



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

Distr.: General  
11 April 2005  
English  
Original: Spanish

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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 Discrimination  
against Women**

**Combined fifth and sixth periodic reports of States parties**

**Colombia\***

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\* The present report is being issued without formal editing.  
For the initial report submitted by the Government of Colombia see CEDAW/C/5/Add.32, which was considered by the Committee at its sixth session. For the combined second and third periodic report submitted by the Government of Colombia see CEDAW/C/COL/2-3 and Rev.1, which were considered by the Committee at its thirteenth session. For the fourth periodic report submitted by the Government of Colombia see CEDAW/C/COL/4 and Add.1, which was considered by the Committee at its twentieth session.

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*Note by the Secretariat:* The footnotes and annexes to this report will be available to the Committee in the language in which they were submitted to the Division for the Advancement of Women.

## **Combined fifth and sixth periodic reports of Colombia to the Committee on the Elimination of Discrimination against Women**

### **1. Executive Summary**

The combined fifth and sixth reports submitted by the Government of Colombia to the Committee on the Elimination of Discrimination against Women (CEDAW), which relate the country's progress in implementing the Convention on the Elimination of All Forms Discrimination against Women during the period 1999-2003, have been prepared in accordance with the guidelines in effect since 2003. The measures taken to advance the application of the Convention have been examined in the light of several factors: the specific features of the prevailing domestic context in Colombia, the policies of the Government of President Álvaro Uribe Vélez, the actions undertaken by the Presidential Advisory Office on Gender Equality and the actions taken by the Colombian Government in other periods.

The report documents significant progress in the application of the Convention and clearly shows how the promotion of equity between women and men and the empowerment of women are considered in Colombia to be crucial to the building of a more equitable and inclusive society and to the guarantee of the political, economic, social and cultural rights of all citizens, male and female alike.

In response to the prevailing situation in Colombia, President Álvaro Uribe Vélez pledged to strengthen the rule of law and restore law and order throughout the country, in a framework of commitment to human rights and international humanitarian law, with a view to protecting and preserving democratic governance.

After two years of the Uribe Administration, the Democratic Security Policy has yielded significant benefits for Colombian men and women, as is reflected in the improvement of the general environment in the country in terms of security and public trust. Briefly stated, the policy has led to a reduction of 13.2 per cent in the nation's homicide rate in the period 2003-2004, an 80 per cent decline in the assault rate in 2003-2004, a 42.4 per cent decrease in the number of kidnappings during the same period and a 50 per cent drop in the number of displaced persons in 2003, with an additional reduction of 30 per cent as of this writing in 2004. In addition, 70,000 displaced persons have been returned to their places of origin and law enforcement officials are present in 100 per cent of municipalities.

The economic impact of these achievements can be seen in the growth of the economy, which expanded 3.95 per cent in 2003 — the highest rate achieved in the past five years — and in the 23.9 per cent rise in private investment from 2002 to 2003, together with the revival of the construction sector as reflected in the growth of the construction component of gross domestic product (GDP): 19.2 per cent in 2003 and 55.9 per cent in the first quarter of 2004.

The Democratic Security Policy of the current administration encompasses not only security but also social equity and human development and calls for actions aimed at spurring economic growth, creating jobs and reducing poverty, as well as measures to assist the most vulnerable segments of the population, especially persons affected by violence.

Building social equity in Colombia is one of the pillars of the National Development Plan “Towards a communitarian State, 2003-2006”. To achieve the objectives identified in the plan (Act 812 of 2003), seven tools of social equity are being brought to bear: educational reform; expansion and improvement of protection and social security; economic progress for the benefit of all; social management of rural areas; social management of public services; development of micro, small and medium-sized enterprises (to achieve a “country of stakeholders”); and improvement of the quality of urban life.

The Social Recovery Plan has contributed significantly to the achievement of real equality between women and men, as can be seen from the results obtained under the programmes that are part of this policy, for which gender-disaggregated information is presented in this report.

The National Development Plan reflects the Government’s desire to mainstream gender in its public policies, assigning responsibility to the Presidential Advisory Office on Gender Equality (CPEM) to develop a policy on women and oversee the process of gender mainstreaming.

The Colombian Government’s actions are aimed at optimizing the national budget through results-based social management, promoting transparency in the management of public resources, ensuring monitoring and evaluation of the results achieved and targeting actions in order to prioritize disadvantaged population groups, without necessarily earmarking specific budgetary resources for these groups. At the same time, emphasis is placed on allocating available resources in a cross-cutting manner, with a view to achieving social and gender equity.

The Action Plan of the Presidential Advisory Office on Gender Equality (CPEM) was set up to promote social equity, with the focus being on low-income women, especially women heads of household. Women’s organizations are encouraged to participate directly and on their own initiative in their different areas of expertise. All action is aimed at promoting and protecting the human rights of women.

The activities carried out by the Colombian State in compliance with the Convention since its last report was submitted include the following:

Legislation was enacted to improve the protection afforded to women. Eight laws ratifying international treaties on women were passed between 1999 and 2003. In addition, 22 laws provide special protection to women, and as of July 2003, three other bills are under discussion.

During the same period, the Constitutional Court handed down 2,500 decisions on the status of women.

As far as employment and entrepreneurial development for women is concerned, a special line of credit was set up to help low-income women heads of household engage in production activities. In order to develop a culture of entrepreneurship, business training with a gender perspective was provided, and marketing opportunities were opened up through a National Businesswomen’s Fair designed to promote entrepreneurship as an employment option based on successful models of businesses run by women.

Under the Government’s Social Recovery Plan, organizations such as the National Training Service (SENA) are carrying out a number of programmes. As of

December 2003, the level of participation of women has been quite high. In the complementary comprehensive vocational training programme, 49.32 per cent of all trainees were women; in the youth in action programme, 67 per cent of the beneficiaries were women; and in the rural youth programme, 41.43 per cent were women. In the retraining programme for employees terminated by the State owing to reorganization, 47.12 per cent of the beneficiaries were women.

Other actions with a significant social component that have had an impact through the empowerment of women are programmes such as the Families in Action programme, under which direct monetary subsidies are provided to women who meet certain goals in health and education. This programme reaches about 1.2 million beneficiaries, 91 per cent of them beneath the poverty line; in April 2004, 94.45 per cent of the beneficiary families were headed by women. The Forest Ranger Families programme has made it possible for farmers or indigenous families to stop growing illicit crops and instead become guardians and protectors of our biodiversity. The programme has encouraged women to become more actively involved in environmental protection and conservation.

The 2005 primary education goal, which has nearly been met, will have a positive impact by breaking the vicious cycle of poverty across generations.

Differences in access to education between women and men have practically disappeared. The illiteracy rate among women has decreased; the data show that more men than women drop out of the educational system at all levels. Over the last decade, enrolment in primary, secondary and university education has been higher for women.

During the current Administration, a veritable gender revolution has been taking place in the educational system, inasmuch as 49.72 per cent of all new openings in basic and secondary education were filled by girls, and in connection with openings for higher education, 67.8 per cent of all loans granted by the Colombian Institute for Educational Credit and Technical Studies Abroad (ICETEX) went to women.

The Presidential Advisory Office on Gender Equality (CPEM) designed and certified the Gender and Diversity Education Programme, which is designed to change sexist beliefs and practices and move towards gender equity and equal opportunities for both sexes. It also aims to make a contribution, from the standpoint of gender, to peace and development with diversity.

As far as violence against women is concerned, the Colombian State works through a number of different entities to protect the rights of women and provide services for those who become victims of violent acts.

The Presidential Advisory Office on Gender Equality (CPEM) itself is not directly involved in providing services to victims, taking cases to court, operating recovery programmes and imposing sanctions in connection with crimes against women. However, it works to eliminate discrimination and inequities against women and promote respect for human rights through specific intervention programmes that address violence against women.

The Centre for Comprehensive Assistance to Victims of Sexual Crimes was created to provide a response to the phenomenon of sexual violence. It assists persons affected by crimes against sexual freedom in a context of respect for human

dignity. Those involved are protected and provided with appropriate and timely psychological, social, legal and medical-legal assistance. Legal and investigative procedures are expedited with a view to promoting recovery and creating mechanisms for preventing crime.

In 2000, the National Peacebuilding and Family Harmony Policy (*Haz Paz*) was formulated to deal with domestic violence. The main objective is to strengthen democratic families in which differences are viewed with tolerance, and the dignity and rights of individual members are respected regardless of age, gender, culture or physical or intellectual ability. The components of the *Haz Paz* policy include prevention, early detection and surveillance, as well as institutional services and reform. It is geared mainly towards women and children.

To prevent displacement and provide comprehensive assistance to the population affected by that situation, a policy is being promoted which includes providing emergency humanitarian assistance, socio-economic stabilization and development, and strengthening of the National System of Comprehensive Care for Displaced Persons (SNAIPD). As part of its emergency humanitarian assistance, the Social Solidarity Network pays special attention to the needs of women, particularly pregnant women and nursing mothers, as well as the aged and disabled.

Among the countries of the region, although Colombia is one of the most seriously affected by the scourge of trafficking in persons, it is also one of the countries that has been most actively involved in combating it.

In that regard, an Inter-institutional Committee to Combat Trafficking in Women and Children was set up by a number of agencies, including the Attorney-General's Office, Administrative Department of Security (DAS)/Interpol, the Ministry of the Interior and Justice, and CPEM. These agencies, working in their own spheres of competence, carry out activities pertaining to prevention, assistance, protection, training and reintegration of victims of trafficking in persons, as well as detection, investigation and punishment of that offence. They regularly follow classified advertisements in newspapers, discothèques, educational centres, casinos, marriage agencies and any other activity that might serve as a front for traffickers of persons. They respond to complaints of child pornography, rescue victims, capture offenders, design national strategies for dealing with the crime and strengthen direct channels of communication with countries that are members of the International Criminal Police Organization (Interpol). In addition, they carry out prevention and awareness-raising campaigns in different parts of the country, educational establishments and government entities in the context of technical cooperation agreements.

Two new laws have been enacted to improve women's access to decision-making bodies, namely, Act 581 (2000), known as the Quota Act, and Act 823 (2003). CPEM is promoting the participation of women in political and civic activities through the Women's Community Councils, created as a participatory mechanism to encourage discussion between women and the State in departments and municipalities, while at the same time setting up a women's network against violence. This innovative experiment brings a new dimension to women's participation by creating room for negotiation and dialogue based on the experiences of the women themselves. In order to involve women who have had fewer opportunities, an intensive effort of visitation, promotion and mobilization of women at the local level is needed.

Gender mainstreaming has been introduced in all programmes and projects in the health sector. In addition, the records now take into account differences between men and women at all stages of the life cycle.

Significant improvements have been made in the General Social Security System for Health (SGSSS), as the number of persons covered by the subsidized health system has been increased by 2.2 million, and the number in the contribution regime has risen by 593,000. The affiliation of low-income women in the system has been facilitated; priority is given to insuring the most vulnerable groups, including pregnant women and nursing mothers, the poorest of the poor, women heads of household, indigenous women, adolescents and newborns, and to identifying potential beneficiaries. The groups to be covered include the population of abandoned children, the indigent population, displaced persons, indigenous communities, the demobilized population, family groups under the care of house-mothers, the elderly in nursing homes and the migrant rural population.

One of the priority goals for public health during the period 2002-2006 is to draw up and disseminate the National Sexual and Reproductive Health Policy. The policy is aimed at improving sexual and reproductive health and promoting the enjoyment by the entire population of their sexual and reproductive rights. Emphasis is placed on reducing factors of vulnerability and risky behaviour, encouraging prevention and serving groups with specific needs. The priority focus of this policy is on promoting safe motherhood, encouraging birth control for men and women, reducing teenage pregnancies, preventing and controlling sexually transmitted diseases (STDs) and HIV/AIDS, early detection of cervical cancer and prevention and comprehensive assistance for victims of domestic and sexual violence.

In 2000, to address the problems of rural women, the Ministry of Agriculture, the Inter-American Institute for Cooperation on Agriculture (IICA), the sectoral entities and rural women's organizations drew up a plan to promote equal opportunities for rural women in Colombia, the main objective of which is to help reduce the political, socio-economic and cultural obstacles that prevent rural women from enjoying equal opportunities for full participation in economic growth and social development and fully exercising their rights as citizens. In addition, in 2002, Act 731 was enacted; this law includes provisions designed to benefit rural women, such as the creation of the Development Fund for Rural Women (FOMMUR). Decree 2998 (2003) establishes regulations governing the granting of title-deeds to properties for persons who have been abandoned by their spouse or partner and provides for the women to participate on an equal footing with men in procedures pertaining to the assignment and use of land. Other measures designed to benefit rural women include Decree 1042 (2003), on rural housing, and the project on Support for Rural Microenterprises (PADEMÉR).

Government action also targets ethnic groups. The General Social Security System provides subsidies for the poorest and most vulnerable populations in rural and urban areas, including indigenous communities. At present, the subsidized regime covers approximately 60 per cent of the indigenous population, and the Government has made a commitment to cover 100 per cent over the four-year period 2002-2006.

The ethnic communities ("*raizal*" people) in the Archipelago of San Andrés and Providencia belong to the Afro-Anglo-Antilles culture and have a strong Caribbean identity; they are socially, culturally and linguistically different from the

rest of the Afro-Colombian population. In 1999, the National Statistics Department (DANE) initiated a population and housing registry (pilot census), in coordination with local institutions. This ethnic population is estimated at 73,474 persons, 51 per cent men and 49 per cent women; these percentages are consistent with the data for the overall population of Colombia.

In order to address the needs of girls, the Government embarked on a major initiative, including a bill to amend the Minors' Code to bring Colombian legislation into line with international norms, as reflected in the Convention on the Rights of the Child. It also initiated a participatory process between civil society and official entities in developing the Ten-year Children's Plan covering children's priorities. As part of the efforts to provide comprehensive coverage, policies, projects and programmes have been developed to promote, defend and protect the inherent rights of children and adolescents; comprehensive and inter-agency care services have also been put in place.

A gender-specific approach has been mainstreamed into some programmes targeting female heads of household, pregnant and breastfeeding mothers and into measures for monitoring, preventing and addressing situations involving domestic violence, especially violence against women (girls, adolescents and adults) and spousal abuse. Efforts are also being made to strengthen the family unit, with more attention being focused on neglected or uncared for boys and girls, as well as to ensure the payment of compensation for any violation of rights.

The Government is also developing intersectoral programmes for the demobilization and social reintegration of children involved in armed outlaw groups. The main goal is to help them to reintegrate themselves into ordinary life once they stop fighting. Emphasis is put on their integration into family, social, cultural and productive life. The type of institutional intervention developed is primarily aimed at ensuring the personal safety of ex-combatant children and their extended families. Efforts are also being made to identify, locate and meet the families of such children in order to initially reunite the latter with them and assess the prospects for the possible resocialization of such children.

Demobilized boys, girls and adolescents are cared for in transitional homes, comprehensive care centres, youth hostels and child welfare agencies. At the same time, work is proceeding on the design of an evaluation and monitoring system, the formulation, together with the Ministry of National Education, of a policy on nationwide educational coverage for demobilized children, and coordination, with the Ministry of Social Protection, with a view to giving them priority health care and involving them in projects to prepare them for productive lives in society.

Plans of action are being drawn up to address and eliminate the problem of child labour and improve the lot of boys, girls and youth affected by that phenomenon. At the end of 2003, the third decentralized national plan of action, which seeks to generate greater involvement of territorial social stakeholders, was introduced.

With regard to cases of sexual abuse of minors in the country, since February 2000, work has been pursued on an initiative to devise and implement models for the comprehensive care of victims of sexual crimes under the National Peacebuilding and Family Harmony Policy, "*Haz Paz*".

As a result of the problems of sexual exploitation and abuse in the country, three acts relating to the abuse and exploitation of minors were enacted to prevent and punish international trafficking in minors and regulate its civil and criminal aspects; recognize the rights of children to be protected against economic exploitation; promote cooperation in order to more effectively combat transnational organized crime; and establish preventive and punitive laws against the commercial sexual exploitation of children, including pornography, child sexual tourism and other forms of sexual abuse of minors.

As far as children's health indicators are concerned, the sharpest decline and change recorded in recent years has been in child mortality as a result of a higher level of education for women, a sustained campaign to enhance the population's awareness about health and greater access to basic health services. The maternal mortality rate also fell by 3.5 points between 1998 and 2000, although some regions still have rates well above the average and not all deaths of women in childbirth are recorded as such.

According to the Ministry of Social Protection, studies in the area of nutrition show that the global malnutrition rate in children under five fell from 8.4 per cent in 1995 to 6.7 per cent in 2000. Chronic malnutrition fell during the same period, although there are sharp regional differences and the problem is more pronounced in rural areas.

