 20 and 34 years, single women and women with one or two live-born children.

40. There is almost universal awareness of HIV/AIDS, 99 per cent of the women questioned in the 2010 demographic and health survey having stated that they had heard of the disease. The level of awareness is lower among the youngest age group (from 15 to 24 years). Only half (51 per cent) of the women surveyed gave the correct answer to the question regarding the possibility of transmission of the virus during breastfeeding and just 32 per cent stated that the risk of mother-to-child AIDS transmission could be reduced if the mother took special medication during pregnancy.

41. In the latest estimates of the incidence of cancer in Colombia, breast cancer occupied the top position, with some 7,000 new cases every year, followed by cervical cancer, with 5,600 new cases every year. Under the general social security health-care system in Colombia, all women enrollees aged between 25 and 69 years and females under the age of 25 years with an active sex life are entitled to free cervical screening.

42. With regard to the national gender machinery, the Presidential Council for Women's Equity (CPEM) was changed under the administration of President Santos to the High

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<sup>11</sup> In 1990: 66 per cent; in 2010: 79 per cent.

Presidential Council for Women's Equity (ACPEM), by Decree No. 3445 (2010), and its functions were confirmed. The present Government points out the importance of this body in mainstreaming a gender perspective in State policy with a view to achieving equality of opportunities between men and women. For that reason, it has made a commitment to strengthen the technical and budgetary aspects of the machinery in order to ensure that it meets its objectives.

43. In connection with the 2011–2014 National Development Plan, the need to formulate and implement a comprehensive and cohesive public policy on women's gender equity was agreed upon by the national Government and women's organizations, this commitment being incorporated in that document. Key features of this initiative are the promotion of broad-based participation by women's organizations and their strengthened relations with the national Government. The public policy is expected to be adopted in March 2012.

## **II. Part I of the Convention**

### **A. Article 1**

44. This section is concerned with the specific recommendations made by the Committee to the Government of Colombia in its concluding comments on the sixth periodic report (CEDAW/C/COL/CO/6, paras. 11, 13 and 19) and General Recommendation No. 19 of the Committee.

45. With regard to the definition of discrimination against women, Colombia's constitutional and statutory law is consistent with the contents of article 1 of the Convention.<sup>12</sup>

46. Since the Committee, in its General Recommendation No. 19, deemed this definition to include gender-based violence, i.e. violence which is directed against a woman because she is a woman or which affects women disproportionately, and requested States to include related information in their periodic reports, details are given below of the administrative, judicial and legislative measures and strategies adopted to prevent and eradicate violence against women as an obstacle to their full advancement on a basis of equality. The other strategies, which relate to the educational, political, social and economic spheres, will be discussed in the sections on the corresponding articles of the Convention.

#### **1. Administrative measures**

47. The 2006–2010 National Development Plan "A Community State: Development for All" stipulates that, in order to build a more equitable, just and humane society, the inclusion of women and men within the social dynamic has to be guaranteed and specific strategies need to be developed for the purpose of enabling women in precarious or

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<sup>12</sup> Constitutional and statutory law: article 13 of the Constitution (on the right to equality); article 40 of the Constitution (on the effective participation of women in public administration); article 43 of the Constitution (on special protection during pregnancy and for women heads of household); article 42 of the Constitution (on the prohibition of all forms of domestic violence); article 17 of the Constitution (on the prohibition of slavery, servitude and human trafficking in all its forms); and article 93 (on the precedence of international human rights treaties ratified by the State over domestic law), implemented through the ordinary law under Act No. 823 (2003), Act No. 731 (2001), Act No. 581 (2000) and Act No. 1257 (2008), among others, which will be referred to in the course of the present report.

disadvantaged circumstances to improve their existing status.<sup>13</sup> To that end, the following strategies have been identified: (a) the integration of a gender perspective in the national Government's programmes, plans and projects;<sup>14</sup> (b) the implementation of the affirmative policy "Women as builders of peace and development" (2003); and (c) the execution of the national Government's social policy (2006–2010).

48. Colombia's targets and strategies for the attainment of the Millennium Development Goals to 2015 were adopted under social document 091, of 2005, of the National Council for Economic and Social Policy (CONPES). With regard to Goal 3 (Promote gender equality and empower women), CONPES referred to the need to eliminate gender inequalities in primary and secondary education, preferably by 2005, and at all levels prior to the end of 2015. However, since there are no major gender differences in school attendance in Colombia, the objectives set were to improve evaluation capacity with a view to providing accurate policy and programme guidance and to establish priorities in the areas of gender-based violence and political, economic and labour-market participation. The strategies and targets for these areas will be examined in the present report in the section on articles 2 and 3 of the Convention.

49. Conscious of the magnitude and complexity of the various existing forms of violence which threaten the lives and integrity of women and men, the Government has designed and implemented a series of public policies to combat this scourge. These policies, which incorporate or have been gradually incorporating a gender-based approach and take account of related international standards, include the following:

- (a) The democratic security policy;
- (b) The Ministry of Defence comprehensive policy on human rights and international humanitarian law;
- (c) The national policy on social and economic reintegration of insurgents and rebel groups;
- (d) The anti-impunity policy of the Presidential Human Rights and International Humanitarian Law Programme;
- (e) The national policy on sexual and reproductive health;
- (f) The national policy on comprehensive support to displaced persons;

<sup>13</sup> Further information is available via the following link: [www.dnp.gov.co/PortalWeb/Portals/0/archivos/documentos/GCRP/Presentaciones\\_Renteria/DNPgenero.pdf](http://www.dnp.gov.co/PortalWeb/Portals/0/archivos/documentos/GCRP/Presentaciones_Renteria/DNPgenero.pdf).

<sup>14</sup> The conclusion of the National Agreement on Gender Equity (2003) by the Government, Congress, the judiciary, trade associations and the academic sector to strengthen gender equality and equity as a State policy, together with the participation of the ACPEM in the National Council for Economic and Social Policy (CONPES); the preparation and publication of two teaching aids: a training manual on gender mainstreaming in development (with UNDP support) and guidelines on incorporating a gender-differentiated approach in the policy of comprehensive support to displaced persons and persons at risk of displacement; and the prioritization of six policies of the national Government for the integration of a gender perspective, namely (a) banking opportunities, (b) the Social Protection Network for Eradicating Extreme Poverty (the *Juntos* Network), (c) the national strategy on combating human trafficking, (d) the policy of support for displaced persons, (e) the economic reintegration and resettlement policy and (f) the comprehensive governmental migration policy for the Pacific Coast region) have made it possible to involve local authorities, public and private sector bodies and the media in the implementation of programmes, projects and strategies within the thematic areas of the affirmative policy "Women as builders of peace and development" (ACPEM technical assistance), thus achieving qualitative and quantitative progress in regard to gender mainstreaming.

- (g) The affirmative policy “Women as builders of peace and development”;
- (h) The national policy on building peace and social harmony;
- (i) The policy on preventing the recruitment and use of children and young persons by illegal armed groups and organized criminal groups;
- (j) The Ministry of Defence policy on sexual and reproductive rights, equity, gender-based violence and sexual and reproductive health;
- (k) The national policy on sexual and reproductive health 2002–2006; and
- (l) The national strategy on combating human trafficking.

50. Also, inter-institutional and intra-institutional coordination mechanisms have been established to promote and protect the rights of women and girls who are victims of violence, including:

- (a) The Follow-up Committee on Act No. 1257 (2008);<sup>15</sup>
- (b) The Inter-institutional Committee on Combating Human Trafficking;
- (c) The National System of Comprehensive Support for Displaced Persons (SNAIPD);<sup>16</sup>
- (d) The Inter-institutional Advisory Committee on Prevention of Sexual Violence and Comprehensive Support for Child and Youth Victims of Sexual Abuse;<sup>17</sup>
- (e) The Multifunctional Team on Sexual and Gender-based Violence;<sup>18</sup>
- (f) The domestic and sexual violence panel of the Ministry of Social Protection and the Colombian Family Welfare Institute;<sup>19</sup>
- (g) The Intersectoral Commission on Prevention of Recruitment of Children and Young Persons; and
- (h) The intra-institutional panel of the Prosecutor-General’s Office on combating impunity for crimes of violence against women (see below).

51. It is important to mention one of the most significant developments in Colombia, which is referred to only briefly since the present report was issued just as it was being finalized, namely the adoption of the Victim and Land Restitution Act (Act No. 1448 of 10 June 2011), laying down measures for the provision of support, assistance and comprehensive redress to victims of the internal armed conflict and incorporating other provisions.

<sup>15</sup> The Follow-up Committee, which was established pursuant to article 35 of Act No. 1257 (2008), is composed of the ACPEM, the Office of the Ombudsman, the Attorney-General’s Office and representatives of civic organizations (three selected from among women’s organizations). The civic organizations are represented by Migdonia Rueda Bolaños (Alianza IMP), Claudia Ramírez (Corporación Sisma Mujer) and Maura Nasly Mosquera (Fundación AfroLíder).

<sup>16</sup> SNAIPD was set up by the national Government to provide a high-quality, sympathetic and timely response to the needs of displaced Colombians.

<sup>17</sup> A consultative mechanism of inter-institutional coordination and interaction with organized civil society, whose establishment as a body attached to the Ministry of Social Protection was provided for under Act No. 1146 (2007).

<sup>18</sup> Since June 2006, this initiative involving governmental institutions, civil society organizations and United Nations agencies serving on the inter-agency gender panel has given visibility to the issue of gender-based sexual violence and achieved its inclusion on the agenda of the institutions comprising SNAIPD.

<sup>19</sup> Set up under the national plan on building family peace and harmony *Haz Paz*.



52. Under the affirmative policy “Women as builders of peace and development” devised by the ACPEM (2003 to August 2010), five thematic areas have been pursued: (a) prevention of violence against women; (b) political participation; (c) education and culture; (d) enterprise development and employment; and (e) institution building. Information is given below on qualitative and quantitative progress made under that policy with regard to the first area, i.e. prevention of violence. Details of the other areas are included in the present report in the sections dealing with enterprise development and employment, political participation, and education and culture.

53. The following strategies, which will be discussed in depth in the course of the present report, have been pursued with a view to preventing violence:

- (a) Promoting legal literacy training for women concerning their rights;
- (b) Mainstreaming a gender approach in the policy of comprehensive support to displaced persons;
- (c) Inter-institutional coordination mechanisms:
  - (i) The Eurosocial Project;
  - (ii) The establishment of the Intersectoral Commission on Eradication of Violence against Women;<sup>20</sup>
- (d) Strategic plan for the defence of women’s rights in the Colombian justice system;
- (e) Anti-human trafficking strategy;
- (f) Gender and communications strategy; and
- (g) Strengthening the compilation and analysis of data on violence against women by the Gender Monitoring Centre.

Further information on (b) and (e) above is contained in the sections dealing with displacement and violence against women.

54. These measures have made it possible to place the issue of violence against women on the government agenda and to raise society’s awareness of the extent of this form of discrimination.

55. With regard to the promotion of legal literacy by the CPEM (now the ACPEM), some 750 national-level training seminars were held during the period from 2003 to 2010 to develop women’s understanding of their rights and the importance of reporting instances of violence so that such acts do not go unpunished. The training booklets “Paths to non-violence” and “Act No. 1257 (2008)” were distributed at these seminars.

56. Under the Eurosocial Project (2009) to promote experience-sharing between Spain and Colombia with a view to strengthening the institutions which are responsible within the executive, the Prosecutor-General’s Office and the *Ministerio Público* for promoting and safeguarding women’s rights, the principles were defined for a protocol on inter-institutional coordination in the provision of comprehensive support to women victims of violence.

57. The inter-institutional panel on eradication of violence against women, established as an intersectoral commission under Decree No. 164 (2010), seeks to combine efforts aimed at developing cooperation, coordination and liaison among the bodies responsible for

<sup>20</sup> Decree No. 164 (2010).

measures to eliminate violence against women with a view to providing comprehensive differentiated, accessible and high-quality care for women victims. The panel recognizes the multidimensional nature of violence against women and is accordingly proposing a multisectoral and inter-institutional intervention strategy. The establishment of departmental panels on eradication of violence against women has also been promoted for the same purpose but with a regional approach. Six departmental panels have already been set up.<sup>21</sup>

58. In the previous report (the fifth and six periodic reports of the Government of Colombia to the Committee), mention was made of the implementation of the strategic plan for the defence of women's rights in the Colombian justice system.<sup>22</sup> Pursuant to the cooperation agreement concluded between the national Government, through the ACPEM, and the Madrid Autonomous Community, a group of Spanish and Colombian experts, following a study on the actual situation of women in Colombia, devised 116 measures for strengthening government action to promote women's rights and equality and for undertaking further action to improve the enforcement and exercise of the rights already provided for under Colombian law in three areas of activity: (a) protection of women in situations of domestic violence; (b) marriage breakdown and (c) employment discrimination.

59. Mention may be made of the following outcomes:

(a) With regard to protection in cases of marriage breakdown: the adoption, with university legal aid clinics, of measures to promote the inclusion of a gender perspective in the free legal assistance offered by them to women and communities, and the establishment of the radio legal aid series "Women's Advice", dealing with typical cases and reporting on them with a view to their inclusion on the web portal referred to above;

(b) With regard to protection in cases of employment discrimination:

(i) The inclusion of a training module on this topic in the online diploma course on women and gender;

(ii) The establishment of an ACPEM partnership with the National Coffee Growers' Federation and an agenda with female coffee growers concerning domestic violence, trade-union participation and economic independence.

<sup>21</sup> Antioquia, Norte de Santander, Valle del Cauca, Atlántico, Tolima and Nariño. In 2010, these panels carried out a number of activities, including: (a) the submission of proposals concerning the promulgation of regulations to Act No. 1257 (2008) in the areas of justice, health, employment and education; (b) the formulation and adoption of an action plan setting out the objectives, persons responsible, resources and measures to be adopted; (c) the publicizing and dissemination of Act No. 1257 (2008) among public officials and women's organizations; (d) the organization of awareness and training seminars on violence against women; (e) the production of educational materials to publicize Act No. 1257 (2008) and women's rights; (f) the holding of seminars on comprehensive support for women; (g) the organization of information, protection and prevention workshops on women's sexual rights; and (h) the convening of a women's safety council meeting to address the problem of femicide within the department (event organized by the Atlántico Governor's Office on 27 May).

<sup>22</sup> In June 2005, the Government of Colombia and the Madrid Autonomous Community concluded a framework protocol, which set out a specific cooperation action proposal: "The formulation of a strategic plan of measures to safeguard women's rights in the Colombian justice system, with special consideration for victims of domestic violence". As a result of this accord, the Madrid Autonomous Community entered into a collaboration agreement with the Madrid Bar Association in December 2005 to undertake all necessary activities for the achievement of that objective, working in conjunction with the ACPEM.

60. For the purpose of implementation of the strategic plan (2008–2009), priority was given to 25 measures taking into account their importance and complementarity and the availability of resources. These measures are set out in the project on implementation of the strategic plan for the defence of women’s rights in the Colombian justice system, drawn up by the ACPEM and the Xaverian University, through the Pensar Institute, and financed by the Madrid Autonomous Community, for execution, with ACPEM coordination, from 15 September 2008 to 31 December 2009. The full text of the strategic plan is contained in annex 1 on this article.

61. The measures taken have focused on, inter alia, legislative reforms in the three areas of activity; joint action with the media to foster egalitarian values and promote a balanced image; training programmes; action protocols on prevention of violence against women and victim support; examination of possible strategies for cooperation between the Madrid Autonomous Community and Colombia in the provision of advice and support and the development of mechanisms to enforce migrants’ rights in connection with situations arising after marriage breakdown; and the organization of business awareness campaigns to eliminate prejudices in the recruitment of women.

62. As regards legislative reform measures, the full text of the strategic plan for the defence of women’s rights in the Colombian justice system was submitted by the ACPEM to the women’s congressional caucus to serve as an input for its legislative initiatives in favour of women. According to the review conducted by the ACPEM, 99 per cent of the legislative reforms on violence against women which had been put forward under the strategic plan have been included in Act No. 1257 (2008).<sup>23</sup>

63. As part of the studies undertaken on the effects and effectiveness of mechanisms to address violence against women under the strategic plan, a survey was carried out, in the three action areas of the plan,<sup>24</sup> on the situation of women and related recommendations were put forward on the basis of its findings.<sup>25</sup>

64. Noteworthy among the results are the following:

(a) The compilation of data at the national, regional and local levels concerning prevention, detection, support and training programmes on domestic violence and the range of services provided in towns and cities, with nationwide impact and coverage, and the dissemination of materials for mothers enrolled in family allowance funds (*cajas de compensación familiar*), in conjunction with Fundalectura;

(b) The preparation of educational materials such as the “Reading with the Family” Programme, the journal of women’s rights and Metro programme on the rights of the child, as well as the production and transmission of the radio series “Women’s Words” via the 35 broadcasting stations of the Colombian university radio network (RRUC);

(c) The development of online educational studies through the diploma course on women and gender:

(i) Training of tutors;

<sup>23</sup> Containing stipulations on raising awareness of and preventing and punishing forms of violence and discrimination against women, introducing amendments to the Criminal Code, the Code of Criminal Procedure and Act No. 294, of 1996, and incorporating other provisions.

<sup>24</sup> Legislative and case-law studies; policies; plans and programmes.

<sup>25</sup> The studies conducted include an analysis of protocols on the provision of support by health and legal practitioners (document entitled “Access to justice for women victims of violence in the family setting”, prepared by the Faculty of Legal Sciences of the Pontifical Xaverian University).

- (ii) Initiation of the training programme at the national level (562 participants in three cohorts in 31 towns and cities of Colombia);
- (d) The production and transmission of the radio series “Women’s Advice” via the 35 broadcasting stations of the RRUC, involving 70 broadcasts and the participation of Colombian university legal aid clinics;
- (e) The initiation of analyses of health protocols at the national and international levels;
- (f) An assessment of the dissemination of health-care pamphlets;
- (g) A review of compliance with protocols contained in handbooks designed for the national police;
- (h) Coordination with national police representatives to ensure compliance with protocols;
- (i) The Internet portal [www.mujercolombia.com](http://www.mujercolombia.com) and the adaptation of available space for documenting domestic violence cases;
- (j) The dissemination of the training booklets “Paths to non-violence” and “Act No. 1257 (2008)” via the web portal, the media, educational establishments and public libraries;
- (k) Inputs for the women’s congressional caucus to debate what is now Act No. 1257 (2008); and
- (l) The establishment of the national panel on eradication of violence against women and the setting up of departmental panels on eradication of violence against women (nine departmental panels), referred to above.

65. As part of efforts to strengthen respect for women’s rights through the media, work has been carried out under the ACPEM communication strategy, in partnership with the media, to raise visibility and awareness of the issues of women and gender equality within society through news tips, press releases and bulletins, free press publications, personal accounts and interviews to publicize programmes and projects implemented with a view to promoting women’s advancement.

66. Mention should also be made of the Comprehensive Programme against Gender-based Violence, which is a joint initiative involving United Nations agencies (UNIFEM, IOM and UNFPA) and the national Government (ACPEM,), financed by UNDP Spain and aimed at the achievement of the Millennium Development Goals. The objective of the programme is to contribute to the eradication of all forms of gender-based violence in Colombia, with particular emphasis on intimate partner violence, sexual violence, human trafficking, violence committed by illegal armed groups and traditional practices which violate the rights of displaced indigenous and Afro-Colombian women. The programme has undertaken activities nationwide and in four targeted territories, strengthening relevant national and local authorities and also civil society organizations in the areas of prevention, detection, recording and tracking of gender-based violence, provision of victim support and the development of a legal and public policy framework on gender-based violence in line with international instruments.<sup>26</sup>

<sup>26</sup> All components and strategic action areas of the programme are centred on four pilot projects to test the proposed comprehensive strategy, validate its relevance, make appropriate methodological and/or conceptual adjustments and learn lessons to enable the strategies to be extended and adapted to different situations nationwide (Cartagena, Buenaventura, Pasto, and Pueblo Rico and Mistrató

67. The Colombian Government has implemented an inter-institutional communication strategy directed at public officials with a view to making them aware of their duties and responsibilities with respect to the application of Act No. 1257 (2008) and Ruling 092 (Displaced women) and thus ensuring their commitment to follow the new procedures established for preventing, dealing with and punishing acts of violence against women. In this connection, the information communicated under the strategy is addressed from and to public officials, it being understood that a message will in this way also be sent to women victims, to non-abusive men and to society in general. The strategy was put into operation by the Inter-institutional Communications Committee on the Eradication of Violence against Women, which was officially set up on 1 June 2009. The Committee is directed by the Ministry of Information Technology and Communications, the ACPEM and the Presidential Agency for Social Action and International Cooperation (Acción Social).<sup>27</sup>

68. The strategy was approved on 28 June 2010 in the Committee and officially launched on 2 November 2010 with the adoption of the slogan “Women: you have rights”, which refers to the comprehensive approach to the communication strategy, whose aim is to contribute to reducing all forms of violence against women, especially displaced women, and to generate processes of change so that the new legal environment is seen by the State and society as an opportunity to progress towards a life free from violence against women (see the reply on article 5).

69. In 2007, the Ministry of Information Technology and Communications reformulated the sectoral radio-broadcasting policy in Colombia, establishing guidelines on radio stations’ compliance with the provisions of existing law and the social responsibilities of the media, such as respecting the dignity of children and young persons, and programmes aimed at the eradication of violence against women and the prevention of alcohol and tobacco abuse. This Ministry is taking steps to facilitate access to the community radio service as a strategy to foster local development, the promotion of equity, the expression of pluralism and the strengthening of cultural identities and peaceful coexistence.

70. Under the National Plan on Building Peace and Social Harmony 2005–2015, whose implementation is being coordinated at the national, departmental, district and municipal levels by the Colombian Family Welfare Institute,<sup>28</sup> measures to prevent, detect and deal

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(Risaralda)). The selection of the pilot territories was made by collation of various criteria. An initial criterion was that of working in towns with less than one million inhabitants, it being felt that the lessons which could be learned from pilots in medium-sized towns were more likely to be representative of and generally applicable to the national context. The key criteria were the presence of institutional and population characteristics which would make it possible to test the intervention strategies (institutional weaknesses, high concentration of Afro-Colombian citizens; territories receiving displaced persons and territories inhabited by indigenous peoples who engage in traditional practices).

<sup>27</sup> The following Colombian bodies comprise the Inter-institutional Communications Committee: the Ministry of the Interior and Justice, the Ministry of Defence, the Ministry of Information Technology and Communications, the Ministry of Education, the Ministry of Social Protection, the Ministry of Culture, the Ministry of Commerce, Industry and Tourism, the High Presidential Council for Women’s Equity, the Presidential Agency for Social Action and International Cooperation, the National Commission for Reparation and Reconciliation, the Colombian Rural Development Institute, the Colombian Family Welfare Institute, the Prosecutor-General’s Office, the Higher Judicial Council, the Attorney-General’s Office, the Office of the Ombudsman, the National Learning Service and the national police force, with the support of the Comprehensive Programme against Gender-based Violence of the United Nations Millennium Development Goals Achievement Fund.

<sup>28</sup> The objectives of the Colombian Family Welfare Institute, which was established by Act No. 79, of 1979, as a body attached to the Ministry of Social Protection, are, inter alia, to strengthen the family and protect children.

with the various forms of gender-based and domestic violence are being taken through intersectoral and inter-institutional cooperation in the pursuit of a comprehensive approach and as a shared responsibility involving families, organized civil society and international cooperation agencies.<sup>29</sup>

71. The formulation of 33 plans in the country's 32 departments and in Bogotá has been promoted and supported by the Colombian Family Welfare Institute. At the present time, the Bogotá district plan and 31 departmental plans have been updated to 2015, with one departmental plan updated to 2011 and awaiting updating to 2015.

72. Under regional plans, local authorities and agencies of the national family welfare system in the regions are undertaking activities in accordance with the principles of human rights protection, guarantees of public safety and social order and the building of family peace and harmony with a view to promoting the development of families that are democratic, tolerant of differences and respectful of the dignity and rights of their members without distinction as to age, gender, culture or physical or intellectual capacity.

73. Various domestic violence prevention initiatives are being implemented by the Colombian Family Welfare Institute. They include: (a) the Homes with Well-being Programme, (b) a scheme to promote prosocial behaviour in families and children aged between 4 and 6 years, (c) the Family Solidarity Model Programme and (d) agreements with the law enforcement services. Further information is included in the present report in the section on article 16.

74. With regard to ensuring the observance of women's human rights in the justice sector, the strategies adopted include the establishment, by the Higher Judicial Council, under Ruling No. 4552 (2008), of the National Gender Commission of the Judiciary, whose aim is to promote effective equality of opportunities between men and women and non-discrimination on the basis of gender in judicial decisions. Details of its functions, objectives and achievements are provided in the section on article 15 of the Convention.

75. As to available services for women victims of violence, the Prosecutor-General's Office has pursued an institutional strategy to address the issue of violation of women victims' rights, which is aimed at the effective investigation of crimes against sexual freedom, integrity and development, domestic violence cases and human trafficking offences, the provision of information on and the safeguarding and enforcement of the right of victims of offences to be treated with dignity in judicial proceedings, and the implementation, by the sexual violence investigation and victim support centres (CAIVAS) and the domestic violence investigation and victim support centres (CAVIF), of interdisciplinary and inter-institutional care models with a view to preventing double victimization.

76. The purpose of these special investigation and support models is to coordinate the responsibilities which the institutions concerned discharge by statutory and constitutional authority, thereby simplifying procedures and formalities, optimizing human and financial resources and thus preventing institutional mistreatment or double victimization, especially in the case of children, young persons and women who are victims of such crimes. These management models are currently in operation in 25 cities.<sup>30</sup>

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<sup>29</sup> CONPES document 3144 of December 2001.

<sup>30</sup> Bogotá, Cali (Cali and Palmira), Bucaramanga, Medellín, Buga (in Cartago), Manizales, Neiva, Cartagena, Santa Marta, Sincelejo, Quibdó, Pasto, Popayán, Armenia, Cúcuta, Ibagué, Cundinamarca (in Fusagasuga), Villavicencio, Tunja, Florencia, Barranquilla, Pereira, Riohacha, Montería and Santa Rosa de Viterbo (in Yopal). The implementation of these management models in San Andrés y Providencia (Cartagena), Soacha (Cundinamarca) and Valledupar is scheduled for 2011.

77. To ensure appropriate services for women subjected to domestic or sexual violence, timely and effective support is provided, under the CAVIF and CAIVAS model, within an environment of respect for human dignity, to children, young persons and women who are victims of crimes against sexual freedom, integrity and development and domestic violence offences, through inter-institutional measures carried out in conjunction with the Colombian Family Welfare Institute, the national police, the National Institute of Legal Medicine and Forensic Science, the municipal authorities and the *Ministerio Público*, among other bodies. Their aim is to offer appropriate and timely psychological, social, judicial, medico-legal and investigative support that will promote victims' recovery and enable crime prevention mechanisms to be developed.

78. The CAIVAS centres have interview areas, where Gesell rooms have been installed to prevent contact between victim and abuser, thereby reducing the risk of double victimization and avoiding crime victims' further suffering during the course of detection and investigative procedures and the trial in order to ensure that their best interests and dignity are respected.

79. Within the national police force, the Juvenile Police Department, with advice from the "Cities without Violence against Women" Programme, UNIFEM-AVP and the CAVIF centres, has developed a protocol concerning support for women victims of domestic violence, standardized procedures and risk levels, which was put into operation in January 2011 under a pilot scheme in the Engativá area of the city of Bogotá. Its evaluation and any necessary adjustments will subsequently be carried out with a view to implementation across the national territory.

80. Legal centres have been set up by the Ministry of the Interior and Justice as inter-institutional units to provide information, guidance, referral and other services for the resolution of disputes through the application and operation of formal and informal justice mechanisms. There are 66 legal centres nationwide. They bring together national and local justice administration institutions under one roof. In line with requirements, a number of specific projects are being executed on, inter alia, addressing the problem of domestic violence, incorporating ethnic and gender components in the public policy on access to justice and implementing legal education schemes.<sup>31</sup>

81. The family commissioner's offices, which form part of the national family welfare system, are responsible for the defence, safeguarding, restitution and reparation of family members' rights through, inter alia, restoration and protection proceedings to ensure the safety of persons affected by domestic violence. Domestic violence protection proceedings are constitutional procedures involving summary actions heard by family commissioner's

<sup>31</sup> They generally comprise (a) a reception and information office, (b) a permanent police inspectorate, (c) a community development and police inspection office; (d) a senior police inspection office; (e) a family commissioner's office; (f) municipal authorities' governance, public order and safety secretariats, (g) a human rights delegate from the municipal representative's office, (h) a family advocate from the Colombian Family Welfare Institute, (i) a medical expert from the Institute of Forensic Science, (j) a divisional prosecutor and a local prosecutor from the Prosecutor-General's Office, (k) a criminal investigation unit of the Metropolitan Police Criminal Investigation Division and (l) university legal aid clinics and conciliation centres, among other facilities, in order to provide comprehensive support to persons making use of these centres. Further information is available on the Ministry of the Interior and Justice website: [www.mij.gov.co/eContent/newsdetailmore.asp?id=2976&idcompany=2&idmenucategory=226](http://www.mij.gov.co/eContent/newsdetailmore.asp?id=2976&idcompany=2&idmenucategory=226).

offices.<sup>32</sup> Such procedures are autonomous and independent of criminal court proceedings relating to domestic violence offences.

82. With regard to the investigation of sexual offences, the national police force has specialized its approach to combating such offences through the establishment of sex crimes elite teams (GEDES), whose interdisciplinary composition consists of investigators from the Criminal Investigation Division and the Technical Investigation Corps, who are trained in forensics and who work with a single prosecutor to ensure the specific follow-up of all cases and the comparison of data so that it can be established from the different complaints lodged whether cases relate to one and the same abuser.

83. With the aim of offering a timely public service, all police stations have a complaints and crime office to receive citizens and offer them guidance. Under a protocol implemented for cases of sexual abuse or rape, information and assistance are provided without the need for victims to give an account of the facts.

84. The support measures set out in Act No. 1257<sup>33</sup> include guaranteed accommodation and food for women victims of violence. The mechanism for providing a board and lodging service for such women at the national level has not yet been established. However, the government authorities have pursued initiatives at the local level in order to guarantee accommodation and assistance for women victims of violence, including those described below.

85. An efficient and cost-effective scheme of restorative shelters, which is in operation in Medellín, Antioquia, provides refuges and comprehensive support for women and their children below the age of 14 years whose lives and physical integrity are threatened by domestic violence. This model, which has been successfully implemented since 2006, is centred on protection and comprehensive support for women, in cases where their physical integrity and that of their children is at risk owing to domestic violence, through the implementation, following a gender- and rights-based approach, of immediate and temporary measures of protection and comprehensive support for the benefit of women

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<sup>32</sup> These proceedings enable provisional measures of protection to be granted as from four hours after receipt of the application, with a final decision time-limit of ten days. Appeals are heard by the family court, which reviews the commissioner's ruling. Where there is no family commissioner's office, the proceedings are conducted before the municipal court. The functions of the family commissioner's offices are, inter alia, as follows: (a) to prevent domestic violence and child sexual abuse, (b) to conciliate in matters of custody, visits, maintenance and judicial separations, (c) to hear protection proceedings in domestic violence cases, (d) to hear administrative proceedings concerned with restoration of the rights of young persons who are victims of child abuse in the context of domestic violence, (e) to arrange for the rescue of children or young persons whose rights are at risk or infringed or whose life or physical integrity is in danger, including entry of premises, (f) to encourage recognition of paternity and (g) to undertake law enforcement functions assigned under articles 320 to 325 of the former Children's Code, these provisions remaining applicable in the new Children's and Young Persons' Code. The commissioner's offices are composed of an interdisciplinary team, comprising a lawyer, social worker, psychologist, physician and secretary.

<sup>33</sup> Article 19 (a): To guarantee accommodation and meals for victims under the general social security health-care system. Health insurers and subsidized health scheme administrators shall provide accommodation and meal services at health-care provider institutions or shall engage hotel services for such purposes. Transport services for victims and their children shall in all cases be included. In addition, they shall operate victim referral and counter-referral systems, at all times guaranteeing that their lives, dignity and integrity are safeguarded. See Decision C-776 (2010).



who report situations of domestic violence which endanger their own and/or their children's lives to the competent authorities.<sup>34</sup>

86. The 2008–2012 development plan “Positive Bogotá: For a Better Life”, executed by the Women, Gender and Sexual Diversity Subsecretariat within the District Planning Secretariat (Bogotá D.C.), included the setting up of four shelters for women victims of domestic violence. The first of these shelters was opened in the area of Teusaquillo in October 2009. Under the Programme “Positive Families: For the Right to a Violence-Free Life and a Protective City”, whose aim is to foster the establishment of conditions for the recognition, exercise and restoration of the rights of families living in the city and to improve their quality of life and all-round autonomous and sustainable development within the framework of the public policy on families and comprehensive social management, shelters are operated for women victims of domestic and/or sexual violence (*Hogares Club Michin*),<sup>35</sup> providing temporary refuge, accommodation and comprehensive support for single women or women with offspring or dependent children.

87. With regard to victims' free legal representation at trials, article 8 of Act No. 1257 (2008) lays down that every victim shall be entitled to receive immediate and specialized guidance, legal advice and technical legal assistance at no cost from the moment the act of violence is reported to the authority. It will be possible to order the abuser to bear the expense of such assistance. The State is responsible for safeguarding this right by means of relevant measures adopted in relation to the abuser and must in all cases ensure that this support is provided by the legal aid service.

88. To that end, the Office of the Ombudsman has, under implementing regulations to this Act, provided for the assignment of public defence counsel to represent women victims. It is planned to gradually increase the number of defence lawyers in line with the securing of necessary resources. In addition to the assignment of personnel, measures have been adopted to strengthen and upgrade the service.

89. In 2010, a pilot project on the implementation of the guidance, legal advice and technical legal assistance service for women and girls who are victims of violence was executed by the Office of the Ombudsman, with priority accorded to special cases. This resulted in: (a) the preparation of a final report on psychosocial and legal obstacles to women's and girls' access to justice, in which specific points were put forward with regard to the formulation of internal rules, and (b) the design of the Programme “Guidance, Legal Advice and Technical Legal Assistance to Strengthen Access to Justice for Women and Child Victims”, which includes three strategic areas of activity.<sup>36</sup>

<sup>34</sup> The sole requirement for access to the programme is the filing of a complaint with the competent body. The protection and support components are: (a) shelter, (b) medical and psychological (individual and family-based) assessment and care, (c) legal advice, (d) participation in self-help groups and (e) referral to programmes providing skills and occupational training and support in connection with economic enterprise initiatives or for priority beneficiaries, where required.

<sup>35</sup> For further information, consult: [www.hogaresclubmichin.com/webmichin/michin.html](http://www.hogaresclubmichin.com/webmichin/michin.html).

<sup>36</sup> The first area is concerned with strengthening and upgrading the legal aid service through a differentiated gender-based approach, the second relates to the conduct of quantitative and qualitative surveys on obstacles to women and child victims' access to justice with a view to influencing public policy formulation and management, and the third involves a component on monitoring and evaluating public defence administration, focusing on guaranteeing access to justice for women and child victims, for the purpose of preparing recommendations on incorporating a gender-based approach and mainstreaming women's and children's human rights in the work of the different sections. Support for the programme's formulation was provided by the Comprehensive Programme against Gender-based Violence (Millennium Development Goals Achievement Fund), which will also assist in its implementation in 2011. The programme will be coordinated jointly by the National

90. With respect to the implementation of the training component of this programme, progress was made in 2010 in securing resources to commence the design of the curriculum in coordination with the different sections of the Office of the Ombudsman which are involved in the provision of support, advice, guidance and technical legal assistance and the handling of complaints.

91. There are other entities which can offer a free-of-charge legal aid service to victims during trials, such as law practitioners operating within the national system of legal aid across the country, graduates of law faculties<sup>37</sup> and students at legal aid clinics of university law faculties lawfully recognized in Colombia, which form part of the national system of legal aid. Other institutions, such as the Attorney-General's Office, are responsible for overseeing the conduct of the trial and ensuring that victims' rights are safeguarded. Also, the prosecution service has a duty to inform victims of their rights and options in legal proceedings and to locate a public defence lawyer or legal aid office to represent them.

92. With regard to free telephone services, the Colombian Family Welfare Institute runs a nationwide helpline on 018000918080 twenty-four hours a day, at no cost, to handle complaints and reports of instances and to provide assistance and information on matters relating to family support and child protection. Although, as with the programmes implemented by the Colombian Family Welfare Institute, this call service does not directly deal with women and children only, a gender approach is integrated in its operations.

93. The Justice and Peace Unit within the Prosecutor-General's Office operates a victim support line on 5879745 for Bogotá and 018000916999 for the rest of the country, which is staffed by psychologists, persons with humane qualities and skilled in dealing with individuals' emotional distress in order to ascertain the harm caused by illegal groups within communities. The support line offers seven options, including one relating to cases involving victims of sexual violence and illegal recruitment of children.<sup>38</sup>

94. The Ministry of Social Protection has been developing the mental health component of the primary health-care strategy. Health promotion and preventive activities are being carried out, where users are put in touch with secondary or tertiary care services. The

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Public Defence Directorate and the Office of the Divisional Ombudswoman for Children's, Young Persons' and Women's Rights. However, to ensure its sustainability, the need to guarantee national budget resources has been identified for the purpose of increasing staffing levels and strengthening and upgrading the legal aid service.

<sup>37</sup> Operating in accordance with the terms of the law and under the administration of the national system of legal aid.

<sup>38</sup> When this option button is pressed, psychological support is given to persons who have been sexually abused by illegal organized groups and an atmosphere of sympathy and trust is created for them to recount the acts of which they have been victims, given that they may fear attracting attention owing to their situation. Many calls are accordingly received from persons stating their intention to notify the National Prosecution Unit for Crimes against Justice and Peace of instances of sexual violence suffered by them or by a relative who is a child and/or has disabilities. As regards illegal recruitment of children, callers are in most cases mothers reporting the recruitment of their son or daughter and demobilized combatants who had been forced into joining illegal organized groups. The other options offered by the support line relate to: crimes involving missing persons; assets of members of or frontmen acting for illegal organized groups and the loss of property through acts of illegal organized groups; other offences attributable to illegal groups where the caller is a victim and information is sought on legal proceedings; *postulados* (ex-combatants applying for sentencing benefits under the Justice and Peace Act), statements, legal offices and requests for information on justice and peace trials; and other matters.

Ministry of Social Protection has devised a “women-friendly consulting room” strategy for medical and mental health care.<sup>39</sup>

95. The Colombian Family Welfare Institute has strengthened the interdisciplinary psychosocial care teams, comprising mobile victim support units formed of mental health practitioners, psychologists and social workers to deal with cases of domestic and sexual violence. These professionals offer crisis care and arrange referrals to health-care services according to the institutional facilities available in the region.

96. The protection measures provided for under Act No. 1257 in favour of women victims of violence include the imposition of orders on abusers to attend, at their own expense, re-education and therapy programmes at public or private institutions.

97. With regard to the training of public officials responsible for providing support to women victims, the National Institute of Legal Medicine and Forensic Science devised and implemented, in 2009, a forensic training programme on gender-based violence for forensic medical and dental officers at regional centres, with emphasis on women displaced as a result of armed conflict, the dissemination of Act No. 1257 (2008) and international standards for the eradication of violence against women. In 2010, an online course was designed on this topic and training has progressively been provided on the virtual education platform to all substantive and support personnel of the Institute by the School of Legal Medicine and Forensic Science.

98. In 2009, the National Institute of Legal Medicine and Forensic Science, with support from the Comprehensive Programme against Gender-based Violence, formulated a comprehensive strategy for preventing, addressing and eradicating all forms of gender-based violence in Colombia, which emphasized the importance of strengthening that body’s institutional capacities, and a document entitled “National Institute of Legal Medicine and Forensic Science: A body of knowledge on gender-based violence” was drawn up.<sup>40</sup> The Institute has also produced handbooks and rules for use by its experts as well as in the health sector by physicians in general practice or in the compulsory social security system on the adoption of a comprehensive forensic approach to the investigation of sex crimes and the use of sampling kits in the health and forensic sectors.<sup>41</sup>

99. Another initiative by the National Institute of Legal Medicine and Forensic Science, which was implemented in collaboration with CINEP,<sup>42</sup> was an investigation into “invisible barriers” to the recording of sexual violence in armed conflict situations in Colombia, whose main findings and conclusions were published in the journal *Forensis: Datos para la vida 2009*.<sup>43</sup>

<sup>39</sup> Under the programmes referred to in Ruling No. 092, specifically those on prevention of sexual and domestic violence against displaced women and provision of comprehensive victim support, efforts are being made to improve access to specialized health and psychosocial care and to offer counselling for women victims.

<sup>40</sup> This document serves as a basic training manual for the workshops referred to and will also constitute a necessary input for the design and implementation of the model on gender-based violence support in the Institute’s forensic clinic.

<sup>41</sup> For further information, consult: [www.medicinalegal.gov.co/index.php?option=com\\_wrapper&view=wrapper&Itemid=84](http://www.medicinalegal.gov.co/index.php?option=com_wrapper&view=wrapper&Itemid=84): Quick-reference guide to forensic sexological examinations; Practical guide to personal injury assessments; Technical rules for a comprehensive forensic approach to victims in the investigation of sex crimes; and Technical rules for a comprehensive forensic approach to intimate partner violence.

<sup>42</sup> The Research and Popular Education Centre: [www.cinep.org.co](http://www.cinep.org.co).

<sup>43</sup> The following research projects on this topic are currently registered with the Scientific Research Division of the National Institute of Legal Medicine and Forensic Science: (a) Pilot programme,

100. Under the policy on building family peace and harmony, the national police force has implemented a programme of comprehensive action against domestic violence in the national police. An analysis of the problem, conducted on the basis of an established epidemiological monitoring system, is submitted each year in order to provide guidance for the work of psychology and social health-care professionals nationwide. Health education initiatives included in the programme are undertaken in all police departments with the cooperation of mental health practitioners.

101. The ACPEM has set up a partnership, involving UNIFEM and El Rosario University, to carry out a review of judicial practice regarding gender-based violence and women's rights and specifically with respect to (a) sexual and reproductive rights; (b) employment rights; (c) social security (health and pensions); (d) women prisoners' rights and (e) participation in and access to decision-making forums.<sup>44</sup>

102. As part of this exercise, a document was prepared under the title "Review of judicial practice regarding gender-based violence and women's rights (phase I) and study and review of decisions handed down by criminal circuit courts and family courts in the cities of Cartagena, Pasto and Cali during the period from 2005 to 2009 (phase II)".<sup>45</sup> This exercise contributes to the activities previously conducted by the Gender Monitoring Centre in reviewing the jurisprudence of the high courts in regard to women's rights.<sup>46</sup>

103. It should finally be mentioned that the Attorney-General's Office<sup>47</sup> operates a system of high-level review concerning the protection of women's rights, which is a strategy for the regular assessment of different aspects: (a) the competent institutions' knowledge and application of relevant international instruments and (b) the situation regarding the rights guaranteed by these instruments and the availability and quality of information on those rights. Follow-up and evaluation are ongoing processes accompanied by the preparation of

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pursued from a perspective of non-violence, on developing human and institutional capacities for the provision of comprehensive support to women victims of intimate partner violence on the basis of the sociocultural beliefs which legitimize it, Bogotá, 2009; (b) Survey of sex crimes over the last fifty years in the city of Cali, Colombia: classification of cases dealt with in the medico-legal service, 1959–2009, Cali; (c) Patterns of alleged sex crimes reported by the National Institute of Legal Medicine and Forensic Science, Medellín, 2004–2008; (d) Sexual violence against women executed during massacres in the period 1997–2003; (e) Coercion strategies associated with sexual violence suffered by women attending the Institute of Legal Medicine and Forensic Science, Bucaramanga, 2007–2008; (f) Protocol on epidemiological and forensic monitoring of sex crime cases; (g) Characteristic findings of Y in the stomatognathic system in sex crime cases: classification of sex crimes involving juveniles aged between 10 and 19 years during the period 2001–2003, Cali; and (h) Protocol on a comprehensive approach to sex crimes at the north-west regional centre: validation of genetic analysis procedures for sample examination in sex crime cases: [www.medicinalegal.gov.co](http://www.medicinalegal.gov.co).

<sup>44</sup> In this connection, a study and review were also carried out on the decisions handed down by criminal circuit courts and family courts in the cities of Cartagena, Pasto and Cali during the period from 2005 to 2009 to identify the lines of reasoning developed by those courts in relation to domestic violence against women, taking a sample selection of the judgments adopted by them and conducting typical case studies by city (3) and area of jurisdiction.

<sup>45</sup> This document, which has been prepared with El Rosario University in conjunction with the Gender Monitoring Centre and with support from the Comprehensive Programme against Gender-based Violence (UN-Women, UNPFA and IOM), is a preliminary version of the final text.

<sup>46</sup> See Gender Monitoring Centre bulletins: (a) The Constitutional Court and women's rights and (b) The Colombian Government and violence against women: [equidad.presidencia.gov.co/Es/Gender/OAG/Paginas/Boletines.aspx](http://equidad.presidencia.gov.co/Es/Gender/OAG/Paginas/Boletines.aspx).

<sup>47</sup> The body responsible for safeguarding and promoting human rights, protecting public interests and overseeing the official conduct of personnel who discharge public functions.

outcome reports.<sup>48</sup> There are six reports on reviewing women's and young persons' rights: (a) the report on preventive monitoring of the protection of women's rights, contained in the publication "Training and operational manual on follow-up and oversight"; (b) the unfulfilled rights of children and young persons; (c) the Attorney-General's Office and effective realization of women's rights; (d) the report on monitoring compliance with Ruling 092 (Women, conflict and women's rights); (e) the exploration of the situation relating to violence against women in Colombia; and (f) the observance of women's rights: a debt of justice.

## 2. Legislative measures

104. The main legislative development in Colombia during the reporting period was Act No. 1257 (2008), which contains stipulations on raising awareness of and preventing and punishing forms of violence and discrimination against women, introduces amendments to the Criminal Code, the Code of Criminal Procedure and Act No. 294 (1996) and incorporates other provisions. This law has fundamentally altered the legal treatment of violence against women in the Colombian State. Given the importance of the Act, specific references will be made to it in the course of the present report. Annex 2 on this article includes a list of other legislative measures adopted during the period, together with the full text of this Act.

## 3. Judicial measures

105. The full texts of the following decisions are included in annex 3 on this article:

(a) Constitutional Court Decision T-453-05: The Court directed that "competent judicial officials be advised to refrain from ordering the taking of evidence (i) which unreasonably or disproportionately invades the right to privacy or (ii) whose purpose is to demonstrate that it may be inferred from a woman's previous or subsequent private life that she consented to a sexual act which is totally separate from the act forming the subject of the complaint";

(b) Constitutional Court Decision T-458-07: The Court reiterated the Supreme Court's line of reasoning<sup>49</sup> that "the absence of physical sequelae in cases of rape involving minors may not be construed as proof of agreement to the sexual relationship";

(c) Decision of the Supreme Court Criminal Appellate Division, Case No. 23508, 23 September 2009 (women's rights/sex crimes): The Court examined domestic and international instruments and laws favourable to women. It analysed how law practitioners should approach criminal proceedings involving sex crimes and explored the significance of the element of violence in the Court's line of reasoning. It stated: "Taking into account the legislative and jurisprudential framework just referred to, it is necessary to determine the precise scope of the verdict under examination in the sense that, where a lawyer has chosen as a defence strategy to question the credibility of the aggrieved party's account, particular care should be exercised to ensure that all procedural acts are aimed at establishing the psychological element of hatred, malice or interest (and no other condition, status or attribute of the victim) through the assessment and substantiation of evidentiary

<sup>48</sup> The Attorney-General's Office issues recommendations and guidelines to competent bodies, referring to their obligation to observe the law and the need to take appropriate steps to guarantee rights, and drawing attention to its preventive oversight role and the imposition of disciplinary sanctions on persons in breach.

<sup>49</sup> Supreme Court Appellate Division, Case No. 9401, 8 May 1996, reporting judge: Fernando Arboleda Ripoll.

facts other than those relating to the woman's sexual and private life and that they do not in any way offend her dignity or directly or indirectly discriminate against her";

(d) Constitutional Court Decision C-776 (2010): The Court upheld the constitutionality of articles 13 (partial) and 19 (partial) of Act No. 1257 (2008), which are concerned with health measures relating to the safeguarding of the right to board and lodging for women victims of violence and the provision of medical, psychological and psychiatric support services to victims and their dependent children by health insurers (EPS) and subsidized health scheme administrators (ARS). "The Court finds that the provision of accommodation and meals to a female victim of violence is part of the protection and assistance measures inherent in her comprehensive right to health (...). The granting of accommodation and food upholds the aggrieved party's right to health inasmuch as it contributes to her physical and emotional stabilization and enables her to enjoy a period of transition, at the end of which she will be able to continue to pursue the life plan chosen by her".

#### 4. Current situation and statistics

106. Aware of the importance of developing and strengthening information systems to highlight the various forms of violence against women, the Government has initiated efforts to standardize and unify the methods for measuring such violence, working with data-producing bodies and bodies which use indicators on this subject, which has enabled each of the institutions to strengthen its range of indicators and its capacity to produce information that will assist in public policy formulation. Work has been undertaken in this connection by a number of entities, as detailed below.

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##### ACPEM Gender Monitoring Centre

The Gender Monitoring Centre gathers and processes quantitative and qualitative secondary information to provide greater knowledge of changes in gender relationships over specific periods. It has formed partnerships with the National Institute of Legal Medicine and Forensic Science, the national police force and the National Administrative Department of Statistics, among other bodies.

It has developed an ongoing procedure for studying, designing and reformulating indicators in line with international standards.<sup>50</sup>

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<sup>50</sup> The procedure encompasses: (a) the identification of indicators of violence against women in international instruments and proposals put forward in intergovernmental forums with, inter alia, policymakers on women's issues (completed); (b) a comparative analysis of international indicators and indicators applied in Colombia (in progress); (c) the formulation of recommendations and establishment of agreements with competent bodies, primarily for the purpose of incorporating gender variables in predefined indicators (in progress); (d) the regular centralization of secondary information (ongoing); and (e) the dissemination of information through seminars, forums, reports, bulletins and other means (ongoing).

National Institute of Legal Medicine and Forensic Science	<p>Since 1999, the National Institute of Legal Medicine and Forensic Science has presented on its website,<sup>51</sup> through the link to Expert Data Reference Division (DRIP) Statistics, information on violent deaths and injuries, following a gender-differentiated approach.</p> <p>It produces the annual publication <i>Forensis: Datos para la vida</i>,<sup>52</sup> which contains analytical descriptions of statistical behaviour relating to the various forms of violence (homicide, suicide, domestic violence, intimate partner violence, etc.), which it has derived from statistical consolidation of its expert appraisals and sexology reports. These statistical analyses include a sociodemographic description of each form of violence.<sup>53</sup></p> <p>In 2010, it published <i>Masatugó</i> (meaning a badly treated woman who does good), reporting on an epidemiological investigation into violence against women during the period from 2004 to 2008 (annex 4 on this article).</p>
National police	<p>Through the Criminological Investigation Centre of the Criminal Investigation Directorate, the national police compiles indicators for measuring gender-based violence.<sup>54</sup></p>
Prosecutor-General's Office	<p>The Prosecutor-General's Office maintains a record of initiated investigations under the investigative system defined in Act No. 600 (2000) (former Code of Criminal Procedure) and Act No. 906 (2004) (current Code of Criminal Procedure), which highlights those investigations where the victims are women or girls.<sup>55</sup></p>

<sup>51</sup> See [www.medicinalegal.gov.co](http://www.medicinalegal.gov.co).

<sup>52</sup> See [www.medicinalegal.gov.co/index.php?option=com\\_wrapper&view=wrapper&Itemid=60](http://www.medicinalegal.gov.co/index.php?option=com_wrapper&view=wrapper&Itemid=60).

<sup>53</sup> The National Institute of Legal Medicine and Forensic Science provides technical and scientific support and assistance to the justice authorities throughout the country. The data handled by the Institute are contained in administrative records, which constitute a valuable tool for identifying and tracking gender-based violence. The reference population with respect to the administrative records comprises all persons reporting cases of violence.

<sup>54</sup> On homicide, common injuries, domestic violence, human trafficking, sex crimes, enforced disappearance, general rates of gender-based violence, rates of gender-based violence against adult females and general rates of gender-based violence against children and the different causes.

<sup>55</sup> In particular with regard to, inter alia, the following offences: unlawful carnal knowledge, sexual acts, coercion into prostitution, enforced disappearance, forced displacement, encouragement to prostitution, homicide, incitement to prostitution, personal injury, mistreatment through restriction of physical freedom, pornography with children, unlawful recruitment, abduction, torture, human trafficking, infringement of employment freedom and domestic violence.

Ministry of Social Protection	<p>The Ministry of Social Protection's information systems comprise the comprehensive social welfare data system (SISPRO), which incorporates key data components of social welfare in line with international standards, and the public health monitoring system (SIVIGILA), which collates data on externally caused injuries and violence, including violence against women in their life cycle.<sup>56</sup></p> <p>The national demographic and health surveys, organized by the Association for the Promotion of Colombian Family Well-being (PROFAMILIA) with financial support from the Ministry of Social Protection and USAID, are aimed at gathering up-to-date information on demographic and public health aspects relating to the objectives of the national policy on sexual and reproductive health. Conducted every five years since 1990, they collect data on the health of women of childbearing age, their reproductive history and their family setting.<sup>57</sup></p>
Human Rights Monitoring Centre of the Office of the Vice-President of the Republic	<p>The Human Rights Monitoring Centre gathers information on instances of human rights violations, disaggregated by sex.<sup>58</sup> In 2010, it prepared a document summarizing an initial exploration of how violence in Colombia affected women during the period from 2003 to 2009 and the first months of 2010 but without establishing any causal link between violence and gender (see the information below).</p>

107. The institutions have accordingly strengthened their capacity to record, produce and analyse data on gender-based violence.

108. The data supplied to the ACPEM Gender Monitoring Centre cover the different forms of violence against women. The main statistics on physical, sexual and psychological

<sup>56</sup> This initiative was directed by the National Administrative Department of Statistics and eight workshops were held in August and November 2009. The participating bodies include the Prosecutor-General's Office, the Institute of Legal Medicine, the Attorney-General's Office, the Office of the Ombudsman, the Higher Judicial Council, the Administrative Department of Security, the Ministry of Social Protection, the National Health Institute, the National Administrative Department of Statistics, the National Planning Department, the Colombian Family Welfare Institute, the Presidential Agency for Social Action and International Cooperation, the National Commission for Reparation and Reconciliation, the High Presidential Council for Women's Equity and the national police and military forces.

<sup>57</sup> In the 2010 national demographic and health survey, interviews were conducted with 53,521 women of childbearing age (13 to 49 years), with a 94 per cent response rate. The survey provided a nationally representative sample of the situation, which is of importance since it provides information on awareness of the extent of violence against women.

<sup>58</sup> The indicators tracked include the following: killings, massacres, assassinations of mayors and former mayors, councillors, unionized and non-unionized teachers, trade-union members in other sectors, journalists, kidnappings and persons expelled.



violence are summarized below (for further information, see the tables and charts annexed to the present report on each of the indicators referred to).

109. As regards physical intimate partner violence, data from the National Institute of Legal Medicine and Forensic Science show that the prevalence of such violence against women has been high since 2006 and remains constant. In 2010 alone, 45,389 of a total of 51,430 cases of intimate partner mistreatment related to women. This figure tellingly contrasts with the low number of cases (6,041) where men were the victims of such acts. However, as stated above, the Institute's statistics refer to complaints, which also shows that the number of cases reported has increased in recent years. Detailed information on all years and on other offence types is contained in annex 5 on this article.

110. According to the results of the 2010 national demographic and health survey, 37 per cent of women who have ever been married or cohabited have been subjected to physical abuse by their husband or partner. This represents a fall of 2 percentage points compared with the findings of the 2005 survey. It is notable that the figures relating specifically to rape by the husband or partner show a fall of 2 percentage points between 2005 and 2010, the rate for this type of abuse having declined from 11.5 to 9.7 per cent. The percentage relating to spousal rape nevertheless remains very high.

111. With regard to non-spousal physical violence, according to the national demographic and health survey, 14 per cent of all women stated that they had been physically abused by a person other than their husband or partner. As indicated in the analysis of the 2010 survey, this figure represents a fall of 2 percentage points compared with the 2005 survey. The main physical abusers of women are a former husband or former partner (35 per cent), a parent (20 per cent), another relative (16 per cent) or an ex-boyfriend (14 per cent). These figures reveal that most physical abuse still occurs between former couples despite the termination of the relationship.

112. Available information on sexual violence from data produced by the National Institute of Legal Medicine and Forensic Science shows that women have been significantly more affected than men since 2007. For 2010 alone, 15,191 sexology reports were submitted on women, whereas the figure with respect to men was 2,938.<sup>59</sup>

113. In 2010, most alleged abusers of women were from within the family, the total number of women victims of abuse by a male relative (stepfather, father, uncle, brother, etc.) being 5,482 compared with a total of 1,003 in the case of men. It was also found that the second largest number of alleged sexual abusers after family members fell into the category of "other known persons" (neighbour, teacher, landlord, supplier, etc.). In 2010, there were, in total, 3,019 sexology reports where the victims were women.

114. In the 2010 national demographic and health survey, 6 per cent of the women interviewed stated that they had been raped. This figure shows no change compared with that obtained from the 2005 survey. It should be mentioned that the cases of sexual abuse described here do not include those committed by the husband or partner since they were referred to in the subsection on physical spousal violence. Most rapists are former husbands (18 per cent), unknown persons (16 per cent), friends (12 per cent) or relatives (10 per cent). These figures demonstrate that one of the most serious forms of sexual abuse against

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<sup>59</sup> The National Institute of Legal Medicine and Forensic Science provides technical and scientific support and assistance to the justice authorities throughout the country. The data handled by the Institute are contained in administrative records, which constitute a valuable tool for identifying and tracking gender-based violence. The reference population with respect to the administrative records comprises all persons reporting cases of violence.

women in Colombia is perpetrated primarily by a man within the woman's immediate circle.

115. As to types of psychological violence, the interviews conducted in the course of the 2010 survey reveal that 65 per cent of women have been subjected to some form of control<sup>60</sup> by their husband or partner. The findings show no fall compared with the 2005 survey. The situations of control most suffered by women are those where the husband becomes jealous (54.3 per cent), always insists on knowing where she is (39 per cent), accuses her of infidelity (34 per cent), ignores her (33 per cent) or prevents her from contacting male or female friends (29 per cent).

116. In the interviews carried out during the 2010 survey, 32 per cent of women who had ever been in a relationship stated that they had been threatened by their husband or partner. This percentage has remained stable since the 2005 survey. The women mentioned the following threats by their spouse or partner to a greater or less degree: abandonment (21 per cent), removal of their children (17 per cent) and discontinuation of financial support (16 per cent).

## 5. Recent or ongoing measures

117. The 2010–2014 National Development Plan “Prosperity for All” contained a chapter on the achievement of gender equity and the adoption of strategies for eliminating discrimination against women in employment and the labour market, access to social services and political participation, and on the eradication of gender-based violence. This Plan was approved under Act No. 1450 of 16 June 2011.

118. In that chapter, the national Government sets out its commitment to developing a national public policy on gender equity to ensure women's comprehensive and interdependent human rights and gender equality. This policy will be established in a participatory manner with women's organizations under the direction of the ACPEM.

119. Section V (Strengthening of peace) includes a chapter on human rights, international humanitarian law and transitional justice, which gives details regarding the design of a comprehensive national policy on human rights and international humanitarian law. This policy will comprise nine components, including equality and non-discrimination.<sup>61</sup> The action area concerned with strengthening crime reporting and institutional response systems under the public safety and social order policy incorporates measures aimed at enhancing the provision of support to victims of domestic and sexual violence.

120. The measures planned for future implementation with a view to preventing violence against women include the continued development of platforms for inter-institutional coordination and liaison in eliminating violence against women, such as the inter-institutional panel on eradication of violence against women and departmental panels or forums dealing with this issue at the local level. The ACPEM will continue to provide technical assistance to the governmental bodies responsible for preventing, punishing and

<sup>60</sup> According to the 2010 survey, a husband's or partner's control over his wife or cohabitee manifests itself, *inter alia*, in the following ways: jealousy, accusations of infidelity, prevention of contact with male or female friends, monitoring her spending, insisting on knowing where she is and ignoring her.

<sup>61</sup> This entails the adoption and promotion, on a participatory basis, of measures necessary to contribute to eliminating discriminatory practices in the different spheres of society and government, encouraging social practices which respect, recognize and value diversity and ensuring the implementation and observance of policies and mechanisms aimed at eradicating *de jure* and *de facto* inequality affecting individuals and population groups historically discriminated against on grounds of ethnicity, sex, gender identity, sexual orientation, age, disability or social and economic status.

eliminating violence against women in order to guarantee comprehensive protection and support for women victims.

121. A national monitoring centre on violence will be set up under the direction of the Ministry of Social Protection to investigate, document, assess, analyse, publicize, track and monitor the problem of violence, with particular emphasis on domestic, sexual and gender-based violence. This monitoring centre will take steps, in coordination with the ACPEM Gender Monitoring Centre, to develop institutional partnerships, establish information sources and discharge other functions required in connection with gender-based violence.

122. The strategy for strengthening the Prosecutor-General's Office with a view to improving effective and timely access to justice for women victims involves:

(a) Training and awareness-raising on, inter alia, topics relating to gender-based violence, crisis support and methodologies for developing a service culture (School of Criminal Investigation);

(b) Determining appropriate profile requirements for male and female officers responsible for receiving women who come in person to lodge complaints;<sup>62</sup>

(c) Strengthening and expanding CAIVAS and CAVIF centres, in recognition of the differentiated treatment required by victims of sexual and domestic violence;

(d) Incorporating respect for the right to privacy of victims of these forms of abuse as part of the CAIVAS and CAVIF management model procedures;<sup>63</sup> and

(e) Improving the investigative methodology as appropriate and extending it to the investigation of other forms of violence against women in accordance with the structural elements of each criminal act concerned.<sup>64</sup>

123. The Ministry of Defence is adapting the system for epidemiological monitoring of domestic violence and the organization of specific training for mental health professionals in psychology and social work for the purpose of psychotherapeutic interviewing of victims of domestic and sexual violence.

124. The Colombian Family Welfare Institute will continue to execute and follow up the 33 departmental plans and district plan, in application of the national policy on building family peace and harmony, among other activities.

## **B. Articles 2 and 3**

125. This section is concerned with the specific recommendations made by the Committee to the Government of Colombia (CEDAW/C/COL/CO/6, paras. 15 and 36).

<sup>62</sup> It is accordingly being proposed, as part of the user reception model currently operated by the institution, that complaints be handled by personnel trained to deal with such victims, in conformity with the stipulations set out by the Constitutional Court regarding differentiated treatment.

<sup>63</sup> This means that the filing of a complaint of such abuse has to take place in a private room not accessible to the public. It is also important to bear in mind that complaints must be received by a female officer for reasons of gender sympathy and mutual support and understanding.

<sup>64</sup> Among other aspects, various strategies were adopted by Memorandum No. 0117, of 10 November 2008, for the investigation of sexual violence cases, in particular those constituting breaches of international humanitarian law.

## 1. Administrative measures

126. Achieving equity in Colombia begins with the recognition of the existence of population groups having clear differences as regards their needs and requiring the State's special support and protection in order that they can improve their status and quality of life.

127. Such recognition has been generated through the national development plans, which incorporate specific stipulations on gender equity. The 2006–2010 National Development Plan expressly set out the need: (a) to pursue the affirmative policy "Women as builders of peace and development" through the execution of specific programmes and strategic plans for the benefit of women and (b) to place emphasis on respect for gender differences in programmes such as the Social Protection Network for Eradicating Extreme Poverty and programmes on enterprise development and employment, sexual and reproductive health, domestic violence and political participation. It also stated that the ACPEM Gender Monitoring Centre would be the body responsible for conducting gender-differentiated appraisals of action taken in pursuit of this policy and for formulating recommendations with a view to the adoption of corrective measures.

128. Noteworthy among the strategies adopted under the 2006–2010 Plan are the following:

(a) Guaranteeing access to modern family-planning methods, removing barriers to access to family-planning services, promoting responsible sexuality, with special focus on the adolescent population, reducing the rate of maternal mortality and increasing specialized care during childbirth;

(b) Intersectoral coordination of prevention and support measures in regard to violence against women;

(c) Implementing, with respect to access to justice, the recommendations formulated in the strategic plan for the defence of women's rights in the Colombian justice system;

(d) Promoting the Quota Act and monitoring its implementation by local authorities;

(e) Promoting and overseeing the rights of rural women (Act No. 731 of 2002);

(f) Adopting policies to promote income generation, job creation and women's entrepreneurship and ensuring full respect for their employment and individual rights;

(g) Tracking the situation of women in Colombia and improvement measures through the Gender Monitoring Centre.<sup>65</sup>

129. By (a) pursuing affirmative action in favour of women, (b) implementing the gender mainstreaming strategy and (c) overseeing the social policy and democratic security policy from a gender perspective, the ACPEM has strengthened cooperation, coordination and liaison between more than 80 governmental bodies at the central and local levels with regard to eradicating violence and discrimination against women, thereby fostering institution-building.

130. Steps have been taken to promote the establishment of gender equity mechanisms and partnerships in the public and private sectors in order to strengthen entities' activities and implement the principles of equality and non-discrimination against women. Adopting a results-based focus, the national Government has accorded priority, within the gender mainstreaming strategy directed by the ACPEM, to national-level policies, plans and

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<sup>65</sup> The 2006–2010 National Development Plan (Act No. 1151 of 2007).

programmes for the incorporation of a gender approach, these being: (a) the banking opportunities policy; (b) the Social Protection Network for Eradicating Extreme Poverty (the *Juntos* Network); (c) the national strategy on combating human trafficking (see the description in connection with article 6); (d) the policy on comprehensive support for displaced persons and guidelines on incorporating a gender-differentiated approach in the provision of comprehensive support for displaced persons (see the description below) and (e) the economic reintegration and resettlement policy (see the description in connection with article 1). For this process, technical assistance has been provided to public authorities through tools such as the training manual on gender mainstreaming (prepared in 2006 with support from UNDP) and the conclusion of important agreements with the sectors involved.<sup>66</sup>

131. Through the *Juntos* Network Programme<sup>67</sup> and the Families in Action Programme,<sup>68</sup> implemented by the National Planning Department and the Presidential Agency for Social Action and International Cooperation, work has been undertaken on incorporating a gender perspective and the principles of equality, non-discrimination and women's development and advancement. In connection with the *Juntos* Network, the ACPEM concluded an agreement in 2007 on developing comprehensive strategies to assist the most vulnerable population groups within the framework of three basic components: family and community support, institution-building and preferential access for *Juntos* members.<sup>69</sup> The ACPEM has also taken steps to coordinate the Female-Headed Microenterprise Family Programme with the services of the pilot municipalities within the *Juntos* Network, thereby enabling women to participate in seminars on banking opportunities and 1,153 loans to be granted to young female Network members and beneficiaries, of whom 383 are displaced persons, 737 are from the lowest socioeconomic strata and 33 are beneficiaries under the Families in Action Programme.

<sup>66</sup> The national agreement on gender equity, the pact on women's effective inclusion in political life and the employment equality agenda.

<sup>67</sup> This programme helps families achieve basic standards to enable them to overcome poverty and improve their living conditions. The standards are subdivided into nine aspects, i.e. identification; income and employment; education; health; nutrition; accommodation; family dynamics; banking and saving; and support in ensuring access to justice.

<sup>68</sup> The Families in Action Programme provides food grants for children under 7 years of age and an education grant for children and young persons between the ages of 7 and 18 years from families classified as level-1 households under the Beneficiary Identification System (SISBEN) and displaced families entered in the consolidated register of displaced persons. Families have to take their children for nutrition check-ups in order to qualify for the food grant, and children and young persons have to attend primary or secondary school in order to qualify for the education grant. Under the programme, monetary support is given directly to the mother provided that certain commitments are fulfilled by the family. The programme guarantees food grants for 12 months and education grants for 10 months. Grants are paid bimonthly (phase I: 2002–2006; phase II: 2007–2010). In line with the national Government's policies on early childhood, a strategy was implemented under the programme for 2011 to educate mothers in early-childhood development and nutrition, following the guidelines set out in the current National Development Plan, in CONPES document 109 on child-care policies and in CONPES document 113 on the national food and nutrition security policy.

<sup>69</sup> The cooperation agreement with the Presidential Agency for Social Action and International Cooperation (Investment Fund for Peace), under which it became a participant in the *Juntos* Network Programme.

132. With regard to the Families in Action Programme, it is reported that, as at December 2009, 2,304,657 of a total of 2,555,491 parents entitled to grants under the programme were women, representing 90 per cent of all recipients.<sup>70</sup>

133. National government bodies receive advice from the ACPEM on public policy formulation and technical assistance in integrating a gender perspective in the plans and programmes pursued by them. During the past four years, the ACPEM has intensified its efforts to provide technical assistance to local authorities and public and private sector bodies and to involve the media in the implementation of programmes, projects and strategies within the thematic areas of the affirmative policy “Women as builders of peace and development” (2003–August 2010) and has achieved qualitative and quantitative progress.

134. With regard to the Committee’s recommendation on enhancing the national machinery for the advancement of women (CEDAW/C/COL/CO/6, para. 15), it should be noted that, during the period from 2006 to 2010, the national Government continued to implement the policy “Women as builders of peace and development” formulated on the basis of the mandates set out in the 2002–2006 National Development Plan and to pursue the prioritized thematic areas of (a) enterprise development and employment, (b) education and culture, (c) violence against women, (d) political participation and (e) institution-building, intensifying the activities carried out and in some cases adjusting and extending them to involve additional stakeholders and ensure the incorporation of the gender dimension in the agendas of the three branches of government and other sectors of society.

135. During the period from 2006 to 2010, the ACPEM utilized and mobilized national budget resources amounting to some 2,090 million United States dollars.<sup>71</sup> However, to implement all the strategies developed, it had to take steps to secure funds from additional sources through partnerships with other public and private sector bodies and international cooperation agencies.

136. Under the administration of President Juan Manuel Santos, the CPEM was changed to the ACPEM by Decree No. 3445 of 2010 and its functions as already assigned in 2003 (Decree No. 517) were confirmed.<sup>72</sup> Also, its coordination and liaison with the other

<sup>70</sup> The Families in Action Programme is not exclusive, so that fathers can receive the grants upon fulfilling certain commitments. There are currently male heads of families who are also recognized as the main parent under the programme.

<sup>71</sup> For currency conversion purposes, use has been made throughout the report of the representative market exchange rate (TRM) as at 31 December 2010, which was 1,913.98 Colombian pesos to one United States dollar.

<sup>72</sup> Its functions are: (a) to assist the President of the Republic and national Government in the design of governmental policies to promote gender equity in accordance with the general guidelines set by the President; (b) to promote the integration of a gender perspective in the formulation, management and monitoring of policies, plans and programmes in national and local public institutions; (c) to develop mechanisms for overseeing observance of domestic laws and international conventions and treaties concerned with women’s equity and the gender perspective; (d) to establish strategic alliances with the private sector, international organizations, non-governmental organizations, universities and research centres with a view to encouraging and expanding research and analysis with regard to existing knowledge on women’s status and situation; (e) to assist women’s civic, community-based and social economy organizations nationwide and ensure their active participation in State programmes and initiatives; (f) to promote the promulgation of implementing regulations to existing laws aimed at achieving women’s equity; (g) to channel resources and activities under international cooperation arrangements for the execution of projects to ensure the incorporation of a gender dimension and women’s participation in the social, political and economic spheres; and (h) to carry out any other functions assigned to it by the President.

thematic bodies<sup>73</sup> and human rights agencies have been strengthened with a view to enhancing the entire process of promoting and safeguarding women's human rights through gender mainstreaming in the other programmes. The functions of the ACPEM are as follows:

- (a) To assist the President of the Republic and national Government in the design of governmental policies to promote gender equity in accordance with the general guidelines set by the President;
- (b) To promote the integration of a gender perspective in the formulation, management and monitoring of policies, plans and programmes in national and local public institutions;
- (c) To develop mechanisms for overseeing observance of domestic laws and international conventions and treaties concerned with women's equity and the gender perspective;
- (d) To establish strategic alliances with the private sector, international organizations, non-governmental organizations, universities and research centres with a view to encouraging and expanding research and analysis with regard to existing knowledge on women's status and situation;
- (e) To assist women's civic, community-based and social economy organizations nationwide and ensure their active participation in State programmes and initiatives;
- (f) To expedite the promulgation of implementing regulations to existing laws aimed at achieving women's equity;
- (g) To channel resources and activities under international cooperation arrangements for the execution of projects to ensure the incorporation of the gender dimension and women's participation in the social, political and economic spheres; and
- (h) To carry out any other functions assigned to it by the President.

137. On the international level, Colombia has promoted the principles of equality, non-discrimination and women's advancement, playing an active role in intergovernmental forums within the inter-American human rights system and the universal human rights system. It served on the Executive Committee of the Inter-American Commission of Women (CIM) during the period from 2008 to 2010, held a CIM vice-president's post between 2006 and 2008 and occupied a position of vice-chair of the ECLAC Regional Conference on Women in Latin America and the Caribbean (2007–2009), represented by the ACPEM. Colombia was also elected member of the Commission on the Status of Women for the period from 2009 to 2012 and, at the fifty-fourth session of that body, tabled a draft resolution on women's economic empowerment, which was adopted by consensus with the co-sponsorship of 66 countries.

138. In the sphere of regional cooperation and integration, Colombia was at the forefront of the establishment of the network of national mechanisms for women's advancement in the Andean Region (REMMA),<sup>74</sup> the purpose of this forum being to exchange experiences, in particular with a view to strengthening national women's machineries. The work pursued

<sup>73</sup> The Presidential Programme on Modernization, Efficiency, Transparency and Combating Corruption, the Presidential Human Rights and International Humanitarian Law Programme, the Presidential Programme on Comprehensive Action against Anti-personnel Mines and the Presidential National Youth Development Programme *Colombia Jóven*.

<sup>74</sup> Comprising representatives of national women's machineries of Colombia, Peru, Ecuador, Bolivia and Venezuela (Mexico and Chile are guest countries).

by REMMA led to the initiative to create the Andean Advisory Council of High Authorities on Women and Equal Opportunities, whose aim is to support the subregional integration process through a human rights, gender and intercultural approach, especially in regard to women, with the objectives of achieving equality of opportunities between women and men, eliminating violence against women and building a new, more just and more equitable regional society.

139. Other mechanisms have been established in Colombia to promote gender equity in the legislature, judiciary and oversight bodies and within the private sector. In this connection, gender mainstreaming has made it possible to visualize the construction of a national gender system in the medium term as part of a State policy enabling the principles of equality and non-discrimination to be effectively realized in the activities of public bodies and the private sector.

140. In 2006, the legislature established an ad hoc bicameral commission of women parliamentarians to work on gender equity, social rights, employment policies and mental, sexual and reproductive health.<sup>75</sup> Known as the women's congressional caucus, this organized pluralistic forum has promoted draft legislation on eliminating discrimination against women and has been politically instrumental in the advancement of women.

141. Act No. 1134 (2011), which amended and supplemented Act No. 5 (1992),<sup>76</sup> established the Congressional Legal Commission on Women's Equity with the aim of encouraging the participation of women in political scrutiny and legislative work.

142. The National Gender Commission of the Judiciary was established in 2008 with the objective of promoting effective equality of opportunities between men and women and the prevention of gender-based discrimination in judicial decisions.

143. The oversight bodies responsible for safeguarding and promoting human rights (the Attorney-General's Office and the Office of the Ombudsman) have strengthened their capacities, mechanisms and procedures for monitoring the observance of women's human rights. In discharging its preventive, disciplinary, management supervision and administrative and judicial intervention functions, the Attorney-General's Office<sup>77</sup> has implemented compliance monitoring strategies in regard to the Convention on the Elimination of All Forms of Discrimination against Women.<sup>78</sup> Under the system of high-level oversight, referred to above, the Attorney-General's Office contributes to developing equality through the prevention of discrimination, inequality and gender-based violence and to advancing women's rights, to which end proposals have been put forward: (a) to

<sup>75</sup> A cross-party organization open to any regular or alternate female legislator wishing to join it (Congressional resolution of 1 September 2006).

<sup>76</sup> Promulgating the Regulations on Congress, the Senate and the House of Representatives.

<sup>77</sup> The *Ministerio Público* is responsible for safeguarding and promoting human rights, protecting public interests and supervising the official conduct of personnel who discharge public functions.

<sup>78</sup> The Attorney-General's Office is required, through preventive scrutiny, to oversee the administration and further the application of public policy decisions, an area where monitoring the implementation of the Convention on the Elimination of All Forms of Discrimination against Women is of considerable importance in view of the need for ongoing oversight of the activities of the State in order to prevent violations of women's rights. The Attorney-General's Office is also required, through disciplinary scrutiny, to discourage breaches of duty on the part of those subject to such oversight, through the risk of disciplinary measures, and to punish any persons who, by acts or omissions, are guilty of such breaches. Judicial or administrative intervention is pursued where necessary to safeguard the rule of law, public assets, fundamental, social, economic, cultural, collective and environmental rights and guarantees and the rights of ethnic minorities. In the case of women's rights, action is taken before the administrative and judicial authorities to uphold such rights.



encourage gender mainstreaming in public administration; (b) to ensure institutions' fulfilment of their rights-related responsibilities; (c) to promote the generation of high-quality, timely information on rights, disaggregated by, in particular, gender, area, ethnicity and age; (d) to promote awareness, assimilation and application of international gender standards; and (e) to enhance the public's role in strengthening the supervisory and monitoring process. The results of these oversight measures are disseminated at the national level through the journal *Procurando la Equidad*.

144. The Attorney-General's Office has also adopted internal measures to strengthen its management, staff and local representatives with a view to upgrading the *Ministerio Público* in order to uphold the principles of a social State governed by the rule of law and to further the development of equality. Under Resolution No. 210, adopted on 24 May 2010, it approved the equality and non-discrimination policy of the *Ministerio Público* to ensure that all personnel of the Attorney-General's Office and the Office of the Ombudsman and municipal representatives observe that policy in the performance of their duties and thereby promote effective de facto equality between men and women.

145. The Office of the Ombudsman, through the Office of the Divisional Ombudswoman for Children's, Young Persons' and Women's Rights and the Office for Support to Displaced Persons, has taken steps to monitor and verify compliance by governmental bodies with international instruments for the promotion of women's human rights and to ensure that public policies incorporate a gender perspective by fostering a differential approach focusing on the prevention, punishment and eradication of discrimination and violence against women and girls with a view to enhancing women's participation, empowerment and civic rights.

146. The Office of the Ombudsman has included the following strategic actions in the strategic plan 2009–2012:

- (a) Influencing public policy formulation and administration, with particular emphasis on the protection of women victims of socio-political violence and on the application of Act No. 1257 (2008) and promulgation of regulations for its implementation;
- (b) Guaranteeing access to justice for women victims;
- (c) Publicizing and raising awareness of Act No. 1257 (2008);
- (d) Promoting and disseminating information on sexual and reproductive rights;
- (e) Upgrading the legal aid service in order to provide appropriate support to women victims; and
- (f) Promoting the rights of and preventing discrimination against girls and young women in the field of education.

147. Through measures to bring about continuous improvements within public bodies, the Office of the Comptroller-General<sup>79</sup> has been encouraging gender mainstreaming in its policies, an initiative which it began five years ago. The recently formulated programme on gender equity and diversity includes an audit line for this topic and incorporates gender-sensitive considerations.

148. With regard to the private sector, the ACPEM, in fulfilment of the commitments entered into under the National Agreement on Gender Equity (2005) and in execution of the strategic plan for the defence of women's rights in the Colombian justice system, which

<sup>79</sup> The supreme government audit institution, whose role is to ensure the proper use of public resources and assets and to contribute to the modernization of the State.

recognizes the difficulties involved in achieving women's full participation in the labour market and in other spheres, is pursuing a strategy with the labour unions and private enterprises which has made it possible to draw up the employment equality agenda, which entails an express commitment on the part of the trade-union sector to promote gender equality in enterprises with a view to the enhancement of the role of women and the implementation of specific measures to ensure their effective participation in the employment sector.

## 2. Legislative measures

149. Annex 2 on these articles includes the texts of the following legislative instruments:

- (a) Act No. 1434 (2011), establishing the Congressional Legal Commission on Women's Equity;
- (b) Act No. 1413 (2010), regulating the inclusion of the care economy (consisting of unpaid domestic work) in the system of national accounts;
- (c) Decree No. 164 (2010), establishing the inter-institutional panel on eradication of violence against women as an intersectoral commission;
- (d) Decree No. 3445 (2010), ratifying the functions of the CPEM, as set out in Decree No. 517 (2003), and converting it to the ACPEM;
- (e) Resolution No. 210, of 24 May 2010, adopting the equality and non-discrimination policy of the *Ministerio Público*;
- (f) Higher Judicial Council Ruling No. 4552 (2008), establishing the National Gender Commission of the Judiciary;
- (g) Act No. 1151 (2007), adopting the 2006–2010 National Development Plan.<sup>80</sup>

<sup>80</sup> "(...) 7. Specific dimensions of development: Within the broad concept of development are a number of topics which are especially important and should be given prominence. They are: gender equity, youth, ethnic groups and intercultural relations, the regional dimension, science, technology and innovation, culture, sport, recreation and development, demography and development, the social economy sector and foreign and migration policy.

"7.1 Gender equity:

"Developing gender equity will require the promotion of measures to counterbalance or mitigate the forms of discrimination which affect both women and men. For that purpose, it will be necessary to introduce gender mainstreaming in the plans, programmes, projects and working practices of the public administration as a social analysis category and as a means of identifying and rectifying inequalities. It is also necessary to establish a framework of collaboration, coordination and cooperation between all three branches of government with a view to implementing a country agenda on gender equity. The affirmative policy 'Women as builders of peace and development' will be pursued through the execution of specific programmes and strategic plans for the benefit of women.

"Emphasis will be placed on respect for gender differences in programmes such as the Social Protection Network for Eradicating Extreme Poverty and programmes on enterprise development and employment, sexual and reproductive health, domestic violence and political participation. The High Presidential Council for Women's Equity (ACPEM), as the institution responsible for promoting gender equity nationwide, will coordinate the process of cooperation with government ministries, public bodies and private enterprises to enable these commitments to be implemented. The ACPEM Gender Monitoring Centre will be the body responsible for conducting gender-differentiated appraisals of action taken in pursuit of this policy and for formulating recommendations with a view to the adoption of corrective measures."

### 3. Current situation and statistics

150. In each of the sections of the present report relating to employment, political participation, education and health, details will be given concerning the principles of gender equality, non-discrimination and women's development and advancement. Annex 1 on this article, which contains the document prepared by the Gender Monitoring Centre pursuant to the national Government's social policy and the democratic security policy relating to women, includes additional information in this connection.

### 4. Recent or ongoing measures

151. The 2011–2014 National Development Plan contains the details agreed upon by the national Government with women's organizations concerning the need for a public policy on gender equity to uphold women's comprehensive and interdependent human rights and ensure gender equality. This process entails taking account of the specificities of population groups (Afro-Colombian, indigenous, Roma, urban and rural) and developing specific action plans to guarantee women a violence-free life and comprehensive care for displaced women and also strategies to combat discrimination against women in the political, economic and cultural spheres.

152. The work of establishing this policy is being directed by the ACPEM with support from the Office of the Vice-President of the Republic and international cooperation agencies.<sup>81</sup> There is a clear determination on the part of the national Government, women's organizations and the international community to support this process in a participatory manner with a view to the adoption of strategies to guarantee equal opportunities for men and women in the Colombian State. The goal is to be able to adopt the public policy by March 2012.

153. Other gender equity strategies which have also been adopted by the Government under the National Development Plan are aimed at developing tools to measure unpaid work, pursuing intersectoral initiatives to achieve equal opportunities, tracking gender-based violence and establishing relevant strategies and guidelines for its eradication, and promoting women's participation in political life.

154. With regard to the specific recommendation concerning dissemination of the comments and recommendations of the Committee and international instruments on the advancement of women (CEDAW/C/COL/CO/6, para. 36), the Ministry of Foreign Affairs, in coordination with the ACPEM, is reviewing international instruments concerned with guaranteeing women's rights and has pursued awareness and training initiatives and organized working meetings with public bodies nationwide for the purpose of reinforcing the measures and strategies to be adopted for the advancement of women in fulfilment of international obligations and strengthening the gender mainstreaming strategy.

155. With a view to fostering dialogue between representatives of public bodies and society, the Attorney-General's Office, as society's representative, took steps in 2007 and 2008 in order to enhance the role of public scrutiny in connection with the recommendations made to the Colombian Government by the Committee on the

<sup>81</sup> It was agreed, in particular, that the policy would be developed using the SISCONPES methodology (a system for tracking CONPES documents) and the national Government would be responsible for both its formulation and its execution; women's organizations and the international community would be involved in its formulation up to the strategy identification and prioritization stage; the technical, financial and legal assessment of the strategies would be the responsibility of the national Government; and two types of consultations targeting women's organizations and groups would be used in this process: (a) nationwide online consultations and (b) regional in-person consultations.

Elimination of Discrimination against Women. In conjunction with the National Confederation of Women's Networks, the Attorney-General's Office held public hearings on monitoring implementation of the recommendations relating to the Convention. This exercise offered a forum for dialogue between national and local institutions and the general public, thereby strengthening the process of public policy formulation.

156. During the period from 2006 to 2010, the ACPEM encouraged and strengthened the participation of women's organizations from different sectors in the strategies pursued by the Colombian State to advance the rights of women. Under the affirmative policy "Women as builders of peace and development" it has promoted women's empowerment and their economic, political and social advancement through the provision of support for urban and rural women head-of-family micro-entrepreneurs from the lowest socioeconomic strata, the strengthening of women's entrepreneurship and political participation and the eradication of violence against women, in which there has been active involvement by women's civic groups from different population sectors, including female family heads, women entrepreneur and micro-entrepreneur networks, displaced women's collectives, collectives of female writers and women working in the cultural field, female civic and community leaders, women's collectives which promote the human rights of women, young women, female teachers, indigenous women, Afro-Colombian women, female coffee growers, rural women, members of women's community councils and women's departmental networks. Further information can be found in annex 1 on this article, "*Gestión de la ACPEM 2002-2010*".

157. Another platform where dialogue with women's organizations has been strengthened is the framework of action for the eradication of violence against women. Act No. 1257 (2008) stipulated that the ACPEM, in coordination with the Attorney-General's Office and the Office of the Ombudsman, would establish a committee to monitor the implementation and observance of the Act, in which women's organizations were to participate. This committee has now been legally constituted and comprises the ACPEM, the Divisional Attorney for Child, Youth and Family Rights, the Divisional Ombudswoman for Children's, Young Persons' and Women's Rights and three democratically elected representatives of women's organizations.<sup>82</sup>

158. Mention should also be made of the participatory process pursued with regard to the development of the public policy on gender equity, which seeks to promote the broad participation of women's organizations and strengthen their relations with the national Government. The participants in this process include women from different population groups, governmental bodies, the private sector, the academic sector and the international community. Coordination bodies have been set up in this connection, comprising: (a) a coordinating group;<sup>83</sup> (b) a technical support group<sup>84</sup> and (c) a technical secretariat.

<sup>82</sup> The civic organizations' representatives are Migdonia Rueda Bolaños of Alianza IMP, Claudia Ramírez of Corporación Sisma Mujer and Maura Nasly Mosquera of Afrolider. The decision-making process is as set out in the report dated 17 November 2010 on the results of the procedure for the selection of representatives of women's organizations to serve on the monitoring committee.

<sup>83</sup> The coordinating group constitutes a forum for broad-based participation with responsibility for making strategic and policy decisions on the process. Its participants are national government bodies, the Attorney-General's Office, the Office of the Ombudsman, the Prosecutor-General's Office, various sectors of civil society (women's organizations, trade unions, the academic sector, etc.) and the international community. It meets once a month.

<sup>84</sup> The technical support group is responsible for methodological and procedural matters and for preparing strategy documents and proposals. It is composed of national government bodies, the international community and five representatives of women's platforms democratically elected by them, namely Ángela Cerón of Iniciativa de Mujeres por la Paz, Marina Gallego of Ruta Pacífica de

## C. Article 4

159. This section is concerned with the specific recommendations made to the Government of Colombia (CEDAW/C/COL/CO/6, paras. 17, 27 and 35) and General Recommendations Nos. 5, 8 and 18 of the Committee.

### 1. Administrative measures

160. As referred to in connection with the previous article, the national Government continued the affirmative policy “Women as builders of peace and development” during the period from 2006 to 2010, promoting special measures in favour of women in the thematic areas of enterprise development and employment, eradication of violence against women, education and culture, and women’s political participation. These measures have been implemented in conjunction with various State bodies and the private sector. The activities undertaken with the aim of achieving de facto equality between men and women in each of these areas are described below.

#### **Women’s enterprise development and employment**

161. This thematic area was primarily concerned with promoting women’s economic empowerment. The ACPEM has pursued affirmative action in favour of women with a view to contributing to income generation, fostering women’s financial independence and reducing the vulnerability of women to violence through the Female-Headed Microenterprise Family Programme (PMCFM), the National Women’s Entrepreneurship Development (Expoempresaria) Programme, the Programme of Seminars on Banking Opportunities for Women, the employment equality agenda and the assimilation of information and communication technologies.

162. Support for women head-of-family micro-entrepreneurs has been provided under the Female-Headed Microenterprise Family Programme through microcredit facilities, entrepreneurship training and the generation of an enterprise save-and-pay culture. The Expoempresaria Programme has strengthened women’s entrepreneurial capacity by providing training and promoting entrepreneurship, business venturing, banking, marketing and the establishment of partnerships and social networks. Under the policy on banking opportunities for women, access to microcredit and other financial services for poor and low-income women has been facilitated, awareness of employment and wage discrimination suffered by women has been generated, strategies have been developed for, inter alia, reconciling work and family life and women have been trained in the use of technological services through the assimilation of information and communication technologies.

163. For the pursuit of these strategies, the ACPEM has promoted coordination of intersectoral efforts at the national and local levels and the creation of synergies between the public sector and private sector, thereby stimulating a sense of corporate social responsibility and contributing to the eradication of poverty. Further information in this connection appears in the present report in the sections on articles 11 and 13 of the Convention.

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las Mujeres, Nelly Velandia of the National Panel on Rural Women, Claudia María Mejía Duque of the National Women’s Network and Maura Nazly Mosquera of the National Conference of Afro-Colombian Organizations.

### **Prevention of all forms of violence against women**

164. In the thematic area on eradication of violence against women, the Government of Colombia has promoted policies, programmes, projects and strategies on prevention, detection, awareness-raising, training, information and punishment. The ACPEM, in partnership with international cooperation agencies, private enterprises and public sector bodies, has implemented the following affirmative-action programmes and strategies: legal literacy training for women concerning their rights; the strategic plan for the defence of women's rights in the Colombian justice system; the national strategy on combating human trafficking; the project on prevention of domestic violence in families with demobilized members, within the framework of the demobilization policy; the Comprehensive Programme against Gender-based Violence; the Eurosocial project on access to justice; action to incorporate a gender-differentiated approach in the support and stabilization policy for displaced persons; and the gender and communications strategy. Details and the results of these strategies are contained in the present report in the sections on articles 1, 5 and 6 of the Convention.

### **Women's political and civic participation**

165. With a view to ensuring women's access to and full participation in power structures and decision-making on an equal footing with men, the ACPEM pursued measures between 2006 and 2010 with regard to programmes involving the women's community councils, training seminars, women's workshops, forums, meetings and the participatory councils of female coffee growers. Further information in this connection is contained in the present report in the section on article 7 of the Convention.

### **Education and culture**

166. This thematic area was concerned with encouraging education for life within all spheres of society with a view to promoting appreciation of diversity, tolerance and respect for gender differences. It included the implementation of the Colombian women writers' symposium project and the action plan on women and sport. The women writers' symposiums have made it possible to integrate a gender perspective in the cultural sphere and to enhance the status and visibility of women's literary output and their contribution to the arts in Colombia. Four Colombian women writers' symposiums were held between 2006 and 2010 and, during that period, four volumes containing the proceedings of the symposiums were published and some 2,800 copies were distributed. Under the action plan on women and sport, which was promoted by the Commission for Women and Sport,<sup>85</sup> training and awareness-raising activities were organized for women whose work involves providing opportunities for Colombian girls and women in sport, recreation and physical activity. Annex 1 on articles 2 and 3 contains further information in this connection.

167. Given Colombia's ethnic diversity, one aim of the policies, programmes and projects implemented by the national Government has been to promote the advancement and development of indigenous and Afro-Colombian women. Since the enactment of the 1991 Constitution, the process towards increased recognition, enhancement and visibility of the rights and cultures of ethnic minorities has been strengthened thanks to a broad corpus of differentiated legislation and case law<sup>86</sup> and to the Government's efforts to achieve the

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<sup>85</sup> Established since 2005, this Commission comprises the ACPEM, the Colombian Institute of Sport, the Colombian Olympic Committee and the Women and Sports Association.

<sup>86</sup> The Constitutional Court has specifically safeguarded the rights of ethnic minorities. Noteworthy decisions include Decision T-778-05 (defining the scope of the recognized fundamental right to ethnic and cultural diversity and its collective and individual dimension), Decision SU-039 of 1997

effective realization of their rights. Ethnic minorities have specific parliamentary seats in Congress,<sup>87</sup> their authorities are recognized as such, they hold collective title deeds to lands, which they use in accordance with their ancient customs,<sup>88</sup> and they have forums for dialogue with the State.

168. With regard to education, the Ministry of Education has developed and promoted an ethno-educational policy to improve and supplement the education system in indigenous and Afro-Colombian communities. With a view to upgrading educational provision for indigenous, Afro-Colombian and native islander population groups, steps are being taken to further the participatory and cultural adaptation of flexible teaching models and technical assistance is being provided to local authorities in implementing proficiency procedures for ethno-educators. Measures have been adopted to develop a national bilingualism programme for ethnic and native island communities and also a national literacy and basic education programme for illiterate youth and adults, focusing in priority on indigenous and Afro-Colombian population groups. In addition, specific university places are guaranteed for ethnic minorities.

169. In line with the principle of respect for diversity,<sup>89</sup> the ACPEM has promoted the protection of the rights of indigenous and Afro-Colombian women and their participation in the pursuit of programmes in the areas of enterprise development and employment, political participation, education and culture, and violence against women. It has adopted measures in favour of indigenous women to protect their fundamental rights through the provision of assistance in arranging indigenous women's meetings, with the participation of indigenous organizations (ONIC, AICO and OPIAC), and the conduct of two research projects to document the situation of ethnic groups within the country (a gender-based analysis on ethnic categories and a state-of-the-art analysis of the situation concerning recognition of the rights of indigenous women in Colombia). It has taken action aimed at the

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(recognizing entitlement to prior consultation as an intrinsic fundamental right), Decision T-349-06 (determining the degree of autonomy of the special indigenous jurisdiction), Decision T-375-06 (recognizing the obligation to promote the education of black community members), Decision T-131-06 (reiterating the racial discrimination prohibition in the case of an Afro-Colombian woman denied entry to a public place), Decision C-058 of 1994 (establishing exemption from military service for indigenous youth) and Decision T-384 of 1994 (protecting mother-tongue use in Afro-Colombian communities).

<sup>87</sup> Recognition and protection of the nation's ethnic and cultural diversity constitute a fundamental principle of the State, in accordance with article 7 of the Constitution. Provision is made in the Constitution for special indigenous constituencies in the Senate and House of Representatives. The Constitution also provides for special constituencies for Afro-Colombian communities, granting them two mandatory parliamentary seats in the House of Representatives.

<sup>88</sup> Act No. 60 (1993) provides for the assignment of responsibilities and allocation of resources in regard to the indigenous territories and Act No. 70 (1993) lays down mechanisms for the award of untitled lands to Afro-Colombian communities and provides for protection of the cultural identity and the economic and social development of those communities. Act No. 1152 (2007) (Rural Development Regulations) defines the organizational arrangements for the indigenous territories and the system of rural institutions for indigenous and Afro-Colombian communities in Colombia. Decree No. 2164 of 1995 regulates the granting and titling of land in favour of indigenous communities for the establishment, restructuring, expansion and rehabilitation of indigenous territories.

<sup>89</sup> Recognition of differences existing between population groups and respect for their specificities and the particularity of their needs, requirements and concerns are fundamental to achieving development with equity. From a social policy standpoint, it will thus be possible, for example, to devise and pursue specific differentiated strategies aimed at strengthening the capacities and improving the status and situation of specific population groups (including women, girls, young persons, older persons, ethnic groups, women from Afro-Colombian or indigenous communities, rural communities within one area and community organizations).

empowerment of indigenous women with a view to enhancing their participation, details of which are contained in the present report in the section on article 7 of the Convention.

170. With regard to Afro-Colombian women, the Ministry of Culture has undertaken projects for their empowerment, namely a project on strengthening organizations and networks of Afro-Colombian women of the Pacific Coast region through the pursuit of ethnocultural initiatives (Organization of Ibero-American States)<sup>90</sup> and a project on ethnocultural, political and gender training involving displaced women leaders.<sup>91</sup> It is carrying out a programme to incorporate a differential and do-no-harm approach in organizations and bodies as an institutional strategy, with training to enable professional and technical-level personnel to design, implement and monitor programmes and projects based on respect for and recognition and inclusion of different population groups, including the thematic area of gender- and ethnicity-differentiated approaches.

171. In the area of education and culture, the ACPEM, in 2009, under the Colombian women writers' symposium project, paid homage to Afro-Colombian literature, with the launch of the book *Antologías de 21 poetas negras del Pacífico* and the organization of a musical performance.

172. As stated in the section on article 1, the national Government in 2005 adopted CONPES social document 091 relating to the attainment of the Millennium Development Goals by 2015. With regard to Goal 3 (Promote gender equality and empower women), strategies have been devised and steps taken to promote affirmative action in the areas of gender-based violence and political, economic and labour-market participation with a view to accelerating de facto equality between women and men. In 2010, under an initiative directed by the National Planning Department and the National Administrative Department of Statistics, a review was made of the target achievement status of Colombia. In that process, it was felt that it had not been possible to show significant national progress on aspects relating to the Goal 3 targets because the design of the indicators did not incorporate the necessary elements for exploring and tracking each of the areas and matching the targets and strategies put forward in that connection. It was thus concluded that, although the national goals were still relevant, neither the individual targets for the areas concerned nor the indicators were sufficiently precise. The individual indicators and targets for each area have accordingly been modified so that the achievement of the goals can be positively and accurately monitored.

173. With regard to the elimination of violence, the following targets were put forward, together with their respective strategies:<sup>92</sup> (a) a national monitoring centre on violence

<sup>90</sup> Cooperation agreement (400 women) supplementing the process of providing comprehensive support to displaced persons from a gender perspective and following an ethnicity-recognition approach, taking the cultural dimension as a key element in advancing and promoting the rights of women and the Afrodescendant population.

<sup>91</sup> Disseminating information on human rights awareness and enforcement and the construction of political and civic identity through an ethnocultural and gender-based approach in relation to displaced women.

<sup>92</sup> The strategies put forward for meeting these targets involve establishing the national monitoring centre on violence as a tool for (a) investigating, documenting, assessing, analysing, publicizing, tracking and monitoring the problem of violence, with particular emphasis on domestic, sexual and gender-based violence and the situation of women and children; (b) assessing the extent of the phenomenon, tracking and monitoring intersectoral coordination and support procedures and formulating recommendations regarding policies, plans, programmes and rules; (c) determining access and quality levels with regard to support services for victims of violence, with emphasis on violence suffered by women and children; (d) setting up an intersectoral committee which, with assistance from experts, would make it possible to continue the process of standardizing methods for



designed, developed and in operation and (b) a baseline defined for reporting data to monitor and track domestic, sexual and gender-based violence.

174. Concerning political participation, the following targets were put forward:<sup>93</sup> (a) affirmative action adopted with a view to increasing the proportion of women candidates nominated and (b) Quota Act (Act No. 581) of 2000 complied with at the national and departmental levels.

175. As regards women's economic participation, the following targets were fixed:<sup>94</sup> (a) reducing the disparity in the overall participation rate to 20 per cent, which is the average for the countries of Latin America, where disparities are smaller; (b) reducing the disparity in the unemployment rate to 3 per cent, representing the average for the countries of Latin America; and (c) reducing the disparities in employment incomes to below 20 per cent.