The National Statistics Department (DANE) applies the gender perspective in the gathering and analysis of five basic outputs: (1) the wage gap in the 2002-2003 household survey; (2) heads of household in the 2003 quality-of-life survey; (3) household structure, migration and displacement in the 2003 Soacha experimental population and housing survey; (4) in the 2001 Bogotá and (5) 2002 Medellín censuses of street people, with a comparative analysis of the results for the two cities, broken down by age, place of origin and gender.

The national system for evaluation of the results of public management (SINERGIA) and the system for programming and monitoring presidential targets (SIGOB) are the Colombian Government agencies responsible for monitoring the current administration's achievements in the area of social policy.

Progress with respect to gender equality is monitored through the Observatory for Gender Issues, which uses the gender approach as a category and method of analysis. It works in five thematic areas; it includes legislation, administration (policies, plans, programmes, projects and budgets), case law and statistics, and carries out activities such as gathering and systematizing data, developing gender indicators, publishing the information collected and analysis conducted, making recommendations or suggestions for overcoming existing gender inequalities and, with the cooperating entities, evaluating the quality, relevance, efficiency and impact of the jointly developed processes and outputs. The Observatory strengthens gender mainstreaming into national and territorial entities and provides analysis and inputs for preparing future international reports.

CPEM, the machinery for promoting gender equality and enhancing the role of women, is working on mainstreaming gender into the design, implementation and evaluation of public policies.

With a view to strengthening gender equality as a state policy and to devising a framework for collaboration and cooperation with the judiciary and legislature, it

fostered the signing of a National Agreement on Equality between Women and Men among representatives of the three branches of the Government (the Executive, Congress and the Judiciary), public universities, monitoring bodies and some private sector unions; the Agreement was signed on 14 October 2003.

While the Agreement and the work of CPEM have led to tangible progress, it must be acknowledged that they have not had any meaningful impact on government structure and processes.

The institutional challenge is to promote gender mainstreaming, which should be carried out in five phases: (1) gender analysis of policies, programmes, projects and budgets at all levels; (2) development of inter-agency agendas that incorporate the gender dimension; (3) strengthening monitoring mechanisms (the capacity of the Observatory for Gender Issues); (4) specific programmes; and (5) actions to train national and territorial authorities and NGOs in gender analysis. Various administrative measures (policies, programmes and projects), as well as legislative and legal measures, are being taken to eliminate all forms of discrimination against women in Colombia, thus implementing the Convention; however, all those measures have to be strengthened. Establishing equality between women and men is a long-term process that requires a profound change in the culture of all the echelons of power and further institutional strengthening.

The report of Colombia to the Committee on the Elimination of Discrimination against Women and other international reports prepared during the 2003-2004 period have provided an opportunity for the country to systematically examine the results of its policies, programmes and projects in terms of improvement of the living conditions of women and their empowerment. CPEM expressed a legal opinion on the relevance of ratifying the Optional Protocol to the Convention; that opinion was endorsed by the Ministry of the Interior and Justice and the Ministry of Foreign Affairs with a view to initiating the appropriate steps before Congress for its approval. The relevant bill was submitted to Congress on 25 March this year.

**Martha Lucía Vásquez Zawadzky**  
Presidential Adviser on Equality for Women

## **2. Articles 1 to 16 of the Convention**

Brought into line with the general recommendations of the Committee on the Elimination of Discrimination against Women and the special recommendations of the Committee when the fourth periodic report submitted by Colombia to that Committee was updated.

### **2.1. Article 1** **Definition of discrimination against women**

This article is the cornerstone of the Convention, since the other articles are derived from it. That is why the application of article 1 will be addressed throughout this document in discussing progress and setbacks with respect to the other articles, recommendations and special topics.

## 2.2. Article 2 Measures against discrimination

General Recommendation No. 19, on violence against women, is consistent with this article and with article 3 in that it establishes a general duty to eliminate all forms of discrimination against women. Violence against women is manifested in a variety of ways, which is why this recommendation is reflected in the different articles to which specific reference is made.

### Legislative advances

**1991 Constitution of Colombia:** since the submission of the last report, the provisions of the Constitution for the protection of women have not been amended. The Constitution recognizes that men and women are equal in both the public and private spheres in all areas of national life.

**International treaties:** In accordance with articles 4, 9, 93 and 94 of the Constitution, the core human rights provisions and the provisions of international humanitarian law form part of the body of overarching constitutional norms. Therefore, under domestic law, equality between women and men is enshrined not only by the constitutional articles mentioned but also by all those articles under the above-mentioned body of law.

Since 1935, the Colombian Government has signed international agreements and conventions relating to the equality and participation of women; many have been ratified and are therefore part of Colombian law. In the 1999-2003 period, Colombia ratified the following relevant international agreements through the following legislation:

<i>Legal provision</i>	<i>Description</i>
Act 515 (1999)	Approved ILO Convention concerning minimum age for admission to employment of children (Convention No. 138) adopted by the 58th meeting of the ILO General Conference, Geneva, Switzerland, 26 June 1973.
Act 704 (2001)	Approved ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) adopted by the 87th meeting of the ILO General Conference, Geneva, Switzerland, 17 June 1999.
Act 742 (2002)	Approved the Rome Statute of the International Criminal Court of 1998, including crimes relating to gender-based violence, Rome, 17 July 1998. Adopted by the United Nations General Assembly on 15 November 2000.
Act 762 (2002)	Approved the 1999 Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.

<i>Legal provision</i>	<i>Description</i>
Act 765 (2002)	Approved the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, adopted in New York on 25 May 2000.
Act 800 (2003)	Approved the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention against Transnational Organized Crime, adopted by the General Assembly on 15 November 2000.
Act 833 (2003)	Approved the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.
Act 837 (2003)	Approved the International Convention against the Taking of Hostages, adopted by the United Nations on 17 December 1979.
Act 880 (2004)	Approved the Inter-American Convention on the International Return of Children, signed at Montevideo, Uruguay, on 15 July 1989, at the Fourth Inter-American Specialized Conference on Private International Law.

### **Domestic legislation**

<i>Legal provision</i>	<i>Description</i>
Act 509 (1999)	Benefits for house-mothers.
Act 546 (1999)	On housing regulations; provides for the goals and general requirements to be used by the Government in regulating a specialized financing system. Protects the housing unit as a family asset and promotes the financing of housing construction for the biggest number of families possible.
Act 575 (2000)	(Partly amends Act 294 (1996)) Enacts regulations on domestic violence.
Act 581 (2000)	Quota Act, providing for the adequate and effective participation of women in the decision-making processes of all the branches and bodies of government.
Act 590 (2000)	On the promotion and development of micro, small and medium enterprises (MYPIMES). Mandates special treatment for women.
Act 595 (1999)	On the voluntary establishment of a community of property.
Act 599 (2000)	Penal Code. Updates Colombia's penal legislation, characterizing criminal behaviour that adversely affects women.
Act 600 (2000)	Code of Criminal Procedure. Requires a complaint to initiate any conciliation hearing in domestic violence proceedings.

<i>Legal provision</i>	<i>Description</i>
Act 640 (2001)	Amends provisions relating to conciliation. Chapter VII deals with extrajudicial conciliation in family cases.
Act 679 (2001)	On the prevention and punishment of the exploitation of minors, child pornography and child sexual tourism.
Act 708 (2001)	Regulations governing family subsidies for needs-based housing.
Act 731 (2002)	Rural Women's Act.
Act 747 (2002)	Amends and supplements Act 599 (2000). Criminalizes trafficking in persons.
Act 750 (2002)	On house arrest and community service for female heads of household.
Act 755 (2002)	María Act. Grants eight days' paternity leave to the spouse or permanent companion if the couple contribute to the social security system or four days if only the mother contributes.
Act 790 (2002)	On the reform and modernization of the structure of the executive branch in order to ensure, within the framework of national financial sustainability, that the goals of the State are adequately and expeditiously implemented. A welfare fund was established to guarantee stable employment for women heads of household and persons with disabilities.
Act 797 (2003)	Amends the provisions of Act 100 on social security and enacts regulations on special and exempt pension schemes.
Act 812 (2003)	Approves the National Development Plan "Towards a Communitarian State 2002-2006". Establishes the "Women: builders of peace and development" policy.
Act 823 (2003)	On equality of opportunities for women.
Act 854 (2003)	Comprehensive protection for the family. Housing.
Act 861 (2003)	Providing for sole ownership of urban or rural immovable property belonging to women heads of household.
Act 882 (2004)	Amends article 229 of Act 599 (2000) Penal Code: Art. 229, on domestic violence, provides that anyone who abuses physically, psychologically or sexually any member of his or her family shall be liable to one to three years' imprisonment, provided that the offence does not carry a heavier penalty. The penalty shall be increased by half to three quarters where the person abused is a child or woman.

### Bills currently before Congress

<i>Legal provision</i>	<i>Description</i>
Bill 72 (2002), Senate	Amends article 239 of the Labour Code and provides for the protection of pregnant women.
Bill 297 (2003), Chamber	Status of the bill: yet to be submitted for the first reading in the Chamber.

### *Advances in case law*

It is important to note that these are not the only rulings on the subject. Many rulings on protection (*tutela*) of women on labour issues are based on the right to equality between men and women. *Tutela* is one of the mechanisms for effectively protecting the fundamental rights of women.

<i>Decision</i>	<i>Description</i>
Decision C-082 (1999)	Protected the equality of rights between men and women by reviewing the constitutionality of article 140, para. 7, of the Civil Code, which provided that: “A marriage shall be considered null and void in the following cases ... 7 — Where it has been contracted between an adulteress and her accomplice, provided the adultery had been confirmed by a court prior to the marriage”. In striking down the impugned provision, the Court declared that “grounds for nullity may not be entertained against the woman alone, since that is not constitutionally sanctioned.”
Decision C-112 (2000)	Ratified equality between the sexes with respect to contracting civil marriage in the home of either spouse, pursuant to the complaint against article 126 of the Civil Code, as modified by article 7 of Decree 2272 (1989).
Decision C-1413 (2000)	The constitutionality of article 149 of the Civil Code was challenged. It provides that “Children born to a couple whose marriage is subsequently annulled are legitimate, shall remain under the father’s authority and the costs for their maintenance and upbringing shall be defrayed by both the father and the mother”. The Court declared itself unable to make a ruling on that paragraph, since it currently lacked relevance. It noted that since the issuance of Decree-Law 2820 (1974) “conferring equal rights and duties on women and men”, both parents have jointly exercised parental authority.

<i>Decision</i>	<i>Description</i>
Decision T-1642 (2000)	Recognized the right of a 20-year old woman to receive medical care from Ecopetrol during pregnancy, since her father had been a pensioner of Ecopetrol and she was destitute.
Decision C-184 (2003)	Declared article 1 of Act No. 750 of 2002 enforceable “on the understanding that, when the requirements established by the Act are met, the judge may grant to such men as may be in the same situation as a woman head of household the right to protect, in the specific circumstances of the case, the best interests of the minor or disabled child”. The court extended the benefits enjoyed by the woman head of household to men in the same situation.
Decision C-482 (2003)	Article 140, paragraph 11, of the Civil Code was challenged. It provides that: “A marriage shall be considered null and void in the following cases ... 11 — where it has been contracted between the adoptive father and the adopted daughter, or between the adopted son and the adoptive mother or woman who was the spouse of the adoptive father”. The court held that the grounds were valid but made its interpretation conditional on application of the same conditions to men and women.

### **Administrative advances**

Many administrative measures have been taken to combat discrimination against women in implementation of the Convention; in Colombia, these will be described throughout this report.

With respect to the ratification of the Optional Protocol to the Convention, the Presidential Advisory Office on Gender Equality (CPEM) formulated a legal opinion regarding the feasibility of its full ratification. The Ministry of the Interior and Justice and the Ministry of Foreign Affairs endorsed the opinion, with a view to initiating the appropriate steps for approval by the Congress of the Republic. The relevant bill was drawn up and was submitted to the secretariat of the Congress on 25 March 2004.

### **Statistics**

In comparison with the previous reporting period, women attained a higher level of protection from the legislative standpoint. Between 1999 and 2003, eight laws were adopted to incorporate international treaties related to women into domestic law; 22 laws were adopted providing women with special protections; and, as of June 2003, three additional draft laws are under consideration.

In addition, during the same period, the Constitutional Court handed down more than 2,500 decisions related to the situation of women.

## 2.3 Article 3 Development and advancement of women

### Legislative advances

<i>Legal provision</i>	<i>Description</i>
Act 780 (2002)	Establishes the General National Budget for fiscal year 2003.
Act 812 (2003)	<p>Establishes the National Development Plan. A main thrust of this act is the development of social equity in Colombia. In order to achieve the objectives set out in the National Development Plan and to attain a more just society, seven social equity tools were identified: revolution in education; expansion and improvement of social protection and security; economic progress for the benefit of all; social management of rural areas; social management of public services; development of micro-, small and medium-size enterprises (“a country of stakeholders”); improvement of the quality of urban life.</p> <p>The chapter on social equity empowers CPEM to develop a policy for women and to manage the process of mainstreaming gender. The provision included in the National Development Plan stipulates:</p> <p>“10. Women: builders of peace and development</p> <p>In accordance with the National Constitution, in conformity with the international commitments undertaken by Colombia, and with a view to promoting the development of gender equity and equal opportunities between men and women, the Government shall establish a policy for women. This will be carried out by the Presidential Advisory Office on Gender Equality (CPEM), which shall arrange for the ministries and other government institutions to work together to introduce a gender-based approach into their programmes, projects and budgets, within the framework of the strategies and activities set out in the National Development Plan.</p> <p>A plan for equal and equitable opportunities for men and women shall be formulated, which shall specify the duties of CPEM. It shall formulate an awareness campaign to promote equity between women and men and between generations, and shall disseminate and promote women’s rights with a view to preventing domestic and sexual violence.”</p>
Act 823 (2003)	Provides a solid framework for promoting the development and advancement of Colombian women. Article 11 provides that the Government shall promote and ensure the inclusion of projects, programmes and activities that will allow department, district and municipal authorities to attain equal opportunities for women in the public and private spheres.

**Advances in case law**

Decision C-371 (2000): Concerns real, effective and substantial equality between women and men. Establishes the need for affirmative action to advance gender equity. One of the most significant decisions of recent years in the area of policy, it declares constitutional the Quota Act (Act 581 (2000)). The substance of this affirmative action law stands as a landmark in the advancement of Colombian women.

In the area of social protection, significant lapses are cited below in relation to the right to health and social security for pregnant women, with a view to emphasizing that maternity must not be a ground for discrimination in any area of social, family or economic life.

**Administrative advances**

The National Development Plan 2002-2006 envisages the creation of a “Communitarian State” and sets out four goals:

1. To provide democratic security to ensure the viability of democracy and consolidate the legitimacy of the State. It will provide security and protection to all Colombians without distinction as to political or religious affiliation, ideological conviction or socio-economic level.
2. To promote sustainable economic development and job creation in an environment of macroeconomic and price stability, ensuring the sustainability of the public debt and enabling the Colombian economy to have adequate access to financial markets and international goods and services.
3. To build social equity by improving wealth distribution and economic growth. It will seek to create a country of stakeholders, and to encourage the State to engage in efficient social spending and to protect the most vulnerable sectors of society.
4. To enhance governmental transparency and efficiency by redesigning institutions, launching in-depth, across-the-board reforms and expanding decentralization with a view to attaining higher, more efficient levels of territorial autonomy.

The National Development Plan also demonstrates the Government’s interest in mainstreaming a gender focus in the design, implementation and evaluation of public policies; it serves as the starting point for the formulation of goals, strategies and actions whose execution will be the responsibility of the public administration as a whole, for the purpose of attaining a common objective, helping to eliminate all forms of discrimination against women and strengthening civic participation. The National Development Plan has set out the following policies and programmes for achieving genuine equality between women and men:

1. Protecting and promoting human rights and international humanitarian law;
2. Strengthening peaceful coexistence and values;
3. Promoting science, technology and innovation;
4. Job creation;
5. Building social equity;

6. Expanding and improving social security protections;
7. Instituting a social approach to the management of land;
8. Promoting women as builders of peace and development.

With a view to furthering development with a gender-equity perspective and to attaining equal opportunities between women and men, the Government is promoting a policy for women, under CPEM, and using an affirmative action plan coordinated and planned together with ministries and other public institutions, to mainstream a gender approach in their programmes, projects and budgets within the framework of the National Development Plan.