## 2. Judicial measures

176. The doctrine of the Constitutional Court has been one of the routes by which the Colombian State has sought to eliminate gender-based discrimination. The Court's judgments aim to increase the protection of women's rights and extend it to all spheres. Through its decisions it has established obligations regarding the protection and safeguarding of women's rights by public and private bodies; it has laid down that women should enjoy special protection so that men and women are equal before the law and within society, especially in regard to employment rights, and it has ensured that women's sexual and reproductive rights are respected. Mention is made below of some of the major decisions adopted during the reporting period, the full texts of which are included in annex 1 on this article.

177. Decision T-247-10: The Court examined the right to equality and employment and ruled that a violation had been committed inasmuch as the woman had been a victim of discrimination by the respondent company since she had not been recruited as a security guard because she was a woman. The Court stated that "the petitioner was barred in the absence of any objective criterion to prove that, as a woman, she was unable to carry out

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measuring gender-based violence, thereby helping to strengthen the national information system and enabling regular evaluations to be carried out; (e) regulating and implementing the provisions contained in Act No. 1257 on the national violence information system; and (f) taking action in coordination with the ACEPM Gender Monitoring Centre to create institutional partnerships, establish information sources and undertake other functions required by the national monitoring centre on violence with a view to ensuring that the best practices and experiences of the Gender Monitoring Centre are taken into account for the effective operation of the national monitoring centre and establishment of the baseline.

<sup>93</sup> The strategies for meeting these targets are: (a) overseeing compliance with Act No. 581 (2000) and recommending adjustments to increase the levels and effectiveness of penalties for breaches; (b) promoting affirmative action within political parties to ensure the pursuit of gender equity as a principle of their organization and operation (article 107 of the Constitution); and (c) conducting nationwide campaigns to promote women's political participation.

<sup>94</sup> The strategies adopted for attaining the targets are: (a) affirmative action to increase women's participation in the labour market, including programmes to generate community-based employment and forms of labour other than wage employment, under the responsibility of the Ministry of Social Protection and the national gender machinery; (b) promoting female employment in occupations not traditionally associated with women; (c) affirmative action to reduce the unemployment gap; (d) affirmative action to reduce the wage gap; (e) implementing programmes to raise awareness of fundamental principles and rights at work, especially regulations and agreements on women's protection; and (f) pursuing measures under national strategies to close the gaps among the productive population, i.e. women and men aged 18 years and above, consistent with child-labour eradication and education retention policies targeting young persons of school age.

surveillance duties at the Santa Clara petroleum storage site, which precisely demonstrates the discriminatory nature of the action taken by SOS Ltda. and Ecopetrol S.A., which, in the absence of any criterion of necessity, suitability or indispensability and thus in a prejudicial manner without any objective or reasonable grounds, had used gender as a factor to bar her from being hired for that surveillance position”.

178. Decision C-540 (2008): The Court held that, “in applying the law, the authorities are required to treat men and women equally (equality before the law) and there is an obligation on the part of the legislator to ensure that laws afford equal protection to persons of both sexes (equality of treatment or equality in law) and expressly prohibit the inclusion of any differences in them because they are men or women (prohibition of discrimination)”.<sup>95</sup>

179. Decision C-534 (2005): The Court stated that “the special protection of women entails the acceptance of discriminatory treatment for a constitutional purpose, or, put differently, the enhanced and special protection of women’s rights is a constitutional end which, in order to be met, in some cases allows the general equality rule to be waived, with international instruments and mechanisms implemented accordingly. The legislative protection of women is thus equal to that afforded to men as well as exclusive when aimed at equalizing situations between the sexes (...). The coexistence of the two principles under our constitutional law is thereby established (...). These are: (i) the express prohibition of discrimination by reason of sex and (ii) the definition of women and children as groups deserving of special protection”.<sup>96</sup>

## **D. Article 5**

180. This section is concerned with the specific recommendation made to the Government of Colombia (CEDAW/C/COL/CO/6, para. 25) and General Recommendations Nos. 3, 12 and 19 of the Committee.

### **1. Administrative measures**

181. With regard to measures adopted to eliminate cultural patterns which give rise to discrimination against women, information in this connection is included in the present report in the discussion of each of the rights recognized in the Convention. However, details of a number of specific measures are set out below.

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<sup>95</sup> Constitutional Court, Decision C-540 (2008), reporting judge: Dr. Humberto Antonio Sierra Porto, Bogotá, D.C., 28 May 2008.

<sup>96</sup> Constitutional Court, Decision C-534 (2005), reporting judge: Humberto Antonio Sierra Porto, Bogotá D.C., 11 January 2005. The following passages of this decision are noteworthy: “(...) An effective and proportional means of achieving equality between men and women and eliminating gender-based violence is therefore the granting of special protection to women. For a democratic State like Colombia, enhanced protection of women’s rights is a constitutional end. The legislative protection of women is thus equal to that afforded to men as well as exclusive when aimed at equalizing situations between the sexes. Such special protection is fully applicable to children. (...) The Court holds that is not judicially possible to restrict or bar a person’s exercise of a right or deny a person’s access to a specific advantage on unfounded grounds such as that person’s gender or sex and that any such conduct without due constitutional endorsement constitutes a discriminatory act, which, being arbitrary and unjustified, infringes the right provided for in article 13 of the Constitution”.

### **National Human Rights Education Plan**

182. The National Human Rights Education Plan was drawn up by the Ministry of Education, the Office of the Ombudsman and the Office of the Vice-President of the Republic, with support from the Office of the United Nations High Commissioner for Human Rights in Colombia and the USAID/MSD Colombia Human Rights Programme. Local technical teams, civic leaders from the national network of human rights advocates, civil society organizations, non-governmental organizations, experts and academics were also instrumental in the drafting of the Plan.

183. Education in human rights, as proposed under the Plan, focuses on promoting social change, empowering society to realize its rights and freedoms and strengthening men's and women's capacities to pursue the defence and exercise of those rights and freedoms.

184. The Plan is aimed at the education community in the fields of formal education (from pre-primary to higher education), non-formal education and informal education. Its purpose is to exert influence in the communication, institutional, cultural and pluri-ethnic spheres and in all areas involved in upholding, protecting and promoting human rights, both locally and nationally.

185. The Plan is being adopted as a basis for administering a public policy directed towards strengthening the actions of the State and society in this domain. The full text of the Plan can be consulted in annex 1 on this article. A human rights education pilot project is currently being undertaken with a view to formulating and validating a conceptual and operational proposal on human rights education. This scheme will make it possible to build citizenship and scientific literacy skills by means of the development of individuals as active rights-holders, through coordinated efforts with the departmental education secretariats, universities and other members of the academic community.

### **Training and awareness development for public officials**

186. The strategy pursued by the National Gender Commission of the Judiciary involves awareness-raising, training and research in the area of gender equity on an ongoing, systematic and cross-cutting basis for all judiciary personnel. Under the cross-cutting training programme, a subprogramme on judicial training in gender mainstreaming in justice administration was undertaken in 2008 with a view to making judicial officers aware of the importance of integrating a gender perspective in all spheres as a vital tool for changing the culture of discrimination, which has historically affected huge population groups across the world.

187. The activities carried out are as follows: the gender mainstreaming module and self-directed learning module were developed and published; the guidelines for writers on integrating a gender perspective in judicial training programmes were implemented; the sixth gender symposium of senior judicial bodies was supported as a platform for analysing and discussing progress in gender mainstreaming in judicial practice; the administration of the Rodrigo Lara Bonilla Judicial Training College was combined with that of the National Gender Commission of the Judiciary and the work which had been carried out by the Judicial Training College since 2002 was linked with the Commission's work through the combination of the annual work plan agreed between the Higher Judicial Council and UNFPA, with the provision of substantial technical support, the principal aim being to promote equality of opportunities between women and men and the prevention of gender-based discrimination in judicial decisions, in the administration of justice and in the functioning of the judiciary; the gender mainstreaming element of the education plan was included in the initial judicial training course for judges and legal officers from the 2009 graduation class; and workshops were held on needs, coordination and training of the network of facilitators, during which the curriculum for this topic was designed for

incorporation in the training course offered to some 1,800 applicants for entry to or promotion within the legal profession.

188. Between 2008 and 2010 a strategy was pursued to provide a nationwide video-conferencing information and communication service for judicial personnel on topics relating to the application, within the justice administration system, of the principles established in the Universal Declaration of Human Rights, the American Convention on Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women.<sup>97</sup>

189. The Ministry of the Interior and Justice has initiated a national and international case-law review exercise on gender and awareness-raising. It has trained some 130 officials and prepared law handbooks for legal centre personnel, which include international instruments and treaties, norms and judicial practice on gender-based violence, sexual violence and domestic violence in Colombia.

190. The Ministry of Defence has devised strategies for personnel training and instruction on topics concerned with protecting and safeguarding human rights and eradicating all forms of discrimination, especially in regard to gender-based violence.<sup>98</sup> In the area of prevention action, awareness initiatives aimed at the student population, teachers and parents are conducted on school premises by child and youth protection teams of the national police force, under the "Open Your Eyes" Programme, on the basis of surveys undertaken to identify problems in the different municipalities.

191. In response to the need to eliminate sexual stereotyping in education, the Colombian Family Welfare Institute has prepared and published documents for the promotion of sexual and reproductive rights through a gender-based approach, including the production of a management model on comprehensive sexual and reproductive health care and the sexual and reproductive rights of children and young persons; in connection with the Support Programme for Street Children in Colombia, implemented in seven cities, the publication of four module booklets containing methodological material for addressing the concerns and needs of children, young persons and public officials (2,500 copies); and the design and validation of three work modules adapted to the requirements of the Institute's prevention programmes and aimed at promoting youth participation and leadership, youth entrepreneurship and the training of agents in life skills-based sexual and reproductive health education. These modules may be implemented by community workers and officers in any setting.<sup>99</sup>

<sup>97</sup> Conferences on the setting up and entry into operation of the National Gender Commission and on the following topics: (a) gender, women and mainstreaming in the internal judicial system; (b) State responsibility for deaths in childbirth; (c) maternal mortality: another face of violence against women; (d) gender language in judicial decisions; (e) specialized criminal justice system for crimes of femicide and other forms of violence against women; (f) gender and forced displacement: a class action perspective; (g) guidelines for the conduct of gender surveys; (h) family law and gender; and (i) language: a strategic element in building equality.

<sup>98</sup> According to the report on law enforcement personnel training, 215,406 officers, non-commissioned officers, soldiers and civilians received instruction during 2009 at the Colombian military forces tuition and training centres and colleges. Also, the Army has established 25 tuition and training squads across the country to strengthen regionally based training and to equip troops with better tools to deal with cases involving risks of human rights violations or international humanitarian law breaches, including special instruction in tactics and operational procedures and techniques to ensure the proper implementation of rules of engagement.

<sup>99</sup> See [www.icbf.gov.co](http://www.icbf.gov.co).

192. The National Commission for Reparation and Reconciliation<sup>100</sup> has taken steps to disseminate victims' rights and the Justice and Peace Act, to provide guidelines for dealing with cases of violence in the context of armed conflict and reconstructing historical memory and to produce special broadcasts on human rights and forced displacement. The related publications and programmes include a handbook on case documentation and counselling for women victims of gender-based violence in the context of armed conflict, a profile for documenting cases of gender-based violence in armed conflict situations, a pamphlet on gender-based violence, a conflict reconstruction tool kit, an online newsletter on women's rights, the documentary series "Never Again", the radio series "Victims Tell Their Story", the radio programme "Victims' Hour", the bulletin "Let's Talk about Reconciliation" produced by the National Commission for Reparation and Reconciliation, the Historical Memory Group's report "Massacre of Bahía Portete: Wayuú women in the crosshairs" and other reports on reconstructing historical memory.<sup>101</sup>

193. The Comprehensive Programme against Gender-based Violence has conducted a study on social and institutional tolerance of gender-based violence in Colombia (2009–2010) (the full report is contained in annex 2 on this article), which helps to uncover the historical and cultural factors that encourage and give justification to such conduct, focusing on related individual, social and institutional habits, attitudes and perceptions and ultimately revealing that unequal power relationships between men and women and the view of women as inferior are the primary source of violence against women.

194. To undertake this study, a representative sample was taken of 1,080 individuals comprising members of the non-institutional civilian population from different cities and towns in Colombia<sup>102</sup> and a sample of institutions with responsibility for providing support to victims of gender-based violence (in the health, justice and education sectors) from the same cities and towns. This survey of the issue, which is unique in Colombia in terms of its thematic scope and geographical coverage, has produced qualitative and quantitative findings on gender-based violence, marital and cohabiting partnerships, levels of women's empowerment and female and male subjectivity in the light of socioeconomic, ethnic and gender variables as well as other aspects.

#### **ACPEM media strategies**

195. In conjunction with the media, the ACPEM has launched three awareness campaigns on domestic and sexual violence and sexist stereotypes. They are:

<sup>100</sup> With the promulgation of the Justice and Peace Act (Act No. 975 of 2005), whose purpose is to facilitate the peace processes and individual and collective reintegration of members of illegal armed groups into civilian life, the National Commission for Reparation and Reconciliation was established with the aims of safeguarding victims' rights to truth, justice and reparation and advocating the implementation, by the Government, of an institutional programme of collective reparations to make it possible, inter alia, to reinstate the institutional structure of a social State governed by the rule of law, re-establish and promote the rights of citizens affected by acts of violence, recognize victims and restore their dignity, encourage and strengthen actions aimed at national reconciliation and reconstruct historical memory from the victims' perspective.

<sup>101</sup> The Commission for Reparation and Reconciliation has set up the Historical Memory Group to publicize the historical truth relating to the violence suffered by Colombia. One of the Group's specific action areas is gender, memory and war research to establish proof of different memories of what happened to women in the context of violence. The Group has also devised methodologies to enable communities to generate independent processes of reconstructing historical memory.

<sup>102</sup> Pasto, Popayán, Bogotá, Medellín, Cartagena, Barranquilla, Buenaventura, Tumaco, Villavicencio and Florencia (towns and cities representing the Andean, Caribbean, Pacific, Orinoco and Amazon regions).

(a) The “I chose to live without fear” campaign, implemented under an agreement with the Madrid Autonomous Community and aired in a programme broadcast on the CM& television news channel;

(b) The “Not even with a rose petal” publicity campaign, organized with Procter & Gamble, whose purpose was to raise visibility and awareness of abuse against women and provide information on mechanisms for women’s access to microcredit offered by the network of financial institutions and non-governmental organizations forming part of the banking opportunities policy network;

(c) A campaign conducted in partnership with the RCN broadcasting group using television personalities to send out proactive, illustrative and educational messages aimed at empowering victims and training government authorities responsible for the provision of comprehensive support to women victims of violence and discrimination.

### **Strategic plan for the defence of women’s rights in the Colombian justice system**

196. The strategic plan, referred to previously, involved the “Not even with a rose petal” campaign for the purpose of producing radio material with recognized actresses in the Colombian media. Articles and publicity items were published in the *Javeriana* and *Número* journals and broadcast on the Cristo television and RCN networks. The radio series “Women’s Words: Top to Bottom” was produced for the Colombian university radio network of 35 broadcasting stations and a discussion forum entitled “Media and gender: a happy relationship?” was held with communicators and the participation of a female expert from Goldsmiths College, London, and BBC adviser, which have proved instrumental in strengthening the ACPEM communication strategy.

197. Various activities to train personnel, eliminate stereotypes and publicize legislation on eradicating all forms of gender-based violence were carried out under this strategic plan, including the development of online learning,<sup>103</sup> through which training has been provided for a total of 562 individuals, breaking down as follows: 148 from private enterprises, 99 public officials, 95 from public and private educational establishments, 74 from non-governmental organizations, corporations and foundations, 50 from the Institute of Legal Medicine; 59 from the Red Cross Society, 15 women members of the Colombian Coffee Growers’ Federation, 12 from the national police and armed forces, 11 from international organizations, six rural women and two persons from the media (three cohorts);

(a) The preparation and distribution of the training booklet “Paths to non-violence”. This booklet was produced in order to provide key facts for understanding and addressing domestic violence and explaining basic judicial concepts and procedures in relation to support provision. Over 11,000 copies were handed out nationwide at training seminars, whose participants included municipal and provincial government personnel, teachers, pupils and women’s organizations;

(b) The production of two radio series, “Women’s Words: Top to Bottom” and “Women’s Advice” (previously referred to), for the 35 broadcasting stations of the Colombian university radio network. The programme “Women’s Words: Top to Bottom”

<sup>103</sup> A diploma course designed and implemented on women and gender was aimed at public and private sector personnel in the areas of health, education, justice, law enforcement and forensic science, the Red Cross Society and other bodies. The course is composed of the following modules: (a) the power of naming: gender and communication; (b) gender-based violence; (c) employment discrimination and women’s employment rights; (d) marriage breakdown and (e) women and displacement. A special module on human rights was included specifically for police personnel (female officers and other staff of both sexes).

was transmitted weekly (15 programmes were broadcast during 2009) to raise the visibility of women's human rights specifically in three situations, namely domestic violence, marriage breakdown and employment discrimination. The programme also explores gender relationships and the role played by men. The mini-programme "Women's Advice" is aimed at making use of university legal aid and psychological support clinics to provide specific information for women. Through these broadcasts it has been possible to transmit the scheduled radio programme contents to 800,000 listeners across the country (conclusion of the employment equality agenda agreement referred to above).

### **Inter-institutional communication strategy for the eradication of gender-based violence**

198. This strategy, which is referred to in the present report in the section on article 1, is aimed at bringing about processes of social change so that public officials are aware of their duties and responsibilities with respect to the implementation of the new procedures established to prevent, deal with and punish violence against women, so that women know their rights and how to exercise them and so that non-abusive men and society in general do not tolerate violence against women. The components of this strategy are as follows:

(a) Influencer messages: the presentation of celebrities, as social influencers, to promote the principles set out in Act. No. 1257 and Ruling 092;<sup>104</sup>

(b) Radio spots: the recording of six audio messages with participating celebrities and their transmission via every community radio station in the country, all the military (Army, Navy and Air Force) broadcasting stations, the 36 national police broadcasting stations, the university radio network and 26 radio stations assigned to indigenous peoples. The RCN radio network was involved in the transmission of these radio spots from a corporate social responsibility perspective;

(c) The website [www.mujertienesderechos.org](http://www.mujertienesderechos.org);

(d) Spokesperson training: the provision of guidance and information on the role of spokesperson to women and men working in community radio, 100 spokespersons having been trained to date;

(e) Active media reception methodologies: the production of a work methodology handbook on audience training in active reception of non-sexist messages (work manual for educators) and a handbook for journalists and the media on press treatment of violence against women;

(f) Educational videos: the production and distribution of extended and short versions of instructional videos on governmental bodies' areas of responsibility under the terms of Act No. 1257 (2008) and Ruling 092. This material has been made available for the purpose of providing training to all agencies comprising the Inter-institutional Communications Committee;

(g) Journalists' workshops: the provision of training on topics relating to social and ethical responsibility of the press and the prevention of all forms of gender-based violence. In partnership with the University of Antioquia, 64 workshops were held in the country's 32 capital cities and a total of 901 journalists received training in 2010;

<sup>104</sup> The spokespersons selected are Juan Pablo Raba (actor), J. Balvin (singer), Antonio Casale (sports commentator) and Juan David (singer). The television messages recorded with social influencers are being broadcast on open television channels, for which purpose Inter-administrative Cooperation Agreement 000037/080 (2010) was concluded between the Ministry of Information Technology and Communications and the National Television Commission (CNTV).

(h) Involvement of local authorities in the communication strategy: the Ministry of Information Technology and Communications, the ACPEM and the Presidential Agency for Social Action and International Cooperation, with support from the Comprehensive Programme against Gender-based Violence, have begun an initiative to incorporate local authorities in the Colombian Government's communication strategy for the eradication of gender-based violence (regionalization of the strategy). The strategy has been officially joined by the provincial governments of Valle del Cauca, Amazonas, Quindío, Putumayo and Ibagué. It has also been joined by the municipal governments of Medellín, Santiago de Cali, Pasto, Buenaventura, Cartagena, Sogamoso and Soacha and by the following organizations: GIZ (German cooperation), Fundación Avon, Cerfami, Fundación Carboandes, Fundación MAVI, Funky Divas and Banco de la Mujer.

#### **Ministry of Information Technology and Communications strategies**

199. The "Healthy Internet" institutional campaign has been designed to prevent and curb online sexual exploitation and sex tourism involving children and young persons and a free-of-charge national helpline (018000912667) has been set up as an information point for global network providers and users regarding legal usage implications. The Ministry of Information Technology and Communications is pursuing training schemes for community broadcasting stations which aim to offer extensive information concerning the social and cultural sustainability of community radio. With respect to the provision of radio production training, modules have been devised on important social topics, including gender equity. Various invitation and training events have been arranged specifically for women's civic organizations with a view to their active participation in community radio programming boards. Training schemes are being implemented for serving media journalists on various topics, including the prevention of all forms of gender-based violence.

200. With regard to digital literacy, work is being undertaken on the design and pursuit of measures to strengthen the use and assimilation of information and communication technologies by women, in particular female entrepreneurs. Women are offered technical assistance in setting up innovative information and communication networks with a view to labour integration and capacity development from the local to the national level through training in accessing information and communication technologies in order to enable them to overcome information and participation limitations and to increase their independence and influence in the country's political, economic and social development.

#### **The Emberá Wera project: transforming the practice of female circumcision**

201. It is known in Colombia that the cultural practice of female circumcision exists among the Emberá people in the municipalities of Pueblo Rico and Mistrató in the department of Risaralda, the prevalence rate for Mistrató being very low compared with that for Pueblo Rico. Owing to this problem, the Emberá Wera project came into being as a forum for women's participation and discussion of their rights, with the aim of generating a process of reflection that would lead to improvements in living conditions within their community, including the transformation and eradication of the practice of female genital mutilation.

202. The Emberá Wera project on strengthening the human rights of Emberá women was set up in 2006 by an inter-institutional working group composed of the Colombian Family Welfare Institute, the Ministry of Social Protection, UNFPA, the Comprehensive Programme against Gender-based Violence (United Nations Millennium Development Goals Achievement Fund), the Ministry of the Interior and Justice, the Attorney-General's Office, the Office of the Ombudsman, the Regional Indigenous Council of Risaralda



(CRIR) and the National Indigenous Organization of Colombia (ONIC). The project is now advancing into its second phase.

203. The project's components are as follows: (a) conducting internal deliberations on the origin of the practice of female circumcision with the aim of transforming and not medicalizing this practice; (b) strengthening the women and family section of the CRIR; (c) strengthening the community life plan; and (d) providing support to the departmental and municipal authorities. The CRIR has now issued a resolution aimed at prohibiting female circumcision in the indigenous communities and raising awareness with a view to developing monitoring mechanisms to ensure its effective implementation.

204. Emberá Resolution No. 001 (2009), which was adopted under the project, provides for the suspension of the practice of female genital mutilation, as set out in the mandate of the second symposium of Emberá women, which additionally contained proposals for combating violence suffered by them and strengthening indigenous women's leadership and participation. It also provides for the inclusion of Act No. 1257 (2008) in municipal development plans and the formulation, through coordinated action by the municipal, departmental and indigenous authorities, of a project on investment in the rights of indigenous women in the municipalities concerned.

205. The Health Secretariat of Risaralda and the Ministry of Social Protection have participated in the initiative, in line with their areas of responsibility, providing technical assistance at inter-institutional meetings and at the second symposium of Emberá women in the municipality of Marsella in August 2009, which was attended by over 500 indigenous women and 50 representatives of governmental bodies, indigenous organizations, United Nations agencies and non-governmental organizations.

206. Health personnel in the municipalities of Pueblo Rico and Mistrató have taken part in working meetings, training sessions and discussion groups on the issue of female circumcision, with the involvement of health workers, medical staff of health-care institutions, outreach teams and midwives from these communities. As a result of these activities, there is now a group of over 150 trained and registered community midwives, who enjoy public support and are provided with delivery equipment for indigenous midwifery practice.

207. The general outcomes include the following:

(a) The international launch of the Emberá Wera project, held in the Risaralda Departmental Assembly building, on 24 April 2009, and attended by over 200 women from the Emberá communities and traditional authorities;

(b) An agreement between indigenous authorities and institutions to pursue the process of transforming and eradicating the practice of female circumcision;

(c) A proposal, submitted by the indigenous authorities, on raising awareness of the human rights of Emberá women in the municipalities of Mistrató and Pueblo Rico and its subsequent adoption;

(d) An agreement concluded between local authorities and indigenous authorities on responsibilities and actions for dealing with cases arising during this period;

(e) Coordination with the indigenous authorities on advancing the process of implementing the project;

(f) The organization of two regional and national workshops with journalists and the media on the proper handling of the treatment of the issue of female circumcision, at the request of the Emberá people;

(g) The holding of 60 district discussion meetings organized by women leaders;

(h) The organization of six training workshops for women leaders and the holding of the second symposium of indigenous women of Risaralda in 2009, with over 550 participants.

## 2. Legislative measures

208. Mention may be made of the following:

(a) The Children's and Young Persons' Code (Act No. 1098 (2006)), referred to above, article 41, paragraph 37: Promoting fulfilment of responsibilities assigned under the present Code to the media;

(b) Act No. 1257 (2008), referred to above:

(i) Awareness-raising and prevention measures (article 9), including the formulation and implementation of public policies which recognize the social and biological differences and inequalities in the relationships between individuals according to gender, age, ethnicity and the role played by them in the family and within their social group;

(ii) Educational measures (article 11), including training in developing respect for rights, freedoms, independence and gender equality, preventive and protective action in regard to school dropout among female victims and the promotion of women's participation in occupational skills programmes;

(iii) The obligation to develop a communication strategy (article 10) for the formulation of information dissemination programmes that will contribute to eradicating violence against women in all its forms, ensuring respect for women's dignity and promoting gender equality.

## 3. Judicial measures

209. Mention may be made of the following:

(a) Decision C-804 (2006) on legal language: The Court stated: "Given that language is one of the main tools of communication and reflects, as it does, prevailing habits, attitudes and values in a specific social setting, situations of inclusion or exclusion also influence legal language. (...) The criteria employed to denote inclusion or exclusion reflect the evaluative and ideological context in which they are adopted. Language not only reflects and communicates the habits and values of a specific culture; it also shapes and sets those habits and values. Since men or males have had the power to define things, all defining is done from their perspective (...)." The Court declared unconstitutional the legal language used in article 33 of the Civil Code,<sup>105</sup> except for the expression "the word person in its general sense shall be applied to members of the human species without distinction as to gender", given the influence that not only legal language but also the way in which it is used in the wording of judicial definitions have on changes that may occur in judicial culture;

(b) Decision C-442 (2009): The Court upheld the constitutionality of paragraph 37 of article 41 of the Children's and Young Persons' Code (Act No. 1098 (2006)), which

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<sup>105</sup> Article 33: "The words man, person, child, adult and other similar words which in their general sense are applied to members of the human species without distinction as to gender shall be understood to include both sexes in the provisions of laws unless from the nature of the provision or the context they are manifestly restricted to one sex only. Conversely, the words woman, girl, widow and other similar words which denote the female sex shall not be applied to the other sex unless the law expressly extends them to that sex."

refers to promoting “fulfilment of responsibilities assigned under the present Code to the media”.

#### 4. Current situation and statistics

210. The study on tolerance of gender-based violence, referred to above, produced, *inter alia*, the following statistical data:<sup>106</sup>

(a) Five of every ten women questioned (women made up 52 per cent of the surveyed population) stated that they had been the victim of gender-based violence, it being noteworthy that 32 per cent were aged between 18 and 30 years and 18 per cent between 11 and 17 years. Only 38 per cent had reported the violent acts;

(b) With regard to levels of education, two of every ten women victims had completed primary schooling, five of every ten had finished secondary education, 7 per cent had followed technical or technological studies, 6 per cent had reached university level and 1 per cent held postgraduate qualifications;

(c) Three of every ten women victims were in cohabiting partnerships and had children, 15 per cent were married with children and 13 per cent were single with no children. Of those women, 24 per cent were in stratum 1, 28 per cent in stratum 2, 27 per cent in stratum 3 and the remainder in strata 4 to 6. Also, 55 per cent of women victims had not completed secondary education and 33 per cent considered it normal that men did not let their partner go out;

(d) With regard to the provision of support for women victims of gender-based violence, respondents were asked which body or bodies they would approach if they were abused or suffered any form of violence. Of the surveyed population, 67 per cent stated that they would in the first instance approach the police, 25 per cent the prosecution service, 24 per cent the family commissioner’s office and 12 per cent the Colombian Family Welfare Institute. Both men and women would approach these institutions in that order, the same being the case in urban areas. As regards women who had been victims of violence, the highest proportion stated that they would approach the family commissioner’s office in the first instance (63 per cent) and, in the second instance, the prosecution service (32 per cent), which was above the general average (25 per cent).

211. Some positive findings emerged from the study relating to public officials, namely:

(a) 96 per cent of the male and female public officials surveyed did not agree that it was the man who should decide when and how to have sex;

(b) Only 1 per cent agreed that women’s most important role was to look after the home and cook for their family;

(c) 8 of every 10 agreed that instances of touching of the buttocks or breasts should be made known to the government authorities;

(d) As regards knowledge of the issue of gender-based violence, 96 per cent indicated a high or moderate level.

212. Some worrying findings emerged from the study relating to public officials, namely:

(a) 2 of every 10 public officials thought that women who stayed with their partners after being battered did so because they liked it, and 2 of every 10 believed that women who dressed provocatively exposed themselves to rape;

<sup>106</sup> Press bulletin of 5 October 2010, issued by the Comprehensive Programme against Gender-based Violence, on institutional and social tolerance.

(b) 1.2 of every 10 female public officials and 2.3 of every 10 male public officials thought that violence occurred because men had to make themselves respected;

(c) 6 of every 10 public officials believed that violence against women was more frequent in the poorest sectors;

(d) 5 of every 10 public officials agreed that family problems should only be discussed with family members;

(e) 9.4 of every 10 public officials stated that, in cases of intimate partner violence, the parties should attempt to reconcile, a finding which is borne out by the fact that 8 of every 10 public officials believed that family unity was most important and reconciliation was therefore preferable.

## 5. Recent or ongoing measures

213. Regarding the work of the National Commission for Reparation and Reconciliation, the historical memory report on gender and memories relating to the Caribbean Coast region is due to be delivered by September 2011 and the final report of the National Commission's Historical Memory Group by the end of its statutory term. During 2011, a training and awareness initiative aimed at institutions is to be undertaken using the handbook on case documentation and counselling for women victims of gender-based violence in armed conflict situations, with a view to enhancing institutions' facilities for providing adequate and dignified support to women victims of gender-based violence in the context of conflict.

214. With respect to the study on institutional tolerance, referred to above, the following action will be taken by the Comprehensive Programme against Gender-based Violence:

(a) Publicizing the findings of the study in the territories where it was conducted, with the participation of local authorities, civic and women's organizations and local research and academic centres;

(b) Pursuing measures jointly with the Attorney-General's Office to familiarize its personnel with the document's contents and to define strategies for monitoring how institutions will commit themselves to act in the light of its findings;

(c) Formulating an outcome baseline for analysing the pattern of cultural change in regard to gender-based violence resulting from the programme's intervention.

## E. Article 6

215. This section is concerned with the specific recommendation made by the Committee to the Government of Colombia (CEDAW/C/COL/CO/6, para. 21) and General Recommendations Nos. 15 and 19 of the Committee.

### 1. Administrative measures

#### National comprehensive strategy on combating human trafficking (2007–2012)

216. The national strategy was adopted by Decree No. 4786 (2008) with the objective of implementing the State policy on combating internal and external trafficking in persons and curbing the phenomenon following a human-rights, gender, comprehensive protection and local approach.

217. Action is being taken under the national strategy in four areas: *prevention*: to prevent human trafficking through programmes, projects and measures pursued by the public authorities in conjunction with civil society and private sector organizations in general and

international organizations; *care and protection*: to ensure high-level comprehensive care and protection for human trafficking victims through the operation of comprehensive protection mechanisms within the administrative, investigative and judicial systems; *international cooperation*: to strengthen international cooperation mechanisms at the bilateral, regional and multilateral levels with a view to maximizing the efficacy of comprehensive efforts to combat human trafficking; and *investigation and prosecution*: to strengthen State bodies responsible for investigating and prosecuting human trafficking offences in order to enable them to enhance their efficiency and effectiveness in prosecuting and punishing criminal conduct.

218. The national strategy, which was devised by a central body, namely the Inter-institutional Committee on Combating Human Trafficking, sets out general concepts to be applied throughout the national territory. It is implemented essentially on a decentralized basis through regional anti-human trafficking committees, which may make any necessary adjustments taking into consideration local or population specificities.

219. Where the victims are children or young persons, the Colombian Family Welfare Institute participates in the anti-trafficking committees at the departmental and municipal levels in order to safeguard victims' rights and ensure that cases are duly administered and coordinated with the other bodies. Progress is also being made in the execution and implementation of the 2008–2015 national strategy on preventing and eradicating the worst forms of child labour and protecting young workers and the national action plan to prevent and eradicate the sexual exploitation of children and young persons under 18 years of age.<sup>107</sup>

220. In the area of oversight and monitoring, the Office of the Ombudsman, through the Inter-institutional Committee on Combating Human Trafficking, takes direct or immediate administrative action with institutions to guarantee observance of the rights of human trafficking victims, without prejudice to the legal assistance responsibilities of the Office of the Ombudsman. The Attorney-General's Office oversees the activities of institutions which have obligations regarding the provision of support to trafficking victims.

221. The ACPPEM, as a member of the Inter-institutional Committee, includes, in the national-level training seminars organized by it, the topic of prevention through raising awareness of the problem of human trafficking, as part of the course module on preventing different forms of violence against women. In this connection, in 2006, with support from the International Organization for Migration, it published Journal No. 7 of the Gender Monitoring Centre entitled "Slavery still exists: it is being perpetuated through human trafficking". This edition was reprinted in 2009 with support from the Comprehensive Programme against Gender-based Violence and has been distributed at different training seminars.<sup>108</sup>

<sup>107</sup> In this context of prevention, the purpose of drawing up and executing action plans is to implement a comprehensive methodology for preventing the worst forms of child labour through an approach based on coordinated work involving the departmental and municipal committees on prevention and eradication of child labour, measures to raise the committees' awareness of the issue of trafficking, with emphasis on children and young persons, and, in connection with fundamental principles and rights at work, the pursuit of awareness initiatives aimed at women in vulnerable population groups with a view to minimizing the risks of labour, domestic and economic exploitation, at the departmental and municipal levels.

<sup>108</sup> Accessible at the web address: [equidad.presidencia.gov.co/Es/OAG/Paginas/Boletines.aspx](http://equidad.presidencia.gov.co/Es/OAG/Paginas/Boletines.aspx).

### Anti-Human Trafficking Operations Centre

222. In 2008, the Anti-Human Trafficking Operations Centre (COAT) was set up, under a pilot project, with the primary aim of implementing a human trafficking information system for the generation of relevant statistical data to optimize the processes conducted by it and at the same time serve as a basis for analysing, defining and assessing the objectives set out in the national strategy.

### Establishment of regional (departmental and/or municipal) committees

223. Given the existence of departments or municipalities which, owing to their geographical, social and economic characteristics, are hotspots or places of origin or transit or destination of victims (in some cases all three), it has become necessary, in the pursuit of the public policy decentralization strategy, to adapt the action areas of the national strategy to each region's geographical and social specificities.<sup>109</sup> The Ministry of the Interior and Justice has drawn the regional authorities' attention to the setting up of departmental committees and 27 of the 32 departments making up the territory of Colombia currently have such committees, ten departmental committees having been established during 2010 in San Andrés y Providencia, Boyacá, Arauca, Quindío, Magdalena, Guainía, Guaviare, Vaupés, Casanare and Putumayo.

### Prevention measures

224. The Ministry of the Interior and Justice and the International Organization for Migration have conducted, through the mass media and alternative media, a short campaign entitled "No truck with human trafficking", covering the four most common purposes of human trafficking in Colombia, i.e. servile marriage, forced begging, sexual exploitation and labour exploitation. This prevention campaign, which referred to classified press announcements and first-hand accounts, involved the use of the Internet, radio, television, EUCOL displays,<sup>110</sup> posters and advertising panels in the Bogotá *Transmilenio* public transport system.

225. Other prevention initiatives include the formation of a public partnership involving the Ministry of the Interior and Justice, UNODC and the national model competition Elite Model Look Colombia 2010<sup>111</sup> with the aim of sending out awareness and prevention messages to young females and parents attending the competition events organized across the country. Also, a video and song *¿Adónde vas María?* (Where are you going, Maria?),

<sup>109</sup> Steps have been taken, with support from international cooperation agencies, to promote the establishment of regional (departmental or municipal) committees, chaired by the respective governor or mayor, as platforms for inter-institutional cooperation and coordination with a view to developing local links that will help strengthen efforts to combat this crime through the adoption of a local approach and action strategy.

<sup>110</sup> Grupo de Equipamientos Urbanos (EUCOL) is a corporate group which designs, installs and markets street furniture advertising.

<sup>111</sup> Elite Model Look Colombia 2010 is a national contest aimed at girls and young women aged between 14 and 21 years involving a competition to select the model who will represent Colombia in the Elite Model international competition. The prevention campaign accompanied the casting round (held between May and August in the cities of Montería, Barranquilla, Bucaramanga, Medellín, Bogotá, Cartagena and Cali). In the course of the selection process, awareness-raising information was provided to 550 contest participants and 176 parents, i.e. a total of 726 individuals. The campaign was based on the fact that one of the methods of enticement most used by those who engage in this crime is that of fictitious offers of modelling work in major cities and abroad, with promises that generally result in deception and different forms of exploitation, including exploitation of the prostitution of others.

launched and disseminated, with the help of 400 participants, as a trafficking prevention tool specifically targeting young persons between 14 and 26 years of age, is used in awareness seminars on combating human trafficking.

### **Conduct of research**

226. The following initiatives may be mentioned:

(a) A research project on the juridical aspects of human trafficking in Colombia, financed by the Ministry of the Interior and Justice and UNODC and carried out during 2009 by the human rights and criminal law research teams at the faculty of jurisprudence of El Rosario University (Colegio Mayor de Nuestra Señora del Rosario). This work has led to the identification of the difficulties and major problem areas existing, at the domestic and international levels, in judicial dynamics with regard to human trafficking cases from the perspective of criminal law doctrine, international standards and the experience of civil society organizations working on this topic. The main conclusions of this research are set out in annex 1 on this article;

(b) A national exploratory and descriptive study on the phenomenon of human trafficking,<sup>112</sup> which concludes that population displacement caused by public order problems increases the conditions of vulnerability of trafficking victims where such persons become involved in offers that result in forced labour or services, servitude, begging or the exploitation of the prostitution of others. The hardship circumstances of displaced girls and women leads them to accept such offers, which are linked to human trafficking activities. Information and awareness workshops on human trafficking have accordingly been devised for displaced women with the aim of covering the most susceptible regions in order to combat this phenomenon by providing tools for preventing, detecting and reporting instances of this crime. Seven information and awareness seminars have been organized at the departmental level and attended by a total of 307 displaced women;

(c) A document, referred to below, prepared by the UIAF<sup>113</sup> on types of money-laundering offences related to the crime of human trafficking in Colombia.

### **National pilot pathway of care for human trafficking victims**

227. With regard to the area of care and protection, this care pathway, which coordinates the measures that have to be taken in connection with adult victims of this crime, is presented by the Inter-institutional Committee on Combating Human Trafficking in its training programmes. The full document is contained in annex 2 on this article.

### **Specialized local-level training initiative for public officials**

228. In the area of investigation and prosecution, a specialized local-level training initiative has been devised, under a cooperation agreement concluded with UNODC, for public officials entrusted with such work, involving their active participation in departmental training courses designed to provide practical tools for the effective detection and prosecution of offences in all parts of the country.

229. The participants in these workshops are regionally based staff of the Prosecutor-General's Office, the Colombian Family Welfare Institute, the Administrative Department of Security, the national police force, the Office of the Ombudsman and the Attorney-General's Office as well as judiciary personnel and provincial government officials. A

<sup>112</sup> Published in 2009 by the National University under a cooperation agreement between the Ministry of the Interior and Justice and UNODC.

<sup>113</sup> The Financial Analysis and Intelligence Unit (UIAF) of the Ministry of Finance and Public Credit.

training programme based on special protocols relating to prosecution of human trafficking cases using the mock-trial method was implemented in 2010. Four training seminars employing this instructional method were held in the departments of Caldas, Bolívar, Magdalena and Nariño, with a total of 174 persons receiving training and certification.

230. In this same area, under the terms of Act No. 985 (2005), the UIAF<sup>114</sup> was included among the 14 bodies comprising the Inter-institutional Committee on Combating Human Trafficking, and it has been participating since 2006. In 2010, with the aim of providing theoretical and analytical tools for investigating and trying money-laundering offences linked to the traffic in persons, the UIAF produced a document, entitled “Types of money-laundering offences related to the crime of human trafficking in Colombia”, that included five offence types, which were subsequently validated in coordination with the Prosecutor-General’s Office, the national police force and the Attorney-General’s Office. Between October 2009 and October 2010, the UIAF designed and implemented a basic module on human trafficking, which has been included in the series of conferences organized for over 500 officials of the criminal investigation authorities by the International Criminal Investigative Training Assistance Programme (ICITAP), in coordination with the United States Embassy, in 20 Colombian cities.

### **Bilateral meetings**

231. In the area of international cooperation, five bilateral meetings, which are listed below, were held during the period from 2008 to 2010 to exchange experiences on combating the traffic in persons:

(a) On 19 September 2008, the eleventh plenary meeting of the Colombian-Brazilian Commission on Neighbourly Relations and Integration (Bilateral working group on crime and terrorism control) took place in Bogotá to address issues relating to human trafficking;

(b) On 26 and 27 January 2009, a workshop was held in Bogotá on experience and information sharing on human trafficking between the Republic of Colombia and the Republic of Trinidad and Tobago. At this event, the human trafficking situation in both countries was outlined, respective achievements in this connection were presented and various areas of bilateral cooperation were established;

(c) On 24 and 25 September 2009, a Colombia-Panama bilateral meeting on human trafficking took place in Bogotá to discuss the conceptual and legal framework of this crime, the institutional structures of both countries, international cooperation and crime control. Also, various areas of bilateral cooperation were established;

(d) Under the Colombia-Chile action plan on combating organized crime and terrorism, a bilateral experience-sharing event entitled “Human trafficking: coordinated responses by the State and international cooperation agencies” was held on 6 and 7 September 2010 in the city of Santiago; and

(e) Under the Colombia-Honduras action plan on combating organized crime and terrorism, a bilateral experience-sharing event entitled “Human trafficking: coordinated

<sup>114</sup> In this regard, the UIAF prepared, between 2008 and 2010, 16 reports on the crimes of human trafficking (8) and migrant smuggling (8), eight copies of which were sent to countries having links with the operations described in each report, including Hong Kong, Spain, Singapore, Argentina and the United States. In the same period, the UIAF, in line with the principle of harmonious collaboration with the authorities, responded to 61 requests received from the sex crimes and human smuggling and trafficking unit of the Colombian national police in connection with 330 individuals and one company.



responses by the State and international cooperation agencies” took place between 15 and 17 December 2010 in the city of Tegucigalpa.

## 2. Legislative measures

232. The texts of the following laws are included in annex 4 on this article:

(a) Act No. 985 (2005), adopting measures against human trafficking and rules for the care and protection of human trafficking victims. This law amended the existing crime definition and created the Inter-institutional Committee on Combating Human Trafficking. The following forms of human trafficking were established under the Act: exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery and slavery-like practices, servitude, forced begging, servile marriage, removal of organs, sex tourism and other forms of exploitation.<sup>115</sup> Annex 3 on this article contains a list of provisions of the Colombian Criminal Code referring to human trafficking, coercion into prostitution, enforced prostitution or sexual slavery, which relates to the infringement of different legally protected rights and to a crime classification in conformity with international standards;

(b) Act No. 1257 (2008), referred to above, amending the aggravating circumstances relating to the crimes of incitement to prostitution (article 213 of the Criminal Code) and coercion into prostitution (article 214 of the Criminal Code). This law lays down that the penalties for the offences described are to be increased by between one third and one half if the act “(...) 3. is committed against a relative up to the fourth degree of relationship by blood, the fourth degree by affinity or the first degree by force of law, against the spouse or cohabitee or against any person who is a permanent member of the domestic unit or by taking advantage of the trust placed by the victim in the perpetrator or any accomplice or accomplices; for the purposes of this article, a relationship by affinity may be constituted by any form of marriage or cohabiting partnership; 4. is committed against persons in a vulnerable situation by reason of their age, ethnicity, physical, mental or sensory disability, trade or occupation.”;

(c) Act No. 1329 (2009) and Act No. 1336 (2009) on the commercial sexual exploitation of children and young persons, referred to above.

## 3. Judicial measures

233. The full texts of the following decisions are included in annex 5 on this article:

(a) Decision of the Supreme Court Appellate Division, Case No. 25465, 12 October 2006, reporting judge: Marina Pulido de Barón: “Given that, under Act No. 747 (2002), article 188 of Act No. 599 (2000) was supplemented to create an article 188A, which defined the crime of human trafficking, it is appropriate to identify the similarities and differences between such conduct and migrant smuggling, inasmuch as they can frequently be confused, as follows” (the full text of the decision is included in the annexes);

(b) Decision C-636 (2009): The Court stated that the practice of prostitution was not prohibited but the State was under an obligation to limit its harmful effects. “It is clear to the Court that, although a prohibition on the practice of prostitution cannot be derived from Colombian constitutional law, the State, by virtue of the provisions of the Constitution, is not indifferent to its harmful effects and it is therefore legitimate, within the reasonable limits of proportionality, for public authorities of all levels to adopt measures

<sup>115</sup> The crime of human trafficking is regulated separately from the offence of enforced prostitution, coercion into prostitution or sexual slavery since it relates to the infringement of different legally protected rights and to a crime classification in conformity with international standards.

aimed at preventing its expansion and reducing the negative effects that such conduct, which is deemed degrading to the human person, has on society.”<sup>116</sup>

#### 4. Current situation and statistics

234. Annex 6 on this article contains data from the Ministry of Foreign Affairs on external trafficking in persons. These statistics are extracted by the Ministry of Foreign Affairs from reports of cases recorded by Colombian consulates abroad.

235. The Criminological Investigation Centre of the Directorate of Criminal Investigation and Interpol manages data on cases handled by it or reported to the national police authorities. It is important to make clear that the national police, unlike the Anti-Human Trafficking Operations Centre, furnishes statistical data on crime and operational activities carried out only by the national police at the country level and recorded via the software programme of the crime and operational statistics information system (SIEDCO) of the national police, taking account solely of internal trafficking cases. See annexes 7 and 8 on this article.

#### 5. Recent or ongoing measures

236. The Colombian Government is required to design short-term and longer-term assistance programmes for the physical, psychological and social recovery of human trafficking victims, as laid down in article 7 of Act No. 985 (2005).<sup>117</sup> With a view to providing appropriate assistance, the Ministry of the Interior and Justice is working on a draft assistance decree to make all State bodies accountable for programmes, projects and services to be operated by them in line with their areas of responsibility. This will mean that the assistance arrangements set out in the Act are properly and effectively implemented.

237. Through the design and execution of a strategy for providing assistance to human trafficking victims in Colombia, efforts will be made to strengthen the area relating to victim support. The strategy will involve the administration and payment of the costs of necessary services during the emergency assistance and reintegration phase for human trafficking victims identified by the Anti-Human Trafficking Operations Centre.

238. Work is planned to strengthen the action areas of the national strategy on combating human trafficking through the setting up and operation of the national information system, the design of a prevention campaign and a plan to publicize the campaign through the media at the national and regional levels, the implementation of a prevention strategy targeting children and young persons from the indigenous peoples in the department of Guainía and the conduct of research to provide information on the extent of human trafficking in Colombia and associated factors.<sup>118</sup>

<sup>116</sup> Reiterates the Court’s line of reasoning on this issue in Decision SU-476/97, Case T-127.634, reporting judge: Vladimiro Naranjo Mesa.

<sup>117</sup> “Short-term assistance programmes must, at a minimum, meet the following needs: the return of victims to their place of origin if they so request, safety, adequate housing, medical, psychological and material assistance and legal advice and information on their rights and judicial procedures to be followed. These services shall form the subject of regulations, as appropriate” (article 7 of Act No. 985 of 2005). Longer-term assistance programmes must include: “training and help in seeking employment opportunities and legal support throughout the judicial process, especially in the filing of legal action to claim compensation for the harm suffered by victims”.

<sup>118</sup> The national study on the extent of human trafficking in Colombia and associated factors (July 2010-June 2011) was commissioned with the Los Andes University of Colombia under the agreement entitled Comprehensive Programme on Combating Human Trafficking, concluded with the International Office for Migration.

### III. Part II of the Convention

#### A. Article 7

239. This section is concerned with the specific recommendation made by the Committee to the Government of Colombia (CEDAW/C/COL/CO/6, para. 13) and General Recommendations Nos. 5 and 23 of the Committee.

##### 1. Administrative measures

240. Agreement on Effective Inclusion of Women in Politics: Concluded in October 2005 by political movements and parties, this agreement establishes an undertaking to enhance the role of women in democracy and implement strategies to ensure, through deliberate action, their effective inclusion in positions of formal power. It contains five action strategies in the political, economic, communication, educational and training spheres. The implementation of these strategies is overseen by the gender liaison panel on monitoring the commitments set out in the agreement. Some parties, such as the Democratic Party and the Party for Radical Change, have already set up offices for women's affairs. The text of the agreement is included in annex 1 on this article.

241. Training seminars, workshops, forums and symposiums: These events are aimed at publicizing the national Government's strategies for the advancement of women and gender equity, promoting women's rights, strengthening citizen participation mechanisms and involving women at the national level in programmes and strategies developed by the ACPEM for their benefit. Each year, 100,000 women in total have been trained, directly or indirectly, through workshops with the women's community councils and participatory councils of female coffee growers and through seminars on banking opportunities for women.

242. Women's community councils: These bodies seek to encourage the involvement of women in public policymaking, support the efforts of political leaders aimed at furthering the implementation of existing policies on women's advancement and gender equity, maintain ongoing dialogue with women's civic organizations and groups, promote participatory processes at the regional, departmental and municipal levels and coordinate and support women's participation and anti-violence networks. Between September 2008 and 2010, 125 women's community councils were set up and strengthened nationwide.