A mass communications campaign has also been launched to disseminate information on programmes related to human rights for women and, in particular, the reduction of domestic and sexual violence.

The various advances made under the social equity tools are listed in annex 6.

With a view to establishing gender equality as a government policy and to defining a framework for cooperating with the judicial and legislative branches, on 14 October 2003, a National Agreement on Equality between Women and Men was signed, in the presence of the President of the Republic, by the representatives of the three branches of government (Executive, Congress, and the High Courts) and of the public universities, security organs and certain private professional guilds. This Agreement (i) provides the necessary scaffolding for launching a process of cultural and institutional transformation which will promote the conditions necessary for development with equity by barring discrimination and creating opportunities, and (ii) expresses the commitment of the various branches and entities of public power to support CPEM in consolidating the “Women: builders of peace and development” policy and to sign agreements arising from the working groups to be established under this proposal.

An expert from the United Nations Development Fund for Women (UNIFEM) assisted in the task of harmonizing cross-cutting agendas in order to identify the responsibilities of each institution involved, with a view to mainstreaming a gender perspective and thus introducing a gender-based approach into policies and programmes, projects and budgets, and to launching intersectoral programmes for women. The Ministry of Agriculture, the Peace Investment Fund, the Ministry of Communications, the National Statistics Department (DANE), the Ministry of the Interior and Justice, the Social Solidarity Network (RSS), the Ministry of Social Protection (health and employment), the Ministry of Commerce, the Ministry of Culture, the Ministry of Education, the National Training Service (SENA), the Administrative Department of Economic Solidarity, the Ministry of Foreign Affairs, the Colombian Family Welfare Institute (ICBF), the Office of the Adviser for Special Programmes, the Presidential Programme for Colombian Youth, the Ministry of Defence, the Office of the Vice-President, the High Commissioner for Peace.

CPEM is coordinating the process of implementing Act 731 (2002) on rural women, Act 82 (1993) on support for women heads of families and Act 823 (2003) on equal opportunities, with support from women’s organizations and from institutions engaged in the implementation and enforcement of these laws.

**Special Recommendation No. 5: inclusion of the needs of women in the national budget**

It is essential to note that women are included in the national budget. The budget is classified at the institutional, economic, financial and staffing levels, and by item. In order to identify the allocations for women and for programmes targeted at women, the results of the “social equity tools” programmes are disaggregated by gender, and the impact of investment budgets on men and women is calculated.

The National Development Plan stipulates that, under the guidance of the Presidential Advisory Office on Gender Equality (CPEM), and in agreement with the institutions that govern sectoral policy, the specific actions, responsibilities and *budget* of the “Women: builders of peace and development” policy shall be designed and defined within the framework of the strategies and programmes envisaged in the National Development Plan (*italics added*).

CPEM is dependent, in the administrative and financial areas, on the Administrative Department of the Presidency of the Republic (DAPR), and has a staffing and investment budget for its operations, which is set out below:

*Facilities and equipment*

For operations: The offices are located in a two-story house at Calle 10, No. 1-15, in Bogotá, and are equipped with computers, printers, telephones, fax, and furniture for 20 work stations, and a meeting room with a 30-person capacity.

*1. Staff payroll*

CPEM has seven staff members, whose salaries are paid from the DAPR budget.

*2. Infrastructure support from DAPR*

In addition, CPEM receives technical support from the Directorate, Subdirectorates, Legal Office, Planning Office, Internal Control Office, Transport Office, Security Office, Human Resources Office and the Administrative and Financial Office of DAPR.

*3. Operational costs*

DAPR provides operational support to cover the travelling costs of the Presidential Adviser for the development of the institutional mission of CPEM (dissemination of plans, programmes and projects at the national and international levels support for women’s organizations, etc.).

## 4. National budget resources for specific programmes

**Presidential Advisory Office on Gender Equality****Investment budget 1999-2004**

<i>Code</i>	<i>Item</i>	<i>Final approval (in Col\$)</i>	<i>Final commitments 31 December 2004 (in Col\$)</i>
52015006 13	Technical assistance, advisory assistance and follow-up in formulating, developing, monitoring and evaluating policies for women and the equal opportunities plan	320 000 000	320 000 000
64015004 11	Implementation of Integrated Support Programme for Women Heads of Household	1 000 000 000	1 000 000 000
<b>Subtotal CPEM</b>		<b>1 320 000 000</b>	<b>1 320 000 000</b>

<i>Code</i>	<i>Budgetary reserve fiscal year 1999</i>	<i>Budgetary reserve (in Col\$)</i>	<i>Payment 27 June 2000 (in Col\$)</i>
52015001 14	Technical assistance, advisory assistance and follow-up in formulating, implementing and developing policy involving equity for and participation of women	1 000 000 000	325 000 000

*Note:* This budgetary reserve was received by CPEM during the 1999 fiscal year.

**Fiscal year 2001**

<i>Code</i>	<i>Item</i>	<i>Final approval 2001 (in Col\$)</i>	<i>Final commitments 31 December 2001 (in Col\$)</i>
64015003 10	Implementation of Integrated Support Programme for Women Heads of Household	2 000 000 000	2 000 000 000
<b>Subtotal CPEM</b>		<b>2 000 000 000</b>	<b>2 000 000 000</b>

**Fiscal year 2002**

<i>Code</i>	<i>Item</i>	<i>Final approval 2002 (in Col\$)</i>	<i>Final commitments 31 December 2002 (in Col\$)</i>
64015003 10	Implementation of Integrated Support Programme for Women Heads of Household	2 223 052 000	2 223 052 000
<b>Subtotal CPEM</b>		<b>2 223 052 000</b>	<b>2 223 052 000</b>

During the 2003 fiscal year, no resources were allocated to CPEM.

#### Fiscal year 2004

<i>Code</i>	<i>Item</i>	<i>Final approval 2004 (in Col\$)</i>	<i>Final commitments 31 December 2004 (in Col\$)</i>
64015003 11	Implementation of Integrated Support Programme for Women Heads of Household	500 000 000	500 000 000
<b>Subtotal CPEM</b>		<b>500 000 000</b>	<b>500 000 000</b>

Source: Integrated Financial Information System (SIIF) planning figures.

#### 5. *Technical and financial assistance*

A number of institutions contribute to the work of CPEM; international cooperation agencies provide financial and technical assistance for project development, through the hiring of consultants, donation of equipment and provision of non-reimbursable grants. Managing international resources is one of the responsibilities of CPEM, in accordance with the terms of Decree 519 (2003):

“Channelling international cooperation activities and resources for the development of projects designed to ensure gender mainstreaming and the participation of women in the social, political, and financial fields.”

The international cooperation agencies providing support include, in particular, the United Nations Development Fund (UNDP), the Canadian International Development Agency (CIDA), the German Agency for Technical Cooperation (GTZ), the International Labour Organization (ILO), the United Nations Development Fund for Women (UNIFEM) and the Spanish International Cooperation Agency (AECI).

#### 6.1 *Agreements and memorandums of understanding concluded by DAPR/CPEM for the development of programmes, activities and projects*

In 2003, the following agreements and memorandums of understanding were concluded with national and public and private institutions:

1. Agreement with UNDP: Col 03/018, in the amount of Col\$ 422,000,000 for institutional strengthening, including a variety of actions and tools:

Observatory for Gender Issues: International Forum entitled “Gender equality as State policy”, regional programmes, publications, a database, technical advisory assistance, a documentation and consultation centre, the First National Businesswomen’s Fair, a gender and diversity educational programme, a symposium of Colombian women writers called “*Ellas cuentan*”.

2. Agreement with the International Organization for Migration (IOM): To work jointly on preventing trafficking in persons and smuggling of migrants (pending resource allocation).

3. Agreement with CIDA: the sum of 50,000 Canadian dollars, to support the Observatory for Gender Issues.

4. GTZ Agreement/Colombia Youth: Technical assistance to support the Observatory for Gender Issues.

5. Agreement with the Colombian Confederation of Chambers of Commerce (CONFECAMARAS), to develop the First National Businesswomen's Fair.

6. Memorandum of understanding with UNIFEM/ARDColombia/UNDP for the project "Gender-sensitive participatory budgets".

7. Technical assistance for training and equipment from ILO, in the framework of the ILO special technical cooperation programme for Colombia, and in particular, the ILO/United States Department of Labor project on improvement of labour relations and the promotion of women's economic equality in Colombia.

8. Affirmative action plan for women:

The national and international public and private bodies involved in the affirmative action plan for women, in implementation of the National Agreement on Equality between Women and Men, are as follows:

#### 1. Area: employment and entrepreneurial development

<i>Programme</i>	<i>Agencies involved</i>	<i>Funding (amounts in Col\$)</i>
Female heads of household who are microentrepreneurs	DAPR-CPEM, Agrarian Bank, Ministry of Agriculture, Ministry of Trade, Industry and Tourism, FNG, FAG	3 643 553 271 for the creation of a fund for loans through the Agrarian Bank
First Business Women's Fair	DAPR, CONFECAMARAS, SENA, Agrarian Bank, FINAGRO, Antioquia Social Trade Promotion Agency, La República, Office of the Governor of Casanare, Office of the Governor of Huila, Bancoldex, UNDP, Indupalma, La Previsora, Corona Foundation, El Valle Flour Mills, Envía, Compartir, Mujeres de Éxito (Successful Women) Foundation, Alkosto, San Isidro Foundation, Carvajal Foundation, Association of Diplomatic Spouses, Aviatur, AECl, Chambers of Commerce of Barranquilla, Bucaramanga, Cali, Cartagena, Ibagué, Guajira, Cauca, Medellín, Neiva, Pasto, Pereira, Sincelejo, Tunja, Colanta, Bogotá Women's World Corporation, Bucaramanga Women's World Corporation, Medellín Women's World Corporation, National Federation of Coffee Growers, Caicedo González	DAPR/CONFECAMARAS Agreement: 385 708 320 FOMIPYME 347 177 773 Counterpart contributions in cash or in kind

<i>Programme</i>	<i>Agencies involved</i>	<i>Funding (amounts in Col\$)</i>
	Foundation, Carvajal Foundation, Compartir Foundation, Corona Foundation, Popayán Women's World Foundation, FUNDAEMPRESA, WWB Foundation-Cali, SENA, CARANA	
National training plan	CPEM, DANSOCIAL, ILO	ILO special technical cooperation programme for Colombia. ILO/USDOL project  DANSOCIAL/CPEM intersectoral agenda

## 2. Area: education and culture

<i>Programme</i>	<i>Agencies involved</i>	<i>Funding (amounts in Col\$)</i>
Gender and Diversity Education Programme	DAPR-CPEM, National University, Univalle, REPEM, UNDP	DAPR-UNDP Agreement
Symposium of Colombian Women Writers — “ <i>Ellas cuentan</i> ” — Tribute to Marvel Moreno	CPEM, Ministry of Culture, El Valle Joint Culture Fund, UNDP, Cali Chamber of Commerce, Indupalma, Heredia Theatre, Hotel Santa Clara Cartagena; Hotel Almirante Estelar, Red de Hermandad de Ciudades Patrimonio	DAPR/UNDP Agreement Ministry of Culture/CPEM intersectoral agenda

## 3. Area: violence against women

<i>Programme</i>	<i>Agencies involved</i>	<i>Funding (amounts in Col\$)</i>
“ <i>Non-violent roads</i> ” policy: Design of intervention models		DAPR/UNDP Agreement
a. Women against Violence network/Women's Community Councils	DAPR-CPEM UNDP, DAPR-CPEM	
b. “Family democracy” project*		
Úrsula Iguarán campaign for return to the land*	DAPR-CPEM	
Awareness and training campaign against trafficking in persons	DAPR-CPEM, IOM	Material supplied by IOM

**4. Area: political participation**

<i>Programme</i>	<i>Agencies involved</i>	<i>Funding (amounts in Col\$)</i>
Towards education for women about the referendum	DAPR-CPEM	
Women's community councils	CPEM, UNDP, governors' offices and town halls, and departmental and municipal women's offices	DAPR-UNDP
Encounters and forums with male and female political actors and social and community leaders	DAPR-CPEM Colombian Federation of Municipalities, and governors' offices and town halls	DAPR-CPEM
Gender-sensitive participatory budgets	DAPR-CPEM, town halls and governors' offices, UNDP, ARD, UNIFEM	DAPR/UNDP Agreement DAPR-UNIFEM-ARD-UNDP memorandum of understanding

**5. Area: health**

<i>Programme</i>	<i>Agencies involved</i>	<i>Funding (amounts in Col\$)</i>
Dissemination of the national sexual and reproductive health policy	DAPR-CPEM, Ministry of Social Protection	Intersectoral agenda

**6. Area: institutional strengthening**

<i>Programme</i>	<i>Agencies involved</i>	<i>Funding (amounts in Col\$)</i>
a. Project Bank	DAPR-CPEM	DAPR-UNDP Agreement
b. Data bank	DAPR-CPEM	DAPR-UNDP Agreement
c. Observatory for Gender Issues	DAPR-CPEM, UNDP, ACDI, GTZ, AECI and UNIFEM, Javeriana University, SINERGIA, SIGOB	DAPR-UNDP Agreement DAPR/ACDI Agreement DAPR-Young Colombia/GTZ Agreement DAPR/Javeriana University Agreement
d. International Forum	ESAP, DAPR-CPEM, ILO, FESCOL	DAPR/UNDP Agreement DAPR-ILO-ESAP-FESCOL memorandum of understanding

\* These programmes are in the process of consultation with other agencies for their development.

In fulfilling this mandate, CPEM, in coordination with UNDP and UNIFEM, trains civil servants responsible for budgetary matters in the various national and territorial entities so that a gender perspective can be included when the budgets available for the various areas and programmes are being prepared.

Thus far, two training forums on gender-sensitive budgets have been held, with UNDP assistance; they were attended by 50 officials responsible for budget and planning in ministries and other national entities.

On 14 December 2003, the day on which the National Agreement on Equality between Women and Men was signed, a lecture on gender-sensitive budgets was attended by many men and women from the various branches and organs of Government, members of various women's organizations and interested individuals.

### **General Recommendation No. 18: disabled women**

Although many barriers — mainly in terms of attitude — still obscure the real situation of disabled women and there is no specific law regulating their situation, considerable progress has been made on the protection of the various rights of all persons with disabilities:

Ministry of National Education (MEN) resolution 1515 of June 2000, establishing the requirements of education for the deaf in public and private primary schools;

Act 590 (2000), providing for special treatment of women in small and medium-sized enterprises (SMEs) in the interests of equity;

Act No. 582 (2000), defining sport as it is associated with persons with physical, mental or sensory disabilities, and establishing the regulations for the Colombian Para-Olympic Committee;

Decree 641 (2001), restructuring the Colombian Family Welfare Institute (ICBF).

From its register of 2,823 persons with some degree of visual disability, the National Institute for the Blind (INCI) finds that 30.7 per cent of this population group falls into the 36 to 65 age group, with 30.4 per cent aged 6 to 20 and therefore of school age. Of the total number, 55 per cent suffer from poor vision and 45 per cent are blind. Females account for 43 per cent of the registered visually impaired, and men for 57 per cent. Most of the visually impaired population come from disadvantaged socio-economic backgrounds, 35.78 per cent belonging to level 2 and 29 per cent to level 1.

## 2.4 Article 4

### Measures designed to accelerate equality between men and women

#### Legislative advances

#### Special Recommendation No. 6: main measures adopted in favour of women's participation

In accordance with General Recommendation No. 5 on temporary special measures, the Colombian State adopted Act 581 (2000) with a view to accelerating de facto inclusion of women in all areas of participation and decision-making. So important is this measure that it will be referred to again in the context of progress made on article 7 concerning political and public life.