243. Participatory councils of female coffee growers: In 2007, the National Coffee Growers' Federation became a party to the National Agreement on Gender Equity, which is directed by the ACPEM. As a result, initiatives were undertaken for the empowerment of female coffee growers within the Federation. Further information in this connection is provided in the section on article 14 of the Convention.

244. Regional workshops for indigenous women: The ACPEM has promoted an affirmative action plan for the benefit of indigenous women of the region with a view to strengthening their participation within their communities, having arranged three regional workshops for indigenous women in Sierra Nevada de Santa Marta, Cauca and Amazonas (with some 180 women participants) and a central meeting in Bogotá, which brought together regional experiences on indigenous women's role in the community. As a follow-up to the regional workshops and central meeting, the Areas for Municipal-level Alternative Development (ADAM) Programme<sup>119</sup> was undertaken in Nariño with the aim of designing

<sup>119</sup> From August 2008 to mid-2009, the project "Public policies and indigenous women: the challenge of inclusion in local development" was executed by the Corporación El Río Desarrollo Humano

the guidelines of an affirmative action plan for indigenous women in the region. This project has been supported by the local authorities through approval of budgetary appropriations for its implementation and the creation of a dedicated forum through the establishment of a panel of indigenous women delegates of the department's six peoples.

245. Community radio programming boards: In order to facilitate access to the community radio service as a strategy to foster local development, the promotion of equity, the expression of pluralism and the strengthening of cultural identities and peaceful coexistence, the Ministry of Information Technology and Communications organized a special invitation event for women's civic organizations with the aim of engaging their active involvement in these programming boards. Of the 561 community broadcasting stations operating in Colombia under the administration of civic organizations in the same number of the country's municipalities, 118 are now legally represented by women. As at 31 December 2009, there were 1,914 female members of women's civic organizations serving on community radio programming boards, meaning a 31.5 per cent level of representation and opportunities for exerting influence on decision-making.

246. Ad hoc bicameral commission of women parliamentarians: The adoption of the following legislation was promoted during the term of this commission, referred to above, which was set up to work on gender equity, social, political and employment rights and mental, sexual and reproductive health: Act No. 1257 (2008), Act No. 1413 (2010) and Act No. 1434 (2011). Through the last-mentioned of these laws, the efforts pursued by the ad hoc commission during the past four years were strengthened and reinforced by the establishment, on a permanent basis, of the Congressional Legal Commission on Women's Equity. This initiative will help to further the national process to advance women's political empowerment in Colombia and achieve equality of opportunities between men and women in the sphere of public life. Annex 2 on this article includes the document of the Mesa de Género de la Cooperación Internacional en Colombia entitled *Una mirada externa a la Bancada de mujeres del Congreso de la República* (2010).

247. National Commission for Reparation and Reconciliation: This body promotes empowerment, rights education and leadership training initiatives for women victims of armed conflict with the aims of safeguarding their human rights and enhancing their participation in truth, justice, reparation and reconciliation processes.<sup>120</sup>

248. With support from international cooperation agencies, the Commission has taken steps to enable women victims of armed conflict to exert influence on the development of local policies relating to victim support and redress, peace and national reconciliation. It also undertakes training and awareness initiatives with various institutions which provide victim support and bodies responsible for advising on the victim reparations policy in Colombia.

## 2. Legislative measures

249. Act No. 1434 (2011), amending and supplementing Act No. 5 of 1992, establishing the Congressional Legal Commission on Women's Equity and incorporating other

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Sostenible with ACPem collaboration, funding under the ADAM (USAID) Programme and active participation by women of the Los Pastos peoples in the indigenous territories of Cumbal, Chiles and Panan in the municipality of Cumbal and the indigenous territory of Pastas in the municipality of Aldana, department of Nariño.

<sup>120</sup> Departments of Cauca, Putumayo, Sucre, Bolívar, Nariño, Santander and Norte de Santander.

provisions, was promulgated for the primary purpose of encouraging women's participation in political scrutiny and legislative work through the setting up of that Commission.<sup>121</sup>

250. Annex 4 on this article includes a list of the laws and decrees adopted during the reporting period and the texts of each of them.

### 3. Judicial measures

251. Mention may be made of the following:

(a) Decision T-778-05: "The Court holds that the right to cultural identity is infringed in the event that an indigenous woman whose application was accepted by the relevant registry is excluded from an electoral list for which the citizens of the corresponding district have freely voted, on the ground that the woman selected does not meet the age requirement set out in a decree if, according to the world view of the indigenous people of which she is a member, she is of sufficient age to fully exercise her rights, including rights of political representation. The ruling which did not apply the ethno-cultural exception in order to prevent such exclusion constitutes an act of material omission. A ruling which fails to establish whether a person who claims to be of indigenous origin actually is, where such status is a determining factor in the resolution of the case, also constitutes a breach of due process by factual omission";

(b) Decision T-603-05: The Court examined a case in which the petitioners, three young indigenous women, had claimed that, at the elections for governor of the Ipiales indigenous council, only some 2,600 people could vote and that 2,500 people, despite having been present at the council office, had been unable to vote "(...) for the reason that the voting period had expired". The Court stated: "Political participation in the form of suffrage entails not only subjective action to exercise such right but also specific measures on the part of the State to create the necessary conditions for the actual exercise of that right. The latter is an essential prerequisite of the former";

(c) Decision C-667 (2006): "It may be asserted that the challenged legal provision is not a stipulation that directly excludes men. The article in question simply accords a priority in municipal authorities' action in favour of women in order to satisfy their unmet needs. The function of municipal authorities to resolve unmet needs in regard to health, education, environmental sanitation, drinking water, domestic public services, housing, recreation and sport, with special emphasis on women, is thus not contrary to the Constitution inasmuch as it asserts on a preferential basis the rights of persons deserving of special protection in accordance with the Constitution itself";<sup>122</sup>

<sup>121</sup> The objective of the Commission is to promote and encourage necessary measures to develop a State policy that will bring about improvements in the material and non-material circumstances of women within society, with the aim of eliminating any situations of inequality or discrimination occurring in women's exercise of their civic rights. Its functions include: (a) drafting legislative proposals to guarantee the realization of women's civil, political, economic, social and cultural rights, with the support of women's organizations and groups, research centres and women's rights advocacy groups; (b) undertaking political scrutiny of governmental bodies in regard to the formulation and execution of public policies, plans, programmes and projects for the recognition, promotion, realization, expansion, protection and restitution of women's civil, political, economic, social and cultural rights and the State's compliance with treaties, conventions, protocols and recommendations of international organizations; and (c) encouraging women's participation in publicly elected posts and in decision-making and management bodies within the three branches of government, State bodies and political parties and movements.

<sup>122</sup> Constitutional challenge to article 3, subparagraph 5, of Act No. 136 of 1994: "Article 3: Functions. Each municipal authority shall be responsible for: (1) administering municipal affairs and providing

(d) Decision C-804 (2006): The Court analysed women's right of participation at decision-making levels in the public administration and related protection mechanisms. It declared unconstitutional the legal language used in article 33 of the Civil Code<sup>123</sup> (see the Government's reply on article 5);

(e) Decisions 25000-23-24-000-2005-00961-01 (4136) and 25000-23-24-000-2005-00968-01 of 7 December 2006: "In this action the presumption of legality with respect to Decree No. 256 of 4 August 2005, issued by the Bogotá city mayor, under which a number of local female mayors were appointed, is being challenged on the ground that article 6 of Act No. 581 (2000) was not enforceable with respect to local administrative boards in connection with the drawing up of lists of names to be submitted to the city mayor for the subsequent appointment of local mayors, since a qualification incorporated in that provision by Decision C-371 (2000) rendered the requirement optional precisely because local administrative boards comprise a group of persons and not a single entity or body. The qualification incorporated by the Constitutional Court in article 6 of Act No. 581 (2000) has to be construed in the sense that the statutory obligation to include at least the name of one woman in the lists is diluted if either of the following possible situations exists when the lists are drawn up: (i) separate entities are involved and (ii) one or more individuals or public officials and separate public bodies are involved. The argument employed by one set of appellants that local administrative boards, because they are composed of different individuals who constitute a plural and democratic representative body, have to be regarded as a group of persons and are accordingly exempt from the statutory requirement to include at least one woman in the lists to be prepared by them for the election of local mayors is therefore inadmissible."

#### 4. Current situation and statistics

252. With regard to monitoring compliance with the Quota Act (Act No. 581 of 2000), information compiled by the Civil Service Administration Department<sup>124</sup> on women's

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public services as stipulated by law; (2) regulating the development of its territory and undertaking constructional works as required for municipal progress; (3) promoting community participation and the social and cultural betterment of the territory's inhabitants; (4) planning the economic, social and environmental development of its territory in conformity with the law and in coordination with other bodies; (5) resolving unmet needs in regard to health, education, environmental sanitation, drinking water, domestic public services, housing, recreation and sport, with special emphasis on children, *women*, older persons and persons with disabilities, directly and in conjunction, complementarity and coordination with the other local authorities and the nation, as provided for by law; (6) ensuring appropriate management of natural resources and the environment in conformity with the law; (7) promoting the economic and social betterment of the inhabitants of the municipality concerned; (8) taking all possible steps to act independently while supporting other local authorities in their provision of needs; and (9) discharging such other functions as may be constitutionally or statutorily laid down. (...)" [emphasis added].

<sup>123</sup> Article 33: "The words *man*, person, child, adult and *other similar words* which in their general sense are applied to members of the human species without distinction as to gender shall be understood to include both sexes in the provisions of laws unless from the nature of the provision or the context they are manifestly restricted to one sex only. *Conversely*, the words woman, girl, widow and other similar words which denote the female sex *shall not be applied to the other sex* unless the law expressly extends them to that sex" [emphasis added].

<sup>124</sup> In order to obtain national-level information, the Civil Service Administration Department operates a consolidated personnel information system (SUIP), which receives data supplied by institutions in the three branches of government, autonomous organs, supervisory and oversight bodies and entities responsible for electoral organization. At the local level, the process is carried out through the completion of a questionnaire previously sent to local authorities. Compliance monitoring is in accordance with article 12 of Act No. 581 (2000). The information contained in the report

participation in the discharge of public posts within national bodies indicates that, during the period from 2006 to 2010, the executive, the supervisory and oversight bodies<sup>125</sup> and the National Civil Registry Office met and exceeded the quota of 30 per cent. There has not been a similar trend with regard to the judiciary or autonomous organs, whose average compliance rate during the five-year period ranged from 23 to 26 per cent. Annex 3 on this article includes the full report of the Civil Service Administration Department. The executive achieved the highest level, 40 per cent, followed by the National Civil Registry Office, with 36 per cent. A comparison of these figures with those reported for 2006 shows a rising trend in women's participation in the three branches of government and autonomous organs and a fall in their participation in the supervisory and oversight bodies, from 44 per cent (2006) to 35 per cent (2010), although the statutorily required minimum continues to be met.

253. The following data are also noteworthy:

(a) The total number of bodies which recorded data in the system was 178, with the number of women totalling 1,210, which represents a female participation rate of 38 per cent;<sup>126</sup>

(b) With regard to the information submitted by twelve ministries, the reported rates for female participation in managerial positions exceed 30 per cent. The results of action pursued under the development plan are as follows: in the social sphere the female participation rate for the Ministry of Education, the Ministry of Culture, the Ministry of Social Protection, the Ministry of the Interior and Justice and the Ministry of Trade, Industry and Tourism is 57 per cent; in the area of infrastructure the rate for the Ministry of Communications, the Ministry of Agriculture and Rural Development, the Ministry of Mines and Energy, the Ministry of the Environment, the Ministry of Housing and Local Development and the Ministry of Transport is 42 per cent; and in the field of government administration the rate for the Ministry of Foreign Affairs, the Ministry of Finance and Public Credit and the Ministry of Defence is 43 per cent;

(c) An average rate of women's participation in managerial posts of 25 per cent was reported by the legislature, which reflects the same situation as in the previous year;

(d) The recorded rate of participation for the judiciary is 26 per cent, the rate for the Prosecutor-General's Office is 30.56 per cent and that for the National Institute of Legal Medicine and Forensic Science continues to be below 30 per cent;

(e) All entities forming part of the supervisory and oversight bodies show rates above 30 per cent.

254. The findings for local data compiled in 2010 are as follows:

(a) Information was submitted by 1,256 institutions at the central and decentralized local levels;

(b) The consolidated local picture shows a total of 2,676 posts held by women, representing 40 per cent of all filled posts;

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corresponds to the data recorded in the SUIP from national institutions up to 26 May 2010 and up to 15 October 2010 in the case of local authorities which submitted completed questionnaires. They alone are responsible for ensuring that the information is updated and accurate.

<sup>125</sup> The Social Welfare Fund of the Office of the Comptroller-General, the Office of the Auditor-General, the Office of the Comptroller-General, the Office of the Ombudsman and the Attorney-General's Office.

<sup>126</sup> The three branches of government, supervisory and oversight bodies, the National Civil Registry Office, autonomous corporate entities and autonomous universities.

(c) As regards those provincial governments which submitted information, 293 of the 802 posts filled are held by women, equivalent to 37 per cent;

(d) Of the 29 provincial governments which submitted data, eight recorded rates below 30 per cent.<sup>127</sup> With respect to those departmental capital authorities which submitted data, 275 of the 659 filled posts are held by women, equivalent to 42 per cent;

(e) From a comparison of data for capital authorities, including Bogotá, for the period between 2005 and 2010 it can be seen that the Manizales authority did not comply with the Act during the past five years.

255. In order to encourage compliance with Act No. 581 (2000), the Civil Service Administration Department has formulated various strategies through the Government Employment Directorate, including the organization of structured regional meetings to publicize inclusion policies in the country's thirty-two departments, forums, online chats and information dissemination through the website.

### **Electoral procedures**

256. The National Civil Registry Office has carried out electoral procedures and has provided assistance in connection with consultations held by political parties and movements, from which an assessment can be made of women's participation in the electoral sphere. The findings, which appear in greater detail in annex 3 on this article, are as follows:

(a) Between the elections to the Senate and House of Representatives for the period 1998–2002 and those for the period 2010–2014, a progressive and significant increase can be seen in the participation of women in these bodies. For the first of those periods, the rate of participation was 13 per cent in the case of the Senate and 11 per cent in the case of the House of Representatives; for the latter period, the rate was 16 per cent in the case of the Senate and 12 per cent in the case of the House of Representatives. This clearly constitutes a gradual rise in the extent of women's participation in public life and in the consequent recognition of their civil and political rights. In total, for the period 2010–2014, 38 women from different political parties and regions of the country were elected to Congress. The number of women elected to the Senate was 17, i.e. 16.7 per cent of its membership. The number of women elected to the House of Representatives was 21, i.e. 12.7 per cent, making a total rate of female representation in Congress of 14.2 per cent;

(b) Between the periods 2006–2010 and 2010–2014 there was a slight increase in women's participation in Congress, which rose from 12 to 16 per cent in the Senate and from 10 to 12 per cent in the House of Representatives;

(c) With regard to the participation of women at the regional and local levels, a comparison of the periods 2004–2007 and 2007–2011 shows an increase in their rate of participation at the provincial government level, which rose from 6.25 to 7.95 per cent. As to their participation in departmental assemblies, there was a slight fall, from 15 to 14.60 per cent. Their participation in district authorities increased from 7.6 to 12.52 per cent. In the case of municipal councils, a constant level was maintained for the two periods, at 13.71 and 13.81 per cent respectively.

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<sup>127</sup> Information was submitted by the departments of Caldas, San Andrés, Santander, Atlántico, Vaupés, Putumayo, Vichada and Chocó.



### **Women's participation and status in political parties**

257. The participation of women in the political party consultations held during 2008 varied from 15 to 47 per cent, depending on the consultation.<sup>128</sup> The situation in 2009 was not significantly different from that of the previous year. Women's participation in those consultations varied between 7 and 50 per cent, depending on the consultation.<sup>129</sup> During 2010, the Conservative Party and the Green Party held consultations for the election of the candidate for the presidency. In the former case, the level of female participation, with two women candidates out of the five nominees, was 40 per cent and in the latter case it was zero.

### **Participation of indigenous and Afrodescendant women in political and public life**

258. Following the implementation of Act No. 649 (2001),<sup>130</sup> which provides for the establishment of special Afro-Colombian and indigenous constituencies with a view to promoting the real and effective participation of these population groups, women's participation in the 2010 electoral process was 37.5 per cent with regard to the election of members of the House of Representatives for the special indigenous constituency, 16.6 per cent for the special indigenous constituency of the Senate and 15.9 per cent for Afro-Colombian communities in the House of Representatives.

### **Violence against women in political and public life**

259. Pursuant to the democratic security policy, the Human Rights Monitoring Centre of the Presidential Human Rights and International Humanitarian Law Programme of the Office of the Vice-President of the Republic prepared a document, referred to above, which summarizes an initial exploration of how violence affected women during the period from 2003 to 2009<sup>131</sup> but without establishing any causal link between violence and gender. The document appears in annex 5 on this section. Some findings of this analysis show a reduction in violence against women who are civic leaders and who, by reason of that status, participate actively in public life. In this connection, information is presented on killings of women journalists and assassinations of female local authority officers,<sup>132</sup>

<sup>128</sup> In 2008, three parties held consultations: the Colombian Conservative Party (national, departmental and district constituencies), the U Party (six sectors; first and second rounds, Bogotá; and first and second rounds, departments) and the Democratic Party (general, Afrodescendant, indigenous and lesbian, gay, bisexual and transgender (LGBT) sectors). The number of women registered to take part in the consultations represented 37.54 per cent of total registrations.

<sup>129</sup> In 2009, consultations were conducted by the following political parties: the Independent Movement for Total Reform (MIRA) Party (House of Representatives for the departments and Bogotá and the National Senate), the Alternative Democratic Party (presidential candidates), the Conservative Party (House of Representatives for three departments) and the Colombian Liberal Party (candidates for the presidency, departmental assemblies, district and departmental governing bodies and fourth congress (departments and Bogotá), and candidates for national, departmental and Bogotá inspectorate posts). The overall rate of women's participation in total registrations was 36.08 per cent.

<sup>130</sup> Promulgating regulations pursuant to article 176 of the Constitution.

<sup>131</sup> An initial exploration of violence against women 2003–2009, Monitoring Centre of the Presidential Human Rights and International Humanitarian Law Programme of the Office of the Vice-President of the Republic.

<sup>132</sup> For purposes of the analysis conducted by the Monitoring Centre, local authority officers constitute the vulnerable group comprising mayors, former mayors and councillors. It should be made clear that former mayors are mayors who held mayoral office within the two periods preceding the date of violation of their rights.

unionized teachers and trade-union members in other sectors, non-unionized teachers and civic and community leaders.<sup>133</sup>

260. In the case of journalists, the rising trend in killings completely changed as from 2003, the number of assassinations having fallen to very low levels, and even to zero in 2008. There was an 83 per cent reduction in such violations between 2003 and 2009. It is pointed out that none of those killed was a female journalist.

261. As regards assassinations of local authority officers, 224 murders were recorded in Colombia during the period from 2003 to 2009. Of the total killings, 16 (7 per cent) were of female members<sup>134</sup> and 208 (93 per cent) were of male members of this vulnerable group. From 2003 to 2009 there was an 83 per cent decline in the number of killings of women local representatives, which fell from six to one per year.

262. With respect to trade-union members, according to information from the Ministry of Social Protection, there were 382 recorded killings in Colombia between 2003 and 2009. In 79 cases the victims were female (21 per cent) and in 303 cases male (79 per cent).<sup>135</sup>

263. Concerning assassinations of unionized teachers and trade-union members in other sectors, the document prepared by the Monitoring Centre states: "(...) A reduction in killings of women members of the two trade-unionist subgroups referred to in this report could be observed over the period. Killings of unionized female teachers fell from 19 in 2003 to 2 in 2009, equivalent to a reduction of 89 per cent, and killings of female members of trade unions in other sectors fell from 8 to 1, representing a decline of 88 per cent (...)." <sup>136</sup>

264. Between 2004 and 2009, there were 75 reported killings of non-unionized teachers, of whom 59 (79 per cent) were men and 16 (21 per cent) were women.

265. With regard to female civic and community leaders, 341 persons who performed civic and/or community leadership roles were reported as victims between 2003 and 2009. Of these, 298 were men (87 per cent), 40 were women (12 per cent), and in three instances (1 per cent) the source did not specify the sex. As to the trend over this period with respect to female leaders, it can be seen that there were victims in each of the years analysed and,

<sup>133</sup> Civic and community leaders are regarded as falling into four subgroups: (a) civic organization leader, i.e. the head of an organization whose purpose is to achieve certain targets and goals relating to the social, economic, political or cultural well-being of its constituent members; (b) citizens' watchdog group leader, i.e. a person who, as representative of a citizens' group, oversees public administration by the authorities; (c) community leader, i.e. a person recognized by society owing to leadership skills, expertise, experience and/or activism for causes whose objective is to advance or defend a particular community; and (d) civic board leader, i.e. a person who holds a community-action board position of secretary, chairperson or treasurer.

<sup>134</sup> Of the reported total number of murdered female local representatives, one was a woman mayor and 15 were women councillors. A preliminary analysis of the information submitted by the Monitoring Centre clearly indicates that illegal armed groups were in most cases responsible for these acts.

<sup>135</sup> Of all the women trade unionists murdered during the period, most cases involved female members of the teachers' unions, with 64 victims nationwide (81 per cent of all women victims). By contrast, 15 killings were recorded of female members of trade unions in others sectors, accounting for the remaining 19 per cent of cases.

<sup>136</sup> The Monitoring Centre's report states that "the high proportion of killings of female unionized teachers has to do with the active participation of women in the Colombian education sector, in which they constitute the main labour-force segment. This situation is also a continuation of the violence committed by illegal armed groups against the teaching profession, involving attacks on both male and female teachers owing to their community leadership activities aimed, inter alia, at preventing children and young persons from engaging in illegal activities, and to reports which, according to some illegal groups, link trade unions with guerrilla groups."

while peaks occurred in 2004 and 2008, with eight women murdered in each of those years, the lowest figures were recorded at both the start and the end of the seven-year period under review.

266. Official figures for cases of assassinations of female civic and community leaders and women trade-union members show that in recent years there has been a declining trend and not a gradual increase.

267. On many occasions, women who pursue civic and community leadership or human rights advocacy activities have also been threatened, attacked or killed. The motives vary, depending on the circumstances and factors relating to the activities carried out by them. In this connection, most instances have involved women community and peasant leaders, 17 of whom were murdered between 2003 and 2009, the highest number of cases having occurred in 2005 and 2006, with four victims in each of these years. Female leaders of civic organizations make up the second-largest group, with 12 recorded killings, seven of which were committed in recent years (four in 2008 and three in 2009).<sup>137</sup>

## 5. Recent or ongoing measures

268. As regards the public policy on women's protection, the Office of the Ombudsman is preparing a public policy document on protecting women who gain prominence through their leadership or human rights advocacy work.

269. With respect to the panel on guarantees for the protection of human rights defenders,<sup>138</sup> women human rights advocates have participated in this initiative and gender issues have been examined since the outset (2009). However, the first thematic meeting on gender was held in March 2011 in the panel on guarantees for the protection of human rights defenders and female civic and community leaders.<sup>139</sup> This important forum will, inter alia, strengthen institutional efforts to incorporate a gender-based approach in the system for protecting women human rights advocates and the investigative methodologies of the Prosecutor-General's Office.

<sup>137</sup> As suggested by data from the Monitoring Centre, this recorded increase in recent years is an indication of the connection between the incidents and the debate which was taking place in Colombia on the Victim and Land Restitution Act within the context of the Justice and Peace Act. In this connection, "many women have assumed leadership positions in organizations of displaced persons and of victims of armed confrontation (...). Because of these women's high profile among their communities and among national and international bodies, those just demands have given rise to acts of persecution against them by irregular armed groups seeking to silence or suppress their demands". In referring to another reason, the Monitoring Centre states that "this strategy by illegal armed groups of exerting social pressure on women to weaken their organizational process and their participation in public activities is manifested in the fate of 12 women who had been engaged in community action work and the 10 assassinations carried out during the period under review (...)".

<sup>138</sup> The national initiative on guarantees for the protection of the work of human rights defenders and civic and community leaders is progressing. It involves an agreement between governmental institutions and human rights advocacy organizations, with support from the international community, based on the premise that joint action can produce results in generating a favourable climate for efforts to secure the protection and observance of human rights in Colombia and the rejection of all forms of violence and/or pressure.

<sup>139</sup> Discussions were held on: (a) the establishment of the public policy on women's comprehensive rights (solely aspects relating to guidelines with respect to female human rights defenders) and the legislative bill on women's rights put forward by the Ministry of the Interior and Justice; (b) access to justice with respect to female human rights defenders (Prosecutor-General's Office); (c) compliance with Ruling 092 (Displaced women); Programme 10: Female human rights defenders; and (d) institutional policy and regulatory action on the protection of human rights defenders following a gender-based approach (Ministry of the Interior and Justice).

## B. Article 8

270. This section is concerned with General Recommendations Nos. 8 and 10 of the Committee.

271. Under Decree-Law No. 274 (2000), which regulates Colombia's foreign service and the diplomatic and consular professions, entry to such careers is based exclusively on merit through competitive admission examinations held annually by the Ministry of Foreign Affairs for all Colombian citizens (men and women) who meet the requirements set out in that legal instrument.

272. As laid down in article 6, first additional clause, of Decree-Law No. 274 (2000), ambassadors and consuls-general are freely appointed and dismissed, and appointments to such posts are at the discretion of the President of the Republic, in accordance with article 189, paragraph 2, of the Constitution.

273. Under article 60 of Decree-Law No. 274 (2000), diplomatic and consular appointments are made provisionally if it is not possible to appoint officials who are members of that profession. Men or women who meet the relevant requirements are appointed to such posts.

### 1. Legislative measures

274. Annex 1 on this article contains the text of Decree-Law No. 274 (2000).

### 2. Current situation and statistics

275. As at March 2011, 257 of the 485 professional posts in the diplomatic and consular service were held by women, representing 52.99 per cent of the total number, and 12 of the 46 posts of head of diplomatic mission are currently held by women, which constitutes a 26 per cent share of the total.

276. With regard to women's participation in delegations to international conferences and meetings, the Ministry of Foreign Affairs reports that, in 2009, 148 of the 445 assignments of diplomatic mission personnel to attend meetings, conferences and events were made to women, constituting a 33 per cent share, and, in 2010, 153 of a total of 267 assignments were to women, representing 57 per cent.

277. The Government of Colombia has proposed a number of distinguished women to fill vacancies in the United Nations system and other regional and international organizations. Between 2000 and 2011, the candidatures of 11 women were submitted for the following posts:

<i>Post</i>	<i>Name of candidate</i>
Executive Secretary of the Andrés Bello Convention	Ana Milena Escobar Araujo
Member of the Advisory Group of the Central Emergency Response Fund (CERF)	Sandra Alzate
Member of the Committee on the Rights of the Child	Beatriz Linares Cantillo
Member of the Executive Committee of the Inter-American Commission of Women (CIM)	Martha Lucía Vásquez
Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL)	Clara Inés Vargas Silva

<i>Post</i>	<i>Name of candidate</i>
Member of the Advisory Group of the Central Emergency Response Fund (CERF)	Luz Amanda Pulido
Government expert of the working group entrusted with the consideration of periodic reports under the Additional Protocol to the American Convention on Human Rights in the area of economic, social and cultural rights (Protocol of San Salvador)	Paola Margarita Buendía García
Representative of Colombia to the Executive Committee of the Inter-American Children's Institute (IIN) and President of the IIN Directing Council	Elvira Forero Hernández
Vice-President of the COP/CMP Bureau of the United Nations Framework Convention on Climate Change	Andrea García
Technical and Scientific Affairs Secretary of the Italo-Latin American Institute (IILA)	Mónica Sofía Dimaté
Assistant Programme Specialist (Culture), UNESCO Regional Office in Havana	Tatiana Villegas

### C. Article 9

278. This section is concerned with General Recommendation No. 21 of the Committee.

279. Article 96 of the 1991 Constitution lays down that:

(a) Persons who may be Colombian nationals by birth are natives of Colombia if their father or mother was a native of Colombia or a Colombian national or, in the case of children of foreign nationals, if either of their parents was domiciled in the Republic at the time of their birth; and also children of a Colombian father or mother who were born on foreign soil and subsequently became domiciled in Colombian territory or were registered at a consular office of the Republic;

(b) Persons who may be Colombian nationals by naturalization are foreign nationals who apply for and obtain naturalization papers in accordance with the law, which will specify cases where naturalized Colombians forfeit such nationality; Latin American and Caribbean nationals by birth domiciled in Colombia who, with government authorization and in accordance with the law and the principle of reciprocity, apply for registration as Colombians to the municipal authority of the location where they settle; and members of indigenous peoples who share border territories with Colombia in application of the principle of reciprocity under public treaties. No Colombian by birth may be deprived of his or her nationality. The status of Colombian national will not be forfeited through the acquisition of another nationality.

280. Naturalized Colombians will not be required to renounce their original or adopted nationality. Those who have renounced Colombian nationality may recover it pursuant to the law.

281. It can be seen that the Constitution distinguishes between persons who are Colombian by birth and those who can acquire Colombian nationality, subject, in the latter case, to fulfilment of the requirements set out in Act No. 43 of 1993, Decree No. 1869 of 1994 and Decree No. 2150 of 1995.

282. Decree No. 830, of 18 March 2011, regulating the issuance of travel documents of Colombians, lays down requirements for children and adults, irrespective of whether they are male or female. No additional requirements have to be imposed on women by reason of their sex.

283. The exit of children from Colombia is subject to the regulations indicated below, which take into account the principle of the child's best interests and recognize the same rights of men and women as parents:

(a) In the case of Colombian children and foreign children resident in Colombia, consent to exit the country is required from the parents<sup>140</sup> or the parent not travelling with the child;

(b) The consent form must state the date of departure, the purpose of the journey, the date of return and the person travelling with the child, as defined in the Children's and Young Persons' Code (Act No. 1098 (2006));

(c) A copy of the Colombian child's birth certificate must also be presented if he or she holds a passport with machine-readable zones since the names of the child's parents will not appear on it;

(d) If the parent granting consent is in Colombia, the consent form must be authenticated by a notary public. If the parent is abroad, the form must be authenticated by the Colombian consulate. If a Colombian consulate cannot be located near to the parent's residence, the form must be completed in Spanish, signed in front of a notary public and duly legalized, and must in all cases be the original document;

(e) If one parent is deceased, the death certificate for that person must be presented. If both parents are deceased, the exit consent form must be signed by the child's legal representative or guardian, in accordance with Act No. 1098 (2006);

(f) In the case of adopted children, a copy of the final adoption order must be presented;

(g) If the parents are in conflict, the consent is to be granted by the family court;

(h) If custody of the child is awarded to one parent, a copy of the final court order must be presented;

(i) If consent is granted by public instrument, a copy of that document must be presented together with certification of its validity;

(j) If the child has dual nationality which includes Colombian nationality, the above-mentioned requirements for Colombian nationals must be fulfilled;

(k) If the whereabouts of one or both of the child's parents are unknown, if the parent or parents cannot grant consent or if there is no legal representative, consent is to be granted by the Colombian Family Welfare Institute<sup>141</sup> in accordance with the provisions of article 110 of Act No. 1098 (2006).

284. The requirements for issuing children's and parents' passports are contained in Decree No. 830, of 18 March 2011, promulgated by the Ministry of Foreign Affairs,

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<sup>140</sup> Understood as referring to the mother or the father, without distinction.

<sup>141</sup> A body attached to the Ministry of Social Protection which coordinates the national family welfare system and, as such, proposes and implements policies and provides socio-legal and technical assistance and advice to communities and to national and local public and private organizations on problems such as nutritional deficiency, family breakdown and instability, loss of values and child neglect.

regulating the issuance of Colombian travel documents and incorporating other provisions. Article 13 of chapter II sets out the requirements relating to the issuance of travel documents for minors and persons of full age with no distinction between males and females. No additional requirements have to be imposed on women by reason of their sex. In the case of children, that article lays down the following requirements:

- (a) For children on Colombian territory, it is necessary to present a certified copy of the birth certificate, issued by the same registration office, and identity card, if any;
- (b) For children abroad, it is necessary to present a certified copy of the birth certificate, issued by the same registration office, and identity card, if any;
- (c) Children must be accompanied by one parent or the legal representative or by a third party authorized by either of those persons, who has to submit a photocopy of the document attesting such capacity.

#### 1. Legislative measures

285. Annex 1 on this article includes a list of laws and decrees adopted during the reporting period in connection with article 9 and also the corresponding texts.

#### 2. Current situation and statistics

286. According to the 2005 census, the number of immigrants in Colombia totalled 109,971 persons from different countries and all continents. Of these, 56,889 (51.7 per cent) were male and 53,082 (48.3 per cent) were female.

### IV. Part III of the Convention

#### A. Article 10

##### 1. Administrative measures

##### “Education Revolution” policy

287. This policy, which has been pursued in Colombia since 2000, is aimed at creating conditions to provide a more equitable education for all Colombians, which has led to expanded coverage and improved quality. The core of this policy has been to centre the organization of the education sector on its users, i.e. to make the student the focus of all educational measures at all times and at all levels and stages of learning.

288. To that end, it was necessary to put in place comprehensive information systems that would yield increased knowledge about students in order to be able to collate data on, inter alia, educational needs, dropout risks and factors, grants and loans made available, State examination results and graduate labour market tracking.

289. The approach to this policy entailed five action strategies to transform education. Two of these strategies defined expected achievements, namely lifelong learning for all and education for innovation, competitiveness and peace, which largely correspond to the areas of coverage and quality. The other three strategies, which focused on management and administration processes to assist in the attainment of those two major goals, relate to the strengthening of the education system, ongoing modernization of the sector and public participation in policy formulation and management.

290. The objective underpinning the transforming concept of lifelong learning for all is to offer educational opportunities to every Colombian and especially access for marginalized

groups. The concept thus includes not only students whose education is compulsory, as stipulated in the Constitution, but also early childhood (children aged 0 to 5 years), adolescents wishing to continue their studies and complete secondary education or technical training and young adults of higher-education age.

291. Attention was also drawn to the need to extend literacy training to those who never entered the formal system and to offer education to those who discontinued their studies, through employment skills or other forms of training, with emphasis on developing aptitudes to enable citizens to continue learning throughout life.

292. The main achievements of this policy for the benefit of children and adults can be seen in the following ten aspects, which are described below in the subsection on the current situation and statistics: expanded educational provision at all levels, support for vulnerable population groups, high-quality education in line with international benchmarks, quality assurance in higher education, improved school infrastructure, increased numbers of students with access to computers and the Internet, teacher selection and assessment on merit, modernized and strengthened administration of the sector and participatory management.<sup>142</sup>

293. The results achieved through this policy for the benefit of females at all educational levels are presented in annex 6.

#### **National Ten-year Education Plan 2006–2016**

294. Upon completion of the term of the Ten-year Education Plan 1996–2005, a review of developments under the plan was conducted by the Ministry of Education, with the support of several private sector organizations, which identified, inter alia, the challenges facing education in the ensuing ten years.<sup>143</sup>

295. On the basis of this assessment and following extensive consultations and public discussions, the National Ten-year Education Plan 2006–2016, entitled “The education we want for the country we dream of”,<sup>144</sup> was drawn up under the direction of the Ministry of Education.

296. The Plan is a social covenant on the right to education and is intended to serve as a pathway and timeframe for Colombia’s educational development over ten years. It is a mandatory planning benchmark for all educational institutions and governments and an instrument for social and political mobilization to uphold education, which is understood as a fundamental right of the individual and a public service which accordingly fulfils a social function, ensuring conditions of equity for the entire population and continuation in education from early learning to higher-level studies. The Plan is also a tool for educational management at the local, municipal, departmental and national levels.

#### **National Basic Literacy Programme for Illiterate Youth and Adults**

297. This programme, which the Ministry of Education has been executing since 2002, is designed to teach young persons and adults to read and write and also to improve school attendance. Under the applied model, efforts are being pursued to provide literacy training for illiterate persons aged over 15 years to enable them to attain a skills level equivalent to the third grade of schooling and remain in the system under special integrated learning

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<sup>142</sup> See the document *Balance de Gobierno Colombia – Logros MEN 2002–2010*.

<sup>143</sup> The document setting out the results of the assessment can be consulted via the following link: [www.plandecenal.edu.co/html/1726/articles-121192\\_archivo.pdf](http://www.plandecenal.edu.co/html/1726/articles-121192_archivo.pdf).

<sup>144</sup> The final document of the National Ten-year Education Plan 2006–2016 can be consulted via the following link: [www.plandecenal.edu.co/html/1726/w3-article-166057.html](http://www.plandecenal.edu.co/html/1726/w3-article-166057.html).



cycles (CLEIs)<sup>145</sup> up to completion of grade 11. Under a financing mechanism which was set up it has been possible, since 2003, to earmark resources from the national budget for training under cycle 1 (literacy skills) and from the general system of contributions (SGP) to fund cycles 2 to 6. Between 2003 and 2010, the Ministry of Education allocated 174,538 million pesos (91.18 million dollars) to this programme, which has benefited 1,208,019 individuals. Annex 6 on this article shows the overall illiteracy rate in Colombia and the percentage of illiterate females.

298. Also, demobilized women and men undergoing reintegration receive education or formal training in accordance with their path to integration. This service is provided for individuals undergoing reintegration and for members of their family unit, who may begin or continue their education under literacy, basic primary, basic secondary and intermediate vocational programmes.

#### **Action to reverse the early school dropout trend**

299. Since 2004 the Ministry of Education has been operating specialized systems for maintaining and disseminating up-to-date information on the sector and furnishing users with full, timely and reliable data on educational establishments, the curricula offered by these institutions and their characteristics. One of these specialized systems is the higher-education dropout prevention system (SPADIES), which provides a comprehensive survey of dropout rates at the national level and enables this phenomenon to be assessed for all institutions and courses, taking into account its causes.

300. An information system on school dropout monitoring, prevention and analysis (SIMPADIE) has been designed to provide educational establishments and local authorities with an ongoing dropout tracking tool to assist in the early identification of children most at risk of dropping out and to enable preventive action to be taken. This system will be accessible by all Colombian educational establishments via the Internet and will be introduced through e-learning in schools across the country and through workshops held at education secretariats.

301. The advantage of this tracking facility and the availability of comprehensive student data is in identifying what makes a particular individual susceptible to dropout. Timely intervention is thus possible through the implementation of a prevention policy that includes counselling and psychological support mechanisms and not simply corrective measures. It also enables assistance to be targeted at students most likely to drop out. Research and SPADIES data show that the main causes, as was surmised, relate to academic problems, lack of financial resources, inadequate vocational guidance and the social and family environment. The real benefit of the system is that it allows the different factors to be measured and ranked in order of importance for each educational establishment.

302. School dropout is also the result of a combination of factors arising within the education system and factors arising within the social context. The former have to do with the shortage of available educational resources and inappropriateness of education imparted, which can lead to repeated school years and students' lack of motivation to complete their studies. The latter include conditions of poverty and disadvantage, early employment, domestic violence and family anomalies.

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<sup>145</sup> *Ciclo Lectivo Especial Integrado.*

303. Programmes have been set up with the aim of mitigating these factors, including the free education programme, which reduces the costs of schooling for poor families, mechanisms for students' families to receive an allowance conditional on attendance, and the school meals programme, which not only contributes to a child's all-round development and health but also acts as an incentive for families to keep their children in the school system.

304. Efforts to improve school retention have been supported through various strategies, such as the outreach programmes "Not one fewer" and "No excuses: every child who does not go to school is a denied opportunity for that child and for the country" and the "School seeks the child" campaign; direct participation in the Network for Eradicating Extreme Poverty; financial aid and supplementary assistance strategies to meet schooling costs, including free education provision; school amalgamation; civic and family allowance fund investment; the school meals and school transport programmes; and flexible teaching models. Further details of these strategies are contained in annex 1 on this article.

#### **Bursary and grant allocation strategy**

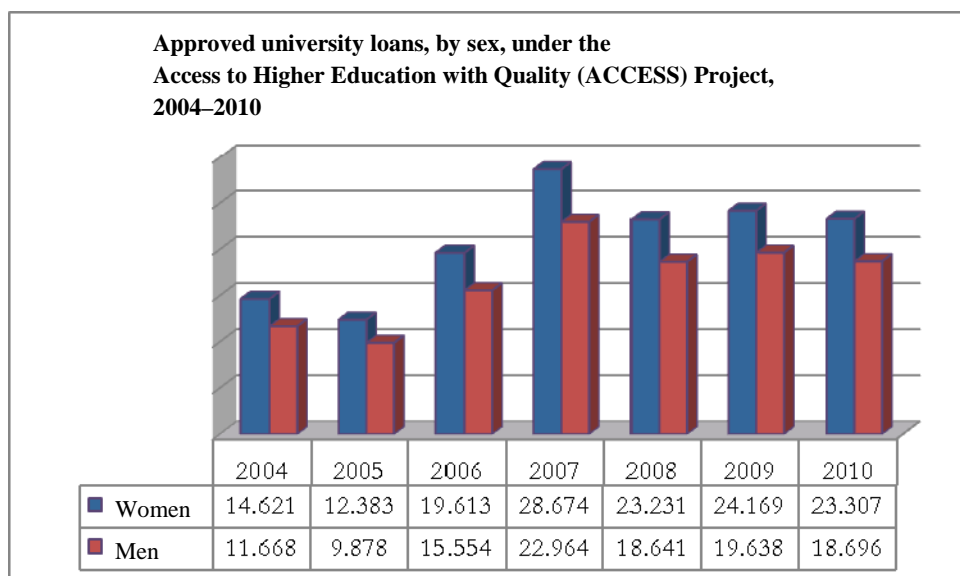
305. One major strategy for achieving expanded coverage targets involves education loans and support in defraying student tuition and maintenance costs. It is aimed at helping students with limited economic resources to continue State university education through maintenance loans and other grants and, in particular, at assisting students unable to meet private university enrolment fees. Between 2002 and 2010, there was a rapid increase in the number of loans granted by the Colombian Institute for Education Loans and Study Abroad (ICETEX), which rose from 65,218 in 2002 to 259,269 in 2010, representing an annual increase of 18.9 per cent. Thus, while 7 per cent of the country's undergraduates had loans in 2002, at least 14 per cent enjoyed ICETEX facilities in 2010.

306. Of the new loan recipients between 2003 and 2010 (300,055), 97 per cent were from families in socioeconomic strata 1, 2 and 3. Since renewals apply to the same population segments, ICETEX loans were extended almost exclusively to students of limited means and only 3 per cent of loan recipients were from families in strata 4, 5 and 6.

307. Students of limited means also qualify for other grants. Those from families classified as level-1 or level-2 households under the Beneficiary Identification System (SISBEN), which totalled 92,831 over the past five years, receive an additional grant equal to 25 per cent of their tuition fees. In 2010, there were 24,000 grant beneficiaries, who received 73,950 million pesos (approximately 39 million dollars), i.e. an average grant of 3.1 million pesos (1,620 dollars). Also, during that period, 1,762 forgivable loans were extended through the indigenous communities fund and 3,270 such loans were extended through the Afro-Colombian communities fund.<sup>146</sup>

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<sup>146</sup> ACPEM Gender Monitoring Centre, Special Bulletin, July 2010.



Source: ICETEX. Processed by the ACPEM Gender Monitoring Centre.

308. Between 2004 and 2010, a greater proportion of women than men received ACCES<sup>147</sup> university loans. In 2010, 42,003 university loans were approved, of which 23,307 (55 per cent) were taken up by women.

#### **Vocational training and career guidance for male and female students**

309. In order to provide young persons with comprehensive information on higher-education training options relevant to the regional economy, promote financing mechanisms and encourage State and private institutions to motivate young persons in their region to work to foster its development through programmes offered by local higher-education establishments, the Ministry of Education implemented the “Looking for a Career” Programme, whose execution has been supported jointly by the education secretariats, ICETEX and other educational loan and funding bodies (family allowance funds, cooperatives, banks, municipal and departmental higher-education financing facilities, foundations and enterprise associations). Between 2006 and 2009, a total of 202 student meetings, which were attended by over 530,000 final-year secondary and high-school students from the country’s 31 departments, were organized by the programmes of the Presidential Agency for Social Action and International Cooperation, the Centre for Coordination of Comprehensive Action (CCAI), youth councils and higher-education establishments.

310. This initiative has been an important tool in supporting the regionalization projects and strategies pursued by the Ministry of Education for the decentralization of educational provision. The introduction of information and communication technologies and the implementation of activities via the “Colombia is Learning” (“*Colombia Aprende*”) portal have been key developments in reaching young persons and assisting their decision-making. However, this programme needs to have greater coverage and to work more closely with the education secretariats and their vocational guidance programmes. It will

<sup>147</sup> This is a credit facility offered by ICETEX, whose objectives are to address the need to expand higher-education coverage through sustainable funding, reduce inequalities in access and results, resolve problems of quality and relevance and make rigid management practices and government structures more flexible.

thus be possible to promote youth access to higher education by providing relevant information to a larger number of municipalities, publicizing courses offered, funding opportunities and employment market options and, most importantly, highlighting the value added by higher education to their own and their families' development.

### **Comprehensive vocational training**

311. The free comprehensive vocational training offered by the National Learning Service is provided as an educational process whose aim is to develop technical and technological skills and also attitudes and values for the promotion of social cohesion that will enable individuals to engage in productive activities.<sup>148</sup> Persons receiving such vocational training are awarded a certificate qualifying them to undertake employment in a specific job or occupational field in construction, processing or maintenance or the provision of goods and services in enterprises or on a self-employment basis.

312. Two types of training are offered:

(a) Qualification training, which is aimed at providing employment training for new human capital at the manual, vocational technical and technological levels;

(b) Supplementary training, whose purpose is to update and supplement the knowledge and skills of employed persons and to enhance and supplement the knowledge and skills of unemployed persons in order to facilitate their entry into the world of work.

313. The National Learning Service has also pursued other educational initiatives, such as the Youth in Action Programme and Rural Youth Programme, in which there has been a high level of participation by women, as can be seen in annex 6 on this article.

### **Sexuality and Citizenship Education Programme**

314. This programme is designed to contribute to building basic and citizenship skills in children and young persons through ongoing training initiatives for teachers and educators in order to generate teaching strategies that will promote the development of emotional, cognitive and communication abilities, capacities and attitudes.

315. It is aimed at making children and young persons understand that they have full rights over their own bodies, to which no one can have access without their consent, that they are able to approach persons or specialized institutions if those rights are infringed, whether in their own case or in that of others, that they are entitled to a life free from sexual violence and pressures, that they should make decisions to allow them to enjoy a healthy, full and responsible sexuality which will enrich their own life plan and that of others, and that they are able to take action so that they and other persons are not manipulated for sexual purposes which violate their physical, psychological and social integrity. The programme operates within a human rights framework, whose approach advocates equal rights for all human beings, taking into consideration their respective identities and differences.

316. The programme is being carried out at the local level under the direction of the education secretariats, which provide guidance and assistance in the implementation of teaching projects on education for sexuality. Currently, 71 of the 95 education secretariats have been targeted, teaching projects on education for sexuality and citizenship building are being developed by 2,390 educational establishments and there are 1,263 teaching projects

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<sup>148</sup> See: [www.sena.edu.co/Portal/Portafolio+de+Programas+de+Formaci3n+y+Cursos/Programas+de+formaci3n+profesional/](http://www.sena.edu.co/Portal/Portafolio+de+Programas+de+Formaci3n+y+Cursos/Programas+de+formaci3n+profesional/).

in existence. The Quality Directorate of the Ministry of Education has provided the programme's operators with training on programme content.

### **Safeguarding vulnerable population groups' right to education**

317. With the aim of achieving full coverage, this policy has focused primarily on the inclusion of vulnerable groups. In particular, it has been possible to accommodate 86.5 per cent of all displaced persons aged between 5 and 17 years. In addition, in 2010, through classroom integration, 107,258 students with disabilities were accommodated, representing a 24 per cent increase since 2006, when their enrolment identification was begun. Annex 2 on this article sets out some indicators showing progress achieved.

318. Following the Constitutional Court's verdicts on forced displacement, in particular Decision T-025-04 on the right of female displacement victims to education, in which the Court ordered the formulation and implementation of an educational programme for displaced females over the age of 15 years, Ruling 092 (2008), in which it identified certain gaps in the safeguarding of this right, and Ruling 237 (2009), in which it adopted guidelines submitted by displaced women's organizations, the measures outlined below were taken by the Government:

(a) Educational provision has been expanded to include displaced and vulnerable population groups through both traditional education methods and flexible teaching models. These models involve strategies to actively target persons not in education and strategies to improve student retention rates and education quality, including psycho-emotional support, the school meals programme and the supply of teaching materials. Educational provision for vulnerable population groups is supplemented by strategies to enhance education quality through cross-cutting projects such as sexuality and citizenship education, human rights education and environmental education;

(b) A programme of educational support for displaced females aged over 15 years has been developed and implemented with the general aim of providing the members of this population group with educational access and attendance opportunities in order to enable them to commence, continue or complete their studies in conditions of equity and quality. Annex 3 on this article of the Convention contains further details of the programme and its main achievements.

### **Protecting pregnant pupils from discrimination**

319. The Ministry of Education directs the education secretariats to guarantee access to and continuation in education for all students, including pregnant students, without any form of discrimination. From a gender perspective within the context of cross-cutting projects on sexuality and citizenship education and human rights education, referred to above, it regards girls and women as full citizens and active social rights holders. It accordingly recognizes them as valid stakeholders in the identification of their needs and concerns, creates channels for genuine communication with them and promotes conditions that enable them to exercise their rights, primarily sexual and reproductive rights, and are conducive to the display of those capacities in day-to-day situations. They play a vital role in changing cultural patterns that lead to different forms of discrimination.

320. A major present-day challenge lies in implementing these projects at educational establishments in order to develop independent, tolerant, supportive, respectful, democratic and public-spirited human beings. However, given that processes of social and cultural change take time, the Government of Colombia operates mechanisms, such as the constitutional petition procedure, to ensure the observance of rights.

## 2. Legislative measures

321. The 1991 Constitution<sup>149</sup> recognizes the fundamental right to education and the General Education Act (Act No. 115 (1994))<sup>150</sup> upholds the right to education and to non-discrimination.

322. Act No. 1146 (2007)<sup>151</sup> provides for specific legal mechanisms concerning prevention, early identification, detection and reporting of, and self-protection from, sexual abuse to which pupils may fall victim and any other forms of discrimination both at school and outside school. It establishes legal mechanisms for females who in the sphere of education are victims of discrimination, whether through sexual harassment or otherwise, laying down that the regulations of educational establishments must contain full details with regard to detecting and reporting cases of abuse or discrimination, notwithstanding the obligation to bring such cases to the knowledge of the competent authorities.