Some pre-1999 regulations are also included in order to underscore the protection and guarantee of the rights of vulnerable groups:

<i>Legal provision</i>	<i>Description</i>
Act 509 (1999)	Creates social security benefits in favour of house-mothers and awards them a cost-of-living subsidy.
Act 581 (2000)	Regulates the adequate and effective participation of women in decision-making in all government branches and organs, in accordance with articles 13, 40 and 43 of the Constitution. It guarantees women at least 30 per cent of discretionary appointments at the highest decision-making level and at other managerial levels in all public entities.
Act 590 (2000)	Provides special treatment for women regarding SMEs, in the interest of equity.
Decree 1133 (2000)	Partially regulates Acts 49 (1990), 003 (1991) and 546 (1999). The fact of being a female head of household is used as a criterion for the award of a rural needs-based family housing subsidy.
Act 691 (2001)	Regulates the participation of ethnic groups in the General Social Security System. The purpose of the Act is to provide effective protection of the health rights of indigenous peoples and to guarantee their cultural integrity in order to give them a sense of social and cultural belonging, as set forth in the Constitution, in international treaties and in the other laws concerning indigenous peoples.
Act 731 (2002)	Act on rural women. Article 22 provides for the participation of rural Afro-Colombian women in the decision-making bodies of the community councils and stipulates that they must be represented, in a proportion of at least 30 per cent, in the general assemblies and on the

<i>Legal provision</i>	<i>Description</i>
	boards of the councils in their communities, as well as in the departmental, regional and high-level consultative commissions.
Act 750 (2002)	Special support for house arrest and community work for women. House arrest is permitted in the interest of affirmative action.
Act 762 (2002)	Ratifies the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, signed in Guatemala City on 7 June 1999.
Act 790 (2002)	Article 12 establishes special protection, known as the “social reserve fund” ( <i>retén social</i> ); this protection measure provides that women heads of household with no alternative economic resources; persons with physical, mental, visual or auditory disabilities; and employees who meet the age and length-of-service requirements may not be dismissed under the Public Administration Reform Programme, in order to enable them to receive their retirement or old-age pensions.
Act 812 (2003)	Covers the policy of strengthening ethnic groups.
Act 823 (2003)	Establishes the institutional framework and informs government policies and actions for equity and equal opportunities for women in public and private entities.
Agreement 79 (2003)	Bogotá Police Code. Title IV, concerning protection of vulnerable population groups, contains a chapter on children, another on older adults and yet another on persons with reduced mobility or sensory or mental disabilities.
Decree 1042 (2003)	Provides for female heads of household in the same terms as Decree 1133 (2000) and establishes an additional criterion consisting of a connection with productive agricultural projects, community environmental projects associated with national parks or associative agribusiness programmes and women’s associations in order to receive a rural needs-based family housing subsidy.
Decree 2998 (2003)	Land-holding in favour of rural women.

Below, under articles 11 and 12 concerning employment and health, explicit reference will be made to the protection of maternity as an affirmative action in favour of women.

### Advances in case law

The Labour Section of the Supreme Court of Justice and the Council of State have provided for additional protection to strengthen the job stability of pregnant women at both the prenatal and post-natal stages. This has been supported by many decisions:

<i>Decision</i>	<i>Description</i>
Decision C-371 (2000)	Declares the constitutionality of the Quota Act.
Decision T-1127 (2001)	Scope of the recognition and protection of cultural diversity.
Decision T-522 (2001)	Protects the right to de facto equality, the right to liberty and affirmative action for female prisoners who request that their prison sentences be commuted to house arrest.
Decision C-157 (2002)	Protects the right of children under three years of age to remain with their imprisoned mothers, a decision that must be taken by the family court rather than the inspector.
Decision T-219 (2002)	Access to the General Social Security System and to health care must be more effective when it is requested for persons suffering from any type of disability; hence, public policy on such matters abides by the principles of efficiency, universality and solidarity.
Decision C-184 (2003)	Determines the requirements for the right to house arrest for female heads of household to be extended to their male counterparts.
Decision C-401 (2003)	Establishes the constitutionality of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities and its enabling legislation.

### Administrative advances

The administrative advances described below all constitute affirmative action by the State to boost equality for women belonging to particularly vulnerable groups. Progress on employment, entrepreneurial development, education, culture, health, social security, participation and gender training and awareness, which may also be deemed affirmative action, will be addressed in the relevant paragraphs.

Afro-Colombian women: the Office of Ethnic Affairs of the Ministry of the Interior and Justice discharges its functions under Act 70 (1993). One of its aims is to ensure that black women are recognized in conditions of de facto equality and that they enjoy genuine opportunities in terms of their race and society as a whole. Various programmes in that regard are under way.

Prison establishments: The Treatment and Development Section of the National Prison and Penitentiary Institute (INPEC) has three divisions that address and promote the rights of women in prison:

- Social Development Division: deals with the welfare and full and sustainable human development of women prisoners;
- Labour Promotion and Training Division: promotes the creation and organization of programmes of training and production processes for generating labour skills among female prisoners;
- Health Division: plans and implements programmes aimed at meeting all female prisoners' health needs, under the jurisdiction of INPEC.

Female heads of household: the Office of the Procurator for Children and the Family has made representations to governors' offices and town halls of 24 departments in order to check on implementation of programmes for enforcing Act 82 (1993).

Older adults: The Government has developed a social welfare programme for older adults (PPSAM) that targets the poorest older persons, assisting them by means of financial subsidies. PPSAM has reached 95 per cent of the country's municipalities, and beneficiary coverage has exceeded the Government's initial target (125,000 persons).

Indigenous people: The Department of Indigenous Affairs has been coordinating, among other things, a project for displaced indigenous people.

The ethnic education programme of the Ministry of National Education (MEN) addresses the preservation of the population's cultural, material and spiritual heritage, using the local technologies of each region (Andean, Amazonian and Eastern), in the original and second languages, including crafts and animal husbandry. Young girls, teenagers and women are taught to weave bags out of wool and cotton.

## **Statistics**

### **Prison population**

According to the INPEC Planning Office, as of October 2003, out of Colombia's total prison population (61,951 persons) 4,135 were women.

Some 619 women were trained during 2003, and 1,384 female prisoners performed work of various kinds: industry and/or workshops (baking, carpentry, decoration, shoemaking, stockbreeding or farming; agriculture, animal husbandry (pig-farming)); services (house-cleaning, laundry, waitressing, hairdressing); outside work (contracts with public or private firms); community work, public works and decoration. The education group gave literacy classes to 114 female prisoners; 308 in primary education; 349 in secondary education; 9 in higher education; 931 in lectures; 485 in libraries; 764 in cultural activities; and 748 in sports activities, with a budget of Col\$ 19,100,000 (nineteen million one hundred thousand Colombian pesos).

The Office of Social Work and ICBF provided services for an average of 972 families: (i) direct social and psychological care, and (ii) linkage to the social

health, housing and education social network. Women who followed training and upgrading courses in programmes specially devised for each group numbered as follows: 7 indigenous women, 88 elderly prisoners, 2 women with disabilities, 16 foreigners, 64 expectant mothers and 46 breastfeeding mothers. In addition, 1,774 prisoners received direct social services; in the psychological field, personal-growth programmes catered to 700, and 215 received direct psychological counselling, with a social-care budget of Co\$ 8,300,000. Study of the reports of the various women's prisons nationwide reveals that 10 per cent of female prisoners receive mental health care.

### **Ethnic population**

There is a disparity in the data used to calculate the population base of Afro-Colombians and to determine the indicators on their quality of life.

In Chocó, where the population is mostly black, the human poverty index is 10 percentage points above the national average. Some 26.3 per cent of the population aged 15 or older is illiterate, compared to 9.9 per cent at the national level, and 74 per cent of the population does not have adequate sanitary facilities, compared to the national average of 24.36 per cent.

With regard to financing educational programmes for the Afro-Colombian communities, the Colombian Institute for Educational Credit and Technical Studies Abroad (ICETEX) has conducted two competitions; one in 1996 with 1,494 beneficiaries and the other in 2000 with 1,070 beneficiaries. Of the 2,564 recipients, 1,154 were women (45 per cent). Also, since 1996, agreements have been signed that help young Afro-Colombians obtain university places; about 1,650 Afro-Colombians (approximately 45 per cent of them women) have benefited from these initiatives.

According to the census, the indigenous population is 785,356, divided into 82 peoples or groups; they speak 64 different languages and reside in most of the country's departments. The 638 legally constituted reserves occupy 27 per cent of the national territory, and the groups have title to a total of 31.3 million hectares. Only 13 per cent of the indigenous population live on lands that are not part of reserves. During the current Government, 71 reserves have been created and 26 have been expanded with a total of 1,182,237 hectares, benefiting 15,185 families.

According to the 1993 census, 45.2 per cent of indigenous people are under 15 years of age; 19.3 per cent are in the 15 to 24 age group; 12.6 per cent are aged 25 to 34 years; 9.1 per cent are from 35 to 44 years of age; and only 13.9 per cent are over 45. Of the women, 56.4 per cent work in the home; 13.7 per cent work in agriculture; 11.9 per cent are in school; 6.8 per cent are artisans; 6.7 per cent carry out other tasks; and 4.6 per cent say that they are unemployed.

### **The "raizal" people**

The "raizal" communities are another representative ethnic group made up of the inhabitants of the San Andrés and Providencia Archipelago. They belong to the Afro-West Indian culture and maintain a strong Caribbean identity, with many sociocultural and linguistic traits that are distinct from the rest of the Afro-Colombian population. On 31 May 1999, the National Statistics Department (DANE), in coordination with local entities, conducted a pilot census project to

survey the population and housing of this ethnic group; it included a question on ethnic membership. According to the results, 57,324 people were surveyed; of these, 42.6 per cent defined themselves as Raizal and 42.7 per cent said they had been born in another place. The current population is officially estimated at 73,474. Men comprise 51 per cent of the population and women 49 per cent, compared with the national figures of 49.2 per cent and 50.8 per cent, respectively.

## 2.5 Article 5 Elimination of sociocultural patterns and discriminatory stereotypes

### Legislative advances

Since all the laws referred to in the preceding article are fully relevant to the elimination of sociocultural patterns and stereotypes, they should also be referred to when reading this section. The most important are the Quota Act, the National Development Plan and the Equal Opportunities Act, owing to their widespread impact on the effective mainstreaming of women in the public and private sectors and the elimination of stereotypes.

### Advances in case law

<i>Decision</i>	<i>Description</i>
Decision 12772 (2000) Supreme Court of Justice	A man convicted of raping a 14-year-old girl claimed that the penalty should not be augmented, on the grounds that the girl appeared to be over 14 years of age; the Court accorded priority to the Registry Office evidence confirming her age.
Decision 12733 (2000) Supreme Court of Justice	The Court stated that, in relation to the accusation of sexual abuse of a minor whose hands and feet were tied, the applicable category of crime was a violent sexual act and there was no need to prove that the girl had been unable to resist.
Decision 13466 (2000) Supreme Court of Justice	The Court stated that, in the case of a sexual act with a child under age 14, the presumption of lack of legal capacity does not admit any evidence to the contrary and, consequently, once the age has been proved with appropriate evidence, it cannot be denied that the offence has been committed.

<i>Decision</i>	<i>Description</i>
Decision T-554 (2003)	The grandmother of a minor who had been raped by her father filed a legal action for protection to ensure that no further examinations of the child were conducted. The court ordered that the criminal proceedings for rape should be reviewed, that the child should be declared at risk, and that the child and her grandmother should be supervised by the Colombian Family Welfare Institute (ICBF) while the criminal investigation was under way.

### **Administrative advances**

In accordance with the guidelines established in General Recommendation No. 3, in which the existence of preconceived ideas about women is expressly accepted, and with special attention to Special Recommendation No. 12 on Colombia's fourth report to the Committee on the Elimination of Discrimination against Women, the following measures have been adopted.

Presidential Advisory Office on Gender Equality (CPEM) heads a Gender and Diversity Education Programme to promote changes in sexist practices and stereotypes, to advance towards equal opportunities and gender equality, and to help promote, from a gender perspective, peace and development with diversity, as goals shared by both the State and civil society (a pedagogical model for both formal and non-formal education).

During the first stage, developed in association with research centres on women and gender in two national universities and a women's education network, a pedagogical model was elaborated to provide training on these issues. During the pilot stage, 175 persons were trained directly and about 1,750 persons received the information and recommendations through non-formal education. One of the aims of the "Women: builders of peace and development" policy, namely, to make gender equality a cross-cutting element of the State administration, is to use the non-formal education model to raise awareness and train public officials at the national level. The same model is beginning to be used in departments and municipalities, where making gender equality a cross-cutting issue has been included in development plans, so as to incorporate the recognition of women's rights. The non-formal educational programme is also being applied in the context of regional and local women's organizations and projects in CPEM priority areas.

In the area of formal education, which has an impact on the school system, the Ministry of National Education (MEN) has proposed, as an option, to incorporate gender education from the first to the eleventh year, in order to incorporate this perspective into both the formal and hidden curriculum, and into school practice. Furthermore, a course of action has been initiated to implement the National Agreement on Equality between Women and Men using television. A key element of this initiative is the agreement between the Office of the Ombudsman and MEN to develop the National Human Rights Education Programme in schools, utilizing the gender perspective. Likewise, CPEM is working to ensure that departmental and local development plans incorporate this type of commitment in the education sector, and that positive actions are taken to overcome disparities between men and

women in relation to literacy and job training for adult women, particularly in rural areas.

In recent years, as a tool for educational establishments, MEN and CPEM, under the auspices of UNESCO, produced 10,000 copies of the Co-education Guide, a product of research carried out in Cundinamarca, Santander and Atlántico, with teachers from urban and rural areas. The Guide represents an attempt to detect and change sexist stereotypes in educational establishments. Teachers took part in the development of the project by carrying out gender analysis, using methodologies to diagnose sexist stereotypes, elaborating co-educational plans and applying strategies to incorporate them into institutional education projects. The results of the research were used to design each chapter of the Guide, which will be distributed with the aim of informing other municipalities and departments of the actions taken and lessons learned.

In the context of the “Women: builders of peace and development” policy, CPEM and MEN have agreed on a programme of work, whose main objectives are:

- To strengthen the area of education in the Auditor General’s Office, on aspects such as the collection, analysis and dissemination of information;
- To ensure that gender equality policy cross-cuts formal education projects in areas such as sexual and reproductive health, human rights and coexistence, the environment, quality standards for citizen competencies, teacher training, teacher evaluation, enrolment of students from vulnerable groups in the education system (ethno-education, the disabled, the displaced, border populations);
- To increase and strengthen virtual teacher training programmes;
- To encourage publishing houses to publish texts free of sexist biases;
- To promote agreements with universities in areas of interest to CPEM;
- To include the topic of gender in non-formal education;
- To persuade the mass media to avoid the use of sexist biases;
- To support the design and implementation of the Gender and Diversity Education Programme.

The Ministry of Culture, as the entity that formulates and coordinates public policy for the cultural development of women and men, has been carrying out consultations to draft the National Culture Plan “Towards the building of a culturally democratic citizenry”, which will be in force until 2010. A participatory procedure was used (in which 25,000 Colombians took part), involving the recognition and appreciation of diversity, thereby helping to mainstream gender perspective into this type of public policy.

The Ministry of Culture and CPEM agreed on a programme of work with the following objectives:

- To include a gender-based criterion among the criteria used to evaluate projects submitted under the National Programme of Concerted Action.
- To continue guaranteeing equal participation for women and men in the competitions under the above-mentioned Programme.

- To include gender equality as a cross-cutting issue in the cultural programming of Señal Colombia.
- To expand gender mainstreaming in all the actions undertaken by the ministerial departments in charge of communications, promotion and ethno-culture, childhood and youth cinematography and heritage.
- To include two or three questions on the form for submitting projects to the National Programme of Concerted Action that would indicate to what extent women were participating.
- To support the Gender and Diversity Education Programme and the campaigns in favour of respect for human rights.
- To publicize the progress made by women in the exercise of their political, economic, social and cultural rights.

Pursuant to this agenda, in March 2004 CPEM and the Ministry of Culture organized a meeting of Colombian women writers: “*Ellas cuentan*”, honouring the writer, Marvel Moreno, to highlight the contribution of women to literature and culture and to incorporate the gender perspective into the cultural sector. Some 30 writers from different regions, generations and literary genres participated.

#### **Special Recommendation No. 12: measures to eliminate sexist stereotypes in the media**

In the context of the “Women: builders of peace and development” policy, CPEM and the Ministry of Communications agreed on a programme of work to carry out the following actions:

- To promote a more progressive attitude in the media so as to give greater prominence to some of the situations that adversely affect women, such as domestic violence and violence outside the home, the double working day, the burden of housework, women’s invisibility in terms of success and language, and the place of women in business and political circles;
- To encourage greater dissemination and coverage of matters related to women, such as: the Government’s policies in favour of women, the commemoration of important dates, such as 8 March (International Women’s Day) and 25 November (International Day for the Elimination of Violence against Women); awards and recognition of women’s work in different areas and the norms that protect and guarantee women’s rights;
- To develop non-traditional media that help to strengthen and assess community participation; to recognize and to appreciate the role of women in the family and in society; to question the use of stereotyped models to communicate crucial, objective and influential messages relating to the situation status and opportunities of men and women in different sectors of society;
- To design a strategy for strengthening women’s access to the new information and communications technologies;
- To strengthen community radio stations;
- To carry out an in-depth study on the purpose, content and impact of women’s departments and programmes;

- To implement, to the best of the Ministry's ability, the Gender and Diversity Education Programme and the campaigns to promote respect for women's human rights, emphasizing that domestic violence is a human rights violation;
- To disseminate, through the Auditor General's Office, information on the progress made by women in the exercise of their rights.

All these activities, headed by CPEM, seek to comply with the National Agreement on Equality between Women and Men, which sets out the commitment of the Government and its legislative and judicial organs to enhance the role of women through their participation, on an equal footing with men, in all spheres of society and to eliminate all forms of discrimination against them, including those manifested by stereotypes and sociocultural patterns.

#### **The CPEM communications strategy**

From January 2003 to July 2004, the communications strategy resulted in the appearance of 920 publications and interviews in various media, which helped highlight women's situation and rights in Colombia as well as Government programmes targeted at women.

## **2.6 Article 6**

### **Suppression of traffic in women and exploitation of prostitution of women**

According to General Recommendation No. 19, cited under article 2, the trafficking in persons and the exploitation of prostitution are forms of violence against women.

#### **Legislative advances**

<i>Legal provision</i>	<i>Description</i>
Act 679 (2001)	Statute to prevent and counter exploitation, pornography and sexual tourism involving children.
Decree 2107 (2001)	Complemented by Decree 1384 (2002). Concerning the issue of visas, the control and regularization of foreigners, and other provisions relating to immigration. It prohibits foreigners involved in the trafficking of persons from entering the country.
Act 599 (2000)	The Penal Code. Establishes that the criminal category of "Trafficking in persons", subsequently modified by Act 747 to read "Trafficking in migrants", is a crime against personal liberty.

<i>Legal provision</i>	<i>Description</i>
Act 747 (2002)	Criminalizes trafficking in persons and modifies article 188 of the Penal Code concerning trafficking in migrants. It contains an article on money-laundering, which allows the seizure or confiscation, etc., of any assets or accounts acquired as a result of illicit activity.
Act 765 (2002)	Adopts the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
Act 800 (2003)	Adopts the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
Agreement 79 (2003)	Bogotá Police Code. Prostitution is not a crime in Colombia. Chapter IV states that persons involved in prostitution must be respected; includes a list of conducts for those who are involved in prostitution and for those who use their services; establishes the responsibilities of institutions providing health services (IPS), and the requirements of establishments where prostitution is exercised.
Act 880 (2004)	Adopts the Inter-American Convention on the International Return of Children.

### **Advances in case law**

Decision T-342 (2003): on girls who were raped and suffered from venereal diseases. Their father appealed to obtain their guardianship under the right to health, but the circumstances for this right to be invoked did not exist, and the appeal was denied. However, this illustrates the precarious situation of many girls in Colombia, who spend their days with their mothers in places where prostitution is exercised.

Decision C-318 (2003): declares that Act 765 (2002) and the Optional Protocol to the Convention on the Rights of the Child are in keeping with the Constitution. The conclusions that appear in the analysis of the Protocol are extremely important in connection with crimes against children.

**Special Recommendation No. 10: Inter-institutional Committee to Combat Trafficking in Women and Children**

Decree 1974 (1996) established the Inter-institutional Committee to Combat Trafficking in Women and Children as an advisory body to the Government and as the coordinating entity for the Colombian State's actions to combat the traffic, exploitation and sexual abuse of women and children.

The Inter-institutional Committee to Combat Trafficking is composed of:

- The Minister of the Interior and Justice, or the Deputy Minister, who chairs the Committee;
- The Chairperson of the Administrative Council of the Colombian Family Welfare Institute (ICBF);
- The Minister for Foreign Affairs, or the Deputy Minister for Colombian Communities Abroad and Consular Affairs;
- The Director General of the Administrative Department of Security (DAS);
- The Director General or the Inspector General of the National Police;
- The Attorney General, or the Director of the International Affairs Office, or the Bogotá Departmental Director;
- The Procurator or the Deputy Procurator for Children and the Family;
- The Ombudsman or the Deputy Ombudsman for the Rights of Children, Women and the Elderly;
- The National Registrar, or the Secretary General;
- The Director of the Presidential Programme for the Defence of Personal Liberty, or the Technical Secretary;
- The Director General of the Interpol Office in Colombia;
- The Director General of the Colombian Family Welfare Institute (ICBF), or the Deputy-Director for Protection;
- The Presidential Advisor on Gender Equality, or the person in charge of CPEM.

The Committee is working to design a national strategy against trafficking in persons. With Brazil and the Dominican Republic, Colombia is one of the three countries that suffer most from the traffic in persons in the region. However, it is also one of the most advanced countries in combating this crime. The annual report of the United States Department of State of 12 July 2001 underscored that, even though Colombia had inadequate resources and institutions, it was the only country in the region that met the standards to combat trafficking in persons.

The Attorney General's Office, through the International Affairs Office and the Administrative Department of Security (DAS)/Interpol, is in permanent contact and has direct channels of communication with 180 member countries of the International Criminal Police Organization in order to exchange police and judicial information with counterpart authorities in member countries.

The Attorney General's Office prepares a specific list of cases of trafficking in persons, and offers training courses on expert evidence and the scientific management of judicial decisions. Crimes of trafficking in persons can be reported to the Attorney General's Office so that the corresponding investigation can be undertaken.

The DAS/Interpol team conducts awareness-raising campaigns in different areas of the country, in educational establishments and governmental entities. In 1999, a strategy was launched consisting of nationwide prevention campaigns, particularly in high-risk areas. These talks on the sexual abuse of children and trafficking in persons were primarily targeted at teachers, delegates from Family Commissions, *corregidores* [justices of the peace], *madres comunitarias* [house-mothers] and graduating college students. In addition to raising the population's awareness, these workshops have produced valuable information to further investigations aimed at rescuing victims and dismantling trafficking networks.

The Presidential Advisory Office on Gender Equality (CPEM) has developed awareness-raising and training activities in coordination with the International Organization for Migration (IOM). As part of the dissemination process, information was sent (on a CD) to 1,095 mayors' offices and 32 governors' offices. An agreed agenda has been developed to provide training on the subject in nine cities.

Since April 2001 the Ministry of Justice (now known as the Ministry of the Interior and Justice), the Esperanza Foundation and the United Nations Development Fund for Women (UNIFEM) have been conducting a prevention project to provide training to public officials and community leaders regarding human trafficking. The objective of the project is to foster the protection of human rights, particularly those of women and children, in order to prevent human trafficking and defend the dignity and rights of the victims of human trafficking.

The Ministry of the Interior and Justice has signed an agreement with the United Nations Office on Drugs and Crime (UNODC) for the purpose of helping Colombian authorities develop and implement a comprehensive national strategy to combat human trafficking and supporting the work of the justice system in preventing, investigating and prosecuting cases involving trafficking in persons. Additional aims of the project are to establish and implement regional and international cooperation agreements, train the competent authorities responsible for preventing and investigating human trafficking and protecting victims and witnesses, and develop awareness and prevention campaigns in high-risk areas of Colombia. The Office of the Procurator for Children and the Family, UNODC and IOM have provided training on human trafficking to various professionals in that Office and to family procurators. Agreement also was reached with IOM to hold regional workshops on the subject for prosecutors, the Technical Enquiries Unit (CTI), family and criminal procurators, official representatives, family counsel, judges, police officers and the Administrative Department of Security (DAS).

On 6 November 2003 the Office of the Procurator and IOM signed a technical cooperation agreement to promote capacity-building at Colombian institutions involved in preventing human trafficking and in protecting, training and reintegrating trafficking victims, and to strengthen efforts to identify, investigate and prosecute trafficking [*text missing from Spanish original*] additional agreement on inter-institutional cooperation to develop a comprehensive approach to be

followed by the Office of the Procurator-General with respect to assistance for victims of sexual violence.

The Ministry of Social Protection, the Ministry of Foreign Affairs, IOM and CPEM established a panel that has produced a number of recommendations concerning human trafficking.

The Humanitas Group constantly monitors newspaper classified ads, discotheques, educational centres, casinos, dating agencies, personal advertisements for prostitution and all activities serving as a front for trafficking in persons.

The Ministry of Communications maintains a web page ([www.dignidadinfantil.gov.co](http://www.dignidadinfantil.gov.co)) where child pornography websites can be reported.

The Bogotá District Council for the Comprehensive Care of Child Victims of Sexual Abuse and Exploitation developed the Bogotá District Plan to combat child sexual abuse, a protocol to ensure that reports of sex crimes are properly processed and a guidebook on how to identify and respond to suspected sex crimes.

### Statistics

Women of childbearing age are the population group most vulnerable to human trafficking. DAS estimates that 45,000 to 55,000 Colombian women victims have been abducted from the country.

UNICEF reports that 25,000 children 8 to 12 years of age are victims of sexual exploitation. ICBF estimates that in Bogotá, 10,200 girls and 800 boys are involved in child prostitution.

The principal destination countries of trafficking victims are as follows: 40 per cent, Japan; 30 per cent, Spain; 20 per cent, the Netherlands; and the remaining 10 per cent, Greece, Germany, Singapore, Hong King, Mexico, Belgium, the United States of America, the United Kingdom, Italy, Ecuador and Panama.

Human trafficking in Colombia is most likely to occur in the following regions: Risaralda, Quindío and Caldas, Cali, Tulúa, Buenaventura, Palmira and Cartago, Medellín and the surrounding metropolitan area, Valle de Aburra and Bogotá and its environs.

Since 1998, DAS/Interpol has conducted 21 international operations in cooperation with other countries, 269 women victims of trafficking have been freed and 108 criminals belonging to international networks and mafias have been captured.

<i>Country</i>	<i>Number of victims (all are women)</i>	<i>Number of persons arrested</i>
Japan	17	13
Spain	145	41
Netherlands	35	18
Colombia	64	27
Ecuador	3	4
United States	1	2

Some of the operations carried out by Interpol are described below:

<i>Year</i>	<i>Operation</i>	<i>Details</i>
1998	Operation TULIPÁN	The operations were conducted on 20 January 1998 in coordination with Interpol/Netherlands, the Amsterdam Police and Interpol/Colombia, and DAS. Simultaneous raids were conducted in Amsterdam, The Hague, Rotterdam, Cali and Bogotá. During the searches four individuals, one of them a Colombian, were captured in the Netherlands, and in Colombia the liaison with the network responsible for luring and recruiting women from the Cauca valley and El Eje Cafetero was captured. In addition, five Colombian women held captive by the network were freed.
1999	Operation NIÑERA	This mission, conducted in Cincinnati, Ohio (United States), with the collaboration of Interpol/Washington, D.C. resulted in the rescue of an enslaved Colombian woman and the seizure of two Colombian men who had been holding her captive.
2000	Operation GALICIA	The operation was conducted in Lugo, in the State of Galicia, Spain, in collaboration with Interpol/Madrid on the basis of information supplied by CPEM. Eighteen Colombian women were freed and six members of the network who had forced them into involuntary prostitution were captured.
2001	Operation MAMI	At the request of Interpol/Bogotá, the Spanish authorities raided a number of Spanish clubs in the provinces of Toledo, Cuenca, Ciudad Real, Palencia and Madrid, capturing five members, including three Colombians, of a network trafficking in women. In addition, 32 Colombian women and two Ecuadorian women were freed.
2002	Operation ROGER	In March, authorities in Madrid, using information from Interpol/Bogotá, captured three members of a network trafficking in migrants. The network's modus operandi involved sending letters of invitation to Colombian nationals, each of whom was required to pay 70,000 pounds. Two of the captured individuals are Colombian and one is Spanish.

<i>Year</i>	<i>Operation</i>	<i>Details</i>
2003	Operation PROGEHI	Investigations in this case began in 2001 and culminated in January 2003 with the capture of Luz Dary Serna, who had been recruiting women in the Cauca valley region and sending them to Japan, where her daughter, Claudia Melena Serna, turned them over for sexual exploitation and then sold them to the Yakuza mafia. As a result of coordination with Interpol/Tokyo, Claudia was expelled and subsequently arrested by DAS/Interpol agents when she arrived at El Dorado International Airport.
2003	Operation BROTHERS	In December 2002, using information coordinated by the Interpol offices in Colombia and Japan and the Colombian Consulate in Japan, Japanese authorities arrested Beatriz Elena Narváez Mesa, a Colombian and an insider in the Yakuza mafia. She would meet women sent by her brothers from Colombia to Japan, turn them over for exploitation and then send them to someone called "Sony" (an alias). On 5 June she was arrested at El Dorado airport by DAS/Interpol agents after being deported from Japan. Beatriz Elena and "Sony" are said to have lured 400 Colombian women to work as prostitutes in Japan.

With regard to child pornography, the Attorney General's Office reports that in the period 2000-2002, 126 cases were filed in 28 capital cities. Major pornography cases were cracked including, in an operation spearheaded by Interpol, Operation Tadeo, which culminated in the capture of Urrego Uñate. The Office is continuing the investigation in order to determine how the material is being sold and dismantle the entire child pornography ring to which Urrego Uñate belonged. In addition, Operation Cano Bolaños, headed by the DAS Atlantic Section, arrested Luis Alfonso Cano Bolaños on child pornography charges. He had produced pornographic material and distributed it abroad via e-mail and air mail.

## **2.7 Article 7 Political and public life**

This article is in full accord with General Recommendation No. 5, General Recommendation No. 23 on political and public life and article 4, as indicated earlier. Accordingly, those provisions should be borne in mind when reading article 7.

### **Special Recommendation No. 13: statistics and steps to be taken to guarantee greater involvement of women in decision-making**

**Act 581 (2000)** regulates the adequate and effective participation of women at decision-making levels in the various branches and organs of government. Its objective is to guarantee greater representation of women in leadership posts in government bodies at the national, departmental, regional, provincial, district and municipal levels. The Act also guarantees women at least 30 per cent of discretionary appointments at the highest decision-making level and at other managerial levels in all public entities.

**Act 823 (2003)** includes measures to facilitate greater participation by women in decision-making in both the public and private sectors. Article 4 (3) requires the Government to encourage public and private entities and institutions that generate statistics to use gender-disaggregated data.

**Circular 1000-011 (2003)** of the Administrative Department of the Civil Service (DAFP), applicable to the mayor of Bogotá and governors, deals with implementation of the provisions of Act 581 (2000) on the adequate and effective participation of women at decision-making levels in government bodies.

#### **Advances in case law**

Judgement C-317 (2000) establishes the constitutionality of the Quota Act and supplies an in-depth analysis of the Act as an instrument for affirmative action.

#### **Administrative advances**

In the context of the “Women: builders of peace and development” policy, the Ministry of the Interior and Justice and CPEM have agreed on a strategy to support and increase women’s participation in political parties and movements, elective office, public appointments — primarily at the decision-making level — and social organizations, with a view to implementing the Quota Act and providing training to that end.

CPEM, with the support of governors and mayors, is promoting the participation of women through Women’s Community Councils. The Councils, which were established in order to enhance participation and facilitate the implementation of the national policy on “Women: builders of peace and development”, provide a forum at the departmental and municipal levels where women and representatives of the State can meet. Council members include leaders of various organizations and population groups; the wife of the governor, mayor or other competent officer; the women’s sector representative to the Territorial Planning Council; representatives of Afro-Colombian women; rural women; academics and teachers; businesswomen; indigenous women; representatives of the public and private labour sectors; elected women (members of community action boards and councilwomen, departmental councillors and mayors); and members of associations of women heads of households and of youth organizations.

The Ombudsman, in agreement with CPEM and the Friedrich Ebert Stiftung Foundation of Colombia (FESCOL), has established a mechanism for monitoring the Quota Act in municipalities (1,098) and has launched an educational campaign using booklets, posters and communications addressed to mayors and other heads of public bodies.

As part of the campaign to promote the Quota Act (Act 581 (2000)), new departmental and municipal governments that took office on 1 January 2004 sent out detailed folders explaining the Act. In addition, mayors, governors and their spouses attending networking meetings were informed of the Act's existence and of the penalties for non-compliance, and folders summarizing the Act and relevant implementation procedures were distributed.

In order to keep track of the number of women holding public office, DAFP uses an Administrative Information System comprising data transmitted by the entities of the three branches of government, autonomous agencies, control and surveillance agencies and an electoral organization agency. DAFP submitted a progress report concerning participation in May 2004.

CPEM is coordinating the efforts to develop implementing regulations for Act 82 (1993) and Act 731 (2002) and has invited the relevant women's organizations to play an active role in that regard.