323. Article 11, on educational measures, of Act No. 1257 (2008), referred to above, stipulates that the Ministry of Education must ensure that educational establishments include training in respecting rights, freedoms, independence and gender equality as part of the human rights curriculum, pursue policies and programmes to increase the awareness, knowledge and understanding of the education community, in particular teachers, students and parents, of the issue of violence against women, devise and implement prevention and protection measures with regard to the withdrawal from school of female pupils who are victims of any forms of violence, and promote women's participation in non-traditional occupational skills and vocational training programmes, in particular in basic and applied sciences. The process of promulgating implementing regulations to this Act is currently under way.

324. Annex 4 on this article contains details of other important legislative measures adopted during the reporting period and includes the full texts of all related instruments.

## 3. Judicial measures

325. Constitutional Court Decision 025 (2004): The Court asserted that the State's response to the phenomenon of displacement was not sufficient to fulfil constitutional obligations in the matter and that the existing aspects of the public policy on dealing with forced displacement suffered from crucial gaps, which left displaced women facing a situation of need. The Court accordingly issued specific orders that those public policy gaps be filled in order to safeguard the rights of the women affected. It ordered the Presidential Agency for Social Action and International Cooperation to design and execute thirteen programmes incorporating a gender-based approach. With regard to the right of forcibly displaced women to education, the Court ordered the establishment and implementation of a programme on educational support for displaced females aged over 15 years, a programme for the protection of the rights of displaced indigenous women and a programme on the rights of displaced Afrodescendant women (Ruling 092 (2008) and Ruling 237 (2009)).

326. Ruling 092 (2008): The programmes ordered by the Constitutional Court include a programme on educational support for displaced females aged over 15 years, as mentioned above.

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<sup>149</sup> Articles 5, 7, 13, 16, 43, 44 and 67.

<sup>150</sup> The Act sets out general provisions for the regulation of education as a public service which fulfils a social function in accordance with the needs and concerns of the individual, the family and society.

<sup>151</sup> Laying down rules for the prevention of sexual violence and the provision of comprehensive support to sexually abused children and adolescents.

327. Decision C-374 (2010): Article 183 of Act No. 115 (1994),<sup>152</sup> which had established the possibility of charging fees for State primary education, was declared unconstitutional by this decision. The Court pointed out that the State had an unequivocal and immediate obligation to guarantee free provision of primary education, which was to be extended gradually to secondary and higher education. The full texts of these decisions are contained in annex 5 on this article.

#### 4. Current situation and statistics

328. Annex 6 on this section includes more detailed statistical information on the present situation, which shows the position with regard to ensuring the right of the female and male population to education at all levels. The main findings are summarized below.

329. The gross coverage rate for primary and lower-secondary education, which corresponds to the population group aged between 5 and 14 years, increased from 96.7 per cent in 2002 to 110.51 per cent in 2009, indicating that it has been possible to reduce the number of children outside the education system. The number of children enrolled at State educational establishments rose by 19.72 per cent to reach a total of 85.98 per cent of pupils enrolled at such institutions, while the number of children enrolled at private educational establishments fell by 18.89 per cent.

330. With regard to upper-secondary education, which corresponds to the population group aged between 15 and 16 years, the gross coverage rate at this level increased from 57.43 per cent in 2002 to 75.76 per cent in 2009, meaning a 29.7 per cent decline in the number of children outside the education system. The number of children enrolled at State educational establishments at this level rose from 70.6 per cent in 2002 to 81.06 per cent in 2009. State education provision at this level had previously been more limited and its expansion has led to student transfers from the private sector to the State sector.

331. Notable among the achievements of the education policy pursued by the national Government has been the sustained promotion of primary and secondary enrolment of boys and girls. In 2010,<sup>153</sup> the Ministry of Education reported a total of 10,978,743 pupils enrolled in primary and secondary education, of whom 50 per cent were girls, and this figure has been maintained during the past six years.

332. A significant expansion can be seen during the period from 2002 to 2010 in technical and technological training as a share of total enrolment. Not only have new places been created but there is also greater regional coverage, with provision more in line with local needs. The number of new places on technical and technological courses rose by 359,039, equivalent to 95.8 per cent over eight years and an annual rate of 14.5 per cent. With respect to higher-education establishments only, places for technical and technological studies offered by them increased at an annual rate of 4.6 per cent.

333. As regards enrolment by level of training, the largest increase occurred at the technical and technological levels. While enrolment in technical and technological studies

<sup>152</sup> Article 183. Study fees at State educational establishments: The national Government shall regulate the charges which may be levied by way of fees at State educational establishments. For such purposes it shall define scales that take into account pupils' socioeconomic status, variations in the cost of living, family composition and supplementary services provided by the educational establishment. The departmental and district education secretariats, or organizations serving in their stead, and the education secretariats of municipalities which are responsible for providing State education services shall oversee and monitor compliance with these regulations.

<sup>153</sup> It should be borne in mind that, for 2010, the information reflects final State enrolment data gathered prior to audit deductions and private enrolment data gathered with the cut-off date of 30 November 2010 before allowing for omissions.

rose at an annual rate of 14.5 per cent, the rate of increase in university enrolment was 4.2 per cent. The vocational technical and technological enrolment share rose from 19.5 to 34.2 per cent.<sup>154</sup>

334. The National Learning Service (SENA) promotes employment training on a gender equity basis. Women accounted for 54 per cent of all programme beneficiaries during the period from 2006 to 2010, the results being as follows:

(a) With regard to the programme for students with traineeship contracts, women made up 53 per cent of a total of 154,744 participants during 2010, which was the year with the highest number of beneficiaries since 2004;

(b) Of a total of 8,219,383 recipients of training under the comprehensive vocational education programme in 2010, 51 per cent were women, thus maintaining the trend of previous years;

(c) The number of enrollees in the rural youth programme totalled 1,054,546, of whom 52 per cent were women;

(d) With respect to the online programme, 3,909,437 persons enrolled for online training courses in 2010, 14 per cent more than in the previous year, with women accounting for 48 per cent.

335. As regards higher education, 514,568 females and 485,580 males enrolled in 2002 and 863,473 and 810,947 respectively in 2010, which represents an increase of 67.8 per cent (67 per cent for males and 67.8 per cent for females), the gender gap having thus moved from 28,988 to 52,526 in favour of women.

336. The courses with the highest enrolment of women students are public accounting, business administration, law, psychology and industrial engineering. These five subjects accounted for 30.2 per cent of total female enrolment in 2010.

337. A comparison between 2002 and 2009 shows a predominance of female higher-education enrolment in economics, administration, accountancy and related areas of study, followed by social and human sciences and, to a lesser extent, engineering, architecture, town planning and related fields. The areas in which the largest rise in female enrolment occurred between 2002 and 2009 were fine art (70.7 per cent), agricultural sciences, veterinary medicine and related subjects (58.7 per cent) and economics, administration, accountancy and related fields (56.7 per cent).

338. As regards higher-education enrolment by sector, a greater expansion can be seen in the State sector, where enrolment rose by 31 per cent between 2002 and 2010, while the increase in enrolment in the private sector for the same period was 27.4 per cent. The female enrolment share for 2010 was 53.7 per cent in the State sector, compared with 46.3 per cent in the private sector.

339. Graduation data relating to the period from 2002 to 2009 show a higher proportion of degrees taken by women, who accounted for 55 per cent of all higher-education graduates, compared with 45 per cent in the case of men. Also, more degrees were awarded to women in the same subject areas as those recorded for higher-education enrolment. The fields of study with the highest shares were education sciences, health sciences, and economics, administration and accountancy, in which female graduates represented 67 per cent, 72 per cent and 61 per cent respectively.

<sup>154</sup> The indicator of technical and technological enrolment is calculated on total undergraduate enrolment.



340. The postgraduate programmes with higher female enrolment rates in 2010 are specialized teacher-training courses in ecological recreation, master's degree courses in education, specialized courses in administrative law and specialized teacher-training courses in art education and leisure for development. These five programmes accounted for 18.2 per cent of total female enrolment in 2010.

341. With regard to illiteracy, the rate for 2002 was 7.6 per cent of the total population aged over 15 years, falling to 6.7 per cent by 2009. Illiteracy levels are highest among the rural population and older persons. For 2008, the rate was 4.2 per cent in chief towns and cities and 15.0 per cent in rural areas. The figures also show that, while the illiteracy rate for young persons between the ages of 15 and 24 years was 2.01 per cent (and 1.1 per cent in chief towns and cities), 14 per cent of the population aged 35 years or over and 18 per cent of the population aged 45 years or over were illiterate, the problem being greater in rural areas, where the rate for the over-45 age group is 28 per cent.

342. At the beginning of this decade, the gender gap was minimal, with a female advantage (7.44 per cent for males and 7.42 per cent for females). By the end of the decade, 6.76 of every 100 Colombians were illiterate. The rate of advancement has been more accelerated among females and their advantage over males has increased (6.68 per cent for males and 6.56 per cent for females).

343. The official dropout rate underwent a 2.85 per cent decline between 2002 and 2008, having fallen from 8.0 per cent in 2002 to 5.15 per cent in 2008, suggesting that the 5 per cent target set for 2010 would be fully met.

344. Dropout levels in higher education are very high. It is calculated that, in 2004, 48.4 of every 100 young persons entering educational institutions at this level failed to complete their studies. This rate applies to the situation as a whole, which varies considerably between institutions, regions and study programmes. It is known that the dropout rate at State institutions (43 per cent) was slightly lower than at private institutions (47.2 per cent) in 2010. Dropout levels are higher for vocational technical courses (59.6 per cent) and technology courses (55.4 per cent) than for university courses (45.4 per cent).

## 5. Recent or ongoing measures

345. Faced with the economic challenges which hamper the full realization of women's right to education, the State is endeavouring to promote free education programmes for young persons and adults that will enable single mothers to access the education system without being concerned about having to meet the costs of their own education, to the detriment of their children. The Government of Colombia is also encouraging the education secretariats and educational institutions to allocate resources received by them under the general system of contributions in order to improve educational provision for females and the public in general.

346. To address the cultural challenges, the Government is attempting through the educational process to reduce the levels of risk of discrimination, physical, sexual, psychological and verbal abuse, economic dependence, exclusion and poverty. It is also seeking to foster gender equality with a view to enabling women to attend educational courses, in particular in the country's rural areas, and also to make husbands, parents and children aware of the importance and need for women to have access to the educational services, especially when courses are for the most part also available in the evenings. It is thus necessary to develop population identification and classification under education information systems and to continue the implementation of the educational inclusion, access and retention programme for vulnerable children and young persons.

347. In meeting the challenges existing in the welfare sphere, the State is aiming to promote proposals to ensure social security provision for women and their children so that

they can devote the necessary time to study. To that end, it is seeking to create communication systems and routes that will facilitate access to educational establishments and ensure conditions of safety, enabling women to travel to places of study without difficulty. This objective has given rise to the anti-cyclical investment plan 2009–2011, the purpose of which is to build infrastructure within approximately three years, with an outlay of one billion pesos (522 million dollars). It is estimated that over 10,000 classrooms will be constructed or improved, thus creating some 891,410 additional places.

348. Between 2005 and 2007 the Ministry of Education conducted research under the Sexuality and Citizenship Education Programme. The results of this research and other studies carried out by UNFPA have shown that male sexist attitudes are still in evidence in the different regions of Colombia. Such behaviour stems from cultural and family beliefs that are transmitted in the social, home and school environments.

349. This can be seen in the area of decision-making, where men can discuss, make choices and accept the consequences of decisions taken, whereas decision-making for women is a family-based matter. Families thus see women as ill-prepared for taking decisions, as weaker and in need of greater protection and supervision and therefore unable to make sound decisions.

350. One conclusion of these studies is that gender inequality and denial of pluralism are reinforced in the home, since it is there that women adopt traits of submissive femininity and revere subservience and the abnegation of their own experiences, regarding such attitudes as qualities which make for a good woman. In the face of these identified situations, the Ministry of Education has strengthened the right to education in conditions of equality and equity. However, given the cultural nature of this issue, the process of change is slow.

## **B. Articles 11 and 13**

351. This section is concerned with the specific recommendation made by the Committee (CEDAW/C/COL/CO/6, para. 29) and General Recommendations Nos. 12, 13, 16, 17 and 19 of the Committee.

### **1. Administrative measures**

352. The Government's labour relations and employment market policies have been aimed at raising the numbers of Colombians engaged in productive occupations, receiving stable incomes and participating (preferably on a contributory basis) in the social welfare system. This has been possible owing to increased economic activity. The effects of the strategy to ensure that the growth of the economy has an impact on general levels of employment and occupation can be seen in lower unemployment rates and a rise in formal employment, which in turn means an increase in the proportion of the population contributing to the systems of social protection. The first step was to amend the legislative framework in order to develop labour market flexibility through the promulgation of Act No. 789 (2002).

353. Studies<sup>155</sup> carried out to assess the effects of this labour reform show an increase in Colombians' likelihood of obtaining employment. According to the Reform Monitoring

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<sup>155</sup> “*Impacto de la reforma laboral sobre la generación y calidad del empleo*”, Hugo López, Remberto Rhenals and Elkin Castaño, *Cuadernos de Protección Social*, issue No. 1, November 2005, Ministry of Social Protection; “*The Political Economy of Labour Reform in Colombia*”, Juan Carlos Echeverry and Mauricio Santamaría, Economic Development Studies Centre (CEDE) Document 2004-22, April

Commission (2005), 35 per cent of the 960,000 jobs created during the two-year period following the reform (2006 and 2007) could be attributed to its effects. The Government has pursued strategies to improve procedures for the identification of social security contributors and beneficiaries and to strengthen inspection procedures, which, together with rising employment, have led to a rapid increase in the number of workers enrolled in the contributory health scheme, the general pensions system, the system of occupational risks insurance and the family allowance funds. It has also made major efforts to create new marketing channels and encourage entrepreneurship in production-oriented activities with a view to increasing the levels of competitiveness and productivity of the Colombian economy.<sup>156</sup>

354. To stimulate the labour market, the Government has been working on three fronts: labour supply development; job placement and unemployment protection; and labour relations.

### **Promoting decent employment**

355. The 2006–2010 National Development Plan established that action should be taken to generate decent employment through measures to promote and publicize fundamental rights and principles and to prevent and reduce industrial disputes. It also stated that the Government would encourage efforts with employers and workers to promote decent employment, with technical advice from bodies such as the International Labour Organization (ILO). As a social State governed by the rule of law, Colombia is committed to promoting employment rights, fostering opportunities for decent work, improving welfare provision and social dialogue pursuant to ratified ILO conventions. In June 2006 the investment budgets for the fiscal years 2007 to 2010 were approved, with amounts allocated for funding the programme of technical assistance to promote decent and dignified employment.

356. Employment legislation has been updated in order to harmonize the needs of the global economy and the protection of workers in Colombia (Act No. 789 (2002), Act No. 1210 (2008), Act No. 1233 (2008) and Decree No. 535 (2009), details of which appear in the section on legislative measures).

357. A strategy entitled “Towards a national policy on decent work within a framework of fundamental rights” has been formulated with four central objectives: rights at work, employment rights, welfare provision and social dialogue. A document setting out a strategy to promote decent and dignified employment from a corporate social responsibility perspective for vulnerable population groups in Colombia has been drawn up and disseminated among national tripartite and State bodies with a view to furthering joint efforts with employers and raising awareness of the fact that decent employment calls for guaranteed minimum rights and measures to balance work and family life.

358. This strategy, which focuses on the context of work-family relationships, is aimed at alleviating the family burden placed on women, publicizing workers’ fundamental rights and making employers aware of the concept of responsibility within the employment sphere and socially responsible investment alternatives, through the following actions:

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2004, Los Andes University; and “*Éxitos y fracasos de la reforma laboral en Colombia*”, Jairo Núñez, CEDE Document 2005-45, Los Andes University.

<sup>156</sup> In the section on article 12, which relates to health and social welfare, details are also given of progress in raising the membership of the social security, pensions and occupational risk insurance systems and family allowance funds.

(a) The provision of technical assistance in connection with production-oriented entrepreneurship schemes for vulnerable female workers;<sup>157</sup>

(b) The conclusion of an agreement with the International Organization for Migration on the implementation, following a gender-based approach, of an enterprise development and management project for women heads of household, involving single-person, family and community businesses or production units;

(c) The signing of a tripartite agreement with ILO within the framework of the Decent Work Project, under which income-generation programmes were undertaken at the national level for the benefit of vulnerable female heads of family. This project supported 2,500 women from different municipalities, providing technical assistance in connection with production initiatives implemented in each region.

359. With regard to the work undertaken since the adoption of the Tripartite Agreement on Freedom of Association and Democracy and the national Decent Work Programme, concluded in Geneva in 2006, and the ongoing interaction between workers, employers and the Government, the country celebrated in June 2010 the fact that, after 21 years, Colombia, owing to its compliance with international labour conventions, was not included on the list of 25 countries which are rigorously scrutinized by the Committee of Experts and the Committee on Freedom of Association. This demonstrated that inconsistencies with ILO regulations were being rectified, as has been reaffirmed by the enactment of rules on the transfer of adjudication of collective layoffs to the judiciary and the promulgation of the Oral Labour Proceedings Act.

360. These advances are the outcome of the efforts of the national Government, represented by the Ministry of Social Protection, the Ministry of the Interior and Justice and the Ministry of Foreign Affairs, with the participation of workers' organizations and employers' associations, which have worked assiduously to protect trade-union leaders and striven unceasingly to combat impunity.

#### **Social dialogue and consultation forums**

361. During the past eight years, the national Government has promoted labour negotiations and consultations through the Standing Committee on Labour and Wage Policy Consultation. Also, the Ministry of Social Protection has, through ILO, pursued training strategies and methodologies to encourage social dialogue in Colombia.

362. Through the Ministry of Social Protection and in conjunction with Colombian workers' and employers' confederations, the national Government has directed various discussion forums, some of which, given the importance of social dialogue, consultation and the publicizing and promotion of human rights and fundamental rights at work, are particularly noteworthy. Details of them are contained in annex 1 on these articles (articles 11 and 13).

#### **Job placement and unemployment protection**

363. The national Government has strengthened the SENA public employment service (SPE)<sup>158</sup> as a work placement mechanism in Colombia, improving job search guidance and

<sup>157</sup> Training, transfer of methodology, formulation and development of production-based projects, promotion strategies, strengthening of community associations, business plan advice, provision of raw materials and supplies and promotion of enterprise organizational mechanisms.

<sup>158</sup> The public employment service offers facilities such as vocational guidance workshops for job-seekers, registration of job-seekers' curricula vitae (supply), containing basic personal particulars and details of education and employment; logging and inputting of information on attributes of personnel

support facilities and increasing recruitment through the use of tools which have facilitated contact between employers and job-seekers. Linking labour supply with demand makes it possible to reduce market inefficiencies and thereby increase employment opportunities for Colombians.

364. The national Government has also promoted unemployment protection through the Fund for Promotion of Employment and Protection of Unemployed Persons (FONEDE), set up under Act No. 789 (2002). Three schemes are operated by the Fund: provision of microcredit, employment training and unemployment benefits.

365. The principal objectives of the Fund's programme are:

(a) To protect laid-off workers' financial assets during the period covered by the programme through benefit payments equivalent to one and a half times the current statutory monthly wage, which are granted for a maximum of six months;

(b) To guarantee occupational skills upgrading for laid-off workers through intensive training courses;

(c) To assist the country's most vulnerable population segments, especially unemployed heads of family.

### **Improving and strengthening the labour inspection, monitoring and oversight system**

366. The Ministry of Social Protection has devised a strategy for the implementation of a prevention scheme under the labour inspection, monitoring and oversight system, involving instructional and corrective measures aimed at creating a compliance culture in regard to observance of employment and social security legislation in order to contribute to the expansion of coverage and the financial sustainability of the social welfare system.

367. The General Directorate for Labour Inspection, Monitoring and Oversight currently has 28 local directorates in the departmental capitals, two specialized offices, 117 labour inspection units and 424 labour inspectors.

368. It has set and met targets for rationalizing jurisdictional divisions and adapting them to the social and economic needs of the country. This was brought about through the adoption of Resolution No. 4283 (2003), which established the administrative areas of jurisdiction of the labour inspectorates of the Ministry of Social Protection. The objective of unifying social security and procedural labour standards in the local directorates was achieved through the issuance of internal regulations on, inter alia, collective lay-offs, responsibilities of administrative officials, administrative investigations, arbitration tribunal proceedings and enterprise closures.

369. It has been possible to reduce levels of evasion, avoidance and arrears of payment of social security contributions for pensions and occupational risks insurance and to strengthen the inspection, monitoring and oversight of the disability assessment boards through the production of an instruction handbook and a specimen inspection report to serve as tools for the Ministry's labour inspectors when making visits to disability assessment boards.

370. The implementation of article 67 of the democratic manifesto has been facilitated by the promulgation of Decree No. 657 (2006), which established regulations relating to trade-union contracts referred to in articles 482 to 484 of the Substantive Code of Labour Law.

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sought by employers, including work profiles of available posts (demand); and collation of supply and demand data, with a view to reducing unemployment in the region and improving the capacity for analysing labour market behaviour.

371. Annex 4 on these articles includes statistical data showing the impact on the population in general, and women in particular, of public policies relating to employment.

#### **Protecting women during pregnancy and lactation**

372. In addition to the provisions of articles 43 and 53 of the Constitution, an entire chapter (chapter V) on maternal and child welfare is contained in the Colombian Code of Substantive Labour Law.

373. This lays down that the State is required to provide special protection for female workers during pregnancy and lactation. Article 236 refers to paid maternity leave and, in its additional clause, to the entitlement of the husband or cohabiting partner to eight working days' paid paternity leave; article 237 recognizes paid leave in cases of abortion; article 238 provides for paid leave during lactation; and article 239 prohibits the dismissal of workers on grounds of pregnancy or breastfeeding.

374. Decree No. 0047 (2000), laying down rules on social security enrolment and incorporating other provisions, specifies the pay to which female workers are entitled during pregnancy, and Act No. 931 (2004) contains rules concerning the right to employment on an equal basis with respect to age in order to ensure conditions of equity for all citizens.

375. With regard to maternal welfare, article 41, paragraph 11, of Act No. 1098 (2006) lays down, as part of the State's obligations, the requirement to "guarantee and safeguard the coverage and quality of care afforded to women during pregnancy and confinement (...)". Paragraph 15 of this article stipulates that, for purposes of restitution of infringed rights, pregnant adolescents and women over the age of 18 years who are the victims of any act violating their right to protection or personal integrity or are the victims of any crime have to be included in a specialized care programme to ensure that their rights are restored.

376. A law which has been debated and approved in Congress and is shortly to be adopted will extend by two weeks the period of maternity leave to which pregnant women are entitled in order to enable them to spend the maximum possible time with their newborn child and prevent situations where they do not make use of the leave time prior to confinement through fear of leaving the infant when very small, with the harm which may thereby be caused to their own health and that of their unborn child.

#### **Community Welfare Support Programme**

377. This programme, which came into being in late 1986, is aimed at contributing to the process of socialization and improving nutritional and living standards for under-seven-year-old children of workers of limited means, through activities carried out by "community mothers".<sup>159</sup> Under Ruling No. 038 of 1996, the Colombian Family Welfare Institute established technical and administrative procedures and guidelines for the organization and operation of employer-based multiple community welfare support facilities (*hogares comunitarios de bienestar múltiples empresariales*). The services offered through these facilities are the outcome of collaboration between the Colombian Family Welfare Institute and employers, who have in this way shown their willingness to provide

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<sup>159</sup> "Community mothers" are women who are from the same community as the children and who, after undergoing instruction and training, provide care services five days a week in their own homes for up to fifteen children under the age of seven years. The body entrusted with responsibility for the programme is the Colombian Family Welfare Institute, whose source of funding is 3 per cent of the resources generated from the monthly payroll of public and private enterprises. The programme has been expanded since its introduction, with nationwide coverage being achieved in 1996.

child-care support for their workers as part of a personnel welfare policy. Under Ruling No. 039 of 1996, the Colombian Family Welfare Institute established technical and administrative procedures and guidelines for the organization and operation of community welfare support facilities for women, children and families (*hogares comunitarios de bienestar FAMI*), through which assistance is provided to “developing families”<sup>160</sup> for children from their conception to the age of two years, with the aims of enhancing the socializing function of the family, encouraging the all-round development of its members and strengthening parents’ responsibility for the upbringing and care of their children.

378. The national Government has conducted two assessments of the impact of the Community Welfare Support Programme and endorsed the recommendations resulting from these assessments with a view to its improvement.

#### **National strategy on preventing and eradicating the worst forms of child labour and protecting young workers, 2008–2015**

379. In tackling the problems addressed in the 2002–2006 and 2006–2010 national development plans and the document *Visión Colombia II Centenario: 2019*, the Government of Colombia is pursuing policy measures to eliminate child labour through the national strategy on preventing and eradicating the worst forms of child labour and protecting young workers, which is the outcome of joint efforts by institutions and stakeholders from different regions of the country forming the Inter-institutional Committee on the Eradication of Child Labour and Protection of Young Workers and its regional committees, with the participation of employers’ and workers’ organizations and State institutions and with ongoing support from ILO.

380. The specific objectives of the strategy are to ensure that young persons who are at risk or are engaged in the worst forms of child labour attend school and receive the full range of additional social services available locally and nationally; to provide their families on a priority basis with necessary local and national welfare services to enable them to function and be productive; and to coordinate and supplement the work of governmental and non-governmental bodies involved in the task.

381. The measures adopted by the Government are being pursued within an institutional legal framework that makes it possible to deal with the problem of child labour, which is related directly to the conditions of poverty in which many families find themselves. To that end and in order to update the Children’s Code, which had been in force since 1989, the Children’s and Young Persons Act (Act No. 1098) was adopted, on 8 November 2006. Its article 35 stipulates that the minimum age for admission to employment is 15 years and that juveniles aged between 15 and 17 years must obtain authorization from the Ministry of Social Protection or local authority and shall enjoy the full exercise of their rights and employment protection as established in Colombian labour law.

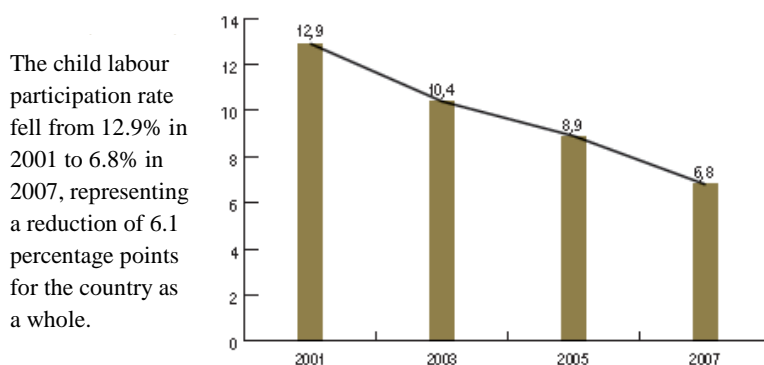
382. Resolution No. 01677 (2008), adopted by the Ministry of Social Protection, lists the activities deemed to constitute the worst forms of child labour and classifies activities that are hazardous and working conditions that are harmful to the physical or psychological health or well-being of persons below the age of 18 years. According to the latest available data, the child labour rate decreased by 6.1 percentage points, having fallen from 12.9 per cent in 2001 to 6.8 per cent in 2007.

<sup>160</sup> “Developing family” is understood to refer to a family unit experiencing, participating in and supporting the process of harmonious development of its members from the time of their conception. It encompasses families with pregnant women, families with nursing mothers and families with children below the age of two years.

383. The strategy has been disseminated and implemented in all departments with the support of the technical secretariat of the Committee on the Eradication of Child Labour. Also, tracking of the indicators of child labour is being undertaken, with the inclusion of modules in the ongoing household survey (ECH) for the fourth quarters of 2003 and 2005 and the child labour module in the major integrated household survey for the fourth quarter of 2007.<sup>161</sup>

### Child labour participation rate

(Annual average)



Source: National Administrative Department of Statistics.

384. The national Government has been updating, collating, analysing and interpreting the results since 2003. In 2008, an in-depth analytical and comparative study on child labour was conducted for 2001, 2003, 2005 and 2007, which showed that positive changes have been brought about, the labour participation rate for children and young persons having declined from 12.9 per cent in 2001 to 10.8 per cent in 2003, to 8.9 per cent in 2005 and to 6.8 per cent in 2007.

385. This study draws conclusions from variations in risk factors which affect the rise or fall in child labour and identifies an inverse trend between child labour and school attendance, since job insecurity reduces student performance and increases non-attendance and these aspects affect the rise in school dropout. When children and young persons have to adjust to work which takes up a considerable part of their time, education assumes a secondary place in the face of the need to support the family income.

386. With regard to preventing and eliminating child labour, the measures taken by the Government have formed part of the process of implementation of the national strategy on preventing and eradicating the worst forms of child labour and protecting young workers, 2008–2015. A baseline has been established for identifying child workers and extended to the country's departmental and municipal committees. Coordination has been developed between the *Juntos* Network and public and private institutions which operate child labour intervention projects. Ongoing monitoring of the strategy has been carried out through child labour vulnerability mapping and the consolidated records system on the worst forms of child labour has been strengthened.

<sup>161</sup> Under agreements concluded between the National Administrative Department of Statistics, the Ministry of Social Protection and the Colombian Family Welfare Institute.



### **Employment training for displaced persons**

387. During the period from 2006 to 2010, employment training programmes were undertaken for a total of 1,780,383 displaced persons, 65 per cent of whom were women. Data for 2010 reveal an increase in training of 22 per cent compared with the previous year.

388. The breakdown of the data by age shows that most female recipients of employment training are in the age range from 31 to 40 years (96,458), closely followed by the age groups from 41 to 55 years (82,966) and from 18 to 24 years (76,116), and within these age ranges the number of women was for the most part higher than that of men.

### **Employment equality agenda**

389. This agreement was concluded in March 2009 by 17 national trade unions and 17 private enterprises.<sup>162</sup> Through the signing of the agreement, a commitment to women's employment equality was entered into by 39 trade unions at the national and local levels. That commitment incorporates twelve strategies for, inter alia, overcoming discrimination against women in labour recruitment, achieving their organizational development, attaining wage equality, reconciling work and family life and addressing the subject of shared responsibility for household tasks.

390. For the pursuit of these strategies, an inter-union gender panel was set up as a key forum for sharing labour unions' experiences and expertise and combining efforts to implement the measures agreed upon under the agenda. The agenda constitutes an express commitment on the part of the trade-union sector to gender equality in enterprises with a view to the enhancement of the role of women and the implementation of specific measures to ensure their effective participation in the employment sector.

391. In the implementation of the employment equality agenda, the gender equity model which has been promoted by the World Bank in other countries<sup>163</sup> was adapted, in conjunction with the Bank, in 2010, to Colombian business, law and practice. This model is aimed at private enterprises with a view to reinforcing their corporate social responsibility practices through the strengthening of gender equity in employment. The model also provides a means of publicly recognizing those enterprises which show themselves to be outstanding in this respect. The following areas of intervention are proposed under the model: equity of opportunity in access to employment; human capital development with equity; work-life balance; healthy working environment and external enterprise relations.

### **ACPEM action area of enterprise development and employment**

392. One of the ACPEM action areas under the affirmative policy "Women as builders of peace and development", referred to above, is enterprise development and employment, through which strategies have been promoted with a view to increasing the recognition and realization of women's rights through a series of programmes and projects aimed at the attainment of economic independence and equality in the sphere of work and targeting two groups of women: (a) those entering the labour market by taking jobs in the private sector or in public sector institutions and (b) those who decide on self-employment by pursuing business ventures or entrepreneurial initiatives.<sup>164</sup> The steps taken in this action area have made it possible to carry out the activities described below.

<sup>162</sup> Twenty-two trade unions belonging to the Valle del Cauca Inter-Union Committee of Workers became parties to the agenda in June 2010 on the occasion of the Women's Entrepreneurship Summit.

<sup>163</sup> Argentina, Chile, Dominican Republic, Egypt, Mexico and Turkey, among others.

<sup>164</sup> The enterprise development and employment programmes executed were aimed at providing training, promoting access to loans, encouraging social networks and creating marketing channels and

<i>Programme</i>	<i>Results</i>
Gender-differentiated access to microcredit and financial services	
Female-Headed Microenterprise Family Programme (PMCFM)	
The ACPEM has promoted women's economic development, the strengthening of their production activities or businesses and the creation of a save-and-pay culture through the granting of microcredit facilities, entrepreneurship and banking training, asset management and investment support.	During the three phases of the Female-Headed Microenterprise Family Programme, loans totalling 40,600 million pesos (21.21 million dollars) were disbursed for agricultural and non-agricultural projects.
Programme of Seminars on Banking Opportunities for Women	
In August 2006, the ACPEM took steps to design a strategy to promote women's access to banking services, in conjunction with the national Government's banking opportunities policy.	Between October 2007 and June 2010, 114 such seminars were held for women only, with the participation of over 50,000 women, and loans were extended to some 4 per cent of the participants. At these seminars, women received training on how to access microcredit and other financial services, and the holding of a loan fair enabled them to obtain, on a single site, full details of the services offered by each body and non-governmental organization attending the seminars.
Social Protection Network for Eradicating Extreme Poverty (the <i>Juntos</i> Network) <sup>165</sup>	
The ACPEM has pursued a strategy to coordinate the Programme of Seminars on Banking Opportunities and the Female-Headed Microenterprise Family Programme with the services provided to beneficiary families.	During the period from January 2007 to February 2010, loans were extended to 11,089 women belonging to the <i>Juntos</i> Network, including 1,981 displaced women and 9,108 women in SISBEN-classified households. <sup>166</sup>
Training and technical assistance programmes on business management, production improvements, innovation, technology development and promotion of the community-based and cooperative enterprise sector in traditionally male areas of employment	
Promoted by the ACPEM in different forums such as the Programme of Seminars on Banking Opportunities and the National Women's Entrepreneurship Development Programme under agreements concluded with public and private bodies (the National Learning Service and the Ministry of Information Technology and Communications)	

contributed to income generation, women's economic independence, autonomy in decision-making on matters affecting them and reducing women's vulnerability to violence.

<sup>165</sup> This strategy involves and coordinates different State bodies and civil society representatives with the aim of improving the living conditions of families in extreme poverty and displaced families by promoting the effective inclusion of these households in the State welfare system and overcoming their situation by integrating service provision and joint action between families and the Government.

<sup>166</sup> Data obtained by collation of information in administrative records of the Female-Headed Microenterprise Family Programme, entries in the Consolidated Register of Enrolees (RUF) and database information supplied by the Presidential Agency for Social Action and International Cooperation on persons in SISBEN level-1 households and displaced persons.

Programme	Results
National women's entrepreneurship development programme (referred to above in the section on article 4)	It has enabled 14,000 female micro-entrepreneurs to strengthen their businesses through 143 entrepreneurship seminars, 143 selection sessions, 7 national trade fairs, 3 regional trade fairs, 10 enterprise forums, 7 business workshops and 50 seminars on forming and strengthening networks of women entrepreneurs. Through Colempresarias, <sup>167</sup> 1,500 women entrepreneurs have joined networks operating in the food, handicrafts, artisanal products, textiles, garments, leather goods and service sectors. There has been a total participation of 90,000 visitors. Technology and communications training has been provided for 1,200 women head-of-household micro-entrepreneurs and urban and rural community leaders from coffee-growing areas in six departments with the aim of strengthening their entrepreneurial and communication capacities.

393. The results of these activities to foster women's economic development, which have been pursued during the past seven years, were in evidence at the Women Entrepreneurs' Summit (June 2010), which included twelve events concerned with women's economic and entrepreneurial development and the prevention of violence against women.<sup>168</sup>

## 2. Legislative measures

393. The Colombian Constitution incorporates stipulations on special and enhanced protection for women in its articles 13, 43 and 53, referred to above. The Colombian Code of Substantive Labour Law sets out provisions concerning the elimination of employment discrimination against women and equality of opportunities. Annex 2 on these articles contains details of the related measures and includes a list of other laws adopted during the reporting period.

<sup>167</sup> The National Association of Women Entrepreneurs of Colombia.

<sup>168</sup> This Summit brought together women leaders, entrepreneurs and educators from all regions of the country and international guests. The following events were held as part of the Summit: the Colempresarias National Convention (referred to above); the Inter-American Forum "Women and power: for a world of equality"; the Seventh Expoempresaria National Businesswomen's Trade Fair, in which 345 female exhibitors from 24 departments took part; a seminar on banking opportunities for women; an international microfinance panel session; a workshop on credit facilities and social services offered by the national Government; a business workshop; the Érika-Expoempresaria fashion show, the signing of the employment equality agenda by the Valle Inter-Union Committee of Workers; a meeting of women entrepreneurs in education; a national meeting of departmental panels on eradication of violence against women; a gathering to pay tribute to outstanding women of the twentieth century and the gastronomy forum and exhibition *Saboreando Nuestra Historia*.

394. Particular mention should be made of Act No. 789 (2002), which was promoted with the objective of improving employability conditions, easing the rigidity of existing labour legislation, extending normal working hours, marginally reducing labour costs on Sundays and public holidays, encouraging the possibility of a flexible working day and amending the schedule of compensatory payments. Also, progress has been made in regard to protecting the right to organize, safeguarding fundamental rights and restricting the abuse of worker cooperatives.

395. Legislation has accordingly been promulgated to promote fundamental rights at work in Colombia, in particular Act No. 1210 (2008), which is concerned with rulings on the lawfulness of strikes and the convening of arbitration tribunals for parties in dispute. Act No. 1233 (2008) lays down rules governing worker cooperatives and Decree No. 535 (2009) regulates the holding of consultations between public employee trade-union organizations and public sector bodies.

396. Act No. 1257 (2008), referred to above, establishes awareness and prevention measures which have to be adopted in the labour sphere by government bodies with a view to combating gender-based violence. With regard to employment-related measures (article 12), it stipulates that the Ministry of Social Protection shall have the following functions in addition to those specified in other laws: (a) promoting the social and economic recognition of female labour and implementing mechanisms for realizing the right to equal pay; (b) conducting campaigns for the elimination of all acts of discrimination and violence against women in the workplace and (c) promoting female employment in areas of activity not traditionally associated with women.

397. It is also laid down that occupational risks insurance administrators and employers and/or hirers shall each adopt appropriate and effective procedures to ensure the realization of women's right to equal pay.

398. Article 29 of the Act gives a definition of the criminal offence of sexual harassment, where one stated form of such unlawful conduct is an individual's abuse of an employment position for that individual's own or another's benefit in order to harass, persecute or intimidate another person physically or verbally for non-consensual sexual purposes.<sup>169</sup>

### 3. Judicial measures

399. Annex 3 on articles 11 and 13 includes a list of the main decisions pronounced in petition procedures by the Constitutional Court in women's favour relating to the articles on employment and other areas of economic and social life.

### 4. Current situation and statistics

400. Annex 4 on this section includes more detailed statistical information on the present situation, which shows the position with regard to ensuring the rights set forth in articles 11 and 13 of the Convention. The main findings are summarized below.

401. As regards participation in the labour market, i.e. the overall labour force participation rate,<sup>170</sup> an increase is reported for both males and females during the period

<sup>169</sup> "Article 210 A. Sexual harassment: Anyone who, for his or her own or another's benefit, by taking advantage of his or her manifest superiority or relationship of authority or power, age, sex or social, employment, family or economic position, harasses, persecutes or intimidates another person physically or verbally for non-consensual sexual purposes shall be liable to a term of imprisonment from one (1) to three (3) years."

<sup>170</sup> The overall participation rate is the percentage ratio between the economically active population and the working-age population.

between 2006 and 2010 from 59.1 to 62.7 per cent. The breakdown by sex shows that the male rate was 72 per cent in 2006 and 74.2 per cent in 2010, representing a rise of 2.2 percentage points, and that the female rate increased by 4.9 percentage points (from 50.5 per cent in 2006 to 56.1 per cent in 2010).

402. With respect to urban and rural areas, the urban labour force participation rate for the period from 2006 to 2010 underwent an increase of 4.5 percentage points, having risen from 60.1 to 64.5 per cent. This information, when broken down by sex, shows that the female rate rose from 50.5 to 56.1 per cent, which constitutes an increase of 5.6 percentage points, while the male rate increased from 70.6 to 73.8 per cent, representing a rise of 3.2 percentage points.

403. In rural areas, the rate rose by 3.4 percentage points during the period from 2006 to 2010, having increased from 54.6 per cent (2006) to 58 per cent (2010). In the case of women, the increase was 5.1 percentage points, from 32.4 to 37.5 per cent, and, in the case of men, the rate rose from 74 to 76 per cent, i.e. an increase of 2 percentage points.

404. While the female rate rose 5 percentage points between 2006 and 2010, the male rate exceeded the female rate. In the period from 2006 to 2010, a considerable male/female difference — of 24 percentage points on average — was maintained, an indication of the continuing barriers to women's access to paid employment. Women's "social reproduction" work of looking after the home and family is considered to be a key determinant of this inequality.

405. It is important to point out in this connection that differences also exist within the female population by reason of socioeconomic status. For example, the labour market participation of women of lower strata is restricted owing to the strong influence of cultural patterns which cause women to stay at home, to a lack of availability since most of their time is taken up with domestic activities, to the shortage of employment opportunities and in some cases to limited education.

406. For the period from 2002 to 2010, the employment rate<sup>171</sup> in Colombia rose from 52.7 to 54.8 per cent. The increase in the case of women was 4.4 percentage points, from 39.3 per cent (2006) to 43.7 per cent (2010), and rate for men rose from 65.3 per cent (2006) to 67.5 per cent (2010), equivalent to 2.2 percentage points.

407. The employment rate in urban areas increased 4.5 percentage points, from 52.1 to 56.6 per cent. With regard to women, there was an increase of 5.5 percentage points, from 42.4 to 47.9 per cent, while the male rate rose by 3.3 percentage points, from 63 to 66.3 per cent.

408. In rural areas, there was an increase of 3.1 percentage points in the employment rate, which rose from 50.1 to 53.1 per cent. When broken down by sex, this information shows that the female rate rose by 3.5 percentage points, from 27.3 to 30.8 per cent, and that the male rate increased by 2.6 percentage points, from 70.2 to 72.6 per cent.

409. The total economically inactive population in 2001 of 11,143,000 (comprising 7,670,000 females and 3,473,000 males) rose to 13,229,000 (comprising 8,778,000 females and 4,452,000 males) in 2009. Of all women who were economically inactive in 2010, 2,664,000 were studying, 5,295,000 were performing household duties and 819,000 were engaged in other activities.<sup>172</sup>

<sup>171</sup> The percentage ratio between the employed population and the number of persons of working age.

<sup>172</sup> Persons engaged in other activities: those permanently unfit for work, persons with private incomes, pensioners or retirees and persons who are not keen to work or do not believe that it is worth working.

410. The unemployment rate in 2006 stood at 12 per cent, prompting the Government to set about the task of lowering the rate to a single digit, to which end it fixed the target of a reduction to 8.8 per cent by 2010 under the 2006–2010 National Development Plan. However, owing to the impact of the global crisis on key economic variables in the Colombian economy, the national Government's target was not achieved. In 2010, the rate was 11.8 per cent.

411. The breakdown by sex shows an unemployment rate in 2002 of 20.4 per cent for women and 12.5 per cent for men, i.e. a difference of almost 8 percentage points. For 2010, the female unemployment rate was 16 per cent and the male unemployment rate was 9.4 per cent, i.e. a difference of 6.6 percentage points. Thus, the rate had fallen in the case of both men and women and the male/female difference, although constant, had diminished slightly.

412. An analysis of urban and rural areas reveals that the unemployment rate in urban areas for the period from 2006 to 2010 fell by 1.1 percentage points, from 13.2 to 12.2 per cent. When broken down by sex, the data show that the female rate declined by 1.6 percentage points, from 16.2 to 14.6 per cent, and that the male rate decreased from 10.9 to 10.2 per cent.

413. In rural areas, the unemployment rate for the period from 2006 to 2010 followed a stable trend, having risen from 8.2 to 8.5 per cent. With regard to women, there was a slight increase, of 1.9 percentage points, from 16.0 to 17.9 per cent, and the rate in the case of men fell by 0.8 percentage points, from 5.2 to 4.4 per cent.

414. The social allocation of differentiated roles to women and men, with responsibility for domestic and family matters having been assigned primarily to the female population, and the acceptance of the role of motherhood as a woman's responsibility rather than as a necessary social function for human reproduction have, together with other factors, meant fewer opportunities for women to build social capital, which makes them more vulnerable to unemployment and creates increased barriers to their entry into the labour market.

415. With respect to the participation of men and women in the informal sector, the formal labour participation rate fell by 1.93 percentage points during the period between 2006 and 2010, from 44.45 per cent (2006) to 42.52 per cent (2010). This means that that percentage of people has moved to the informal sector. In the case of women, the rise was 1.93 percentage points, from 58.07 per cent (2006) to 60.0 per cent (2010), and, in the case of men, 3.96 percentage points, from 53.56 per cent (2006) to 55.36 per cent (2010).

416. As regards the labour market participation of professional women, reported data on contributions to the general social security system show their entry into formal employment (women with vocational technical qualifications: 65 per cent; women with technological qualifications: 72 per cent; university-educated women: 76 per cent; women with specialist degrees: 87 per cent; women with master's degrees: 86 per cent; and women with doctorates: 94 per cent). However, while there are more female than male graduates in Colombia, women continue to earn less than men, although the pay gap has declined over the years.

417. It is clear that, in many cases, increases are occurring in the earnings of women obtaining degrees, who are entering the labour market as formal workers and contributing to the general social security system, thus becoming household providers and agents of development.

## **5. Recent or ongoing measures**

418. In view of the existence of marked differences in employment access, quality and remuneration to women's disadvantage, the need to establish differentiated policies that

recognize the gender gap has been identified. One of the main challenges facing the country over the next four years with regard to improving the transition from training to the labour market lies in developing a human capital management strategy pursued in a single language based on the skills that individuals can acquire both within and outside the formal sector and common to both training and industry.

419. For the implementation of this initiative, steps have to be taken with a view, *inter alia*, to designing and establishing a national qualifications framework, developing a forward-looking human resource model and setting up an employment skills certification system. The hoped-for results of the launch of this initiative include increased objectivity of personnel selection criteria and the avoidance of possible discrimination unrelated to individuals' skill levels.

420. Particular mention should be made of the intention to standardize the different forms of regular labour and other arrangements in order to rationalize their use so that they are all governed by one labour statute and to encourage long-term employment relationships. This is especially important for women, who essentially are most affected by labour informality and by employment relationships not regulated under the Code of Substantive Labour Law.

421. Paid work is visible and is centred on generating income to meet the needs of individuals and their family unit. However, unpaid work, which is centred on care activities, although not measurable in monetary terms, does have implications within the productive environment since it contributes to the development of the family unit, the creation of adequate health conditions, the maintenance of law and order, the fulfilment of obligations and thus the continued advancement of society. When juxtaposed, these facts show the home as not just requiring services but as also providing inputs.

422. Although the quantitative imbalance has been redressed, there are still considerable disparities related to the perpetuation of gender stereotypes in school (the hidden curriculum), which have a negative effect on the all-round development of the skills, interests and abilities of girls and women.

423. The Colombian Institute for Promotion of Higher Education (ICFES) test results show that boys' schools outperform girls' schools nationwide. In higher education, there is a continuing trend of higher female enrolment and graduation rates but gender stereotyping can clearly be seen in the choice of study programmes and courses. Subjects such as fine art, education sciences and the humanities are selected mostly by female students, whereas agricultural sciences, engineering and mathematics are subjects preferred by male students.

424. In any analysis of this phenomenon it should be borne in mind that school is not an isolated institution within society. In effect, its activities are informed by environmental situations. It thus tends to inculcate in children the social values and norms prevalent in the culture of the age. This being so, even where governments endorse the ideals of gender equality in all settings, it is in the basic areas of home, school and society at large that sexist stereotypes are maintained and some forms of discrimination against women continue to be practised.

### **C. Article 12**

425. This section is concerned with the specific recommendation made to the Government of Colombia (CEDAW/C/COL/CO/6, para. 23) and General Recommendations Nos. 12, 14, 15 and 19 of the Committee.

## 1. Administrative measures

### General social security health-care system

426. With the primary objective of reducing poverty in Colombia, the Government has taken steps to ensure that all Colombians, and especially vulnerable population groups, have equality of opportunities as regards accessibility and quality of a basic range of social services. The policy on health cover is aimed at guaranteeing access to health care for the entire population regardless of ability to pay and at providing financial protection against health costs. By 2009, the number of persons enrolled in the general social security health-care system had risen to 43,159,524, the level of coverage having thus reached 96 per cent of the total population. The table below shows the membership breakdown for the contributory, subsidized, special and exemption schemes.

### Enrolment in the general social security health-care system

<i>Scheme</i>	<i>Members</i>	<i>Percentage of the population enrolled in the system</i>	<i>Percentage of the total population</i>
Contributory	17 563 485	40.7	39
Subsidized	23 373 913	54.2	52
Special	2 222 126	5.1	4.9
Persons covered	43 159 524		96
Persons not covered	1 818 234		4

*Source:* General Directorate for Planning and Policy Analysis, Information Systems Unit, and General Directorate for Health Demand Management (data as at December 2009).

### National Public Health Supervisory Authority: information on special and exemption schemes to June 2009

427. Annex 1 contains information on the means by which it has been possible to expand coverage under the general social security system.

428. With respect to comprehensive social security and pension provision, Colombia was aware, in the early years of the twenty-first century, of the disproportionate growth of the pension debt and the need to introduce changes. The special pensions schemes were accordingly discontinued, limits were placed on disproportionate pensions and the reserves were drained. Also, four of every five older persons had no possibility of a pension, a situation which prompted the development of mechanisms to assist this population group. All changes to the system honoured pensioners' acquired rights.

429. As regards coverage during the period from 2002 to 2010, the number of active members rose from 4,536,450 in 2002 to 7,029,859 in 2010, i.e. 2,493,409 new active members, equivalent to an increase of 55 per cent.

430. The general system of occupational risks insurance began in 1994 with 3,622,402 members. During the period from 1994 to 2002, the increase in coverage meant a further 542,573 enrollees. The system was not available to the self-employed. The enrolment of such workers was designated as a priority area of action under the system. Access is now granted to self-employed persons under group membership arrangements for trade associations in cases where these workers enter into civil, commercial or administrative contracts with individuals or corporate entities.

431. In the period from 2006 to 2010, the Ministry of Social Protection pursued a comprehensive policy aimed at reducing contribution evasion and avoidance and, under the



general system of occupational risks insurance, which was brought into line with that policy, three strategies were developed, these being the comprehensive social welfare data system, information campaigns and enterprise inspection visits.

432. With respect to health service provision, the Ministry of Social Protection has worked intensively during the past six years to ensure that Colombia has a sufficient number not only of providers but also of doctors and hospitals able to offer the highest standards of care to the population and has undertaken a variety of activities in support of that goal.

433. The objectives were centred on:

(a) The implementation of a mandatory quality-assurance system in the health sector in Colombia;

(b) The enhancement of the facilities offered to the Colombian population through health-care providers covering services of all types and complexities;

(c) The reorganization of local public health provision and the development of procedures for adapting and modernizing public health-care provider institutions at all levels of care;

(d) The strengthening of the health service infrastructure in Colombia;

(e) The regulation of the dispensing of treatment requiring specific oversight and of technologies used in the provision of services;

(f) The development of human resources in the health sector.

434. Indicators showing achievements in the general social security system are presented below in the subsection on the current situation and statistics.

### **Public health**

435. A basic care plan on public health protection was drawn up by the Government for the four-year period 2002–2006. This scheme was continued in the period from 2007 to 2010 under the National Public Health Plan established by Decree No. 3039 (2007). For 2011, consideration has been given to the formulation of a ten-year public health plan. The main objectives of the plan are: (a) to improve the state of health of the Colombian population; (b) to prevent disease progression and adverse disease outcomes; (c) to meet the challenges of population ageing and demographic transition; and (d) to reduce health inequities among the Colombian population. The National Public Health Plan is population-focused and centred on health determinants and social risk management. The activities described below have been also undertaken in the area of public health.

436. The national food and nutrition security policy formulated in 2008 has been adopted under CONPES social document 113. It also forms part of the commitments made at the World Food Summit: five years later (June 2002), at which the commitments that had been agreed upon at the 1996 World Food Summit in regard to achieving the Millennium Development Goals were reaffirmed.

437. Under this policy the Ministry of Social Protection increased the budget for the implementation of sectoral measures and the work of promotion and coordination with other sectors involved. Between 2003 and 2009 the central budget rose from 86 million pesos (44,933 dollars) — at constant 2010 prices — to 5,726 million pesos (2.99 million dollars) in 2009, as a result of which it was possible to supplement the resources and strategies already implemented by other bodies such as the World Food Programme, the Presidential Agency for Social Action and International Cooperation and UNICEF. Measures taken in recent years have been centred on four action areas: the food and

nutrition security policy, the Native Culinary Food Security Network (RESA-CUNA) strategy; breastfeeding and technical assistance.

438. In the first action area, a proposal for a national food and nutrition security plan was devised in consultation with the Intersectoral Food and Nutrition Security Commission (CISAN), which had been established under Decree No. 2055 (2009),<sup>173</sup> to operate the national food and nutrition security policy and to define the budget, projects and strategies for its implementation. Also, guidelines for the formulation of local authorities' food and nutrition security plans were prepared; technical assistance was provided for nineteen departments, three districts and nine municipalities,<sup>174</sup> which now have food and nutrition security plans; and a monitoring centre on food and nutrition security was set up with support from the Food and Agriculture Organization of the United Nations.

439. The second action area, which relates to the RESA-CUNA strategy, is aimed at enhancing recognition of the importance of the nutritional contribution made by each region's indigenous products and expanding the use of typical foods in healthy menus, to which end steps have been taken, inter alia, to offer training in food handling and cooking with recipes which contain typical regional foods (including the provision of a recipe book, food preparation kit and cooking kit). The strategy was implemented in the municipalities to which priority had been allocated by the Ministry of Social Protection, i.e. Tumaco, Buenaventura, Quibdó and Guapi, for the benefit of a total of 7,990 families, in 2009.

440. Local authorities have received training and the following material has been produced: technical documents on coordinating the integrated management of childhood illness (IMCI) strategy and the women- and child-friendly institutions (WCFI) strategy; regulations governing the micronutrients committee; malnutrition care pathways and inclusion of nutritional recovery in the mandatory health plan; a nutrition monitoring model and a manual on nutritional labelling for consumers and manufacturers.

441. Regarding the third action area, an evaluation was conducted in 2009 on the ten-year breastfeeding plan 1998–2008 and this served as an input for the formulation of a new ten-year breastfeeding plan for the period from 2010 to 2020, which is included in annex 2 on this article.

442. In connection with the fourth action area (technical assistance), communication and information strategies have been pursued in the past two years (2009 and 2010) via the television channel Canal Institucional and seven regional channels to promote a healthy diet, in addition to media-based initiatives on breastfeeding, supplementary feeding and the promotion of physical activity, including the production of educational videos as well as radio spots and commercial advertisements broadcast nationally and regionally.

#### **Mental health and psychoactive substance demand reduction and abuse control**

443. With an investment of 6,689 million pesos (3.5 million dollars) in 2009, it has been possible to set up 29 municipal and departmental drug prevention and control committees; to develop a strategic management system for the establishment of local intersectoral plans for reducing the abuse of psychoactive substances, a social inclusion model for users of such substances and a community-based participatory model; and to formulate a national

<sup>173</sup> The Intersectoral Food and Nutrition Security Commission is an intersectoral working and coordinating body chaired by the Minister of Agriculture for a two-year term and having a technical secretariat provided by the Ministry of Social Protection.

<sup>174</sup> Magdalena, Cesar, Córdoba, Casanare, Meta, Guainía, Vaupés, Guaviare, Amazonas, Caquetá, Putumayo, Huila, Risaralda, Quindío, Boyacá, Cauca, Chocó, La Guajira, Sucre, Bogotá, Barranquilla and Santa Marta.

training plan on community and institutional capacity development in relation to psychoactive substance use, HIV and related situations.

444. The Ministry of Social Protection has developed the psychoactive substance abuse problem screening and evaluation models, the primary health-care mental health model and the psychoactive substance abuse and mental health primary health-care network model, which are being implemented at the national and local levels under the National Mental Health Plan. They have also been incorporated in youth-friendly health services with a view to establishing early-detection, referral and counter-referral systems.

445. The Ministry has validated screening mechanisms for Colombia and three specific tools have been standardized for early detection of mental health changes — the family adaptation, partnership, growth, affection and resolve (APGAR) questionnaire, the self-reporting questionnaire (SRQ) and the reporting questionnaire for children (RQC) — and a mental health first-aid manual has been prepared for emergency and disaster situations.

446. A national mental health care pathway has been developed for patient screening, identification and referral under the mental health component of the primary health-care service and care pathways in four departments and fifteen municipalities have been adapted under an agreement between the Ministry and the International Organization for Migration.

### **Child health**

447. With the aim of reducing infant mortality, the Ministry of Social Protection has promoted and strengthened the Expanded Programme on Immunization (PAI), the IMCI strategy and measures to encourage and protect breastfeeding through the WCFI strategy, given that it is such strategies which have maximum effect, impact and cost-effectiveness in reducing infant morbidity and mortality. As a result of these efforts, together with increased health cover, a strengthened mandatory quality-assurance system and greater access to maternal- and child-care services, it has been possible to lower infant mortality rates, which suggests that the Millennium Development Goal on reducing infant mortality will be achieved in 2015.

448. The Ministry of Social Protection and the departmental and district health directorates have intensified their efforts to achieve and maintain effective vaccination coverage, ensure availability of biological products and vaccination supplies and eliminate barriers to vaccination. To that end, the timely allocation of national budget resources has been guaranteed, thereby ensuring the availability of vaccines, technical assistance and ongoing training, improved equity in vaccination, increased resource use efficiency and institutional and operational strengthening of the PAI. By 2010, there had been a 34 per cent increase in the PAI budget compared with 2001.

449. In execution of the 2002–2006 and 2006–2010 development plans and pursuant to the National Public Health Plan 2007–2010, the immunization schedule was modernized with the incorporation of new biological preparations (pentavalent, rotavirus and pneumococcal vaccines). The vaccination of high-risk children was included in the PAI for the first time in 2006 with resources from the Solidarity and Guarantee Fund (FOSYGA). The immunization of all under-one-year-olds in the ten departments with the highest respiratory disease mortality rates (Caquetá, Amazonas, Cauca, Vichada, Guainía, San Andrés y Providencia, Chocó, Putumayo, Guaviare and Vaupés) was included in 2009, benefiting some 70,000 infants. Anti-pneumococcal vaccination of high-risk groups is a highly cost-effective strategy which will prevent at least 532 deaths from invasive pneumococcal disease each year.

450. In order to expand the coverage of the IMCI strategy, reduce under-five mortality and morbidity and improve the quality of child care received in the health service and at home, the Ministry of Social Protection increased resource investment by 245 per cent,

from 348 million pesos (181,820 dollars) — at constant prices — in 2007 to 1,500 million pesos (783,707 dollars) in 2009, the figure for 2010 being 1,200 million pesos (626,966 dollars).

451. The achievements are as follows:

(a) Updating of the tuberculosis, HIV, nutrition and abused child care sub-components in 2008 and inclusion of the oral health, epilepsy, asthma, obesity and diabetes sub-component in the clinical component of Colombia's IMCI strategy in 2009;

(b) Updating and validation of clinical component guidelines with experts in 2009 and launch of the updated clinical handbook in 2010;

(c) Adjustment and updating of educational material designed for health professionals under the IMCI strategy, development and implementation of social mobilization strategies and validation of the strategic communication plan for the IMCI strategy in three municipalities;

(d) Adjustment of the local operational plan for local authorities with a view to the formulation of operational plans under the IMCI strategy and provision of ongoing technical assistance for the sustained implementation of activities.

#### **Strategy on gender mainstreaming and health**

452. The Ministry of Social Protection has taken measures to meet the Millennium Development Goals and the commitments set out in CONPES document 91, in line with its areas of responsibility, it being understood that the incorporation, both within the Ministry and in the local health directorates, of a gender-based approach is required as a vehicle for their fulfilment. The advances made to date are described below.

453. In 2008, progress was achieved with regard to training on gender and the mainstreaming process at the Ministry of Social Protection for officials in the substantive or technical areas and administrative areas. In 2010, the Ministry drew up a guideline document on gender mainstreaming in the health sector and teaching material for implementing the process in the departmental and municipal health secretariats and for public health-care provider institutions. This material was prepared on the basis of international documents, including those produced and published by the Pan American Health Organization/World Health Organization (PAHO/WHO), and, in the second half of 2010, an initial awareness and training meeting was held for health secretariat officials from five local authorities of the Atlantic Coast region, with the participation of officials of gender equality machineries from those authorities. Technical assistance and financial support were received from PAHO/WHO Colombia for this seminar.

454. For 2011, the organization of awareness and training initiatives on gender and gender mainstreaming in the Ministry of Social Protection and the validation of the prepared document and material for implementing the mainstreaming process have been programmed and it is planned to hold regional workshops for departmental health secretariat officials for the same purposes, with technical assistance and financial support from PAHO/WHO Colombia.

#### **Sexual and reproductive health**

455. Human rights and sexual and reproductive rights are promoted in Colombia through a soundly based intersectoral strategy encompassing, inter alia, sex education, access to comprehensive high-quality sexual and reproductive health services, the promotion of social support networks, the targeting of the most vulnerable groups and the encouragement of research and knowledge management.

456. Sexual and reproductive health activities are undertaken in six action areas: safe motherhood; family planning; sexual and reproductive health of young persons; cervical and breast cancer; sexually transmitted diseases, including HIV/AIDS; and prevention of domestic and sexual violence.

#### **Safe motherhood: equity and improved access to services**

457. The target set for achieving the Millennium Development Goals is 45 maternal deaths per 100,000 live births, which means a shortfall of 30.6 points as at 2007.

458. In 2004, the Ministry of Social Protection implemented an emergency plan for reducing maternal mortality, with the aims of putting the problem on the public agenda and highlighting and monitoring the responsibilities of institutional and welfare service operators charged with its reduction. By 2007, a 34 per cent reduction compared with 2001 had been achieved in the prioritized local authorities and a 25 per cent reduction had been achieved in the national maternal mortality rate. Trends in maternal mortality in Colombia show that some social and cultural barriers have been overcome.

459. In 2007, the technical rules and care guidelines on early detection of changes in pregnancy and the manual on managing haemorrhagic and hypertensive disorders of pregnancy were updated and published. In 2008, the manual on managing obstetric emergencies was designed with a view to the implementation, through a biopsychosocial risk approach, of comprehensive barrier-free, high-quality protocolized health care in obstetric emergencies. An evaluation of the impact of the measures set out in these guides on the UPC<sup>175</sup> is scheduled for 2010.

460. Since 2008, the Ministry of Social Protection has directed the implementation of a strategy for monitoring extreme maternal morbidity using standards defined by the Latin American Federation of Obstetrics and Gynaecology Societies (FLASOG) with a view to the timely and appropriate management of obstetric emergencies at the local level. The initiative was introduced in 2008 with a pilot programme in five departments. By 2009, the programme covered 15 departments<sup>176</sup> and its expansion to the rest of the country continued in 2010.

461. In 2009, 15 departments,<sup>177</sup> which had implemented the strategy for monitoring extreme maternal morbidity to ensure timely and appropriate obstetric emergency management, formulated integrated plans to reduce maternal mortality. Also, the Ministry has defined strategic guidelines on maternal mortality reduction in Colombia, which include strategies for improving access, guaranteeing maternal care by trained human resources, ensuring the availability of adequate supplies and facilities for emergency obstetric care, updating the rules on maternal morbidity and mortality monitoring, upgrading the vital statistics system, designing and introducing a system for enhanced management of monitoring and assessment of compliance with care standards, and strengthening public participation. While health coverage has increased, this has not always been linked with performance and genuine access to health services. The challenge for Colombia in this respect is to ensure that health institutions and professionals provide high-quality care during pregnancy and childbirth.

<sup>175</sup> Per capita payment unit.

<sup>176</sup> Magdalena, Norte de Santander, Boyacá, Bogotá D.C., Cundinamarca, Tolima, Risaralda, Quindío, Valle del Cauca, Antioquia, Caldas, Meta, Santander, Nariño and Huila.

<sup>177</sup> Magdalena, Norte de Santander, Boyacá, Bogotá D.C., Cundinamarca, Tolima, Risaralda, Quindío, Valle del Cauca, Antioquia, Caldas, Meta, Santander, Nariño and Huila.

462. With regard to family planning, local authorities have since 2007 received ongoing technical assistance to strengthen the implementation of the youth-friendly health service care model. This scheme, which was initiated in 2007 by the Ministry of Social Protection with support from UNFPA, is aimed at improving the quality and accessibility of comprehensive health services for this population group. Across the country there are now 367 youth-friendly health service facilities in 21 departments<sup>178</sup> and over 1,200 trained health professionals.

463. The Ministry of Social Protection has focused major efforts not only on promoting the use of contraceptive methods but also on ensuring that modern methods are offered under the mandatory health plan and on developing programmes for access to temporary and permanent methods of contraception (with an investment of two million dollars). As a strategy to promote the use of modern contraceptive methods, steps were taken in 2007 with the National Social Security Health-Care Council (now the Health Regulation Commission) to include vasectomy under the mandatory health plan for the subsidized scheme and oral and injectable hormonal contraceptive drugs, condoms and medical or surgical sterilization procedures under the mandatory health plan for the contributory and subsidized schemes. These aspects, including emergency contraception, were regulated by the Ministry in 2008 (Resolutions Nos. 769 (2008) and 1973 (2008)) and ratified by the Health Regulation Commission under Ruling No. 008 (2009).

464. During the period from 2006 to 2010, information, education and communication strategies were implemented and supported with the aims of promoting sexual and reproductive rights, advocating responsible sexual behaviour and encouraging early requests for sexual and reproductive health services through awareness, guidance and dissemination initiatives under an audience targeting and segmentation approach via the mass media and alternative media, with an annual investment of some 4,000 million pesos (2.08 million dollars).

#### **Sexually transmitted diseases, including HIV/AIDS (Millennium Development Goal 6)**

465. The HIV/AIDS epidemic in Colombia is, according to international standards, classified as a concentrated epidemic, which is following a similar pattern to that in the other Latin American countries, i.e. it primarily affects the most vulnerable and highest-risk population groups, in particular men who have sex with men, female sex workers and the youth population. From 1983 to 2009 there were 71,509 recorded cases (75 per cent involving men), 9,283 of which have already resulted in deaths. According to the findings of the sixth sentinel survey, the estimated prevalence in Colombia is 0.65 per cent. The following departments show the highest incidence rates: Atlántico: 27; Quindío: 26; Cesar: 22; Valle del Cauca: 22; Casanare: 20; Santander: 18; Guaviare: 18; Bogotá: 17; Magdalena: 17; Risaralda: 17; Antioquia: 17; and Córdoba: 17.

466. Guidelines for the prevention and treatment of sexually transmitted diseases, including HIV/AIDS, are set out in the National Epidemic Response Plan 2008–2011, which incorporates different agencies and sectors, the programmatic management model and the comprehensive HIV/AIDS care manual developed in that four-year period. Various strategies have been implemented with a view to achieving the objectives put forward, as follows:

(a) The pursuit of a comprehensive strategy to strengthen the provision and accessibility of HIV/AIDS diagnosis and advisory services, which has been supported by

<sup>178</sup> Bogotá, Bolívar, Norte de Santander, Antioquia, Boyacá, Tolima, Risaralda, Valle del Cauca, Guaviare, Putumayo, Cesar, Santander, Meta, Nariño and Caldas. The scheme was expanded in 2009 to include Quindío, Cundinamarca, Sucre and Cartagena.

five United Nations agencies and has led to a reduction in diagnosis disparity, in terms of access and timeliness, in Antioquia, Atlántico, Cesar, Bogotá, Soacha, La Guajira, Meta, Quindío, Santander, Sucre, Valle del Cauca, Bolívar and Norte de Santander;

(b) The promotion of universal access to antiretroviral therapy. It should be noted in this connection that, during the period from 2003 to 2007, a 45 per cent increase was achieved in coverage, which rose from 52.3 per cent in 2003 to 76 per cent in 2007, representing a far greater increase than that planned in CONPES document 91, which set a target of 60 per cent coverage by 2010;

(c) The tracking and evaluation of the national response and the provision of support for epidemiological studies on vulnerable population groups and analysis of the epidemic trend by the National Monitoring Centre on HIV/AIDS;

(d) The national project on reducing mother-to-child HIV transmission, which is aimed at maintaining the transmission risk below 2 per cent. The project was initiated with support from the European Economic Community and managed at the national level by UNAIDS. Its management was taken over in 2006 by the Ministry, which is currently implementing the strategy. In 2009, a sum of 3,000 million pesos (1.57 million dollars) was invested in the strategy for reducing perinatal HIV transmission. In the period from 2003 to 2009, screening was undertaken on 1,249,187 pregnant women, of whom 2,261 were diagnosed with HIV (1.18 per cent). An overall assessment shows that, without intervention, there would have been 462 cases of perinatal HIV/AIDS among the 1,652 infants born live in that seven-year period. However, thanks to the strategy, only 49 infants were diagnosed as infected, perinatal transmission having thus been prevented in 413 infants;

(e) The promotion of access to sexual and reproductive health services. An information campaign entitled “*Derechos convertidos en hechos*” (“Turning rights into facts”) was organized, targeting all municipalities, departments and contributory and subsidized health scheme insurers and administrators throughout the country. Training has been given to health providers and managers in 20 municipalities which had been accorded priority for the implementation of technical rules and care guidelines on sexual and reproductive health, and sexual and reproductive health services have been made available to men and women, including screening for cervical, breast, prostate and testicular cancer, as well as information, education and advice on contraceptive methods for the most vulnerable men and women. The levels of attainment of the targets under this project were 100 per cent for insertion of subdermal hormone implants and for breast and prostate cancer screening, 96 per cent for provision of vasectomies and 61 per cent for provision of tubal ligations, among others;

(f) The reduction of cervical cancer mortality rates. Progress has been achieved in implementing the cancer control model in the municipality of Soacha, especially for controlling cervical cancer, and policy agreements have been reached on coordinating action in regard to early detection, diagnosis and treatment. The departments furthest from meeting the mortality reduction target are Quindío, Tolima, Caquetá and Arauca.

### **Support for displaced persons**

467. During the period from 2003 to 2010, the Ministry of Social Protection made significant advances in the implementation of regulations and the formulation and pursuit of affirmative measures with regard to the provision of comprehensive support for displaced persons, carrying out preferential, differentiated and priority action. Annex 3 on this article gives progress details for 2010, in line with the Ministry’s areas of responsibility.

468. In compliance with the requirements set out in the orders imposed on it under the Constitutional Court's rulings, the Ministry of Social Protection, as a constituent body of the National System of Comprehensive Support for Displaced Persons (SNAIPD), has undertaken, with emphasis on a differential approach, the activities described below, pursuant to Ruling 092 (2008) and Ruling 237 (2008) on the protection of the rights of displaced women.

469. It is directing three of the thirteen programmes ordered by the Constitutional Court (on the promotion of the health of displaced women; the prevention of sexual violence and provision of comprehensive support to victims of such violence; and the adoption of a psychosocial approach to the care of displaced women and their family units) and is coordinating others, including programmes on providing support for displaced women heads of household, facilitating access to employment and productive opportunities, preventing domestic and labour exploitation and preventing a disproportionate gender impact.

470. In response to the "timescale for accelerated programme implementation" laid down by the Constitutional Court as a minimum efficiency requirement, the Ministry of Social Protection executed in 2009 and 2010, under agreements concluded with the International Organization for Migration, various projects aimed at promoting and guaranteeing the access of displaced women and their family units to programmes devised by the Ministry of Social Protection under the social welfare system. By 2009, coverage had extended to 249 municipalities and 29 departments and Bogotá D.C., with 600,000 women beneficiaries. The total value of the agreement was 10,238 million pesos (5.35 million dollars), of which the Ministry contributed 9,746 million pesos (5.092 million dollars) and the International Organization for Migration 491 million pesos (256,533 dollars).

471. Regarding psychosocial intervention, 456 psychological counselling sessions were conducted for displaced persons and vulnerable inhabitants of recipient territories during 2009 pursuant to an agreement with Caritas Colombia (*Secretariado Nacional de la Pastoral Social*). Action under the agreement also targeted Afrodescendant communities in Quibdó and Buenaventura. With respect to indigenous communities, work is being carried out in the departments of Nariño (Awa), Guainía (Sikuani), Guaviare (Tukano), Putumayo (Ingas and Pastos), Vaupés (Cubeo) and Cauca (Paez).

472. In 2009, the Ministry of Social Protection allocated 3,141 million pesos (1.64 million dollars) for psychosocial intervention in the local authorities most affected by displacement, to the direct benefit of 22,721 individuals, 41 per cent of whom were displaced persons and the remainder vulnerable inhabitants. Women made up 72 per cent of the beneficiary population.

473. On 2 February 2010, the Constitutional Court issued Decision T-045-10, upholding the right to health of four displaced women affected by the massacres which had taken place in the township of El Salado in 1997 and 2000. During 2010 and the first half of 2011, the measures described below were taken in compliance with the three orders imposed by the Court on the Ministry of Social Protection.

474. These related to the preparation of two documents, namely the "Protocol on a psychosocial approach to the adoption of comprehensive assistance and psychosocial care and support measures for armed conflict victims" and the "Guide to specific and differentiated community mental health action in cases of crimes against humanity for armed conflict victims".

475. Preliminary versions of these documents were available by February 2011. In the second quarter of this year they will undergo inter-institutional review and adjustment with bodies responsible for providing comprehensive support to armed conflict victims and, from the beginning of the second half of the year, they will undergo a process of validation



in 17 municipalities and/or townships especially affected by armed conflict, including the township of El Salado, for the purpose of identifying significant psychosocial support elements, with a view to their implementation nationwide.

476. The following activities have been carried out as part of the efforts to guarantee the adoption of a differentiated psychosocial approach to comprehensive health care: two awareness and training workshops on psychosocial tools for health practitioners, with the participation of local units of the Presidential Agency for Social Action and International Cooperation and of the Colombian Family Welfare Institute (September 2010 and January 2011); two regional meetings, at which local coordination arrangements were established with municipal, district and departmental authorities, in order to ensure that a differentiated psychosocial approach would be implemented in the provision of comprehensive care to women petitioners, in the departments of Bolívar, Atlántico and Sucre (August 2010 and January 2011); two visits to the township of El Salado (in the municipality of El Carmen de Bolívar) to review and rectify specific situations with respect to the current circumstances of the El Salado community on certain issues concerning health-care provision, psychosocial support and social management with a view to the effective enjoyment of rights (28 to 30 April 2011 and 13 May 2011); and a meeting with the community of the township of El Salado to establish a forum for dialogue between institutions and the local people and to further a plan of action on psychosocial support and comprehensive health care for the El Salado population.

### **Termination of pregnancy**

477. Under Colombian law, voluntary termination of pregnancy comes within the parameters set by Constitutional Court Decision C-355 (2006), in which article 122 of the Colombian Criminal Code (Act No. 599 (2000)) was held to be conditionally enforceable. It was established in this connection that no crime of abortion was committed if the pregnancy was terminated, with the woman's consent, in one of the following situations: (a) the continuation of the pregnancy posed a medically certified risk to the woman's life or health; (b) the foetus suffered from a medically certified severe deformity which rendered it non-viable; (c) the pregnancy was the result of a duly reported act constituting non-consensual or abusive carnal knowledge or sexual intercourse or non-consensual artificial insemination or fertilized ovum transfer, or incest.

478. The implementation of this decision entails the obligation to guarantee access to voluntary pregnancy termination services within the health system, the prohibition of objections on grounds of conscience by corporate entities (health-care provider institutions and health insurers) and by medical personnel collectively, and the elimination of all discriminatory criteria preventing the exercise of this right.

479. Compliance with the decision has nonetheless presented recurrent obstacles affecting women's rights and there is evidence of the continuing existence of discriminatory criteria that impede access to the right to health in this sphere. This can be seen in regard to Decision T-388-09 rendered by the Constitutional Court, which, when examining the rights protection disputes which had arisen from non-access to voluntary pregnancy termination services, observed instances of discriminatory treatment of women and girls.

480. In that decision, which upheld the rights of a pregnant woman who was initially denied a termination, the Court ordered the Ministry of Social Protection and also the Ministry of Education, the Attorney-General's Office and the Office of the Ombudsman to devise and launch campaigns for the promotion of sexual and reproductive rights that would contribute to guaranteeing to women in the national territory the free and effective exercise of such rights and raising awareness of the stipulations of Decision C-355 (2006),

calling on those bodies to duly follow up the campaigns in order to ascertain their level of impact and effectiveness.

481. With regard to monitoring and overseeing compliance by the Ministry of Education and the Ministry of Social Protection with the requirement to devise and launch campaigns to promote sexual and reproductive rights, as ordered by Decision T-388-09, the Attorney-General's Office requisitioned the Office of the Ombudsman, the Ministry of Education and the Ministry of Social Protection and obtained the information set out below.

#### **Ministry of Social Protection**

482. Mention may be made of the following:

(a) The formulation and implementation of a strategy for promoting sexual and reproductive human rights aimed at young persons and women, in compliance with the requirements laid down by the Constitutional Court in Decision C-355 (2006) and Decision T-388-09;

(b) The execution of the strategic plan to promote sexual and reproductive rights and to create institutional and social conditions with a view to ensuring the realization of these human rights;

(c) The pursuit of the following measures:

(i) Undertaking public communication and direct information activities aimed at the adult female and youth population;

(ii) Strengthening civic groups, organizations and networks for the promotion of sexual and reproductive human rights, with emphasis on women and young persons;

(iii) Intensifying intersectoral action to promote and guarantee the sexual and reproductive rights of women and young persons;

(iv) Enhancing the provision of sexual and reproductive health services for women and young persons;

(v) Strengthening the public policy on sexual and reproductive health as a supervisory and safeguard mechanism with regard to sexual and reproductive rights;

(d) The design and launch of the campaign "For the right to sexuality with feeling" aimed, *inter alia*, at promoting women's and young persons' recognition of their sexual and reproductive rights and generating transparent and constructive dialogue on the subject within society;

(e) The organization of social mobilization initiatives in several Colombian cities; talks with young persons, health-care and education service providers, departmental and local officials and youth organizations and networks; the distribution of 7,380 promotional kits on sexual and reproductive rights, containing audiovisual material and copies of Decree No. 9868 (2010); and talks with 70 journalists;

(f) The pursuit of national and regional media monitoring activities involving television, radio, press and websites (76 per cent increase in journalism reports on the topic of sexual and reproductive rights, with a recorded total of 122 publications, 211 press releases and 375 news items — of which 60 per cent appeared in daily newspapers, 15 per cent in radio broadcasts, 13 per cent in television programmes and 12 per cent on Internet news portals — disseminated via 47 mass media).

#### **Ministry of Education**

483. Mention may be made of the following:

(a) Participation in the National Intersectoral Commission on Promotion of Sexual and Reproductive Rights, established under Decree No. 2968 of August 2010, and the development of a strategy in compliance with Decision C-355 (2006) and Decision T-388-09 through four action areas;

(b) The formulation of a direct information strategy and a public communication strategy, the organization of a campaign to promote sexual and reproductive rights with the slogan “For the right to sexuality with feeling” and the holding of events under this motto in eight of the country’s regions, with support from numerous media organizations, including El Tiempo, ADN, Shock, Colprensa, Caracol, RCN, Telepacífico, Telecafé, Teleislas, TRO, Canal 13, Señal Colombia, community and local channels, Revista Shock, El Tiempo, Editorial Televisa, City TV, Radiónica and Radio Diversa;

(c) The design of nine regional mobilization and communication strategies to promote sexual and reproductive rights, which are to be coordinated with the activities of the teams directing the sexuality education programme in the regions;

(d) The establishment of vehicles for coordination with journalists and producers of television content in order to ensure that media content and agendas incorporate a sexual and reproductive rights approach and information on rights promotion;

(e) The provision of support to regional technical teams operating the sexuality education programme for the purpose of developing mobilization and communication strategies;

(f) The initiation of a process of assessing the mobilization and communication strategies and activities pursued throughout 2010 to promote sexual and reproductive rights.

484. The information submitted by the Ministry of Education does not give any clear indication of the level of impact and effectiveness of the awareness campaigns.

#### **Office of the Ombudsman**

485. Mention may be made of the following:

(a) The inclusion of the promotional campaign on sexual and reproductive rights in the strategic operational plan for 2010;

(b) The analysis of the strategic contents of the campaign.

486. The Attorney-General’s Office is proceeding with the design and implementation of a communication strategy on sexual and reproductive health and the family, which is aimed at the prevention of violations of the sexual and reproductive rights of children and young persons between the ages of 8 and 18 years who have access to Colombian media and the acquisition of tools to enable those rights to be freely and effectively exercised.

487. The Constitutional Court’s decision clearly shows that the situation regarding the protection of women’s sexual and reproductive rights is still precarious four years after Decision C-355 (2006). The Court stated in this regard that “for all legal purposes, including application of the most-favourable-legislation principle, the rulings adopted in the present decision have immediate effect and the enjoyment of the rights protected by it does not require the enactment of any law or regulation. The forgoing does not prevent the competent organs from issuing, should they deem it appropriate, any rules establishing public policies in line with the present decision”.

488. In this respect, the Office of the Ombudsman observes that the absence of regulations has, in practice, been used as an argument to deny or obstruct the right to decide whether to terminate a pregnancy and the right of access to termination services.

489. The Attorney-General's Office has taken the following steps in compliance with the Court's decision:

(a) An examination of the action undertaken by the Disciplinary Chamber of the Caldas Divisional Judicial Council in connection with investigations into possible breaches of conduct on the part of the judges who heard the petition procedure;

(b) An examination within the Prosecutor-General's Office of the action undertaken with regard to the investigation into the conduct of the judicial officers who ruled in the first- and second-level proceedings;

(c) The submission of a request to the health insurer for information on the measures adopted by it to prevent any recurrence of such cases.

490. In undertaking preventive monitoring of compliance with Decision 209 (2008) and Ruling 279 (2009), the Attorney-General's Office has taken the following steps:

(a) Overseeing the interlocutory process concerning settlement of damages ordered by the Constitutional Court, with a view to ensuring effective recognition of the right to compensation of the girl in whose favour judgment was pronounced in the petition procedure;

(b) Reviewing the compensation procedure in cases of breach of conduct on the part of trial and appeal judges;

(c) Recommending that the National Medical Ethics Tribunal put into effect a protocol and procedure on admissibility of ethical disciplinary actions relating to objections on grounds of conscience;

(d) Monitoring administrative measures by the Ministry of Social Protection and the National Public Health Supervisory Authority in order to ensure compliance with the orders set out in Decision 355 (2006).

491. In 2007, the Attorney-General's Office undertook preventive monitoring of compliance with Decision 355 (2006) and identified the following barriers to the provision of pregnancy termination services:

(a) The imposition of requirements in addition to those laid down by the Constitutional Court in Decision C-355 (2006) for authorizing and conducting abortions;

(b) Collective, institutional or unfounded objections on grounds of conscience;

(c) Flaws in pregnant women's consent caused by deliberate or negligent acts on the part of medical personnel;

(d) Total unawareness of the capacity of girls below the age of fourteen years to consent or not to consent to the performance of an abortion.

492. Circular No. 030 of 2009, issued by the Attorney-General's Office, contains a series of instructions for monitoring Decision C-355 (2006) and lays down the requirements set out below.

493. The Attorney-General, in discharging a preventive oversight role with regard to competent bodies, has to:

(a) Provide comprehensive advisory services for pregnant women;

(b) Ensure the exercise of free and informed consent;

(c) Guarantee, on a basis of equality, the rights of objection and non-objection on grounds of conscience;

- (d) Prevent discrimination against persons owing to their participation in the conduct of abortions in exceptional cases;
- (e) Review plans, programmes, projects and strategies to safeguard equality of rights and opportunities of men and women and provide mechanisms for special assistance and protection from the State during pregnancy and after delivery;
- (f) Instruct physicians, practitioners and support personnel to comply with the contents and terms of Decision C-355 (2006);
- (g) Undertake monitoring and impose punitive measures where appropriate.

494. The Attorney-General's Office has an administrative oversight role, in accordance with which it will ascertain whether service providers have guaranteed the right to life, health, confidentiality, liberty and security of women requesting voluntary termination of their pregnancy and also access to care sought by pregnant women, with dignified treatment and without discrimination.

495. Its disciplinary role involves carrying out, either *ex officio* or at the request of the person concerned, appropriate investigations under the Consolidated Code of Conduct. It will take corresponding decisions in cases where, in conformity with the law, proof is established of irregular acts liable to disciplinary sanctions as a result of breaches of duty relating to requests for the performance of decriminalized abortions, and the acceptance of objections on grounds of conscience or their admissibility. It will also produce certified copies for the medical, judicial or administrative authorities, as applicable, for investigation purposes.

496. In compliance with Decision T-209-08 and Ruling 279 (2009) the Attorney-General's Office recommended that the National Medical Ethics Tribunal put into effect a protocol on admissibility of ethical disciplinary actions relating to objections on grounds of conscience. It also took steps to uphold the rights of the girl in whose favour judgment was pronounced in the petition procedure.

497. This institution identified a number of obstacles to effective compliance with the terms of the decision, such as laxity on the part of health insurers regarding comprehensive care provision for young women and delays in compliance with orders imposed by the Constitutional Court, such as those relating to investigations into breaches of conduct on the part of the physicians involved.

498. In 2009, a further monitoring exercise was initiated with regard to this decision, in accordance with the instructions contained in Circular No. 030. To that end, specific information was requested, at the local level, from the departmental capital authorities, the departmental health secretariats, the medical ethics tribunal of every department, the police chief of every department, the regional and provincial attorneys' offices and, at the national level, from the Ministry of Social Protection, the National Public Health Supervisory Authority, the National Medical Ethics Tribunal and the Colombian Family Welfare Institute. The process is currently at the information-analysis stage.

499. In observance of the instructions set out in Circular No. 030, a report has been prepared on monitoring compliance with the decision from its date of issue up to 2009, specific information having been requested, at the local level, from the departmental capital authorities, the departmental health secretariats, the medical ethics tribunal of every department, the police chief of every department, the regional and provincial attorneys' offices and, at the national level, from the Ministry of Social Protection, the National Public Health Supervisory Authority, the National Medical Ethics Tribunal and the Colombian Family Welfare Institute. That report was published in 2010. At the present time, a review is being conducted, in connection with the measures adopted in 2010 regarding compliance

with Decision C-355 (2006), in accordance with the instructions set out in Circular No. 29 of 13 May 2010 issued by the Attorney-General.

500. Given the major challenges to the exercise of women's sexual and reproductive rights, the Attorney-General's Office is also undertaking preventive monitoring with regard to the recommendations made by this oversight body concerning compliance with Decision C-355 (2006).

## 2. Legislative measures

501. In 2002, the task of modifying and adjusting some parameters of Act No. 100 (1993) was embarked upon in order to achieve a better fiscal balance, prevent the growth and generation of a further fiscal deficit within the pensions system and attempt to unify the parameters of the average-premium pension schemes with each other and at the same time with the "personal savings with solidarity" scheme. This exercise concluded with the promulgation of Act No. 797 (2003).

502. Noteworthy among the main reforms adopted under the Act is the introduction of staggered increases in contribution points. These increases are to be applied to the average-premium common pension payment fund, with two points to the personal pension account and one point for the establishment of the pension guarantee fund for the personal savings sub-scheme.

503. The following changes were made:

(a) The minimum contribution period required for old-age pension access has been increased from 1,000 to 1,300 weeks (progressive increase between 2004 and 2015);

(b) The replacement rates used for determining old-age pensions under the average-premium sub-scheme have been amended;

(c) The reform linked the replacement rate to the base income for assessment purposes using the formula  $t = 65.5\% - 0.5\%$ , where preferential conditions apply to low wages compared with higher incomes (the minimum replacement rate has been set at 55 per cent and the maximum replacement rate at 85 per cent).

504. The reforms also involved increases in contributions to the solidarity fund, together with the establishment of the subsistence sub-account, from which some 900,000 people currently benefit through a direct relief payment or under the Juan Luis Londoño hot lunches programme. The above details provide a summary, in numerical terms, of the results of the promulgation of Act No. 797 (2003), as set out.

### **Legislative Act No. 01 (2005)**

505. The main outcomes are as follows:

(a) The transition, special and exemption schemes and the schemes established under collective agreements since 31 July 2010 are being discontinued;

(b) The conditions for pension access are as laid down in the general pensions system, with the exception of the pension and retirement scheme for the law enforcement service of the President;

(c) The teachers' scheme is being maintained in accordance with the terms of article 81 of Act No. 812 (2003), which is in line with the provisions of the general pensions system, for all persons who enrolled since 2003;

(d) The fourteenth pension payment due annually is being discontinued for persons earning more than three times the minimum wage from the date of promulgation of the legislative act and for persons earning less than three times the minimum wage from

midnight on 31 July 2011. The possibility of a constitutional review is being introduced with respect to pensions granted in breach of the statutory rules;

(e) It is laid down that the requirements and benefits of the general pensions system will apply to all Colombians;

(f) The criterion of future financial sustainability is expressly introduced.

506. Annex 4 on this article contains a list of the main laws adopted during the reporting period.

### 3. Judicial measures

507. See the table below.

Decision C-355 (2006)	Decision by which the Constitutional Court authorized abortions for therapeutic or eugenic reasons and in cases where the pregnancy is the outcome of rape or non-consensual carnal knowledge.
Decision T-608 (2007)	Right of children with disabilities to special care under Colombian law.
Decision T-760 (2008)	Decision which ruled on twenty-two petition procedures concerning protection of the right to health. Twenty of the petitions were submitted by persons seeking access to health services. The other two were submitted by a health insurer, which sought from the Ministry of Social Protection, in one case, and from the Higher Judicial Council, in the other, an adjustment to the rules on reimbursements under the Solidarity and Guarantee Fund (FOSYGA).
Decision T-388 (2009)	Concerning abortions induced owing to deformity of the foetus.
Decision C-252 (2010)	Declaring Legislative Decree No. 133 of 21 January 2010 to be unconstitutional.

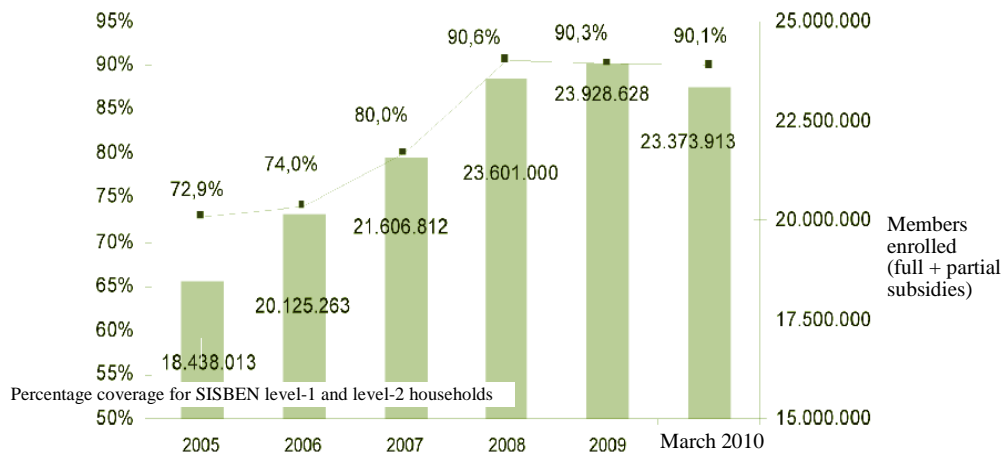
### 4. Current situation and statistics

#### Coverage under the general social security health-care system

508. There has been a 26.7 per cent increase in enrolment in the subsidized scheme during the past four years, the number of members having risen from 18,438,013 at the end of 2005 to 23,373,913 by 31 March 2010. As can be seen from the chart below, the greatest increase recorded during the reporting period occurred in 2008, in which year the number of members enrolled in the subsidized scheme rose by almost two million, boosted by the expansion of coverage achieved with the surplus resources from the solidarity sub-account of the Solidarity and Guarantee Fund as at 31 December 2007. In line with this rising trend in enrolment, coverage under the subsidized scheme with regard to persons in SISBEN level-1 and level-2 households increased from 72.9 per cent at the beginning of 2006 to over 90 per cent by December 2008.

#### Enrolment in the subsidized health scheme

(Membership and coverage)



Source: General Directorate for Demand Management, Ministry of Social Protection.

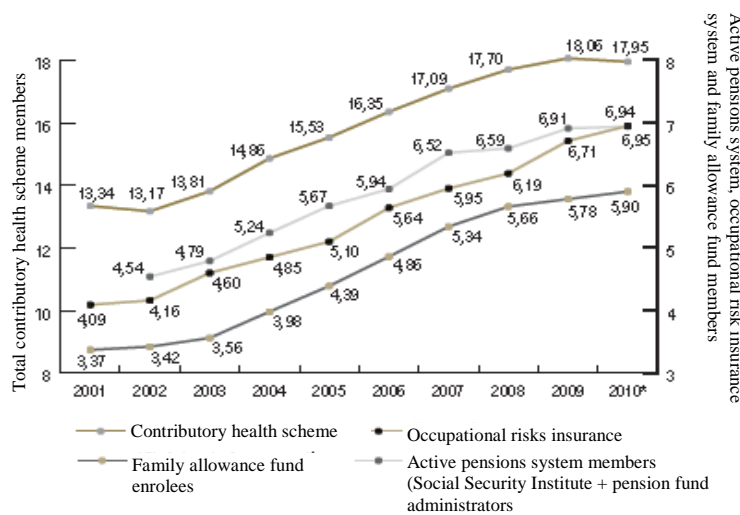
509. There were 4,164,975 enrolled workers at the end of 2002 and the number had risen to 6,806,887 by March 2010, the membership having thus increased by 2,641,912 in the period from 2002 to 2010.

510. These figures show a 63 per cent rise, which, among other factors, was due to the labour reform, the pursuit of strategies to curb evasion and avoidance and the recovery of the economy. Also instrumental in the increase in coverage was the promulgation of Decree No. 2800 of October 2003, Decree No. 3615 (2005) and Decree No. 2313 (2006), which established the procedures for voluntary enrolment of self-employed persons.

**Developments in social security**

(Millions of enrollees)

Between 2002 and 2009, enrolment increased by 37.2 per cent in the contributory health scheme, by 53.0 per cent in the pensions system, by 61.0 per cent in the occupation risks insurance system and by 71.0 per cent in the family allowance funds. Developments in the formalization of employment are reflected in the movements in these indicators.

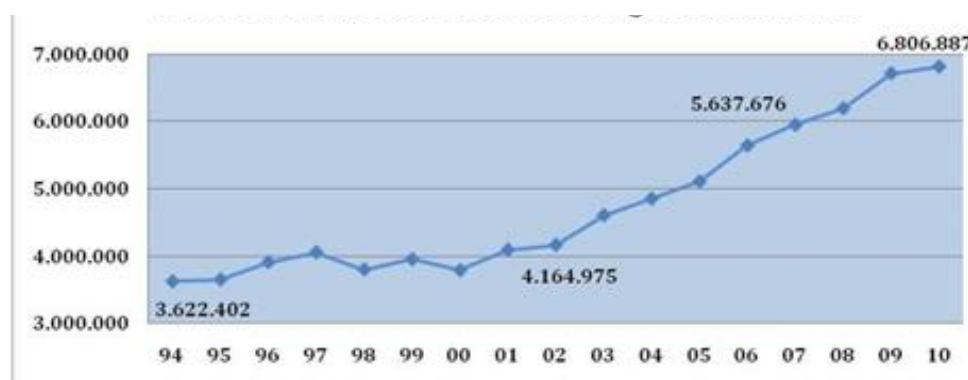


Source: Ministry of Social Protection, Family Benefit Supervisory Authority, Government Target Monitoring System.

\* Data to January 2010 for contributory health scheme members, to March for active pensions system members, to April for occupational risks insurance system members and to May for family allowance fund enrollees.



### Membership trends for workers enrolled in the general system occupational risks insurance



Source: General Directorate for Occupational Risks Insurance, Occupational Risks Insurance Administrators.

### Health indicators: 2010 national demographic and health survey

511. Annex 5 on this article contains further information concerning the health indicators in the 2010 national demographic and health survey, as summarized below.

#### Fertility

512. The fertility rate declined from 2.4 children in 2005 to 2.1 in 2010. The general rate was 83 births per 1,000 women for 2005 and 75 for 2010. The gross birth rate fell from 20 births per 1,000 inhabitants in 2005 to 18 in 2010. The adolescent rate is 84 births per 1,000 women. In relation to 2005, adolescent fertility declined in urban areas, from 79 to 73 births per 1,000 women, and also fell slightly in rural areas, from 128 to 122 births per 1,000 women.

513. The fertility rate for women aged below 20 years increased until 2005 but at present appears to have started to fall again: in 1990 it was estimated at around 70 per 1,000; by 1995 it had risen to 89; in 2005 it was estimated at 90 per 1,000 and currently stands at 84 per 1,000. The 2010 national demographic and health survey shows that there is universal knowledge of contraceptive methods in Colombia irrespective of exposure and socioeconomic stratum.

514. With regard to birth spacing, in Colombia there has been an increase in the period between pregnancies, which is currently 48 months, six months longer than in 2005 (42 months). The birth interval increases with the mother's age: it is 37 months for women aged between 20 and 29 years compared with 66 months for women aged between 30 and 39 years. The death of a child shortens the time before a woman has another child: if the previous child has died, the interval falls to 31 months whereas, if the previous child is still alive, a new birth occurs after 48 months.

515. The age of the mother at the birth of the first child fell very slightly between 2005 and 2010: the median age at first birth for women aged between 25 and 49 years is 21.6 years compared with 21.8 years five years previously. Urban or rural residence did not affect the decline, the age for both urban and rural areas having remained the same during the five-year period. The age in urban areas is 22 years as against 20 in rural areas. The region with the highest age is Bogotá, at 22.7 years, and the region having the lowest recorded age is the Orinoco-Amazon region, at 20 years, while, for the other regions, it ranges from 21.3 years for the Eastern region to 21.4 years for the Pacific Coast region and 21.6 years for the Caribbean Coast region.

516. All the women interviewed in the 2010 national demographic and health survey had a knowledge of contraceptive methods. It is not possible to say that significant differences exist between levels of knowledge of family-planning methods by area (urban or rural), level of education, socioeconomic stratum or wealth index category. All population segments in Colombia are equally aware of family planning.

517. The most widely known methods are, in descending order, condoms, the pill, injection and female sterilization. Methods of which there is less knowledge include lactational amenorrhea, which is not usually known as a family-planning method in Colombia, and vaginal methods.

518. The data obtained from the 2010 survey clearly show the efforts that have been made in Colombia by the Ministry of Social Protection to improve access to family-planning services and to reduce inequalities between population groups.

519. As regards trends in method use, specifically among women of childbearing age (15 to 49 years) who are currently cohabiting or married, female sterilization remains the leading method of family planning, at 35 percentage points out of 79 for all methods used. It is important to note that injection appears for the first time as the second most common method of contraception for this group, at 9 per cent, dislodging both the pill and the IUD, which have declined significantly to occupy third and fourth places respectively, very close to one another. Condoms continue to account for a 7 per cent share.

520. The use of contraceptive methods in Colombia increased by 13 percentage points between 1990 and 2010.

521. With respect to antenatal, delivery and post-partum care, 92 per cent of pregnancies in the past five years were under the care of doctors and 5 per cent under the care of nurses. The extent of care by doctors in 2010 was five percentage points higher than that observed in 2005, while care by nurses fell almost two percentage points. No pregnancy care was provided by midwives.

522. Regarding antenatal care, 89 per cent of pregnant women (91 per cent in urban areas and 81 per cent in rural areas) had four or more antenatal check-up visits, 6 per cent two or three visits and 1 per cent one visit only. No visits were received by 3 per cent of women (6 per cent in rural areas and 2 per cent in urban areas).

523. The median number of months of pregnancy at the time of the first visit was 2.7, 77 per cent of women having had their first antenatal visit when they were less than four months' pregnant and 15 per cent when they were between four and five months' pregnant.

524. As to antenatal care content, the women who had received such care were asked if they had been informed about possible complications in pregnancy. Four of every five (81 per cent) had been so informed compared with 64 per cent in 2005, this figure being higher where the woman is older, has fewer children, is an urban dweller and falls in the middle, high or very high wealth index category. In line with education levels, higher percentages than five years previously are observed for all groups.