The Ministry of Foreign Affairs and CPEM agreed on an intersectoral agenda to coordinate the internal implementation and dissemination process in respect of United Nations Security Council resolution 1325 (2000). To that end, a panel on women, peace and security was established to coordinate work regarding women and their contribution to the building and maintenance of peace and security. On 24 November 2003 a forum on Security Council resolution 1325 (2000) was convened with the participation of UNIFEM, CPEM, the Office of the High Commissioner for Peace, various international cooperation agencies, academics, public officials and women's organizations involved in formulating the agendas for peace, to take stock of matters relating to the resolution.

CPEM prepared a report on the implementation of Security Council resolution 1325 (2000). Based on the information entered by 112 national entities in a consolidated registry system, as of 31 December 2003 there were 2,414 managerial-level posts, 682 of which were held by women, representing 28 per cent of posts at the decision-making level.

As to territorial-level entities, DAFP submitted Circular 1000-011 of 1 December 2003 to the Office of the Mayor of Bogotá and the governors' offices and requested their statistics. Data from 11 territorial bodies (10 departments and the capital district) showed that women occupied 53.81 per cent of the total number of posts.

The number of women holding decision-making posts in the executive and judicial branches has increased considerably since the adoption of Act 581 (2000). The number of women holding elective office has increased at a somewhat slower pace.

In order to understand the impact of the gender variable among public officials at the national and territorial levels, the Administrative Department of the Civil Service (DAFP) is conducting activities to gather information from entities. The activities are designed to draw the attention to the issue on the part of those who select appointees, underscore the role women can play in government and gradually increase that role.

As to the provisions of Act 581 (2000) stipulating that at least 30 per cent of managerial posts must be occupied by women, the statistics collected indicate that

there are more women in such posts in control and surveillance agencies (49.74 per cent) than in the legislative branch (15.79 per cent).

In the executive branch of Government, the participation of women at the various levels of the hierarchy may be broken down as follows: high-level posts (managerial, executive and advisory positions): 32.24 per cent (1,363 of 4,228 posts); middle-level posts (professional and technical positions): 37.76 per cent (13,385 of 35,452 posts); and assistant-level posts: 34.63 per cent (11,346 of 32,768).

The following tables give consolidated statistics for the national level:

### Political participation of women in public administration posts at the national level 2003

Entity	Director level			Executive level		
	Total women	Total jobs	% women	Total women	Total jobs	% women
Ministries	80	235	34.04	36	100	36
Administrative departments	11	44	25	3	30	10
Superintendences		116	21.55		123	78.86
State-owned social enterprises	2	3	66.67	6	6	100
Industrial and commercial enterprises	49	214	22.90	42	202	20.79
Public establishments	86	257	33.46	197	663	29.71
Special administrative units	46	152	30.26	8	22	36.36
Mixed-economy companies	4	9	44.44	2	4	50
Legislature	6	38	15.79	12	28	42.86
Executive	303	1 030	29.42	391	1 150	34
Judiciary	185	509	36.35	1 184	2 667	44.39
Electoral organizations	36	92	39.13	0	0	0
Autonomous entities	55	201	27.36	68	196	34.69
Monitoring bodies	97	195	49.74	68	160	42.50
<b>Total participation of women</b>	<b>960</b>	<b>3 095</b>	<b>34.37</b>	<b>2 017</b>	<b>5 351</b>	<b>43.089</b>

### Situation concerning director-level posts in entities at the territorial level

#### Comparative data for 2003 and 2004

Entity	Items/Years	2003		2004	
		Data Nov/03		Data Mar/04	
		Number	%	Number	%
<b>Capital district</b>	Total number of director-level posts	397	100	456	100
	Posts filled	395	99.5	434	95.18
	Posts occupied by women	191	48.35	191	44.01
	Number of entities surveyed	33		54	

<i>Entity</i>	<i>Items/Years</i>	<i>2003</i>		<i>2004</i>	
		<i>Data Nov/03</i>		<i>Data Mar/04</i>	
		<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>
<b>Governors' offices</b>	Total number of director-level posts	166	100	279	100
	Posts filled	164	98.80	270	96.77
	Posts occupied by women	67	40.85	99	36.67
	Number of entities surveyed	10		18	
<b>Territorial entities</b>	Total number of director-level posts	289	100	742	100
	Posts filled	287	99.31	715	96.36
	Posts occupied by women	124	43.21	316	44.20
	Number of entities surveyed	48		152	

### Situation concerning director-level posts in entities at the territorial level

#### Situation in 2004

<i>Entity</i>	<i>Items/Years</i>	<i>2004</i>	
		<i>Data March/04</i>	
		<i>Number</i>	<i>%</i>
<b>Department capitals</b>	Total number of director-level posts	297	100
	Posts filled	293	98.65
	Posts occupied by women	118	40.27
	Number of entities surveyed	17	53.12
<b>Municipalities</b>	Total number of director-level posts	777	100
	Posts filled	767	98.71
	Posts occupied by women	339	44.20
	Number of entities surveyed	103	9.40
<b>Decentralized entities (Basis: 3333 entities)</b>	Total number of director-level posts	742	100
	Posts filled	715	96.36
	Posts occupied by women	316	44.20
	Number of entities surveyed	152	4.50

DEP/CEPG/7MAYO/04

### Situation concerning director-level posts in entities at the territorial level

#### At 30 March 2004

<i>Governors' offices</i>	<i>Total posts</i>	<i>Vacant posts</i>	<i>Posts filled</i>	<i>Women</i>	<i>Men</i>	<i>% women</i>	<i>% men</i>
Amazonas	8	0	8	3	5	37.5	62.5
Arauca	10	0	10	3	7	30	70
Bolívar	15	0	15	4	11	26.67	73.33

<i>Governors' offices</i>	<i>Total posts</i>	<i>Vacant posts</i>	<i>Posts filled</i>	<i>Women</i>	<i>Men</i>	<i>% women</i>	<i>% men</i>
Caquetá	8	0	8	2	6	25	75
Casanare	30	0	30	9	21	30	70
Córdoba	10	0	10	5	5	50	50
Guajira	20	3	17	10	7	58.82	41.18
Guaviare	10	0	10	3	7	30	70
Meta	14	0	14	4	10	28.57	71.43
Nariño	24	0	24	8	16	33.33	66.67
Quindío	23	0	23	12	11	52.17	47.83
Risaralda	36	4	32	10	22	31.25	68.75
San Andrés Isla	13	0	13	5	8	38.46	61.54
Santander	14	1	13	4	9	30.77	69.23
Sucre	9	0	9	3	6	33.33	66.67
Tolima	26	1	25	12	13	48	52
Vaupés	8	0	8	2	6	25	75
Vichada	1	0	1	0	1	0	100
<b>Total</b>	<b>279</b>	<b>9</b>	<b>270</b>	<b>99</b>	<b>171</b>	<b>36.67</b>	<b>63.33</b>

Territorial entity:	Percentage of entities that replied: 56.25%.
Department	

DEP/CEPG/7MAYO/04

<i>Mayors' offices in department capitals</i>	<i>Total posts</i>	<i>Vacant posts</i>	<i>Posts filled</i>	<i>Women</i>	<i>Men</i>	<i>% women</i>	<i>% men</i>
Leticia	6	0	6	2	4	33.33	66.67
Arauca	9	0	9	3	6	33.33	66.67
Armenia	25	0	25	18	7	72	28
Barranquilla	9	0	9	3	6	33.33	66.67
Bogotá	456	22	434	191	243	44.01	55.99
Bucaramanga	17	1	16	8	8	50	50
Florencia	9	0	9	3	6	33.33	66.67
Ibague	39	0	39	11	28	28.21	71.79
Neiva	19	0	19	7	12	36.84	63.16
Pasto	40	0	40	18	22	45	55
Pereira	36	0	36	16	20	44.44	55.56
Quibdó	6	1	5	1	4	20	80
Riohacha	7	0	7	2	5	28.57	71.43
San José de Cúcuta	26	0	26	10	16	38.46	61.54
San José del Guaviare	7	0	7	1	6	14.29	85.71
Villavicencio	27	0	27	12	15	44.44	55.56

<i>Mayors' offices in department capitals</i>	<i>Total posts</i>	<i>Vacant posts</i>	<i>Posts filled</i>	<i>Women</i>	<i>Men</i>	<i>% women</i>	<i>% men</i>
Yopal	8	0	8	1	7	12.5	87.5
Mitú	7	2	5	2	3	40	60
<b>Total</b>	<b>753</b>	<b>26</b>	<b>727</b>	<b>309</b>	<b>418</b>	<b>42.5</b>	<b>57.5</b>

Percentage of entities that replied: 55%.	Territorial entity:
	Departmental capital

The number of women elected in the 2003 elections (assemblies, mayors' offices, governors' offices and councils) was lower than expected, as only a small number of female candidates decided to stand for election.

### Elections of 26 October 2003

<i>Entity</i>	<i>Total number of entities</i>	<i>Entities surveyed</i>	<i>Total number standing for election</i>	<i>% of women standing for election</i>		<i>Total number elected</i>	<i>% of women elected</i>			
				<i>Men</i>	<i>Women</i>		<i>Men</i>	<i>Women</i>		
Mayor's office	1 097*	940	1 658	1 041	142	14	908	835**	73	8.04
Council	48 019	1 097	48 019	39 659	8 360	17	11 310	9 759	1 551	13.71
Governor's office	32	32	139	131	8	6	32	30	1***	3.2
Assembly	32	32	2 740	2 256	484	17	397	335	62	15.62

\* There are 1,098 municipalities but only 1,097 mayors' offices, as San Andrés does not elect a mayor.

\*\* 189 municipalities do not have any information for the October elections, as elections were atypical.

\*\*\*The female governor of San Andrés was elected in March 2003.

According to information obtained by the Colombian Federation of Municipalities, 58.3 per cent of authorities in the country's principal capitals comply with the Quota Act. In 2004, the number of women working for department-level offices increased in comparison with 2003 from 31.3 per cent to 34.4 per cent.

In 2002, 80,412 people were trained as peace facilitators as part of the programme entitled "Building a Culture of Peace".

A number of key aspects relating to the participation of children and adolescents should also be mentioned, such as training on participation and rights awareness, which has been developed in all public education centres through the School Government scheme, which is designed to promote democratic training and give children a voice and a vote in formal education processes. The "Building a Culture of Peace" programme is also being implemented in schools and colleges, as part of the peaceful resolution of conflicts.

**Another experience that should be mentioned is the establishment of 176 local youth councils, following consultation and cooperation among territorial entities. Although this represents only 12 per cent of the 1,098 municipalities, the increase has been significant given that there were only 20 such councils at the beginning of the five-year period.**

The Colombian Family Welfare Institute (ICBF) promotes the Pre-teen and Youth Clubs Programme, which aims to strengthen the organization and association of children and young people in the country's various municipalities. In 2002, 49,000 children and young people between the ages of seven and 18 were organized through 2,013 pre-teen clubs and 1,241 youth clubs throughout the national territory. In association with the Ministry of Communications, the Child Communication Project was developed, the objective of which was to help generate cultural change from the perspective of the rights of the child, with an emphasis on communications.

## 2.8 Article 8 International representation and participation

### Statistics

#### Female representatives in international human rights meetings

<i>Topic of meeting</i>	<i>Number of female participants*</i>
Childhood and rights of the child	17
Women's rights	28
Human Rights Commission	3
Human settlements	1
Development of indigenous peoples	2
Enforced disappearances	1
International Covenant on Civil and Political Rights	2
Human trafficking	3
Persons with disabilities	3
Office of the United Nations High Commissioner for Refugees (UNHCR)	2
Equity and mainstreaming	1
Migrant labour	1
Committee against Torture	1
Population and development	1
World Assembly on Ageing	2

\* Since 2000.

#### Women in the highest public-sector posts with representation abroad

The total number of diplomatic posts occupied by women is 125, or 39.56 per cent of all diplomatic posts.

**Female professional diplomats  
At November 2004**

**102 women are professional diplomats, equivalent to 42.32 per cent of all diplomatic officials**

<i>Rank</i>	<i>Number</i>	<i>Percentage</i>
Ambassador	8	7.84
Minister Plenipotentiary	11	10.78
Minister-Counsellor	21	20.59
Counsellor	5	4.9
First Secretary	15	14.71
Second Secretary	19	18.63
Third Secretary	23	22.55
<b>Total</b>	<b>102</b>	<b>100</b>

## **2.9 Article 9 Nationality**

### **Legislative advances**

Art. 96 of the National Constitution, amended by Legislative Act 1 (2002), Art. 1:

Colombian nationality is acquired as follows:

1. By birth:

(a) In order to be considered a native-born Colombian, a person must fulfil one of two conditions: one parent must be a native-born Colombian or a Colombian national or, if both parents are foreign nationals, one parent must have been resident in Colombia when the child in question was born;

(b) Any child of a Colombian mother or father who was born abroad and subsequently became resident in Colombian territory or registered with one of the Republic's consular offices.

2. By naturalization:

(a) Foreign nationals may apply for and obtain a naturalization card in accordance with the law; the latter stipulates under what circumstances Colombian nationality acquired by naturalization can be lost;

(b) Nationals by birth of Latin American and Caribbean States who are resident in Colombia may, with Government authorization and in accordance with the law and the principle of reciprocity, request to be registered as Colombian citizens with their local municipal authorities; and

(c) Members of indigenous communities sharing border zones with Colombia, in implementation of the principle of reciprocity in accordance with public treaties.

No Colombian by birth may be deprived of his/her nationality. No Colombian shall forfeit his/her nationality because he/she acquires another nationality. Persons who are Colombian by naturalization shall not be required to surrender their nationality of origin or naturalization. Anyone who has surrendered his/her Colombian nationality may get it back by legal means.

Act 43 (1993): governs the acquisition, surrender, loss and recovery of Colombian nationality.

Decree 207 (1993): recovery of Colombian nationality.

## 2.10 Article 10 Education

### Special Recommendation No. 14: measures and counselling programmes to prevent school dropout and to promote equitable career counselling

#### Legislative advances

<i>Legal provision</i>	<i>Description</i>
Act 82 (1993)	Provisions to help women heads of household and their children in the area of education.
Act 115 (1994)	General Education Act for improvement in the quality of education; provides for increased opportunity for boys, girls and young persons to enter and remain in the education system.
Act 715 (2001)	Establishes basic laws on resources and competencies, in accordance with Legislative Act 01 (2001).
Act 823 (2003)	Contains provisions on educational benefits for women.
Act 812 (2003)	The National Development Plan regards the educational reform as a mechanism for promoting equity (greater coverage, improved quality, etc.).

#### Advances in case law

<i>Decision</i>	<i>Description</i>
Decision T-580 (1998)	In compliance with the school's <i>manual de convivencia</i> (regulations manual), a student's enrolment was cancelled on the grounds of pregnancy. The Court defended the right to education and argued that schooling should not be hampered due to pregnancy.

<i>Decision</i>	<i>Description</i>
Decision T-012 (1999)	Case law was reaffirmed concerning discrimination against students on the grounds of maternity. An order was issued that the provision in the <i>manual de convivencia</i> prohibiting the graduation of pregnant students should no longer be invoked.
Decision T-789 (2000)	The student whose application was rejected by school officials is an underaged single mother, circumstances which place her in a manifestly vulnerable position; therefore, instead of depriving her of access to education, which is a public service, she should be granted special assurance of access to and continuation in the educational system, and equal opportunity should be afforded to the underaged mother and her child.
Decision T-1531 (2000)	Although the part-time education offered to the student does not completely deny the student the enjoyment of the right to education, it creates a situation that tends to stigmatize pregnant schoolgirls and discriminate against them in favour of the other students. This decision protects the right to education and freedom of personal development.

### **Administrative advances**

One of the main objectives of the Ten-Year Education Plan 1996-2005 is to offer equitable high-quality education, which implies that the role of education should be based on the total development of the human being. Similarly, in implementing a strategy to eradicate discrimination and existing inequities in gaining access to and remaining in the educational system, the differential impact of policies, programmes and educational projects on girls must be taken into account so that the social and cultural inequalities themselves are addressed. To that end, there is need to remove stereotypical images of women and men from textbooks, to design educational programmes that promote equality, cooperation, mutual respect and shared responsibility between girls and boys, mainstream the gender perspective in teacher training, and launch support programmes that allow mothers and adult women to continue their education.

The following programmes were set up to reduce and curb both male and female school dropout, since the rate is high among both genders: a programme to promote universal access to primary education; the expansion of secondary and intermediate level education (PACES); the “new” school; the tutorial learning system (SAT); the accelerated learning programme and Grade Zero, and at the local level, the Bogotá remedial courses for excellence programme.

Under the current administration an educational revolution has not only opened up 477,000 new places at the basic and intermediate levels between 2002 and 2003 (49.72 per cent female), but has also succeeded in reducing the dropout rates among girls and young women and improving their educational performance.