525. With regard to neonatal tetanus vaccination, one in every nine women was not given tetanus vaccine injections during pregnancy, while 24 per cent received one dose and 60 per cent two or more doses. The percentages are slightly lower than those for 2005.

526. Since 1990, there have been significant changes in the place of delivery, the proportion of births in health establishments having risen from 76 per cent in 1990 to 88 per cent in 2000, to 92 per cent in 2005 and to 95 per cent in 2010, whereas the proportion of home births fell from 22 per cent in 1995 to 12 per cent in 2000, to 8 per cent in 2005 and to 4 per cent in 2010. While 95 per cent of deliveries took place in health institutions, four of every hundred births occurred at home and very few elsewhere.

527. Delivery care by doctors and nurses has undergone notable changes. Birth attendance by a doctor rose from 71 per cent in 1990 to 73 per cent in 1995, to 83 per cent in 2000 and to 88 per cent in 2005; reaching 93 per cent in 2010. Attendance by a nurse fell from 10 per cent to 2 per cent over the same period. Attendance by a midwife fell from 13 per cent in 1990 to 3 per cent in 2010 and attendance by a relative or another person declined to 2 per cent in 2010.

528. With regard to postnatal care, fewer than one in five women who gave birth during the past five years had post-partum problems. Medical attention was provided for between 56 and 66 per cent of post-partum problems. By contrast, only 38 per cent of women who suffered from postnatal depression received attention. The women who had not given birth in health institutions were asked if they had had a post-delivery check-up. No postnatal check-ups had been received by 69 per cent; 3 per cent had undergone a check-up within three days of delivery, 4 per cent between the third day and sixth day following delivery and 24 per cent between 7 and 41 days after giving birth; fewer than 1 per cent could not say when they had received the service.

529. In connection with the question put to women regarding the outcome of their last pregnancy, prior to or after May 2006, it was found that 72 per cent had had live births and that, in the other cases (28 per cent), the pregnancy had terminated as follows: miscarriage: 16 per cent; interruption/abortion: 8 per cent; ectopic pregnancy: 2 per cent; and intrauterine foetal death: 2 per cent. Care by health personnel is somewhat less for abortions than for other instances of pregnancy termination. Abortion care is provided at hospitals, clinics and health centres and also at private medical practitioners' premises and elsewhere. While for 87 per cent of the women who underwent interruptions or abortions the costs of care were partially or fully met by the health insurer, 11 per cent had to pay their own costs and 2 per cent stated that they were not enrolled in the social security system.

530. The average duration of pregnancies terminated by interruptions or abortions was 2.1 months, which is similar to the duration in the case of miscarriages or ectopic or molar pregnancies, while intrauterine foetal deaths occurred on average at 5.4 months of pregnancy.

531. As regards knowledge of the permitted reasons for interrupting a pregnancy in Colombia, slightly more than three quarters of the women mentioned each of the grounds for termination: 76 per cent referred to cases where the pregnancy put the woman's life or health at risk, 79 per cent to cases of serious deformity of the foetus and 78 per cent to cases where the woman had been raped. Awareness of the three reasons is greater among women aged between 20 and 34 years, single women and women with one or two live-born children.

#### **Vaccination by source of information**

532. The full immunization schedule has been administered to 80 per cent of children aged between 12 and 23 months. The vaccines most administered were BCG (97 per cent) and the initial dose of DPT-1 (97 per cent); the vaccination rate for DPT-2 is lower (94 per cent) and for DPT-3 slightly less (90 per cent). The polio vaccine was received by 83 per cent of children at birth, whereas the immunization rate for polio 1, 2 and 3 has fallen from 94 to 82 per cent. Polio doses 1, 2 and 3 increased between 2005 and 2010, as was the case with BCG, DPT-1, DPT-2 and DPT-3. The triple viral vaccine was received by 81 per cent of one-year-olds. Excluding the triple viral vaccine, 76 per cent of children were given all the vaccines in the first year of life. A very small percentage (2 per cent) did not receive any vaccinations. A total of 83 per cent of children aged between 12 and 23 months have a vaccination card.

**HIV/AIDS**

533. As in 2005, there is almost universal awareness of HIV/AIDS in Colombia, 99 per cent of the women questioned having heard of the disease. The level of awareness is lower among the youngest age group (from 15 to 24 years). It is also lower among those women who stated that they had never had sexual relations (97 per cent). Condom use is seen to be the safest practice for preventing HIV/AIDS contagion since it was mentioned by 82 per cent as a safe practice. Only 79 per cent of women aged between 15 and 19 years stated that they were aware of this practice.

534. Only half (51 per cent) of the women surveyed gave the correct answer to the question regarding the possibility of transmission of the virus during breastfeeding and just 32 per cent stated that the risk of mother-to-child AIDS transmission could be reduced if the mother took special medication during pregnancy.

535. If the above two questions are combined to produce a single result with the correct answers to both questions, it can be observed that only 20 per cent of the women surveyed had correctly answered both questions.

536. Of the women interviewed, 58 per cent had never been tested for HIV; 40 per cent had undergone testing and had requested the results and 2 per cent had not requested the results. Only 19 per cent of women aged 19 years or below and 28 per cent of older women (aged between 40 and 49 years) had been tested. It is a matter of concern that only one third of women in rural areas had been tested for HIV and 78 per cent of uneducated women had never undergone testing.

537. Of the women who had given birth during the two-year period prior to the survey and had received antenatal services at health establishments, 48 per cent had been given advice on HIV; 84 per cent had been offered the test, had agreed and had received the results; and 45 per cent had been given advice, had been offered the test and had agreed and received the results.

538. In the most recent estimates of the incidence of cancer in Colombia, breast cancer occupied the top position, with some 7,000 new cases every year, followed by cervical cancer, with 5,600 new cases every year. As regards cancer-related deaths, cervical cancer unfortunately still occupies the top position in many departments. The incidence of breast and cervical cancer in Colombia is estimated at 31.2 and 21.5 new cases respectively per 100,000 women. The age-adjusted mortality rates for both cancers are 10 deaths per 100,000 women.

539. Infant mortality declined by 30 per cent between 1995 and 2005, according to data from the national demographic and health survey. Since 2002, national vaccination coverage has consistently remained above 91 per cent for all biological preparations. Under the general social security health-care system in Colombia, all women enrolees aged between 25 and 69 years and females under the age of 25 years with an active sex life are entitled to free cervical screening.

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**5. Recent or ongoing measures**

541. The targets which had been set in CONPES social document 91 of 2005 for achievement of the Millennium Development Goals were amended by CONPES document

140 of 2011. Annex 6 on this article contains further information on the new targets for Millennium Development Goals 4, 5 and 6 and also the strategies put forward.

## D. Article 14

542. This section is concerned with the specific recommendation made to the Government of Colombia (CEDAW/C/COL/CO/6, para. 31) and General Recommendations Nos. 16 and 19 of the Committee.

### 1. Administrative measures

543. In the 2006–2010 National Development Plan, referred to above, specific attention was paid to the rural economy in Colombia. The plan included, as part of the poverty reduction and employment and equity promotion policies, the “equity in the agricultural sector” strategy, which was aimed at improving rural farmers’ income-generating capacities and enhancing their quality of life through:

- (a) The social management of ownership in order to promote access to land;
- (b) The institutional adjustment of the sector;
- (c) The improvement of smallholder farmers’ income-generating capacity;
- (d) The implementation of community development programmes for the rural population through access to public assets;
- (e) The provision of alternative livelihood opportunities to curb the expansion of illicit crop cultivation.

544. Between 2002 and 2009, rural poverty levels declined. Analysis of the related figures taking into account the sex of the head of household shows that the male poverty level fell from 64.7 per cent (2002) to 57.3 per cent (2009). The female poverty rate fell from 67.3 per cent (2002) to 61.8 per cent (2009).<sup>179</sup> The male/female percentage difference for 2009 is 4.5 points, the situation in regard to rural women being more unfavourable. Annex 1 on this article provides further information in this connection.

545. Given the challenges existing with respect to the female population in rural areas, strategies and programmes have been implemented in order to ensure their economic, social and political empowerment. Some of these strategies were referred to in the Government’s reply on the related articles concerning education, political participation, employment, health and eradication of violence against women. However, the developments described below are also noteworthy.

546. In the sphere of education, strategies have been pursued, as mentioned above, to guarantee continuity of educational provision from the pre-primary to the secondary level through flexible teaching models aimed at ensuring children’s and young persons’ inclusion, access and retention, and especially at reaching the dispersed rural population (in-school and out-of-school pre-primary education, accelerated learning, the new school model, learning clubs; creative youth groups; distance-learning secondary courses and post-primary education; lower-secondary rural education; the tutorial learning system; and the rural education service) (for further information, see the section on education).

<sup>179</sup> *Source:* Major integrated ongoing household survey (GEICH), National Administrative Department of Statistics. Calculations: National Planning Department, Directorate for Social Development, Subdirectorate for Quality of Life and Social Advancement.

547. With regard to employment training, the National Learning Service implements various programmes for the benefit of the rural population, in particular the Rural Youth Programme, the aim of which is to improve employment opportunities, income generation and productivity in farming and the other economic sectors of the country (commerce, mining, manufacturing and the service sector) in the areas where the training programmes are carried out. As stated above, women have been the main beneficiaries of these programmes.

548. The Government has set up regional higher-education centres (CERES), through which rural communities have access to vocational technical, technological and university courses offered by higher-education institutions.

549. In the sphere of economic development, the Ministry of Agriculture and Rural Development has designed and implemented five programmes under its rural development policy (the Rural Social Housing Programme, the Production Partnership Programme, the Rural Opportunities Programme, the Land Subsidies Programme and the Credit Facility Programme), which are aimed at rural women with a view to improving their quality of life, especially rural women of limited means who are engaged in agricultural occupations.

550. Households selected for inclusion in the Rural Social Housing Programme are granted a housing subsidy.<sup>180</sup> The aim is to make rural social housing available with no repayment obligation provided that the recipient meets the requirements laid down in the Act.

551. With respect to the Production Partnership Programme, which is a mechanism for generating income, creating employment and promoting social cohesion within poor rural communities through the formation of associations of organized groups of small-scale producers and distributors or processors of their products,<sup>181</sup> a minimum participation quota of 10 per cent has been established for female heads of family. The proportion of women participants has at the present stage greatly exceeded that percentage.

552. The Rural Opportunities Programme operates mechanisms aimed at combating poverty by strengthening the entrepreneurial capacities of rural dwellers, improving their competitiveness and ability to integrate their rural microenterprises in the markets and thus increase employee numbers and the income and assets of the poorest families.

553. With regard to land subsidies, beneficiaries are offered support in becoming established as community enterprises<sup>182</sup> for the purpose of pursuing any or all of the following activities, without prejudice to their being able to engage in other, related activities necessary for the fulfilment of their objectives: the operation of one or more farm properties, the processing, distribution or marketing of agricultural produce and the provision of services. Since the promulgation of Act No. 731 (2002), title deeds have been granted in favour of both spouses in order to respect family unit ownership, especially for women.

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<sup>180</sup> The subsidy may be allocated in connection with housing improvements (between 12 and 15 times the current statutory minimum monthly wage) and with the construction of new housing (between 15 and 18 times the current statutory minimum monthly wage).

<sup>181</sup> The purpose of the Production Partnership Support (AAP) Project is to identify potential production partnerships and to fund the pre-investment, feasibility-study and financial, environmental and social viability stages for the most promising ones. If they prove to be feasible partnerships in those areas, their establishment can be supported financially under the AAP Project.

<sup>182</sup> Defined as an association where two or more persons satisfying the requirements to benefit from agrarian reform programmes state that they will contribute their labour, expertise, services and other goods on a joint basis.

554. In this connection, the Ministry of Agriculture and Rural Development has, with regard to credit availability, introduced special conditions for rural women's access to agricultural loans, specifically to support cases of low-income generation.<sup>183</sup>

555. In pursuing the action area on enterprise development and employment, the ACPEM has promoted the participation of rural women in programmes to provide access to credit facilities and training under the Female-Headed Microenterprise Family Programme, the National Women's Entrepreneurship Development Programme and the Programme of Seminars on Banking Opportunities for Women, referred to above. Also noteworthy are the strategies to be implemented under the above-mentioned employment equality agenda, in which major rural labour unions have committed themselves to eliminating employment discrimination and fostering the advancement of women by integrating a gender perspective in their policies.<sup>184</sup> As regards the results of measures taken in the ACPEM action area on enterprise development and employment, see the Colombian Government's reply on articles 11 and 13 of the Convention.

556. As part of the national Government's strategy to combat illicit crop cultivation, work is being carried out in regions where the population is susceptible to or threatened or affected by such cultivation, with a view to fostering a culture of lawfulness and economic, social and environmental development. The programmes undertaken include the Forest Warden Families Programme (PFGB) and production-oriented programmes. In the implementation of the Forest Warden Families Programme, steps are taken to promote women's involvement in family decision-making and in managing the conditional financial incentives offered to beneficiary families, with the aim of encouraging women contract-holders to be the recipients of the funds. Under the programme, individual contracts are concluded primarily with women as representatives of the family unit with the intention that they receive the financial incentive. This programme approach has made it possible to empower women and enhance the role played by them both within the family and in society and has enabled matters such as money management to be dealt with for the most part on a shared basis between couples.<sup>185</sup>

557. Under the production-oriented programmes operated by the Presidential Agency for Social Action and International Cooperation, support for women's income generation has been provided through implementation of the fair-trade coffee production and marketing project involving female coffee growers.<sup>186</sup> Programme support has also be provided for the

<sup>183</sup> These favourable conditions apply only to rural women and allow them access to investment or working capital funds at a rate of six points below that fixed for large-scale producers. Such women beneficiaries are eligible for loans in all categories specified in the Agricultural Finance Fund service handbook, an arrangement applicable solely in such cases and in cases involving citizens affected by forced displacement since the other credit lines with rates lower than the regular rate are to finance specific activities which in most instances are restricted to agricultural investment.

<sup>184</sup> The Colombian Farmers' Association, the National Coffee Growers' Federation, the Colombian Association of Flower Growers, the National Rice Federation and the Colombian Federation of Oil Palm Growers.

<sup>185</sup> It is assumed that the greater the percentage of families managing money matters jointly, the higher will be the degree of family unit. The development of more equitable and democratic relationships between couples is seen when money management decision-making can be shared and enables some or all family members to be involved in the family's investment and expenditure.

<sup>186</sup> This project, whose implementation began in 2007, was executed by Agricultural Cooperative Development International and Volunteers in Overseas Cooperative Assistance (ACDI-VOCA) and the Areas for Municipal-level Alternative Development Programme and Pan-American Development Foundation (ADAM-PADF) with cooperation resources (ACDI-VOCA, ADAM), funds from the Presidential Agency for Social Action and International Cooperation and own resources (credit in cash and kind).

production and marketing of handicrafts. Women account for 81 per cent of all persons working in craft-related projects. This initiative has benefited the local population since one feature of the handicraft production sector has been the setting up of family workshops which, in the case of forest wardens, are being formally established as community-based organizations.

558. In execution of the Productive Ethnic Territories (TEP) initiative relating to land use and traditional production practices which reinforce Afro-Colombian and indigenous inhabitants' social notions about lawful and licit cultivation, production units have been set up where the family is included in the activities, enabling women and young persons to participate in training and technical assistance schemes and encouraging the operation of an autonomous in-situ verification process to ensure that sites remain free of coca cultivation and that production units are expanded to form corridors free of illicit crops. Ongoing support, monitoring and the provision of incentives are essential to the success of this initiative, for which reason it was decided to encourage saving among women participants (Buenaventura and Guapi).<sup>187</sup> Annex 2 on this article includes further information on the Forest Warden Families Programme.

559. As regards food security, the Government has pursued a strategy to improve food access for families in vulnerable circumstances, especially those in poverty situations, through production of food for own consumption and thereby contribute to reducing hunger and improving food security in Colombia.

560. With respect to political participation, the ACPÉM has promoted rural women's active participation in decision-making which affects them through the setting up of women's community councils and participatory councils of female coffee growers, referred to above. It should be noted that the women's community councils are composed of at least one female representative of different population sectors, the list of which includes rural women, displaced women and female coffee growers. As regards the participatory councils of female coffee growers, the strategy is being pursued under a partnership with the National Coffee Growers' Federation aimed at promoting opportunities for supporting and strengthening the organizational processes of Colombia's female coffee growers.

561. In connection with the participatory councils of female coffee growers, work is being carried out in the areas of domestic violence prevention and income generation. Between 2008 and 2010, 172 registered participatory councils of female coffee growers were set up, with 7,000 women participating in the network. During 2010, 34 councils of female coffee growers were established and the network membership rose by 2,000 women compared with the previous year's level. This initiative has made it possible to incorporate gender mainstreaming in the Federation's labour-union policy and strategic plan.

562. With regard to the promulgation of regulations to Act No. 731 (2002), Colombia has a legislative framework in favour of rural women, which is in process of regulation. The Ministry of Agriculture and Rural Development has been working on this initiative in conjunction with the ACPÉM, rural women's organizations and the Inter-American Institute for Cooperation on Agriculture (IICA). In view of the need to combine the efforts of the competent bodies in the implementation of the Act, the Inter-institutional Committee

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<sup>187</sup> There are over 1,000 women beneficiaries. The activities are centred on skills development in financial matters and the provision of incentives to encourage saving through savings accounts which had been acquired by the women participants under the banking expansion initiative during the first phase of the Women Savers in Action project implemented in 2007 and 2008. In that phase, savings capacity was strengthened as a strategy for business capitalization, and the regeneration of civic and collective action was promoted through a new community-based savings strategy pursued by enterprise development and savings support groups (GAADEs).



on the Promulgation of Regulations to Act No. 731 has been set up to expedite this process, draw up guidelines and undertake measures that will contribute to improving rural women's quality of life by overcoming obstacles and safeguarding their rights in accordance with domestic and international law.<sup>188</sup>

563. Under a partnership with the ACPEM, the National Coffee Growers' Federation, with a view to achieving the Millennium Development Goals, is endeavouring to further the gender mainstreaming process, including through the promotion of a culture of greater equity within the institutional structure of the coffee sector (2007). This alliance has made it possible to align the Federation's institutional objectives with the policy "Women as builders of peace and development". Participatory meetings and workshops for female coffee growers have been organized with the attendance of women leaders representing the coffee-growing departments. These forums, which are a living testimony to these women's driving force as coffee entrepreneurs and advocates of land ownership and generational succession, have made it possible to identify their most pressing needs. In pursuing these policies, the Federation has set up other programmes (the Micro, Small and Medium-sized Coffee-Producing Enterprise Programme of the Federation's technical management body, the Speciality Coffees Programme and the Young Coffee Growers Innovative Models Programme), from which female coffee growers for the most part benefit, whether in connection with improving, modernizing and updating coffee production or supporting and encouraging the organization of women in all aspects of high-quality coffee production, storage and promotion on the international market.

564. An agreement (0565 (2009)) has been concluded between the Ministry of Social Protection and the International Organization for Migration for the purpose of undertaking measures to comply with the Constitutional Court's requirements set out in Ruling 092 and in Decision T-025, including coordination with the Buenaventura and Nariño TEP projects. A strategy has been pursued to provide guidance and information to displaced women, female leaders and local institutions on pathways of access to health and psychosocial services, the right to health, sexual and reproductive health, mental health, prevention of violence, labour and domestic exploitation and the identification and prevention of occupational risks.<sup>189</sup>

565. Through the activities carried out by the Rural Women's Microfinance Fund (FOMMUR), rural women are able to be more involved in decision-making forums at the local, regional and national levels, have developed the capacity to formulate and manage efficiently their rural projects or business operations involving, for example, production, processing, distribution or marketing activities, have received training in the areas of human development, citizen participation and gender equity, have strengthened their

<sup>188</sup> The High Presidential Council for Women's Equity, the Colombian Rural Development Institute (INCODER), the Ministry of the Environment, Housing and Local Development, the Ministry of Education, the Ministry of Agriculture, the Ministry of Social Protection, the Ministry of the Interior and Justice, the Ministry of Culture, the Administrative Department of Social Economy Development, the Civil Service Administration Department, the National Planning Department, the National Administrative Department of Statistics; the Colombian Institute of Sport, the National Civil Registry Office, the Agricultural Finance Fund, the National Learning Service and the Rural Family Allowance Fund (COMCAJA).

<sup>189</sup> The strategy was pursued through a differential and subdifferential approach and from a gender perspective as a means of identifying and correcting inequalities in order to make it possible to analyse and gain an appreciation of the defining characteristics of men and women in specific contexts, it being understood that women's equity means that, on the basis of their diversity, women must have the necessary opportunities to live their lives in conditions of dignity, equality and respect for their identity and with guarantees of full access to fundamental rights and freedoms.

enterprise schemes, are aware of the benefits of their products and display increased knowledge of programmes offered by the national Government and the Ministry of Agriculture and Rural Development and how to access them.

566. In commemoration of the International Day of Rural Women (2008–2010), the national Government has held events to inform rural women about the services provided by the State to enhance their economic empowerment and about violence prevention strategies. These events, in which some 1,700 women have taken part, were organized with support from the Ministry of Agriculture and Rural Development and the Inter-American Institute for Cooperation on Agriculture.

## **2. Legislative measures**

567. Act No. 731 (2002) (annex 43 on this article) contains provisions designed to assist rural women and improve their quality of life, according priority to those of limited means, and establishes specific measures aimed at accelerating the attainment of equity between rural women and men, as referred to in the combined fourth and fifth periodic report of the Government of Colombia. With regard to the promulgation of implementing regulations to the Act, the texts referred to below have been adopted.

568. Resolution No. 01 (2002), issued by the National Commission on Agricultural Credit, defines “low-income rural women” as female heads of family whose total assets do not exceed 70 per cent of those specified for small-scale producers.

569. Resolutions Nos. 01 (2002), 02 (2002) and 06 (2002) were issued by the National Commission on Agricultural Credit in connection with the following matters:

(a) Resolution No. 01 defines rural women for purposes of eligibility for loans from resources of the Agricultural Finance Fund (FINAGRO) and the allocation of loans for rural activities pursued by rural women;

(b) Resolution No. 02 amends Resolution No. 04 (2001) relating to the capitalization, purchase and establishment of businesses through loans for the purpose of financing social security contributions and authorizes the Agricultural Finance Fund to issue regulations to this resolution and adopt measures for its implementation;

(c) Resolution No. 06 authorizes the Agricultural Finance Fund to offer rediscount credit facilities for financing rural activities.

570. Resolution No. 11 (2006) and Resolution No. 4 (2007) lay down regulations governing the Agricultural Guarantee Fund (FAG), as follows:

(a) Resolution No. 11 (2006) consolidates the regulations applying to the Agricultural Guarantee Fund and sets out amendments;

(b) Resolution No. 4 (2007) amends the provisions of Resolution No. 11 (2006) relating to the capital guarantee coverage under the Agricultural Guarantee Fund and to the guarantee commission due to institutions granting loans, and authorizes the Agricultural Finance Fund to issue regulations to this resolution and to adopt necessary procedures and measures for its implementation and application.

571. Resolution No. 030 (2008) annuls Resolution No. 0127 (2003), which regulated the operation of the Rural Women’s Microfinance Fund. This resolution establishes the Fund’s operating structure, functioning and administration and the resources to be allocated to it for financing specific programmes provided for in articles 10 and 11 of Act No. 731.

572. Resolutions Nos. 5 (2006) and 2313 (2006) set out general provisions concerning the enrolment of self-employed persons in the comprehensive social security system on a group membership basis through their trade unions or associations.

573. Decree No. 2998 (2003) deals with conferment on one spouse or cohabitee of title to farm property under the “family farming unit” or “family agricultural producer unit” (UAF) system if the other spouse or cohabitee has ceased to operate the property directly (article 1) and also with the award of untitled land to one spouse or cohabitee if that spouse or cohabitee declares on oath such cessation of operation and meets the requirements for pleading the time-bar applicable to agrarian property. Article 3 of this decree provides for the participation of women in corporate entities set up to operate farm properties and lays down that they shall be actively involved, in conditions of equity, in the decision-making process.

574. Decree No. 2000 (2009) establishes the regulations governing subsidies for land acquisition, lays down operational procedures and incorporates other provisions.

575. Resolution No. 0698 (2011) establishes the open-application invitation process for the granting of land purchase subsidies to the rural population, displacement victims, displaced women, black, Roma and indigenous persons, and professionals and experts in agricultural sciences.

### 3. Judicial measures

576. Mention may be made of the following:

(a) Decision T-025-04, referred to above;

(b) Ruling 092 (2008) and Ruling 237 (2008): see below;

(c) Decision C-393 (2007): “The purpose of the challenged Act is to protect unemployed workers who, through lack of income, do not have the resources to provide for their family. This is a constitutionally legitimate and imperative objective within a social State governed by the rule of law. Moreover, the means used — the allocation of 5 per cent of the resources of the Fund for Promotion of Employment and Protection of Unemployed Persons (FONEDE) to pay unemployment benefit to persons out of work who were not participants in a family allowance fund during the three-year period prior to submission of their application for support — are appropriate to the pursued aim, which is to guarantee a minimum subsistence level for recipients of the benefit. The legislator may resort to other means — such as unemployment insurance — but that does not imply that this benefit is not suitable for alleviating the situation of unemployment (...);”

(d) Decision C-722 (2004): “Family assets exempt from seizure on sole rural or urban real estate of female heads of household: a measure of protection primarily for children, which applies also to the father’s dependants in the same conditions. The measure provided for in Act No. 861 (2003) is designed to protect the family unit’s minimum assets, constituted by the real estate used by it for accommodation and as a means of protection not only for the woman head of family but also, and primarily, for children who are solely dependent on her. In view of this specific purpose of the Act, there are no grounds to justify the restriction of such special protection to the mother’s dependent children and its non-application to children who, in the same circumstances, are solely dependent on the father”.

577. Annex 4 on this article includes the full texts of these decisions.

### 4. Current situation and statistics

578. According to data from the last census conducted by the National Administrative Department of Statistics, in 2005, the population of Colombia stood at 41,468,384, including an estimated 9,958,005 rural dwellers, equivalent to 24 per cent of the total national population.

579. The rural population comprises 4,708,424 females (43 per cent) and 5,249,581 males (52.7 per cent). A gender-based analysis of the census information shows that, “in rural areas of municipalities, 19.8 per cent of households are headed by women and 80.2 per cent by men”; women nonetheless continue to be responsible for household tasks (49.8 per cent compared with 5.8 per cent in the case of men) and for looking after the children, which parallels the situation regarding other productive activities. Of males aged over 10 years, 47.1 per cent declared themselves as unmarried, compared with 37.3 per cent of females.

580. As regards permanent disability data for the nation as a whole, 6.5 per cent of males and 6.1 per cent of females stated that they had at least one permanent impairment. In rural areas, 8.2 per cent of males and 7.8 per cent of females suffered from at least one permanent impairment.

581. With respect to education, illiteracy is concentrated among the rural and older population. For 2008, the rate was 4.2 per cent in chief towns and cities and 15.0 per cent in rural areas. Illiteracy is more pronounced among males than among females. The female rate has fallen 0.68 percentage points, from 15.20 per cent (2002) to 14.52 per cent (2008). With regard to males, there was a minimal decline of 0.05 percentage points, from 15.74 per cent (2002) to 15.29 per cent (2008).

582. The number of students educated under flexible teaching models increased between 2006 and 2009 by 107,961, having risen from 926,620 to 1,034,581. By 2010, enrolment in the flexible system had increased to 1,053,761 students. The implementation of strategies concerning the provision of free education and the operation of school meals and school transport programmes have also contributed to the prevention of school dropout and are helping to ensure coverage and continuity of rural education services.

583. As regards displaced persons who benefited from urban and rural training programmes during the period from 2006 to 2010, a reported 65 per cent of the programme participants is female, i.e. 1,163,698 women. Data for 2010 show an increase of 22 per cent in comparison with the previous year, in which there was a reported total of beneficiaries.

584. With respect to women beneficiaries under the Production Partnership Programme, it is important to note that 2,653 (19 per cent) of the 13,729 approved beneficiary families participating in the 170 partnerships in operation (project phases I and II) are headed by women. The 56 most recent partnerships in operation (phase-II partnerships) show an increase in the proportion of female beneficiaries: 23 per cent as against a historical average of 19 per cent.

585. In connection with Rural Social Housing Programme, 11,501 women heads of household received subsidies under this scheme during the period from 2005 to May 2009.

586. Regarding the Rural Opportunities Programme, in 2007 there were 1,353 female beneficiaries compared with 2,141 male beneficiaries, making a total of 3,494 assisted families. During 2008 there were 3,691 female beneficiaries compared with 5,571 male beneficiaries, making a total of 9,262 assisted families. In 2010, there were 1,572 female beneficiaries compared with 1,911 male beneficiaries, making a total of 3,483 assisted families.

587. In the period from 2002 to 2008, 9,171 families benefited from land subsidies. According to information from the Colombian Rural Development Institute, these are essentially family units which in most cases comprise both spouses (man and woman) or are headed by women.

588. As regards contracts arranged under the Forest Warden Families Programme, women are the contract-holders in 94,320 (equivalent to 77 per cent) of the 122,282 families which have benefited from the programme since it was introduced in 2003, its aim being to empower women and develop equitable management of family income.<sup>190</sup> This strategy and the incentives offered to encourage democratic relationships within the family have made it possible for matters such as money management to be dealt with mostly on a shared basis between couples.

589. Forest warden families are primarily nuclear families<sup>191</sup> (49.8 per cent). The second commonest are extended families comprising both parents, children and other relatives, representing 17.6 per cent. Female-headed families account for 8.9 per cent.<sup>192</sup> Over 500 families benefit from production-oriented programmes, in 24 communities, with workshops in 19 areas producing fashion accessories, tableware, kitchenware and ethnic goods using 18 different raw materials. The forest warden craftworkers are situated in 19 municipalities in 13 of the country's departments.<sup>193</sup>

590. With respect to the food security network, the Presidential Agency for Social Action and International Cooperation estimates the total number of beneficiaries under food security projects between 2003 and 2009 at 3,478,578, of whom 1,697,036 were women, equivalent to 48 per cent.

## 5. Recent or ongoing measures

591. With regard to land subsidies, special treatment will be given under the current invitation for subsidy grant applications to displacement victims and displaced women heads of household, in compliance with Constitutional Court Rulings 092 and 237.

592. In connection with access to credit facilities, the Ministry of Agriculture and Rural Development has launched the Rural Development with Equity (DRE) Programme, which will involve policies aimed at strengthening Colombians' food security, improving the competitiveness of agricultural production and reducing social inequality in the farming sector. Although non-exclusive, it will prioritize subsidized credit for small- and medium-scale farmers, giving preference to the allocation of resources to producer groups, and will encourage the integration of large and medium-sized producers with small producers.

593. The Ministry of Agriculture and Rural Development recognizes the importance and necessity of developing a comprehensive policy for rural women and is thus seeking to strengthen the Rural Women's Programme, in compliance with article 5 of Act No. 731 (2002), with a view to eliminating obstacles facing rural women in order to facilitate access to funds, plans, programmes, projects, procedures and requirements. The aims of this

<sup>190</sup> Information system on programmes to combat illicit crop cultivation (SIPCI), 2011.

<sup>191</sup> I.e., traditionally structured rural families composed of both parents and their children.

<sup>192</sup> Data taken from the findings of the surveys conducted under the monitoring and evaluation system implemented by UNODC in connection with the Forest Warden Families Programme (municipalities in phases I to VI), corresponding to the information-gathering period 2005–2010. "Stable couples with no children represent 7.6 per cent. Showing lower percentages are single-person families (5.7 per cent) and female-headed extended families (5.3 per cent). Lastly, male-headed extended families and male-headed families each account for 2.5 per cent".

<sup>193</sup> They live in such diverse locations as Tumaco and La Cruz in Nariño; Tierralta and Valencia in Córdoba; Sucre in Santander; El Bagre, Turbo and San Juan de Urabá in Antioquia; Acandí in Chocó; Santa Marta in Magdalena; Otanche in Boyacá; Natagaima in Tolima; Marquetalia in Caldas; Santa María in Huila; the indigenous territories of Condagua and Yunguillo; the municipalities of Sibundoy in Putumayo and Leticia in Amazonas; and the Archipelago of San Andrés, Providencia and Santa Catalina.

programme include the coordination of institutional services provided by the Ministry of Agriculture and Rural Development, the strengthening of the Inter-institutional Committee on the Promulgation of Regulations to Act No. 731 (2002) and the implementation of new projects for the benefit of rural women, such as the project to strengthen rural women's production-oriented entrepreneurship and rural development.<sup>194</sup>

## V. Part IV of the Convention

### A. Article 15

594. This section is concerned with General Recommendations Nos. 21 and 19 of the Committee.

595. In general terms, domestic legislation provides for special treatment for the female population with the clear objective of equalizing the status of women, which for years has been marked by exclusion and marginalization. The principles of non-discrimination on the basis of gender, adequate and effective participation at decision-making levels of public administration, equality of rights and opportunities with men, special assistance during pregnancy and childbirth, reproductive freedom, special support for women heads of family and special employment protection are established in Colombian substantive law and, as regards some of these principles, in the Constitution.

#### 1. Administrative measures

596. Resolution No. 4552 (2008) of the Administrative Chamber of the Higher Judicial Council, which established the National Gender Commission of the Judiciary, sets out the following aims in the pursuit of gender equity within the judiciary: (a) the promotion of equality of opportunities between women and men and the elimination of gender-based discrimination in judicial decisions, in the justice administration service and in the internal functioning of the judiciary; (b) the integration of a gender perspective and the principle of non-discrimination in the institution's mission, vision and objectives, strategic planning processes and annual operating plans; and (c) the implementation of measures to eliminate existing inequalities between male and female judicial personnel (annex 1 on this article).

597. The National Gender Commission of the Judiciary, which brings together judges from Colombia's senior judicial bodies, represents an innovative regional — and possibly a pioneering international — effort in seeking through case-law experience to serve as a platform for the formulation of policies, plans and measures to guarantee equality and the absence of gender-based discrimination in access to justice. It also aims to become a centre for the advancement of gender awareness-raising and training for all judicial personnel and to provide a forum for the evaluation and monitoring of policies and plans drawn up.

<sup>194</sup> Designed for the purpose of creating productive opportunities to enable the target population under the project to access and build up assets and overcome conditions of poverty through the co-financing of working capital and, at the same time, the alignment of these groups' demand with sectoral supply. The target population will comprise 3,000 women who (1) are aged between 16 and 50 years and (2) are from families in SISBEN level-1 or level-2 households. In the selection of the business ventures, preference will be given to women victims of armed conflict, forced displacement and domestic violence, female returnees and restitution beneficiaries and women heads of household.

598. With a view to ensuring observance of the guidelines issued by the National Gender Commission in the different jurisdictions, 23 divisional gender committees were set up in each of the country's judicial districts in 2008.<sup>195</sup>

599. An agreement with UNFPA establishes mechanisms for the assimilation of gender- and rights-based approaches by the justice sector in its activities and the implications of their application in relation to the principle of equality.

600. The publications listed below have been produced with support from international cooperation agencies:

- (a) Reports on gender mainstreaming within the judiciary;
- (b) Comprehensive specialized training plan for implementation of self-directed learning modules under the gender module;
- (c) Analysis of maternal mortality from a legal perspective: another face of violence against women;
- (d) Gender and justice;<sup>196</sup>
- (e) Violence and discrimination against women;
- (f) One hundred rules on access to justice for vulnerable persons;
- (g) Measures against workplace violence and harassment under Act No. 1010 (2006);
- (h) Language: a strategic element in building equality;
- (i) Document series No. 10 on violence and discrimination against women, which includes Act No. 1257 (2008) and documents on the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará);
- (j) Gender and family law;
- (k) Gender and displacement.

## 2. Legislative measures

601. The Children's and Young Persons' Code (Act No. 1098 (2006)) and Act No. 1146 (2007), referred to above, set out precise legal mechanisms concerning prevention, early identification, detection and reporting of, and self-protection from, sexual abuse to which female pupils may fall victim and any other forms of discrimination, both at school and outside school.

602. The Children's and Young Persons' Code lays down the obligation of educational institutions' senior management and teaching personnel to establish in the rules of educational establishments, in conjunction with the education community in general, mechanisms for "timely detection of and support and counselling in cases of malnutrition,

<sup>195</sup> Composed of one high-court judge of the corresponding judicial district, one administrative-court judge and one judge from the Divisional Judicial Council's Administrative Chamber.

<sup>196</sup> The methodological guide "Gender and justice" is a self-directed learning tool for the administration of judicial practice aimed at Colombia's justice practitioners with a view to promoting the application of standards that respect and promote recognition of women's rights in accordance with the principles of equality and non-discrimination. The document "Language: a strategic element in building equality", which follows the same methodology, was published in 2009.

neglect, sexual abuse, domestic violence, economic or labour exploitation and contemporary forms of servitude and slavery, including the worst forms of child labour” and to “guarantee full respect for the dignity, life and physical and moral integrity of children and young persons within the school environment”, among other obligations.<sup>197</sup>

603. Chapter IV of Act No. 1146 (2007), which is concerned with the education sector and prevention of sexual abuse against children and young persons, sets out the obligation of teachers to report “to the competent administrative and judicial authorities any acts or signs of sexual abuse or violence against a child or young person of which they have knowledge.”<sup>198</sup>

604. The legal mechanisms available to female victims of discrimination within the sphere of education, whether involving sexual harassment or any other form of discrimination, accordingly operate through educational institutions’ regulations, which have to contain full details with regard to detecting and reporting instances of abuse or discrimination, which must in all cases be brought to the knowledge of the competent authorities notwithstanding any mechanisms put in place by educational institutions themselves for the subsequent provision of protection and appropriate psychological support for female pupils.

605. Act No. 1257 (2008), referred to above, entitled “For a life free from violence”, incorporates for the first time in domestic law a definition of violence against women in accordance with international standards, classifies violence against women as a violation of their human rights, recognizes the autonomy and freedom of women to make their own decisions, provides for comprehensive support for women victims of violence, includes relevant prevention and awareness-raising measures as part of the obligations of the State, sets out additional measures of protection and assistance, establishes responsibilities of families and society in confronting this scourge and contains amendments with regard to penalties.<sup>199</sup>

<sup>197</sup> To “provide effective protection for children and young persons from all forms of ill-treatment, physical or psychological abuse, humiliation, discrimination or taunts by fellow pupils or teachers” and to “establish adequate dissuasive, corrective and rehabilitative mechanisms to prevent physical or psychological abuse, taunting, derision or humiliation of children and young persons with learning or language difficulties or children and young persons with outstanding or special abilities” (Act No. 1098 (2006), article 44).

<sup>198</sup> This Act also stipulates: “State and private educational establishments offering formal education at the primary and secondary levels shall include details to assist in the early identification, prevention, detection and reporting of, and self-protection against, sexual abuse to which pupils may fall victim at or away from the educational establishment.”

<sup>199</sup> The Act contains the following stipulations regarding penalties: (a) it lays down that, in addition to the main punishment, forfeiture of rights shall be imposed on persons guilty of violence against women, as follows: they shall be prohibited from approaching the victim and/or members of the victim’s family and shall be prohibited from communicating with the victim and/or with members of the victim’s family; (b) it provides for aggravating circumstances with regard to crimes against life and physical integrity (including homicide and bodily injury), if the act is committed against the spouse or cohabitee, parents, even if not living together under the same roof, their relatives in the ascending or descending line and adoptive children or against any other person who is a permanent member of the domestic unit, if it is committed against a woman because she is a woman; (c) it provides for aggravating circumstances with regard to the crime of homicide against persons protected under international humanitarian law if the act is committed against a woman because she is a woman; (d) it provides for aggravating circumstances with regard to the crimes of simple kidnapping and kidnapping with extortion if the act is committed against a relative up to the fourth degree of relationship by blood, the fourth degree by affinity or the first degree by force of law, against the spouse or cohabitee or against any person who is a permanent member of the domestic



606. This Act has general immediate effect. Women may enforce their rights before the competent bodies and justice practitioners may secure their observance. Some articles require enabling regulations. The process of promulgating implementing regulations to the Act is being pursued under the Comprehensive Programme against Gender-based Violence, referred to above. In furtherance of this process, steps were taken to set up a technical panel composed of officials of bodies entrusted with responsibilities and duties, as laid down in the Act, for the implementation of its provisions. The technical panel has established procedures for the operation of thematic panels on justice, education, employment and health, which are engaged in the study and analysis, following a differentiated rights-based approach, of all the topics dealt with in the Act.<sup>200</sup>

607. The results achieved include the following:

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unit or by taking advantage of the trust placed by the victim in the perpetrator or in any accomplice or accomplices; for the purposes stated, a relationship by affinity may be constituted by any form of marriage or cohabiting partnership; (e) it defines the crime of sexual harassment: anyone who, for his or her own or another's benefit, by taking advantage of his or her manifest superiority or relationship of authority or power, age, sex or social, family, economic or employment position, harasses, persecutes or intimidates another person physically or verbally for non-consensual sexual purposes shall be liable to a term of imprisonment from one to three years; (f) it provides for aggravating circumstances with regard to crimes against sexual freedom, integrity and development (acts of sexual abuse and rape) and to the crimes of violent carnal knowledge and violent sexual acts against protected persons if the act is committed against a relative up to the fourth degree of relationship by blood, the fourth degree by affinity or the first degree by force of law, against the spouse or cohabitee or against any person who is a permanent member of the domestic unit or by taking advantage of the trust placed by the victim in the perpetrator or in any accomplice or accomplices; for the purposes stated, a relationship by affinity may be constituted by any form of marriage or cohabiting partnership; if it is committed against persons in a vulnerable situation by reason of their age, ethnicity, physical, mental or sensory disability, trade or occupation; if the act is committed with the intention of generating social control or fear or obedience in the community; (g) it provides for aggravating circumstances with regard to crimes against sexual freedom, integrity and development (procuring or incitement to prostitution, coercion into prostitution and human trafficking) if the act is committed against a relative up to the fourth degree of relationship by blood, the fourth degree by affinity or the first degree by force of law, against the spouse or cohabitee or against any person who is a permanent member of the domestic unit or by taking advantage of the trust placed by the victim in the perpetrator or in any accomplice or accomplices; for the purposes stated, a relationship by affinity may be constituted by any form of marriage or cohabiting partnership; if it is committed against persons in a vulnerable situation by reason of their age, ethnicity, physical, mental or sensory disability, trade or occupation; and (h) it lays down, with regard to the prosecution of crimes against sexual freedom and development and the crime of sexual violence, that the judge may, at the request of any party to the proceedings, instruct that hearings be held in camera. If any party to the proceedings so requests, the competent authority may make an order of non-disclosure of identity with regard to the personal particulars of that party, of his or her relatives in the descending line and of any other person in his or her care or custody.

<sup>200</sup> With regard to the promulgation of regulations to Act No. 1257, as referred to above, a joint participatory methodology was established for this process, involving meetings with competent officials, meetings with women's organizations, in particular the panel on monitoring the implementation of Act No. 1257 (2008), meetings with advisers from the women's congressional caucus, information requests to the departmental panels on eradication of violence against women and meetings with the private sector and trade unions. The articles for which implementing regulations should be issued as a priority were identified, namely article 8 (Rights of victims of violence), subparagraphs (b) and (k); article 9 (Awareness-raising and prevention measures), subparagraph 6; article 17 (Protection measures in domestic violence cases), subparagraphs (b) and (d) to (1); and article 18 (Protection measures in non-family settings), subparagraph (a).

(a) A draft decree laying down regulations relating to the Act's justice provisions aimed at ensuring the specialized, cost-free defence of women victims, guaranteeing their right not to undergo face-to-face confrontation with abusers, and locating or providing premises for women victims of violence in order to safeguard their lives and integrity (under examination);

(b) Proposals for incorporating specific provisions on the implementation of Act No. 1257 in the National Public Health Plan 2011–2014;

(c) An analysis of alternative approaches to the issue of gender violence based on national and international contexts and an analysis of key aspects to be taken into account in the promulgation of regulations to the Act in the spheres of employment and education;

(d) In the area of communication, the preparation of a handbook for journalists, the creation of a website and participation in social networks concerned with the eradication of violence against women, the broadcasting of advertising spots, the drawing up of agreements with spokespersons (social celebrities), the conclusion of agreements and the launch of a related communications strategy at the inter-institutional level. The process of promulgating regulations is continuing in order to ensure the effective implementation of these proposals, which have been meticulously prepared with the participation of all stakeholders involved.

608. Measures are being taken at the regional level with a view to complying with Act No. 1257 (2008). An appended document contains information from 21 of the country's 32 departments<sup>201</sup> on the subject.<sup>202</sup>

609. Annex 2 on this article includes the full texts of these laws.

### 3. Judicial measures

610. Mention may be made of the following Constitutional Court decisions:

(a) Decision C-534 (2005): see the section on article 4 of the Convention;<sup>203</sup>

(b) Decision C-804 (2006): see the section on article 5;

(c) Decision C-540 (2008): see the section on article 4; the annex on that article includes the full texts of these decisions.

## B. Article 16

611. This section is concerned with General Recommendations Nos. 19 and 21 of the Committee.

<sup>201</sup> Antioquia, Amazonas, Atlántico, Bolívar, Caldas, Cauca, Cesar, Córdoba, Guainía, Huila, Magdalena, Meta, Nariño, Norte de Santander, Putumayo, Quindío, Risaralda, San Andrés y Providencia, Santander, Tolima, Valle del Cauca and Vichada.

<sup>202</sup> Matrix of actions for preventing violence against women in the departments and Capital District.

<sup>203</sup> "The general equality clause set forth in article 13 of the Constitution is linked to articles 43 to 45 of the Constitution. The coexistence of the two principles under our constitutional law is thereby established (...). These are: (i) the express prohibition of discrimination by reason of sex and (ii) the definition of women and children as groups deserving of special protection."

## 1. Administrative measures

612. For details of the national policy on building family peace and harmony, referred to above, see the comments in the present report on article 1.

613. With the aim of promoting the development of families that are democratic, tolerant of differences and respectful of the dignity and rights of their members without distinction as to age, gender or culture, the Colombian Family Welfare Institute is pursuing measures to address the problem of domestic and sexual violence in the areas of prevention, detection, monitoring, support and institutional change, which are interlinked with the issue of restitution of rights, including sexual and reproductive rights, sexual health and gender equity.

614. Domestic violence prevention programmes are being implemented by the Colombian Family Welfare Institute, including those described below.

615. The Homes with Well-being Programme makes it possible to coordinate guidelines, strategies and actions through the pursuit of therapeutic support and training initiatives aimed at families which are vulnerable and which are in receipt of housing subsidies, with a view to the recognition and promotion of their rights and the prevention of risks of violation of those rights.

616. The number of qualifying families who have participated in the programme totalled 40,153 in 2007, 78,360 in 2008 and 38,440 in 2009. In 2010 the programme operated in 26 departments, assisting 41,560 families.

617. The objective of the programme is to supplement the national Government's housing policy through measures that will contribute to the expansion of healthy living conditions, the prevention of domestic violence, the improvement of standards of accommodation, the observance of sexual and reproductive rights and families' facilitated access to the network of institutional and community services. A gender perspective has been incorporated in the programme, which accordingly aims to promote well-being and a balance in individual family members' roles, seeking to minimize the differences in men's and women's opportunities for a full quality of life and foster the all-round development of the family through the enhancement of each member's capacities and skills, based on the restructuring of interpersonal relationships and a commitment to participation in upbringing and the promotion of values and principles on the part of parents towards their children.

618. A scheme developed to promote prosocial behaviour in families and children aged between 4 and 6 years makes it possible to identify aggressive or non-prosocial behaviour with a view to the adoption of measures involving cooperative learning and behavioural shaping for both children and their families. The model was put into effect under a pilot project at nine regional centres of the Colombian Family Welfare Institute (2007). During 2009, the model was implemented at 14 regional centres,<sup>204</sup> where initial and expanded workshops were held, providing training for 5,250 community and institutional educators. In 2010, prosociality and risk assessments were conducted on 3,361 children,<sup>205</sup> and assistance and advice were given to "community mothers" and pre-school teachers by 69 family peace and harmony facilitators on the promotion of prosocial behaviour as part of comprehensive early-childhood care services. Under a planned cycle, support has been provided for 751 families with children at the highest risk of early aggression and violence.

<sup>204</sup> Antioquia, Amazonas, Arauca, Chocó, Cundinamarca, Huila, Magdalena, Meta, Norte de Santander, Putumayo, Risaralda, Santander, Valle and Vaupés.

<sup>205</sup> At the regional centres of Amazonas, Antioquia, Arauca, Bogotá, Chocó, Cundinamarca, Huila, Magdalena, Meta, Norte de Santander, Risaralda, Santander, Valle and Vaupés.

619. In this connection, a project was executed from 2005 to 2007 on support models for preventing, detecting and dealing with domestic violence. Undertaken in response to the need for tools to address the issue of domestic violence from within the education sector, the project, which is carried out at community welfare support facilities and at pre-school nurseries run by the Colombian Family Welfare Institute, offers an alternative approach to preventing early-childhood aggression.

620. The Family Solidarity Model Programme involves the provision of comprehensive support for children, young persons and their families following an inclusive, differential and systemic-intervention approach based on an ethico-political stance entailing inclusion, participation and mutual support between family members and with society. It is implemented through family-based intervention under various programmes of the Colombian Family Welfare Institute and the national family welfare system, in particular those involving family rights divisions of the Office of the Ombudsman, family commissioner's offices and police inspectorates. In the period from 2007 to 2010, some 755 officials of the Colombian Family Welfare Institute and 104 professional staff from institutions which assist ex-combatants of illegal armed groups received training under this model, which provides for a systemic approach to family support action.

621. Agreements have been concluded with the national Navy and Army in support of measures to prevent violence in military families or beneficiaries through workshops on training in the promotion of family harmony following a gender and sexual and reproductive rights approach. The workshops are aimed at senior armed forces personnel and at persons in charge of social welfare programmes for military families.

622. Action has been taken to promote responsible fatherhood and motherhood through training and awareness workshops and initiatives aimed at young persons and families benefiting from prevention and support programmes of the Colombian Family Welfare Institute and involved in paternity and/or maternity investigation proceedings in Colombia. Parenting training activities incorporating a gender-differentiated approach were undertaken in 2010 for 20,000 beneficiary families under the *Juntos* Network Programme and the Homes with Well-being Programme of the Colombian Family Welfare Institute.