At the level of higher education women occupied the majority (67.8 per cent) of the 34,858 new places allocated for higher education by December 2003; and out of the 26,014 credits granted by ICETEX, 55.22 per cent was awarded to female students.

The Presidential Programme for Colombian Youth promotes informal education for young dropouts and training in productive fields through the Youth in Action programme that brings together highly vulnerable young persons from all over the country. Within the context of comprehensive community training, the Colombian Family Welfare Institute (ICBF) provides places for teenagers and young persons in pre-teen and youth club programmes.

In conclusion, it is worth highlighting the Rural Education Project (PER), specifically targeting the rural population of Colombia, which will be discussed further under article 14, on rural women.

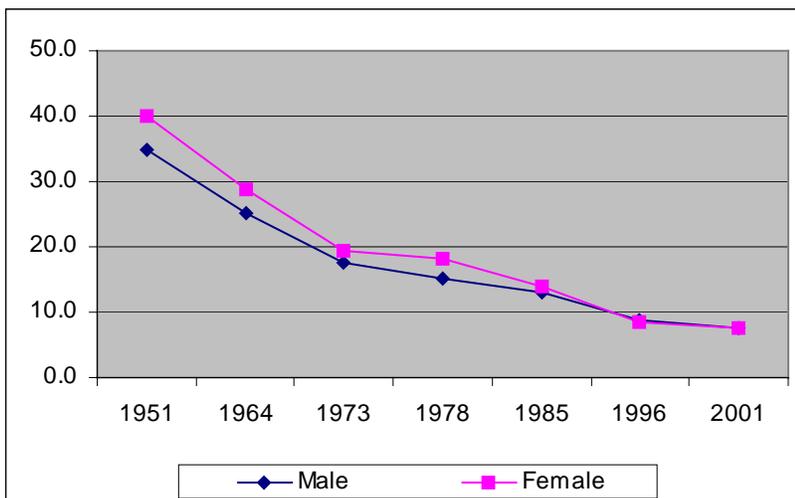
The Ministry of National Education has also recently launched the following special programmes:

- A project to support vulnerable groups, whose main objective is to broaden access to education for people in rural areas, populations displaced by violence and isolated by armed conflict, indigenous groups, border populations and children and young persons with special needs. To date, 100,659 persons have benefited from this programme.
- A project on literacy and basic education for young persons and adults, aimed at ensuring that illiterate young persons and adults have access to and remain in the formal education system, at least until seventh grade, and to offer pertinent vocational and civic training to the adult population, according to specific regional needs. In 2003, regional development programmes involving 84,100 enrollees were identified. This includes efforts undertaken by territorial entities, equalization funds, the Rural Education Project (PER), ICBF, and the Ministry of the Interior and Justice, among others.
- A project on the improvement of educational quality for vulnerable groups is designed to provide relevant high-quality education to groups traditionally excluded from the education system, in order to ensure that they remain in the system.
- A project on the development and adaptation of suitable models for populations, whose main objective is to develop, adapt, implement and evaluate educational models that have been or will be identified in population groups.
- Intersectoral projects that promote strategic alliances with national and international governmental and non-governmental bodies to support local programmes related to the quality of education, in areas such as sexual and reproductive health, prevention of the consumption of psychoactive drugs, environmental education and the prevention of violence and mistreatment. Those projects include environmental education programmes implemented in departments; education for the promotion of sexual and reproductive health; human rights training; harmonious relations in school; “A more just world for boys and girls”; eradication of child labour and the formulation of the third national plan; prevention and detection of domestic and school violence within the *Haz Paz* policy framework.

**Statistics**

Illiteracy rates have fallen considerably in recent years, among both men (8 per cent) and women (8.2 per cent); however, 17.3 per cent of rural women are still illiterate.

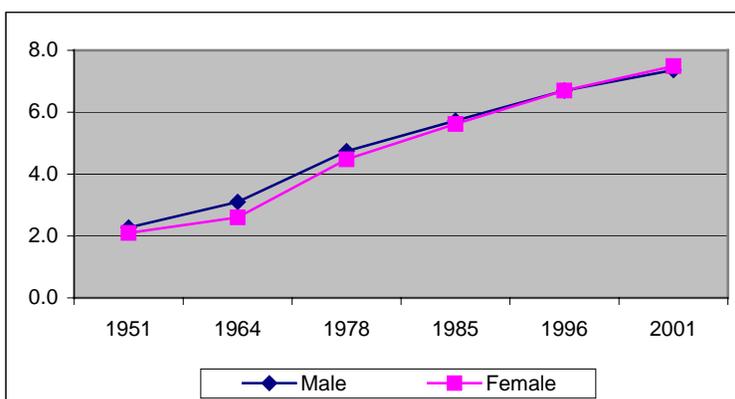
**Gender-disaggregated rate of illiteracy, 1951-2001**



Source: Calculations by DNP-UDS-DIOGS, based on DANE, census data and household surveys.

Over the past few years, women have ranked slightly higher than men in the average number of years of schooling received, and this trend has remained stable.

**Gender-disaggregated average years of schooling in the over-15 category, 1951-2001**



Source: Calculations by DNP-UDS-DIOGS, based on DANE, census data and household surveys.

Rates of coverage, by level of education, show that males and females are equal at the primary and secondary levels; and for some periods the number of females at the primary level has been greater.

### Gross coverage

	1973	1985	1993	2001
Primary				
Male	97.2	103.0	108.8	112.5
Female	101.9	107.0	111.4	110.8
<b>Total</b>	<b>99.5</b>	<b>105.0</b>	<b>110.1</b>	<b>111.6</b>
Secondary				
Male	33.2	48.3	62.2	80.7
Female	31.9	55.7	71.8	85.8
<b>Total</b>	<b>32.5</b>	<b>52.1</b>	<b>67.0</b>	<b>83.2</b>
Higher				
Male	6.2	8.8	13.7	21.8
Female	3.0	7.3	13.9	22.6
<b>Total</b>	<b>4.5</b>	<b>8.0</b>	<b>13.8</b>	<b>22.2</b>

### Net coverage

	1973	1985	1993	2001
Primary				
Male	57.3	65.0	76.9	82.7
Female	60.3	68.4	78.9	82.2
<b>Total</b>	<b>58.8</b>	<b>66.6</b>	<b>77.9</b>	<b>82.4</b>
Secondary				
Male	20.0	27.7	40.8	61.4
Female	20.6	31.6	45.6	65.5
<b>Total</b>	<b>20.3</b>	<b>29.7</b>	<b>43.2</b>	<b>63.4</b>
Higher				
Male	4.4	5.5	7.5	15.1
Female	2.4	5.0	8.3	15.6
<b>Total</b>	<b>3.3</b>	<b>5.2</b>	<b>7.9</b>	<b>15.4</b>

*Table 1:* Gross and net gender-disaggregated coverage rates by educational level (1973-2001).  
*Source:* Calculations by GCV-DDS-DNP, based on 1973, 1985 and 1993 censuses and the 2001 Colombian household survey.

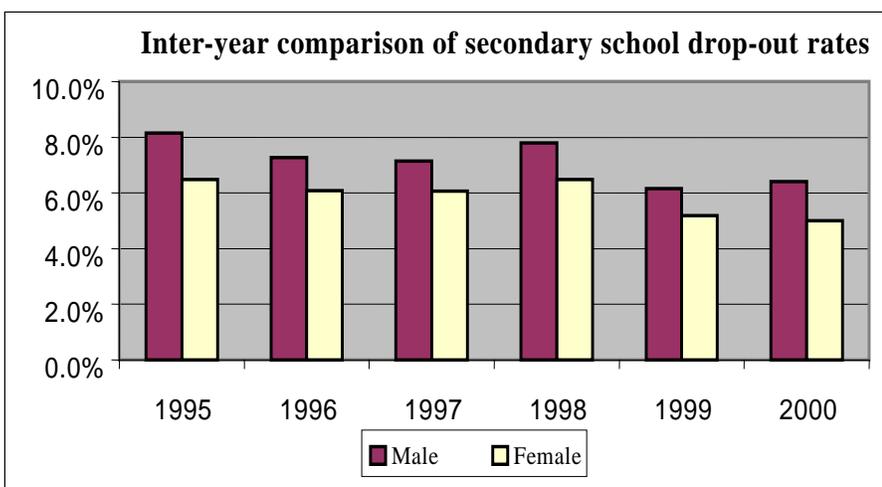
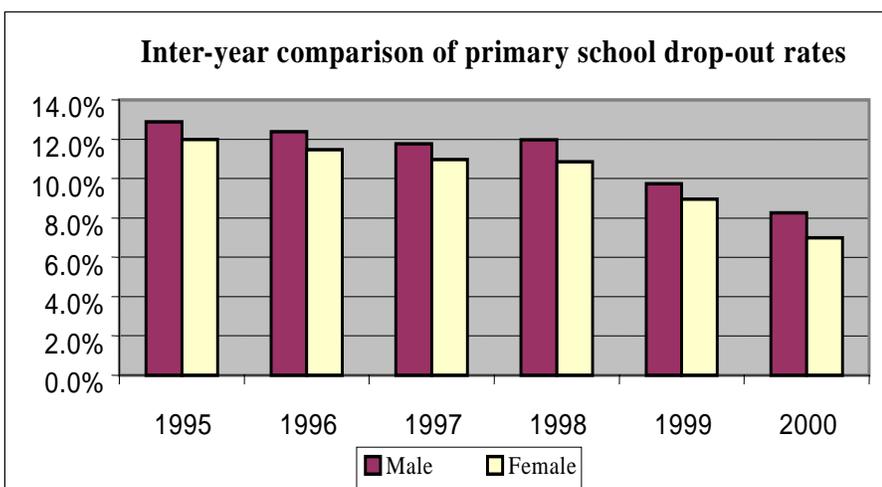
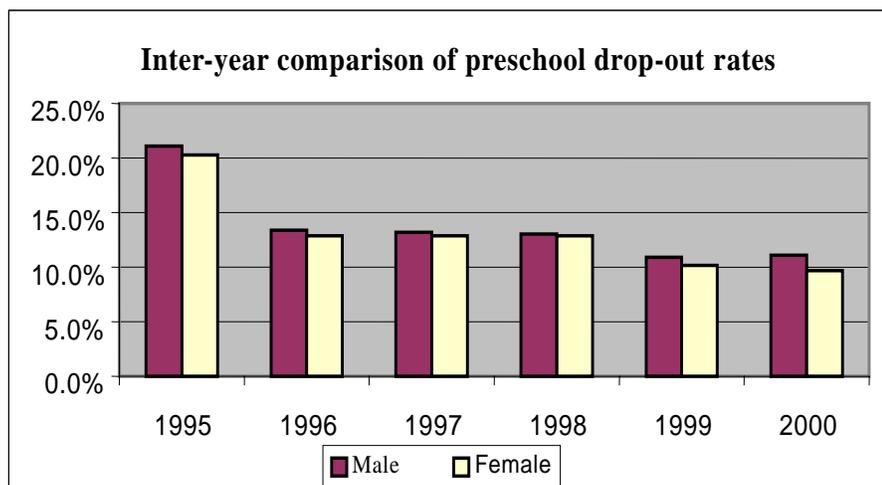
The lack of economic resources is the chief cause of dropout from the educational system (78). For women, the second most common cause is pregnancy. The highest incidence of dropout is found between the ages of 12 and 17. Women have achieved better results than men in the past decade, and have reached higher levels of graduation and lower repetition and drop-out rates.

**Gender-disaggregated school drop-out rates. National, 1999**

<i>Gender</i>	<i>Pass</i>	<i>Fail</i>	<i>Drop-outs</i>
Male	83.9	8.8	7.3
Female	87	6.9	6.1

*Source:* Ministry of National Education, Planning Office.

**Gender-disaggregated school drop-out rate, 1995-2000**



Source: Calculations by DDS-SE, based on DANE-C.600 education census.

In 2000 there were 239,283 teachers, 41.32 per cent (98,874) of whom were women, in preschool, basic primary and secondary schools.

Sexism is being dismantled in higher education, and when choosing a career, more and more women are going into areas that were traditionally the preserve of men, such as agronomy, health sciences and mathematics.

<i>Fields</i>	<i>First course enrolment</i>		<i>Total number of students</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
Engineering and natural sciences	26 446	59 192	88 829	175 548
Mathematics and natural sciences	3 995	4 404	11 179	10 786

In 1999, state examination results for grade 11 showed that male secondary schools (public and private) nationally attained higher performance (60.9 per cent), as opposed to 37.6 per cent for women's secondary schools and 16.8 per cent in mixed schools. It is worth noting that more than 80 per cent of official secondary schools are mixed.

Benchmarks for the educational status of Colombian children show a drop in illiteracy rates from 10.8 per cent to 7.5 per cent between 1990 and 2001. Coverage declines as the level of education rises: by the age that corresponds to basic secondary education, half the number of pupils have left school. According to a survey profile of children between 5 and 17 years of age, conducted by DANE in 2001, 14 per cent of children between 6 and 14 years of age do not attend school.

Scholarships, educational grants and other opportunities provided through international technical cooperation are offered on equal terms to both women and men; in fact, international organizations and countries tend to give scholarship preference to women.

According to DANE, 11,325,693 Colombians are between 5 and 17 years of age; of these, 51.3 per cent are male and 48.7 per cent are female; 6,150,873 are between 5 and 11, and 4,682,565 are between 12 and 17 years of age. Only 20 per cent of the total population in the age range between 5 and 17, that is, 2,188,678, attend school full-time.

## **2.11 Article 11 Employment**

This article relates to General Recommendation No. 13, on equal remuneration for work of equal value, General Recommendation No. 16, on unpaid women workers in rural and urban family enterprises, General Recommendation No. 17, on the measurement and quantification of unremunerated domestic activities and their recognition in the gross national product and General Recommendation No. 19, on violence against women, especially sexual harassment in the workplace. This article is supplemented by the information provided under Article 13, on economic and social life.

### Legislative advances

<i>Legal provision</i>	<i>Description</i>
Act 515 (1999)	Approves International Labour Organization (ILO) Convention No. 138, concerning the minimum age for admission to employment.
Act 590 (2000)	Provides for special treatment of women, from a gender equality perspective, in relation to MYPIMES.
Act 704 (2001)	Approves ILO Convention No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and refers in particular to the prohibition against live-in domestic work by underaged boys and girls.
Act 731 (2002)	Targeted at rural women, to improve their quality of life; grants priority status to women with low incomes and contains specific measures for speeding up equity between rural men and women with respect to employment and access to resources.
Act 750 (2002)	Provides special support to women heads of household under house arrest and community service for detained mothers.
Act 755 (2002) (María Act)	Grants to the spouse or permanent companion paternity leave of eight days to allow the father to be with his child if both parents contribute to social security, or four days of only the mother contributes.
Act 789 (2002)	Lays down rules for employment support; broadens social protection and amends some articles of the Labour Code. Provides for family, employment and unemployment subsidies, and gives special protection for men or women heads of household.
Act 790 (2002)	Establishes that women heads of household without economic options may not be dismissed under the Public Administration Reform Programme.
Act 823 (2003)	Contains provisions that grant credit, employment or microbusiness support to women.

All the International Labour Organization (ILO) conventions that have been ratified by Colombia are on a par with the Constitution, since they form a body of legislation that conforms to the Constitution.

*Advances in case law*

In implementation of the principle of equality, legal doctrine embodied in article 13 of the Constitution clearly establishes the principle of equal pay for equal work, and establishes that only objective reasons can justify separate treatment.

<i>Decision</i>	<i>Description</i>
Decision SU-62 (1999)	Consideration of protection under the concept of protection ( <i>tutela</i> ) in the case of a domestic worker who was defenceless against her employer. The defendant claimed that she earned far below the statutory wage level and had never been protected under the social welfare system. The Court ordered the protection of social security rights and human dignity.
Decision T-104 (1999)	The Court upheld special protection for pregnant women and the importance of recognizing the right to paid maternity leave.
Decision C-199 (1999)	Upheld the rule in effect that protected State employees in the event of dismissal due to pregnancy.
Decision C-325 (2000)	Declared constitutional Act 515 (1999), approving ILO Convention No. 132, on the minimum age for the admission to employment.
Decision T-467 (2001)	Temporary special measure providing protection for maternity; granted protection ( <i>tutela</i> ) and reinstated a pregnant woman under a fixed-term employment contract.
Decision T-987 (2001)	Action brought by an employee dismissed because of pregnancy. The Court upheld the principle that a pregnant woman has the constitutional right to employment stability, since one of the clearest cases of gender-based discrimination has been, and continues to be, unjustified dismissal of pregnant women, owing to possible extra costs or the inconvenience pregnancy might cause to the enterprise. It explained that a person might be dismissed only for just cause and with the involvement of an employment inspector. Ordered reinstatement.
Decision C-535 (2002)	Declared constitutional Act 704 (2001), approving ILO Convention No. 182, on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

**Special Recommendation No. 15: Measures to improve the status of working women**

**Special Recommendation No. 16: Access of women to employment through the prohibition of discriminatory practices** (to be discussed throughout the section)

**Special Recommendation No. 17: Policies and programmes designed to prevent minors who are under the legal working age from working**

Since 1995, the country has been implementing action plans aimed at eliminating child labour and improving the living conditions of child workers. The First National Plan for the Eradication of Child Labour and Protection of Young Workers (1995-1998) included actions aimed at sensitizing the population to the issue and encouraging public discussion through research on the magnitude of the problem. The Second National Plan, implemented between 2000 and 2002, included strategies for achieving cultural transformation, developing intersectoral public policies, creating a national information subsystem and providing direct services to child workers.