623. Noteworthy among the action areas of the national policy on sexual and reproductive health, referred to above, are the following:

- (a) Promotion of safe motherhood;
- (b) Family planning;
- (c) Adolescent sexual and reproductive health;
- (d) Prevention of cervical cancer;
- (e) Prevention of sexually transmitted infections, including HIV/AIDS; and
- (f) Prevention and support measures in regard to domestic and sexual violence.

624. Parenting guidelines have been prepared under an agreement between the Colombian Family Welfare Institute and the Colombian Paediatric Society. These guidelines, on which work was carried out by public officials and community educators of the Colombian Family Welfare Institute within the country in conjunction with programme beneficiaries, promote responsible motherhood and fatherhood taking into account generational differences and different family situations. Parenting training activities incorporating a gender-differentiated approach were undertaken in 2010 for 20,000 beneficiary families under the *Juntos* Network Programme and the Homes with Well-being Programme of the Colombian Family Welfare Institute.

625. Under an agreement between the Colombian Family Welfare Institute and the Association for the Promotion of Colombian Family Well-being, awareness and promotion activities were implemented between 2007 and 2008 on sexual integrity and the exercise of sexual rights, for which purpose training was also provided for educators.<sup>206</sup>

626. An agreement has been concluded between the Colombian Family Welfare Institute and the International Organization for Migration on strengthening prevention and support measures in the area of sexual and reproductive health in 17 of the country's departments.

627. Also, 47 agreements have been entered into with the local health authorities of 47 municipalities on the implementation of friendly health services.

## 2. Legislative measures

628. Domestic violence is defined as conduct by one member of a family unit against another member causing physical or psychological harm or violation of sexual integrity or consisting of threats, affronts, insults or any other form of abuse or use of force.<sup>207</sup>

629. For the purposes of protection proceedings, a family is deemed to be constituted by natural or legal ties, by the freely made decision of a man and a woman to enter into marriage or by their responsible commitment to form a family.<sup>208</sup>

630. Act No. 1257 (2008), referred to above, provides for the withdrawal of magistrates' jurisdiction to rule in cases involving situations of violence, broadens the range of protection measures and redefines the term family for purposes of instituting protection proceedings. In article 34 of the Act, the scope is widened to enable protection also to be requested by persons who have ever cohabited, i.e. a request is allowable irrespective of whether the couple still live together. Protection proceedings are increasingly being used by victims of violence and have become an alternative procedure owing to the protection measures which are granted, as referred to in connection with article 1.

631. The ex officio prosecution of the offence is reaffirmed in the third additional clause of article 17, which stipulates, with regard to protection measures in domestic violence cases, that "(...) the competent authority shall refer all cases of domestic violence to the Prosecutor-General's Office for purposes of investigating the offence of domestic violence and possible related offences". In other words, the victim is not required to initiate proceedings.

632. Act No. 1142 (2007), referred to in connection with article 1 above, stipulates that the crime of domestic violence is not subject to the requirement of a prior complaint, i.e. legal action does not have to be instigated by the victim.

633. Annex 2 to the present report contains the full texts of these laws.

## 3. Judicial measures

634. Decision C-1198 (2008) states:

"(...) It must nonetheless be pointed out that the fact that criminal proceedings are initiated ex officio if the perpetrator is arrested in flagrante delicto does not

<sup>206</sup> In Bogotá, Boyacá, Cesar, Cundinamarca, Chocó, Nariño, Caquetá and Risaralda.

<sup>207</sup> Article 16 of Act No. 1257 (2008).

<sup>208</sup> Act No. 294 of 1996, article 2: A family is composed of: (i) the spouses or cohabiting partners, (ii) the parents, even if not living together under the same roof, (iii) their relatives in the ascending or descending line and adoptive children and (iv) all other persons who are permanent members of the domestic unit.

necessarily mean that they have to conclude with a conviction or that all procedural stages provided for by the law to that end have to be completed since it may well be that the proceedings are terminated prematurely owing to the adoption of an arrangement such as conciliation, the withdrawal of the legal action on payment of damages (article 76 of the Code of Criminal Procedure) or the application of the principle of prosecutorial discretion (articles 321 ff. of Act No. 906 of 2004) or in cases where the criminal action is discontinued (article 77 of the Code of Criminal Procedure), inasmuch as criminal proceedings are identical whether relating to crimes which have to be investigated *ex officio* or to those which require an application by the injured party since, as previously stated, the lodging of a complaint is a prerequisite for criminal prosecution and is not linked to the nature of the offence (...).”

“(...) one cannot ignore the precedent set in Decision C-425 (2008), according to which conciliation is indeed admissible. It is emphasized that consideration must always be given to the child’s best interests and to the safeguarding of the family as the fundamental institution of society and that, with regard to cases involving criminal conduct where the victims are or were children or young persons, justice practitioners must, owing to the special category of such victims, take into account the rules set forth (...) in the Children’s and Young Persons’ Code, which lays down special procedures for such circumstances (...).”<sup>209</sup>

635. The full texts of these decisions are contained in annex 3.

## VI. Other issues

### A. Measures taken to eliminate violence

636. This section is concerned with the previous comments of the Committee (CEDAW/C/COL/CO/6, para. 11).

#### 1. Administrative measures

637. The Government draws attention to the adoption of the democratic security policy, which was implemented during the period from 2002 to 2006, and its strengthening in the period from 2006 to 2010, and also to the pursuit of various strategies (land recovery, changes in military strategy, demobilization and action to combat drug trafficking), which have made it possible to reverse the negative trend observed, in the late 1990s, in the main human rights and international humanitarian law indicators, resulting in positive changes in the human rights situation.

638. Between 2002 and 2009, the number of law enforcement personnel increased considerably, the police and military forces having expanded from 313,406 to 437,584 members,<sup>210</sup> constituting an armed body committed to the observance of human rights.<sup>211</sup> The gradual recovery of national territory and the monopoly of strength held by the State have led to the establishment of a police presence in over 1,100 municipalities across the country and to the enhancement of professional standards and efficiency within the law

<sup>209</sup> Reiterates the Court’s line of reasoning in Decision C-425 (2008) and Decision C-489 (2009).

<sup>210</sup> *Source*: National Police and Military Forces High Command.

<sup>211</sup> Hence the Ministry of Defence’s insistence that “the first obligation of every soldier and police officer is to safeguard and respect human rights”, Comprehensive Human Rights and International Humanitarian Law Policy, Ministry of Defence, 2008, para. 3.

enforcement services, which have succeeded in halting the advance of irregular groups by weakening their networks. As regards the intensity of the armed confrontations, the number of recorded armed actions and offensives fell from 4,680 and 6,540 respectively for the period from 2002 to 2005 to 2,548 and 4,827 respectively for the period from 2006 to 2009. The reduction in offensives between these two four-year periods is the outcome of the execution of the democratic security policy and related military campaigns and also the Patriot Plan and Consolidation Plan, which have overwhelmingly neutralized the damage-causing capability of irregular armed groups, in particular guerrilla organizations. These efforts are continuing.<sup>212</sup>

639. The period between 2002 and 2009 was marked by a decline in the number of killings, with the lowest recorded perpetration rates for such offences since 1990, owing in part to the increased offensive capacity of the law enforcement services and to the demobilization of self-defence groups.

640. The year 2002, with 28,775 violent deaths, saw the highest number of recorded killings in over a decade. The total for 2009 was 15,817, which represents positive progress in combating this crime, the rates of killings having fallen by 45 per cent between these two years.<sup>213</sup>

641. The report of the Human Rights Monitoring Centre of the Presidential Human Rights Programme, referred to above, entitled “An initial exploration of violence against women 2003–2009”, states that the number of killings recorded during that period totalled 128,478, where 118,059 (91.99 per cent) of the victims were male and 10,285 (8 per cent) female.<sup>214</sup> Specifically with regard to female victims of killings, a declining trend can be seen over this seven-year period, the number of violent deaths having fallen from 1,931 in 2003 to 1,261 in 2009, which represents a 34 per cent reduction. Of the total killings during the period under review, the highest proportion of those involving women (8.2 per cent) occurred in 2003.

642. During the seven-year period analysed in this document, there were 1,656 recorded victims of massacres, of whom 1,429 (86 per cent) were male and 217 (13.98 per cent) female. It is important to make clear that no information is available on the sex of the victim in 41 cases (0.02 per cent).

643. As regards kidnappings, according to the document prepared by the Human Rights Monitoring Centre the number of abductions which took place in Colombia between 2003 and 2009 totalled 6,219, of which 76 per cent (4,738 cases) involved male victims and 24 per cent (1,481) female victims. In general, the kidnapping variable followed a declining trend throughout the period, a comparison of the figures for females kidnapped in 2003 with those for 2009 showing that the number of victims fell by 90 per cent, from 464 to 46.

644. With respect to murders of female civic and community leaders, trade-union members and local authority officers, see the Government’s reply in the present report on article 7.

<sup>212</sup> On 22 September 2010, Víctor Julio Suárez Rojas, known as Mono Jojoy, was shot down in Operation Sodom by Colombian armed forces at La Escalera, an area in the La Macarena mountain range. Mono Jojoy was the military leader of the Revolutionary Armed Forces of Colombia (FARC) and a member of this guerrilla group’s secretariat. The Colombian Government has described this raid as the most powerful blow struck at the insurgent group.

<sup>213</sup> There was a 39 per cent fall between 2002 (28,775) and 2006 (17,479) and a 10 per cent fall between 2006 and 2009, with 15,817 violent deaths recorded in the latter period.

<sup>214</sup> It is also important to make clear that there is no information on the sex of the victim in 0.01 per cent (134) of recorded killings.

645. The figures quoted above show that violence in Colombia has decreased and citizens' security has increased considerably in recent years, thanks to the implementation and strengthening of the democratic security policy.

646. The Ministry of Defence comprehensive policy on human rights and international humanitarian law sets out the constitutionally mandated requirement that the law enforcement authorities uphold the rights and freedoms of the population and the obligation that measures be adopted for the benefit of special groups in need of differentiated support (including indigenous persons, Afrodescendants, displaced persons, women, children, victims of enforced disappearance, human rights defenders, trade-union members, journalists, medical mission staff and persons benefiting from precautionary and provisional measures under the Inter-American human rights system).

647. In this connection, Ministerial Directive No. 11, of 2010, on zero tolerance of sexual violence, was adopted by the Ministry of Defence with the objective of preventing all forms of violence against women and girls, especially violent sexual acts, supplementing other measures adopted, such as Standing Army Circular No. 630134, of 2009, concerning command policies on observing and respecting women's human rights<sup>215</sup> and Navy Circular No. 1281, of 2006, which sets out measures to safeguard, promote and protect women's rights.<sup>216</sup>

648. In August 2010, the Ministry of Defence adopted a policy on sexual and reproductive rights, equity, gender-based violence and sexual and reproductive health, with emphasis on HIV, promoting measures aimed, inter alia, at strengthening the observance and application of rules relating to crimes of gender-based violence through the pursuit of no-impunity, zero-tolerance and gender-equity strategies in regard to such violations within the national police and military forces (annex 1 on this article).

649. These strategies are part of the steps taken by the Ministry of Defence to implement the resolutions adopted by the Security Council on women, peace and security<sup>217</sup> for the purpose of preventing gender-based violence, with emphasis on sexual violence committed in situations where international humanitarian law is applicable. Initiatives currently being pursued and those which are to be established or strengthened include the following:

(a) Promotion and prevention:

<sup>215</sup> Including: (a) the observance and protection of women's rights without discrimination of any kind based on social class, race or ethnic group, income level, culture, education, age or religion or of any other nature; (b) the avoidance of any displays of discrimination towards female forces personnel; (c) the requirement that demobilized female members of illegal armed groups be interviewed, insofar as is possible, by female personnel; (d) the keeping of records on acts of sexual violence perpetrated in the context of Colombia by illegal armed groups, in order to demonstrate to the national and international community the use of sexual violence as a war crime; (e) the investigation and exemplary punishment of harassment, ill-treatment, abuse and acts of physical or psychological violence against women, in particular humiliating or degrading treatment, rape, forced prostitution and any form of offence against modesty or dignity; and (f) the filing of criminal complaints against illegal armed organizations in relation to the commission of crimes against women.

<sup>216</sup> Including: (a) information campaigns to publicize international legal norms promulgated for the protection of gender and women's rights; (b) prevention campaigns concerning conduct towards and treatment of women and children with a view to preventing gender-based violence; (c) support for activities of competent authorities aimed at preventing trafficking in women and children; and (d) participation in programmes proposed by departmental and civil authorities so that such programmes serve as platforms for the dissemination and application of norms regulating the protection of gender and women's rights.

<sup>217</sup> Resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010).



- (b) Training;
- (c) Comprehensive support;
- (d) Research;
- (e) Safeguarding of rights;
- (f) Oversight and monitoring for the purpose of promoting and/or developing measures to enforce military discipline and to debunk myths that fuel sexual violence (curricular and extracurricular training activities);
- (g) Protocols on guaranteeing accessibility of comprehensive support services for victims of acts of gender-based, sexual and domestic violence;
- (h) Victim protection measures;
- (i) Measures to strengthen military discipline and promote effective cooperation with the justice system for the timely reporting of possible cases of violent sexual acts against protected persons to the competent judicial and disciplinary authorities; and
- (j) Oversight and monitoring through recording and updated tracking of ongoing investigations into sexual violence offences.

650. Strategies are being pursued in connection with access to justice for women victims of violence in armed confrontations, as described below.

651. The Prosecutor-General's Office operates a programme incorporating a specific differentiated methodology to address the quantitatively and qualitatively disproportionate impact of armed confrontation and forced displacement on women. Its main components involve the following activities:

- (a) The construction of a dedicated differentiated database on sexual violence cases within the context of violence perpetrated by illegal groups;
- (b) The operation of technical legal committees to expedite case processing, self-evaluation and results analysis and develop special support and optimization strategies;
- (c) The application of differentiated investigative tools to enhance efficiency in the conduct of investigations through the adoption of a differential strategy in case examinations and interview techniques and the incorporation of a psychosocial approach;<sup>218</sup>
- (d) The training of legal practitioners;
- (e) The establishment of victim support centres, following an inter-institutional and interdisciplinary management model, to provide protection and assistance for victims of sexual violence (CAIVAS centres); and
- (f) The coordination of inter-institutional and intra-institutional action to defend the fundamental rights of women victims of sexual violence in the context of exacerbated

<sup>218</sup> Including Resolution No. 0266, of 9 July 2008, containing guidelines on institutional action in connection with sexual violence cases in the context of exacerbated violence perpetrated by illegal armed groups; Memorandum No. 0117, of 10 November 2008, on a differentiated investigative methodology incorporating a psychosocial approach to sexual violence cases in the context of exacerbated violence perpetrated by illegal armed groups; Memorandum No. 035, of 28 April 2009, on an investigative strategy for addressing forced displacement as a separate offence; and Memorandum No. 075, of November 2009, which states, in connection with gender-based violence caused by illegal organized groups, that non-governmental organizations with expertise in the matter should be sought for the purpose of making specific approaches to these groups and their victims.

violence perpetrated by illegal armed groups and to combat impunity in sexual violence cases.

652. The project on combating impunity in sexual violence cases within the context of armed conflict (2010–2013)<sup>219</sup> incorporates two thematic areas:

(a) Organizational development for the investigation, prosecution and punishment of acts of sexual violence within the context of armed conflict, with the aim of ensuring the existence of organizational mechanisms for establishing investigation, prosecution, punishment and reparation measures in cases of this kind. The fulfilment of this objective entails strategies relating to organizational development, training for justice practitioners and the pursuit of a specific investigative methodology;

(b) Victim and witness protection and support, with the aim of promoting the recognition of victims of sexual violence and their participation in investigation, punishment and reparation processes through the pursuit of strategies to raise awareness, provide legal assistance and develop inter-institutional care pathways.

653. The Colombian Government is aware of the challenges to identifying sexual violence in the context of armed confrontation, combating impunity in such cases and providing appropriate support and due redress for victims and is thus working jointly at the State level in order to combine efforts and strengthen measures already adopted to that end.

#### **Support for landmine victims**

654. With regard to the policy on comprehensive action against anti-personnel mines 2009–2019<sup>220</sup> and the policy on comprehensive support for anti-personnel mine victims 2009–2012 (CONPES document 3567 of 2009), it is the aim of the Presidential Programme on Comprehensive Action against Anti-personnel Mines to integrate a gender perspective in policies on support for anti-personnel mine and unexploded ordnance victims and mine risk education. A differential approach with regard to the effective enjoyment of rights has accordingly been incorporated in both policies.

#### **Support for persons undergoing demobilization and reintegration**

655. The High Presidential Council for Social and Economic Reintegration of Insurgents and Rebel Groups (ACR) is implementing a gender equity strategy for the benefit of ex-combatants. The aims of this strategy are: (a) to contribute to the elimination of discrimination against women undergoing reintegration and against female members of ex-combatants' families; (b) to meet the different needs of male and female participants and their dependants; and (c) to help change aspects of male and female identity which prevent participants and their families from pursuing a violence-free life plan based on the exercise of rights and duties.<sup>221</sup> The ACR is undertaking measures for the provision of differentiated

<sup>219</sup> In view of the challenges existing with regard to prosecution and due redress for victims in sexual violence cases despite institutional efforts, the national Government signed a cooperation agreement in November 2010 between the Administrative Department of the Office of the President and the Royal Netherlands Embassy, under which the anti-impunity policy of the Presidential Human Rights Programme will be implemented.

<sup>220</sup> Adopted by the Intersectoral Commission on Comprehensive Action against Anti-personnel Mines (2008).

<sup>221</sup> Its objective is to ensure participants' equal access to psychosocial services offered by the ACR in the areas of education, health and psychosocial care and to programmes on economic reintegration, including employment training and income generation (employability and business plans). These services are designed to meet the concerns and needs of men and women, thereby enabling them to function effectively in their different environments.

psychosocial care, founded on sensitive understanding of the needs, problems, concerns and capacities of each participant and his or her family, and the simultaneous channelling of these aspects with a view to fostering social reintegration.<sup>222</sup>

### **Review mechanisms to evaluate strategies pursued for the promotion and protection of women's rights**

656. With the aim of incorporating international standards in the Colombian Government's work relating to the adoption of regulations and the formulation of policies, plans and programmes to safeguard the human rights of women, the ACPEM, in conjunction with the Ministry of Foreign Affairs, is reviewing the international instruments ratified by Colombia and the recommendations of the human rights protection mechanisms of the global (United Nations) and regional (OAS) systems in the area of women's rights. This strategy is being strengthened through activities conducted by the Gender Monitoring Centre and the setting up of the inter-institutional panel on eradication of violence against women, referred to above.

657. The comprehensive victim support model developed by the National Commission for Reparation and Reconciliation<sup>223</sup> includes assistance measures to ensure adequate care for armed conflict victims, appropriate referrals and the identification of psychosocial care needs. It establishes recommendations and specific pathways for the provision of care in cases involving victims of crimes of enforced disappearance and sexual violence, with model updating on the basis of international instruments (see annex 3 on this article).

658. The Commission has prepared a handbook on case documentation and counselling for women victims of gender violence in the context of armed conflict, as an ethical and technical tool for supporting women victims. It has also worked on preparing guidelines for the provision of adequate assistance to women victims of gender-based violence, in particular sexual violence in the context of armed conflict. During 2007, 2008 and 2009, training initiatives were undertaken for personnel of the Commission's regional centres and other institutions on topics relating to the adoption of differentiated gender, life-cycle and ethnicity approaches. This resulted in the preparation of the above-mentioned handbook in May 2011 (see annex 2 on this article).

659. A model on secondary prevention of domestic violence for families with at least one member undergoing reintegration<sup>224</sup> was implemented as part of the activities carried out by the ACR to promote non-violent gender relations both among participants and within their families, covering issues concerned with improving relationships.<sup>225</sup> In the handling of

<sup>222</sup> Participants in the reintegration process are in the vast majority of cases men, representing 87 per cent, with women making up 13 per cent. An analysis made of the experiences of demobilized combatants before, during and after their involvement with illegal armed groups shows inequalities and differences in gender relationships as well as, in some senses, gender relationships that are more equal.

<sup>223</sup> The action area pursued by the Commission concerning gender and specific population groups, as referred to in connection with article 5, is aimed at the effective integration of a gender, life-cycle and ethnicity perspective in the development of the policy on comprehensive redress for victims of violence in Colombia.

<sup>224</sup> This model was developed by the ACR under an agreement with the ACPEM and the University of Antioquia. It is being piloted in three of the country's regions and it is hoped that in 2011 it can be replicated at the national level (2009–2010).

<sup>225</sup> It promotes self-caring habits in men and women, in accordance with their specific needs, to enable them to take ownership of their body as part of their identity in order to look after it and keep it in good condition, thus improving their quality of life, and is aimed at lessening the stigma attaching to women owing to their former membership in illegal armed groups and at strengthening their

domestic violence, gender-based violence and sexual abuse cases, participants and their relatives are made to understand the importance of listening to each other and adopting an attitude of respect towards one another without resorting to violent means to resolve differences.

#### **Measures adopted by the law enforcement services to prevent violence against women**

660. Noteworthy among these measures are the following:

(a) The incorporation of thematic content on preventing gender-based violence and sexual violence in the curriculum of law enforcement training schools;<sup>226</sup>

(b) The holding of diploma courses on sexual and reproductive health, sexual and reproductive rights and gender equity for law enforcement instructors;<sup>227</sup>

(c) The launch of an information campaign on sexual and reproductive health, sexual and reproductive human rights, HIV and gender-based violence (posters, brochures and radio spot advertisements);

(d) The organization and convening of the sixth satellite meeting of COPRECOS LAC<sup>228</sup> (17–20 March 2010);

(e) In-service diploma courses for general practitioners on the management of local HIV/AIDS programmes, the National Public Health Plan, the prevention of domestic and gender-based violence and the training of health personnel of the police force and the three military forces in Bogotá, Medellín, Villavicencio, Cali, Barranquilla and Bucaramanga (2007–2008);

(f) The strategy to provide training on sexual and reproductive rights, sexual health and gender equity for the 23 law enforcement schools (40 instructors and health personnel from each school received training in 2008);

(g) The strategy to provide training for battalions in the conflict areas of Montes de María, Magdalena Medio and the Pacific Coast region (visits were made to 12 military units between 2008 and 2009, with priority accorded to the three issues of prevention of adolescent pregnancies, prevention of gender-based violence with emphasis on sexual violence, and prevention of HIV/AIDS);

(h) The implementation of the gender-differentiated information system on sexual and reproductive health in the national police force and its introduction in the armed forces health subsystem;

(i) The pursuit of measures in connection with preventing and addressing gender-based violence and fostering new attitudes of masculinity;

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<sup>226</sup> leadership and political participation skills in order to encourage their empowerment in civil society. UNFPA and the Ministry of Defence have taken steps to disseminate and mainstream gender- and rights-based approaches in the law enforcement services through training and technical assistance in reinforcing and fully upholding the principle of equality, discharging their role as duty-bearers, especially with regard to ensuring sexual and reproductive rights, and strengthening their capacity to undertake their responsibilities in the areas of policing, policy formulation, administration of justice and the law from a gender perspective, and also to produce information on gender-based violence and offer a comprehensive response to dealing with it.

<sup>227</sup> Covering all the sexual and reproductive health topics included in the National Public Health Plan, the prevention of domestic and gender-based violence and the fostering of new attitudes of masculinity. The second diploma course was implemented in 2010.

<sup>228</sup> The Committee on the Prevention and Control of HIV/AIDS in the National Police and Armed Forces of Latin America and the Caribbean.

(j) The production of the Ministry of Defence institutional video on promoting zero tolerance and zero impunity with respect to violence against women in the law enforcement services.

661. See the information in annex 3 on assistance for victims of violence.

## 2. Legislative measures

662. Mention may be made of the following:

(a) The Justice and Peace Act (Act No. 975 (2005)), which contains provisions on reintegration of members of illegal organized groups into civilian life, with the aim of contributing effectively to the achievement of national peace, and also provisions on humanitarian agreements;

(b) Decree No. 1290 (2008) on the administrative programme of individual reparations, which provides for compensatory measures for victims of crimes in the context of the Colombian armed conflict, including compensation for offences against sexual integrity and freedom of the person;

(c) Standing Ministerial Directive No. 11, of 21 July 2010, on zero tolerance of sexual violence, which reiterates the duty of the law enforcement authorities, in the discharge of their responsibilities, to prevent all forms of violence against women and girls, especially violent sexual acts;

(d) Act No. 1015 (2006) on the national police force disciplinary regime and Act No. 836 (2003) on the military forces disciplinary regime;<sup>229</sup>

(e) Standing Circular No. 630134, of 2009, on command policies on observing and respecting women's human rights;

(f) National Navy Circular No. 1281, of 2006, referred to above;

(g) National Police Directive No. 015, of 2007, on promotion of gender equality and equity within the institution.

663. Annex 4 on this article includes the full texts of these laws.

## 3. Recent or ongoing measures

### **Legislative bill laying down measures for the provision of support, assistance and comprehensive redress to victims of human rights violations and international humanitarian law breaches, and incorporating other provisions<sup>230</sup>**

664. The legislative bill's objectives are to consolidate existing provisions on support, protection and redress for victims of violence, incorporate additional tools for that purpose and implement necessary mechanisms to ensure the realization of victims' rights to truth,

<sup>229</sup> The police and military forces disciplinary regimes cover all the punishable acts which in connection with all forms of violence against women are included in the Colombian Criminal Code and in international treaties ratified by the Government of Colombia. Act No. 836 (2003) was adopted and entered into force on 16 July 2003. Act No. 1015 (2006), in article 34, paragraph 18, and article 35, paragraph 2, refers to physical violence against women as a separate offence. Act No. 1015 applies solely to members of the national police force and lays down disciplinary penalties for personnel in breach of the Act. This Act was approved on 7 February 2006 and entered into force on 7 May 2006.

<sup>230</sup> Legislative bill No. 213 of 2010 (Senate) – No. 107 of 2010 (House of Representatives), consolidated with legislative bill No. 085 of 2010 (House of Representatives).

justice and reparation and to guarantee the non-recurrence of human rights violations perpetrated against them.<sup>231</sup>

665. The bill is aimed at creating a national system of support and redress for victims of illegal armed groups, including all victims of violence, without distinction as to gender, status, race, ethnicity or political affiliation. Its purposes are to afford comprehensive redress to victims of violence, provide for the restoration of their minimum basic rights in the areas of health, education and housing, and offer them opportunities and minimum conditions for renewing their life plans through the re-establishment of the status quo conditions prior to dispossession and violation. It lays down measures of comprehensive redress encompassing restitution, rehabilitation, guarantees of non-recurrence, satisfaction and collective reparations.

666. The principles of the bill include the principle of equality, with the incorporation of a differential approach for purposes of its application.<sup>232</sup> The text guarantees the provision of psychosocial, medical and specialized psychological care and personnel trained in dealing with victims of sexual and gender-based violence in order to be able to counsel and assist them. It includes a specific section on support, protection and special procedural and evidentiary rules in regard to sexual violence. The bill contains a specific section aimed at providing additional guarantees for women in land restitution procedures and also a specific chapter on protection and guarantees of redress for children and young persons. Several provisions are concerned with providing guarantees of protection, support and redress for women victims and guarantees of their participation.

667. As regards the Institutional Programme of Collective Reparations operated by the National Commission for Reparation and Reconciliation, the final recommendations on how redress should be provided for the communities, organizations and areas most affected within the country will be submitted by the Commission in July 2011, this work having been carried out since 2007.

668. A survey on differential risks experienced by women exposed to anti-personnel mines and differential impacts suffered following accidents is currently in the initial phase of preparation by the Presidential Programme on Comprehensive Action against Anti-personnel Mines. This document will provide a basis for the formulation of specific intervention strategies and the adoption of gender-sensitive protocols on prevention, comprehensive victim support and humanitarian demining with a view to ensuring the effective enjoyment of rights by women victims of anti-personnel mines and unexploded ordnance in rural areas.

<sup>231</sup> The bill is designed from a transitional justice perspective “since the intention is to resolve social problems arising from a prolonged period of systematic and widespread violence caused by different actors, such as illegal organized armed groups and criminal organizations with strong power structures and a presence in different parts of the national territory”. It contains a major component on human rights and the observance and application of international standards concerning reparations and protection for victims of violence. It conforms, inter alia, to: (i) the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; (ii) the Updated Set of principles for the protection and promotion of human rights through action to combat impunity; (iii) the Guiding Principles on Internal Displacement and (iv) the Convention on the Elimination of All Forms of Discrimination against Women.

<sup>232</sup> It affords special guarantees and measures of protection for groups exposed to the highest risk of violation of their fundamental rights, including persons with disabilities, trade-union leaders and human rights defenders.

669. With respect to the gender equity strategy implemented for the benefit of demobilized combatants by the High Presidential Council for Social and Economic Reintegration of Insurgents and Rebel Groups, work will be undertaken on strengthening the income-generating path of women undergoing reintegration and on incorporating a gender perspective in all economic reintegration services, given that one of the main challenges in the area of reintegration and gender lies in redressing the disparity in income generation between women and men undergoing reintegration.

## **B. Support for displaced persons**

670. This section is concerned with the recommendation made by the Committee (CEDAW/C/COL/CO/6, para. 13).

671. Reference will be made by the Colombian Government to programmes, strategies and legislative and judicial measures and future projects to be implemented for the provision of comprehensive differentiated support to women victims of forced displacement.

### **1. Administrative measures**

672. The Colombian State has a constitutional responsibility and a statutory duty to provide for and guarantee the effective enjoyment of the rights of women victims of forced displacement due to violence. The national Government has deemed it essential to incorporate a gender-differentiated approach in the public policy on support for displaced persons through a technical process involving the adoption of a series of specific programmes, projects and measures with the aim of recognizing and addressing the risks and vulnerabilities experienced by women in the context of displacement.

673. For this reason, a cooperation agreement was concluded, in 2006, by the ACPEM and UNHCR, its main results being the formulation of guidelines on the application of a gender-differentiated approach in the provision of comprehensive support to displaced persons, the organization of training on gender and displacement for public officials, women's collectives and displaced women's groups, the provision of technical assistance to bodies responsible for the policy on comprehensive support for displaced persons and the execution of pilot projects based on local participatory surveys for the purpose of developing coordination between national bodies and local authorities in the implementation of the strategies contained in the guidelines. In this connection, action plans have been drawn up and submitted to the municipal committees involved in supporting displaced persons.

674. In 2008, as a follow-up to Decision T-025, the Constitutional Court issued Rulings 092 and 387, under which the national Government was ordered, inter alia, to formulate thirteen programmes aimed specifically at displaced women and women at risk of displacement, as follows:

- (a) A programme on preventing sexual violence against displaced women and providing comprehensive victim support;
- (b) A programme on preventing domestic and community violence against displaced women and providing comprehensive victim support;
- (c) A programme on promoting the health of displaced women;
- (d) A programme for women producers;
- (e) A programme of educational assistance for displaced females aged over 15 years;

- (f) A programme on facilitating displaced women's access to land ownership;
  - (g) A programme on promoting displaced women's participation and preventing violence against displaced women leaders or displaced women who acquire public prominence owing to their social or community development activities or human rights advocacy work;
  - (h) A programme on psychosocial support for displaced women;
  - (i) A programme on eliminating barriers to displaced women's access to the system of protection;
  - (j) A programme on preventing the disproportionate gender impact of displacement;
  - (k) A programme on protecting the rights of displaced indigenous women;
  - (l) A programme on protecting the rights of displaced Afrodescendant women;
- and
- (m) A programme on safeguarding displaced women victims' rights to justice, truth, reparation and non-recurrence.

675. The national Government has designed the thirteen programmes. However, ten are currently being implemented.<sup>233</sup> Details of progress made and difficulties encountered in the implementation of these programmes are given below.

676. The following progress has been achieved:<sup>234</sup>

- (a) The establishment of the national strategy on promoting and protecting the fundamental rights of displaced women and women at risk of displacement;
- (b) The organization of five regional workshops to promote the implementation of the programmes in the departments of Antioquia, Bolívar, Sucre, Guaviare and Bogotá;
- (c) The preparation of ten operational handbooks relating to ten specific programmes and the institutional validation of seven of these handbooks;<sup>235</sup>

<sup>233</sup> The programmes aimed at displaced and at-risk indigenous and Afro-Colombian women have been formulated but the contents and guidelines on prevention, support and comprehensive redress are being developed as part of the prior consultation and participation process which is currently being carried out by the national Government in compliance with the orders imposed by the Constitutional Court pursuant to Decision T-025-04. The programme on safeguarding displaced women victims' right to justice, truth and reparation has been drawn up but, in view of the governmental initiative concerning the legislative bill on victim redress, referred to above, the strategy relating to the topics covered by the programme will not be defined until the bill has been adopted.

<sup>234</sup> See *Pronunciamento del Gobierno Nacional sobre la Política Pública para la Población Víctima del Desplazamiento Forzado por la Violencia*, 16 March 2011, Bogotá, pages 297 and 298.

<sup>235</sup> The prepared handbooks relate to programmes on: (a) facilitating displaced women's access to land ownership (14 April 2010); (b) preventing the disproportionate gender impact of displacement (28 April 2010); (c) preventing sexual violence against displaced women and providing comprehensive victim support (5 May 2010); (d) preventing domestic and community violence against displaced women and providing comprehensive victim support (5 May 2010); (e) promoting the health of displaced women (5 June 2010); (f) offering educational assistance to displaced females aged over 15 years (18 June 2010); (g) applying a psychosocial and mental health approach in the care of displaced women and their family units (25 June 2010); and (h) supporting displaced women heads of household, facilitating access to employment and productive opportunities and preventing domestic and labour exploitation of displaced women (Programme for Women Producers) (29 June 2010).



- (d) Adjustments to regulations and the issuance of guidelines on reducing the barriers to women victims' access to institutional services;
- (e) Classification mechanisms to enable the specific needs of every woman victim and her family unit to be positively established;
- (f) The development of employment and vocational training and guidance and socioeconomic stabilization initiatives for women victims of forced displacement due to violence;
- (g) The formulation of action plans for programme implementation in five departments;<sup>236</sup>
- (h) Vulnerability mapping concerning the land rights of displaced women in Colombia;
- (i) Measures to promote health cover for displaced women and their family units, improvements in health service quality, the establishment of health service networks, public participation and scrutiny, programmes on domestic, sexual and gender-based violence, sexual and reproductive health and mental health, and information systems management, including with respect to health-care provider institutions and health insurers;
- (j) The implementation of flexible teaching models for the provision of educational assistance to displaced females aged over 15 years;
- (k) The dissemination among municipal and departmental health secretariats by the Ministry of Social Protection of guidelines on the application of a psychosocial approach in the care of women victims;
- (l) The holding of information and training workshops for women and women's organizations on sexual and reproductive rights, prevention of sexual and domestic violence, local pathways of care and access to services;
- (m) The inclusion of some 3,600 women victims in the Programme for Women Producers.<sup>237</sup>

677. Mention may be made of the following difficulties:<sup>238</sup>

- (a) The process of simultaneously designing 13 specific programmes, given the little time allowed for compliance with the order, has led to a lack of coordination between institutions;
- (b) Subsequent to Rulings 092 and 237, the Constitutional Court issued follow-up rulings involving the designing, redefining, adjusting or supplementing of programmes and policies concerning prevention, protection, support and comprehensive redress for victims of forced displacement due to violence, which limited the possibility of implementing some programmes;
- (c) The programmes could not be transferred effectively to the local sphere;
- (d) The programmes have different budgets and coverage according to the institutions' scope of action under the public policy, which gives rise to non-uniform procedures in overall programme implementation;

<sup>236</sup> The departments of Antioquia, Bolívar, Guaviare, Sucre and Santander.

<sup>237</sup> In the departments of Guaviare, Bolívar, Antioquia, Sucre, Valle del Cauca, Santander and the District of Bogotá.

<sup>238</sup> See *Pronunciamiento del Gobierno Nacional sobre la Política Pública para la Población Víctima del Desplazamiento Forzado por la Violencia*, 16 March 2011, Bogotá, page 299.

(e) The local impact in terms of reduced discrimination and the optimization and timeliness of support processes is poor and there is limited local area capacity to meet programme service delivery requirements;

(f) There is no unified information system that would make it possible to carry out any follow-up, monitoring or evaluation of the programme activities and to show the contribution of the bodies responsible for implementing the programmes.

678. In view of the existing challenges to the effective implementation of these programmes and the provision of comprehensive support to women victims of displacement, details of measures being proposed for adoption by the national Government will be given in the subsection on future projects.

679. The Office of the Ombudsman has undertaken the following actions under strategies to oversee and review compliance with the orders issued by the Constitutional Court:

(a) The ongoing monitoring of the situation of displaced women in Colombia through regular communication and dialogue with women victims, women leaders of displaced persons' organizations, women's groups and organizations of women human rights advocates;

(b) The submission of periodic requests to the responsible bodies for information on the design and implementation of each of the thirteen programmes and the ongoing analysis of the information furnished;

(c) The development of opportunities to enable women leaders at risk to explain their situation and their security and protection needs to the competent authorities, guidance and advice having been provided to women leaders requesting such support;

(d) The examination of specific cases involving situations of risk, threats or attacks against women leaders, displaced women's organizations, women's groups and organizations of women human rights advocates representing them, and the immediate forwarding of cases to the Ministry of the Interior and to the police and the adoption of necessary follow-up action with a view to the timely provision of appropriate and effective measures of protection.

## 2. Legislative measures

680. Mention may be made of the following:

(a) Decree No. 250 (2005), establishing the National Plan on Comprehensive Support for Persons Displaced as a Result of Violence and incorporating other provisions. The Plan provides for the adoption of a differential approach as a guiding principle of public policy for the purpose of defining the characteristics, conditions and criteria that will govern the different programmes and activities carried out by SNAIPD;

(b) Resolution No. 3 (2006) of the National Council for Comprehensive Support to Displaced Persons (CNAIPD),<sup>239</sup> defining measures to safeguard the right of displaced persons to be protected from discriminatory practices. This resolution is aimed at preventing all such practices against displaced persons and rendering offenders "liable to

<sup>239</sup> CNAIPD is "the consultative and advisory body charged with formulating the policy on forced displacement and ensuring budgetary allocations to programmes administered by the institutions responsible for the operation of the National System of Comprehensive Support for Displaced Persons" (Act No. 387 (1997), article 6).

investigation and disciplinary penalties as appropriate”, in the light of the obligation to provide the population with a sympathetic and timely service;<sup>240</sup>

(c) Resolution No. 8 (2007) of SNAIPD, adopting measures to identify and develop differentiated activities under the public policy on support for displaced persons;<sup>241</sup>

(d) Act No. 1257 (2008), referred to above, whose article 9 establishes specific measures aimed at women living in areas where they are at risk of displacement.

### 3. Judicial measures

680. Mention may be made of the following:

(a) Decision T-025-04, referred to above;

(b) Constitutional Court Ruling 092 (2008)<sup>242</sup> and Ruling 237 (2008) concerning protection of fundamental rights of displaced women and women at risk of displacement: The Court ordered the formulation of thirteen specific programmes to address gender risks in armed conflict situations and the gender dimensions of forced displacement;<sup>243</sup>

(c) Constitutional Court Ruling 116 (2008): The Court established the definitive set of indicators of effective enjoyment of rights and ordered the national Government to calculate this range of indicators;

(d) Constitutional Court Decision T-496-08: The Court stated: “(...) The applicants’ status as victims of armed conflict and members of victims’ rights advocacy organizations, together with the background of a sequence of killings of women in similar positions, places them in a risk situation which is exceptional, specific, particular, non-generic, concrete inasmuch as it is based on verifiable facts, current in that, as indicated in recent reports by international organizations, the justice and peace process is being conducted amidst expressions of violence inherent in the conflict (supra 7), significant and serious inasmuch as it threatens their prospects of effective access to justice and even their integrity and lives, and clear and discernable in that they are female leaders of civic

<sup>240</sup> This resolution states that a practice engaged in “by reason of the origin, race, sex, religion or age of displaced persons” shall be understood as discriminatory, consistent with Colombia’s recognition of itself as a pluricultural and multi-ethnic country.

<sup>241</sup> Conscious of the support provided by it to different population groups throughout the national territory, the national Government sought, with this resolution, to highlight all these activities by identifying their extent, achievements and limitations and to express the need to pursue the “development of further differentiated activities under the public policy on support for displaced persons with a view to the formulation of recommendations for their implementation in the light of the indicators of effective enjoyment of rights”.

<sup>242</sup> This ruling states that, in the context of Colombia, personal safety is a fundamental right of individuals which entitles them, in particular circumstances, to demand specific measures of protection from the authorities in order to prevent the materialization of certain types of exceptional risk against their lives or physical integrity which they do not have a legal duty to bear and which the authorities can avert or mitigate.

<sup>243</sup> With respect to prevention, gender risks include: sexual violence; exploitation in the performance of domestic labour and what are deemed female tasks; forcible recruitment of children or any other form of threat against them, which constitutes an increased risk if the woman is the household head; reprisals by opposing sides owing to family or personal relationships with members of one of the armed groups; threats owing to membership in women’s civic organizations or human rights advocacy groups in affected areas; killing or disappearance of the financial provider or break-up of the family unit and its material and social support networks; dispossession of property with increased ease owing to its past ownership status; and accentuated vulnerability of indigenous and Afrodescendant women.

movements and/or are from areas of the country whose risk map classification is exceptional or high.” The measures which the Ministry of the Interior and Justice and the Prosecutor-General’s Office were ordered to adopt include “(...) necessary steps for the purpose of conducting a comprehensive review of the Victim and Witness Protection Programme provided for under the Justice and Peace Act in order to bring it into line with the minimum standards and principles of reasonableness (supra 8) which, in conformity with international practice and doctrine, must guide and inform any comprehensive strategy for providing satisfactory protection to victims and witnesses in trials in which investigations are conducted in connection with serious crimes or systemic crimes, such as those forming the subject of judicial fact-finding processes pursuant to the Justice and Peace Act”;

(e) Constitutional Court Decision T-042-09: The Court determined a case concerning a displaced woman who was refused registration in the consolidated register of displaced persons since the forced displacement had arisen as a result of the emotional relationship pursued by her with a member of an illegal armed group. “(...) The Chamber deems the evidentiary material appended to the case file sufficient to allow the conclusion that she was in a situation of forced displacement and it will accordingly order the petitioned party: (i) to effect the petitioner’s registration in the register; (ii) to grant emergency humanitarian assistance to which the petitioner is entitled; and (iii) to offer guidance and support to the petitioner so that she can access care programmes for displaced persons, not only programmes currently in operation but also such programmes as may be adopted by the petitioned party in compliance with Ruling 092 (2008) of this Court”;<sup>244</sup>

(f) Constitutional Court Decision T-045-10 concerning victims of internal armed conflict and the requirement to include specialized psychological and psychiatric care in health service provision: The Court stated: “(...) The need to provide psychological and psychiatric care for armed conflict victims stems from the occurrence of serious health disorders and severe impairment of mental integrity, which assume different characteristics depending on the social and cultural background of the person concerned. Mental health encompasses, inter alia, subjective well-being, perception of self-efficacy, autonomy, competence, intergenerational dependence and intellectual and emotional self-realization. Mental health care is thus necessary to enable individuals to recover, a process which requires them to overcome isolation, recognize their experiences of fear and identify their illnesses and which allows them to speak about their feelings of shame and guilt and overcome the taboos which foster those feelings, and, most importantly, to speak about what they have experienced and encourage public discussion, thereby combating

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<sup>244</sup> “It is clear in this case that the evaluation by the Presidential Agency for Social Action and International Cooperation does not conform to constitutional parameters for at least the following reasons: (a) it failed to apply the presumption of good faith when assessing the evidentiary material; (b) it did not apply the presumption of good faith when assessing the actual situation of the petitioner; (c) its interpretation and application of the statutory provisions relating to inadmissibility of registration do not conform to the precepts of the most-favourable-legislation principle; (d) it failed to fulfil its duty to prevent risks to the life and physical integrity of the petitioner and to protect her as a victim of forced displacement; and (e) it did not meet the obligation to provide differentiated treatment to a female victim of forced displacement.” The Court pointed out that one of the identified gender risks was in fact that of reprisals owing to personal relationships pursued by women with members of armed groups and it accordingly asserted that, when examining the request for registration in the consolidated register of displaced persons, the authorities had not adopted a gender-based approach that took account of the fact that the alleged cause of the displacement was precisely one of the gender risks identified by the Court.

stigmatization and promoting positive attitudes that will make victim recognition possible.”<sup>245</sup>

#### 4. Current situation and statistics

681. The Colombian Government has implemented information systems and tools developed by the different institutions to measure displacement and its effects on the realization and safeguarding of the rights of displaced persons and of women in situations of displacement. The register of displaced persons<sup>246</sup> shows that 829,625 households (3,625,672 persons) from 1,123 municipalities and departmental townships have been declared internally displaced as a result of the circumstances described in article 1 of Act No. 387 (1997), which means that 7.5 per cent of the Colombian population has been recognized as forcibly displaced.<sup>247</sup>

682. According to the register, 51 per cent of the displaced population (1,833,179 persons) is male and 49 per cent (1,792,493 persons) is female. It should be pointed out that there have been more male expulsions between 1998 and 2004 and more female expulsions since 2005.<sup>248</sup> As regards the age of the forcibly displaced population, infants (0 to 5 years) make up 7.2 per cent (260,746 persons), children aged between 6 and 14 years 21.5 per cent (780,158 persons) and young persons 9.8 per cent (354,158 persons) (see annex 1 to the present report).

683. In addition to the register of displaced persons, measures have been adopted by the Government for the progressive incorporation of the displaced person variable in records kept by State bodies. For example, the National Institute of Legal Medicine and Forensic Science provides information, in its annual publication *Forensis Masatugó*, on cases

<sup>245</sup> The Court ruled in favour of ten women victims who had survived the massacre of El Salado (department of Bolívar), instructing the health services to provide them with effective psychological and psychiatric care following a psychosocial approach. It ordered the Ministry of Social Protection, in cooperation with various national and local bodies, to devise and implement necessary mental health programmes, protocols and policies that met the needs of armed conflict victims, their families and their communities, taking into account various criteria, including coverage, support, prevention, impact indicators, trained personnel and the adoption of a differential approach.

<sup>246</sup> A technical tool for identifying the population affected by displacement and its characteristics. As stipulated in Decree No. 2569 (2000), the Presidential Agency for Social Action and International Cooperation is the body responsible for setting up the register, processing entries and keeping the register updated. The number of persons registered may change since there is no time-limit on applications for registration in the register. Also, after registration, a process of verification and inputting of data into the system takes place.

<sup>247</sup> Information as at January 2011. The number of persons registered may change since there is no time-limit on applications for registration in the register. Also, after registration, a process of verification and inputting of data into the system takes place.

<sup>248</sup> The departments from which inhabitants were expelled during the period as a whole include Antioquia (17.9 per cent; 649,338 persons), Bolívar (8.5 per cent; 309,307 persons), Magdalena (6.2 per cent; 223,774 persons), Chocó (5.6 per cent; 203,708 persons) and Cesar (5.1 per cent; 185,980 persons). These departments accounted for 43 per cent of the country's total displacement. The municipalities from which most inhabitants were expelled during the period as a whole were Buenaventura (80,797 persons), El Carmen de Bolívar (74,148 persons), Turbo (60,139 persons), Tierralta (59,512 persons), Riosucio-Chocó (56,739 persons) and Santa Marta (56,372 persons). The departments which received displaced persons include Antioquia (17.4 per cent; 629,773 persons), Bogotá D.C. (8.1 per cent; 292,446 persons), Valle del Cauca (6 per cent; 217,648 persons), Bolívar (5.8 per cent; 215,004 persons) and Magdalena (5 per cent; 182,896 persons) and the municipalities which received most displaced persons are Bogotá D.C. (292,446 persons), Medellín (196,486 persons), Santa Marta (112,725 persons), Sincelejo (88,616 persons), Cali (77,372 persons) and Buenaventura (74,573 persons).

relating to displaced women which are submitted for investigation by it with a view to providing evidence for the justice administration authorities, including different forms of violence (see annex 2 on this article).

684. The early warning system, operated under the responsibility of the Office of the Ombudsman, includes gender variables which are used for issuing risk reports on the different situations of displacement and violence confronting the civilian population and requiring direct and urgent intervention in order to prevent their occurrence or the perpetration of other crimes against the civilian population.<sup>249</sup>

685. Pursuant to Rulings 092 and 237, institutions such as the Presidential Agency for Social Action and International Cooperation have undertaken vulnerability mapping concerning land tenure rights of displaced women, referred to above, and the Ministry of Social Protection carried out screening exercises with respect to displaced women in 30 of the country's departments during 2009.<sup>250</sup>

686. These are some of the advances and tools relating to the production of information on the situation of displaced women, which also show the challenges facing the State as a whole in pursuing prevention, protection and comprehensive support measures to deal with this phenomenon and in developing intervention mechanisms to address the specific vulnerabilities of this population group and risks to which it is exposed.

## **5. Recent or ongoing measures**

687. A proposal for addressing the specific and differential risks affecting women, as stated in Ruling 092, has been presented to the Constitutional Court by the national Government in the form of a comprehensive plan encompassing the thirteen programmes, given the considerable difficulties which have arisen in the processes of inter-institutional, intra-institutional and local-level coordination. This plan would be drawn up with the participation of women victims and the organizations which represent them. Together with this proposal, the ACPEM has submitted a strategy for mainstreaming a gender perspective in policies, plans and programmes aimed at the displaced population with a view to enhancing the support provided for displaced women and women at risk of displacement under the major policies on preventing and dealing with forced displacement.

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<sup>249</sup> In 2008, the Office of the Ombudsman presented its report on promoting and monitoring the exercise of sexual and reproductive rights of forcibly displaced persons, with emphasis on domestic and sexual violence, which had been prepared with the participation of officials from the municipal authorities, health secretariats, education secretariats, divisional prosecution offices, the National Institute of Legal Medicine and Forensic Science, the Colombian Family Welfare Institute, municipal representatives' offices, the national police force and family commissioner's offices of the cities of Cali, Medellín, Cúcuta and Pasto, who received sexual and reproductive rights training and assisted in the formulation of domestic and sexual violence care pathways, with emphasis on support for displaced persons. See Defensoría del Pueblo: 2008. See [www.defensoria.org.co/red/](http://www.defensoria.org.co/red/).

<sup>250</sup> Under the programmes on promoting the health of displaced women, on applying a psychosocial and mental health approach in the care of displaced women and their family units, and on preventing sexual violence against displaced women and providing comprehensive support.