The Third National Plan was drawn up in 2003, following the mandates of the National Development Plan (PND), the Colombian Family Welfare Institute (ICBF) and the Ministry of Social Protection, and taking into account the recommendations made in 2002 by the National University of Colombia in its evaluation of the two previous plans. The International Programme on the Elimination of Child Labour (IPEC) of the International Labour Organization (ILO) provided technical and financial cooperation for this effort, which involved devising and implementing a decentralized and participatory methodology. Thirteen regional committees on the eradication of child labour were consulted in the effort, as was the national inter-agency committee.

This plan has three components (prevention, restoration of rights and protection of child workers) and four lines of action (regulations, research, training and policies). It is intended to promote and guarantee the enjoyment by Colombian children of their rights, to further the elimination of the worst forms of child labour and to strengthen local capacities for grasping the issue and taking action.

**Administrative advances**

The main objectives of the social protection policy, which is directed by the relevant ministry, are to formulate, adopt, direct, coordinate, implement, monitor and follow up on policies relating to work, employment, protection and development of the family and of society, as well as the General Social Security System and the National Health System. The policy is aimed at preventing, mitigating and eliminating risks to the population, especially its most vulnerable members. Unemployed women, female heads of household and women who have micro-, small and medium-sized businesses will receive special attention.

The actions being implemented include the following:

- Studies designed to identify factors that affect women in the labour market, and development of mechanisms for eliminating barriers to mainstreaming;

- Measures to incorporate women into traditionally male occupations so as to enable them to set up their own businesses or find jobs that will improve their quality of life;
- Joint efforts by the Ministry of National Education (MEN) and other institutions, as well as networking with departmental and local authorities with the aim of significantly reducing the number of young people seeking work by promoting school attendance;
- Support for women in micro-, small and medium-sized enterprises so as to open up commercial opportunities and give them access to administrative and technological training, market information and total quality management, as well as networking opportunities;
- Programme on prevention of occupational hazards for women in agroindustry and social security, pursuant to Act 100 (1993). This includes dissemination of information on the benefits offered by the Pension Solidarity Fund, so as to enhance coverage for women serving as house-mothers and for female farm workers;
- With regard to inspection, surveillance and monitoring, every effort is made to ensure that the information requested from employers on inspection visits includes data on (i) the number of women working in the company, (ii) whether they are required to take a pregnancy test before starting work, and (iii) whether they are covered by the General Social Security System (SGSS) and the Family Compensation Fund;
- With regard to inspection, surveillance and monitoring of child labour on the part of the Ministry, an assessment is being made of the findings of the diagnostic study conducted by the office of labour inspectors, especially the chapter on child labour (ILO project Col/95/003);
- Joint work with women's networks and social sectors.

The Ministry is also implementing a plan to prevent discrimination in hiring practices against women who work in high-risk sectors of production. To this end, it is providing inter-agency coordination at the national, regional and local levels so as to ensure widespread dissemination of regulations aimed at protecting women workers and to strengthen inspection, surveillance and monitoring of the working conditions prevailing among this vulnerable worker population. This plan includes a two-pronged prevention strategy consisting of a programme designed to raise awareness and recognition of the rights of working women and a plan for conducting preventive inspections in high-risk sectors of production.

The specific aims of the Plan are to sensitize and inform employers about the rights of women workers; to ensure that employers in the different sectors of production are committed to complying with labour legislation targeting women; to minimize misgivings about legislation designed to protect women who are mothers; to target interventions in economic sectors where discrimination against working women is most serious; and to increase the participation of women workers in the different sectors of production.

Under an agreement with the United States Department of Labor, the General Directorate of Job Promotion coordinates a technical cooperation project on improvement of labour relations and promotion of economic equality for Colombian

women (Project ILO/USDOL). This project helps create quality jobs for poor women, especially those who are heads of household, in order to reduce poverty and increase economic and social equality in Colombia.

The National Business Training Programme for Women (PNC) (i) establishes a national strategy for providing business training for women in the production sector, upgrading their skills and creating jobs at the local and regional levels, thus improving their prospects for the future; and (ii) carries out special technical training programmes tailored to women's special skills and talents, with a view to gradually opening up access to decent jobs or enabling them to engage in business activities.

Under the National Business Training Programme for Women, 1,040 urban and rural female heads of household who were also microentrepreneurs were identified, selected and trained. During the first stage, the National Administrative Department for Mutual Economic Support (DANSOCIAL) trained 620 women in the programme for female heads of household who are microentrepreneurs on the issues of gender, business development and management of cooperatives in the following cities: Pereira, Manizales, Armenia, Sincelejo, Corozal, Ginebra, Cali, Buenaventura, Pasto, Tunja and Bogotá. The International Labour Organization (ILO) provided training in business management with a gender perspective for 420 women in the departments of Cundinamarca (rural area), Tolima (rural area and Ibagué) and Valle del Cauca (Cali, Buga, Ginebra, Buenaventura, Tuluá).

The National Training Service (SENA) is carrying out a programme on production units for special populations which is aimed at developing mechanisms to enable people with special needs to improve their production capacity and their status in society. This programme covers persons who have been displaced by violence, female heads of household, former guerrilla fighters who are re-entering society (*reincorporados*), juvenile offenders, ethnic groups and disabled persons.

With technical and financial support from the Presidential Advisory Office on Gender Equality (CPEM), the Colombian Confederation of Chambers of Commerce (CONFECÁMARAS) organized the first National Businesswomen's Fair on "Promoting the Entrepreneurial Spirit". This event was held from 24 to 27 June 2004 with the participation of 15 departments and Bogotá. The Fair provided an opportunity to encourage and promote the entrepreneurial spirit as an employment option based on successful models of businesses run by women. Leading up to this event, a series of regional workshops on promoting the entrepreneurial spirit were held to promote the Fair.

The first National Businesswomen's Fair provided a framework for demonstrating how women have contributed to national development and for promoting exchanges and providing support and training in business skills. The idea was to encourage women to start their own businesses based on the successful models showcased at the Fair. In support of the project, the departmental governors' offices gathered information on businesswomen in their departments to be used in creating a directory of businesswomen and selecting participants for the event.

CPEM has been holding meetings with the Association of Female Domestic Workers (MAICAN), a group of women belonging to the Working Women's Home of the United Workers' Central (CUT), on the possibility of undertaking a study on

the inclusion of domestic work as a satellite account in the system of national accounts.

As the State entity responsible for directing and coordinating public policy for social and mutual support organizations, DANSOCIAL has entered into agreements with CPEM, in the context of the National Business Training Programme for Women, to carry out institutional programmes designed to enable urban and rural women to receive decent wages or to engage in business activities.

## Statistics

### Women's participation in the labour market

Between 1992 and 2001, the total participation rate of women rose from 40 per cent to 50 per cent. The percentage of women in the economically active population (EAP) rose from 37 per cent to 42 per cent. In municipal capitals, the total female participation rate was 53 per cent in 2001, mainly as a result of the rural exodus. In 2003, the total participation rate was 61.6 per cent; for men, it was 75.1 per cent and for women, 49.6 per cent (52.4 per cent in municipal capitals and 41.4 in the rest of the country). According to DANE, during the first quarter of 2003, the female participation rate fell from 49.9 per cent to 49.6 per cent, a drop of three points compared with the same period in 2002.

In 2003, Colombia had a population of 44,531,434, with women being slightly in the majority (50.5 per cent). During the fourth quarter of 2003, women accounted for 53 per cent of the working-age population and men, 47 per cent. The total participation rate was 63 per cent; for women, it was 52 per cent, for men, 75 per cent.

Although the total participation rate of working-age women has increased, there are differences in terms of age, educational level and marital status. Women aged between 24 and 45 represented the largest share, while women between 46 and 55 accounted for the highest increase in participation.

As far as education is concerned, professional women who had finished university had the highest participation rates, i.e., 90 per cent in 2001. Women with some university education or a complete secondary education had a participation rate of 63 per cent, while women who had completed primary school or had some secondary schooling had the lowest rates. Employed women have a higher educational level than employed men; thus, in comparative terms, women have to meet a higher standard in order to get a job.

In terms of marital status, separated women had the highest rate of participation in the labour market; they were followed by married women or women living in consensual union (*unión libre*) and single women. In the municipal capitals, women in consensual unions had the highest participation rates, probably indicating that they are poorer.

At the national level, the female unemployment rate rose from 12 per cent in 1992 to 19 per cent in 2001. In municipal capitals, the rate rose from 12 to 20 per cent during the same period. In 2003, the overall national unemployment rate fell to 15.2 per cent; the rate for men was 11.9 per cent and for women, 19.7 per cent (in municipal capitals, it was 20.6 per cent and in the rest of the country, 16.1 per cent). The inactive population rose by 97.4 per cent, mainly in municipal capitals; in rural

areas, inactivity among men declined by 39,000 persons, while among women, it rose by 222,000.

Unemployment was highest among single women and women living in consensual union. In 1999, the unemployment rate for rural women was 22 per cent, while that of men was 12.4 per cent; in 2000, the figures rose to 24.5 per cent and 16.9 per cent respectively.

The sharp increase in female unemployment is a symptom of gender inequality on the job market. The growing participation in the labour market of women from the poorest sectors is a reflection of the economic needs of impoverished households and the feminization of poverty. In other sectors, unemployment may be attributed to women's desire for independence, professional achievement and economic success.

Income is one of the main factors in gender inequality in Colombia. Between 1992 and 2001, in municipal capitals the percentage of employed men earning less than the legal minimum wage rose from 40 to 54 per cent, while that of employed women earning less than the minimum wage remained at 61 per cent. In the rest of the country, the variation during the same period was 80 to 85 per cent for men and 92 to 90 per cent for women.

#### **Households headed by women**

During the period between 1992 and 2001, households headed by women rose from 23 to 31 per cent of all households in municipal capitals and from 13 to 18 per cent in the rest of the country. Unemployment rates for female heads of household also rose during this period, from five to 12 per cent in municipal capitals and from three to eight per cent in the rest of the country. The share of low-income female heads of household rose from 44 per cent in 1992 to 51 per cent in 2001, while the percentage of low-income male heads of household rose from 52 to 54 per cent during the same period; thus, impoverishment was more serious among female heads of household. The proportion of female heads of household in the informal sector rose from 56 per cent in 1992 to 60 per cent in 2001, while the figures for male heads of household were 50 per cent and 57 per cent respectively. The steeper increase among female heads of household is associated with informality and poverty.

During the same period, according to DANE records, there was a substantial difference between female and male participation in the employed population, with women accounting for only 39.9 per cent, mainly in the commerce and industry sectors, but especially in domestic service, where they represent 96 per cent of the workforce.

The increased feminization of poverty is due to the lack of opportunities, the limited involvement of women in decision-making and their lack of access to economic resources and land ownership. Up to now, the role of women in production has not been adequately recognized, and the system of national accounts has not included domestic work, which helps enhance the quality of life for many families.

As far as the creation of businesses is concerned, although the number of women entrepreneurs has increased, their participation in this field is still limited.

### **Child labour**

Information on boys, girls and adolescents who are victims of economic exploitation and are required to perform all types of work is included in the survey of the Colombian population between ages 5 and 17 that was conducted in November 2001 by the National Statistics Department (DANE) and the International Programme on the Elimination of Child Labour (IPEC) in Colombia, as well as the 1996 survey on children and adolescents and the 1997 survey on quality of life.

A child-labour module is included in the quality-of-life survey in order to maintain up-to-date information on that situation and measure the impact of interventions.

The survey of the population between ages 5 and 17 showed that a total of 1,568,000 boys, girls and adolescents worked with or without pay in the production of goods and services for the market. This figure brings to light the seriousness of the child-labour situation throughout the country. Moreover, 184,000 boys, girls and adolescents said they were looking for jobs; adding these to the number already working brings the total economically active population between ages 5 and 17 to 1,752,000.

In terms of age groups, 29.9 per cent of boys and girls between the ages of 15 and 17 were working; these were followed by 19 per cent in the 12-14 age group, 12.1 per cent of 10- and 11-year-olds and 5.1 per cent of children between 5 and 9. The highest rates of child labour are found in the Pacific region, where 18.5 per cent of children work; the eastern region, with 16.4 per cent; the central region, with 15.6 per cent; the Atlantic region, with 13.8 per cent; and the city of Bogotá, with 14.5 per cent.

As regards working hours, 61 per cent work less than 24 hours per week, 23.2 per cent work 25 to 48 hours, and 15.7 per cent work more than 48 hours per week. Ten per cent are independent workers, 35 per cent are unskilled labourers, 12 per cent are unpaid helpers, 19 per cent are unpaid family workers, and 4 per cent work in domestic service. As regards pay, the figures are as follows: 52 per cent receive no pay, 26 per cent receive up to one fourth the minimum legal monthly wage, 16 per cent receive up to half the minimum legal monthly wage, and only one per cent receive wages close to the minimum wage. The main employers are: parents, 49.9 per cent; other relatives, 16.3 per cent; non-related persons, 23.8 per cent; and independent boys and girls, 10 per cent.

With respect to schooling of child workers, the DANE survey showed that 10.8 per cent of boys and girls who are in school work part-time, and 35.9 per cent of children who work are not in school.

When asked why they worked, 28.9 per cent replied that it was their “duty to help out with the family business”; 27.5 per cent wanted their own spending money; 16.1 per cent said it was their “duty to help the family”; 1.4 per cent said that work made them more respectable, and 16.1 per cent mentioned other reasons.

There are many different causes for the phenomenon of child labour. Sometimes cultural patterns and popular beliefs stress the role of work in child development; in other cases, social and economic considerations are involved, as work is a matter of survival; sometimes child labour masks situations of abuse or abandonment.

Child labour seriously affects school attendance and sometimes leads to high drop-out rates, poor performance, truancy or illiteracy. Some studies show\* that approximately 30 per cent of adolescents over 14 who combine school and work eventually drop out of school. Girls who work in domestic service are as much as five years behind in school.

Children's work also affects their physical fitness and health and leads to behaviours that are not appropriate for their age, such as drinking or teenage pregnancy.

Considering the magnitude of the problem, State action has been geared towards setting up action plans at the national and territorial levels to eradicate child labour through strategies involving research, cultural changes and direct intervention aimed at improving the quality of life of minors who work. Support for such actions is provided by inter-agency programmes such as those carried out by IOM-IPEC and a number of national organizations, both governmental and non-governmental. For its part, the Colombian Family Welfare Institute (ICBF) provided day programmes for 1,414 exploited child workers in 2002.

## 2.12 Article 12 Health and social security

Article 12 is tied to General Recommendation No. 14, concerning the elimination of female circumcision and other traditional practices harmful to women's health; General Recommendation No. 15, on avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS); General Recommendation No. 19, on violence against women, in particular with regard to equal access to health services and concern about cultural practices that are harmful to women's health; and General Recommendation No. 24, on women and health.

### Legislative advances

<i>Legal provision</i>	<i>Description</i>
Act 509 (1999)	Establishes social security benefits for house-mothers [ <i>madres comunitarias</i> ] and grants a pension subsidy.
Resolution 412 (2000) Ministry of Social Protection	Deals with the application of regulations with respect to the provision of family planning services for men and women.
Decree 047 (2000)	Contains provisions on the system for affiliation to the General Social Security System for Health (SGSSS): article 12 concerns the base income for premiums for female domestic workers, while articles 17 et seq. concern the system for the affiliation of house-mothers.

\* DANE, *Encuesta de Calidad de Vida 1997*. Bogotá, 2007.

<i>Legal provision</i>	<i>Description</i>
Act 599 (2000)	Establishes regulations with respect to injury to the foetus, genetic manipulation, crimes against sexual freedom, integrity or upbringing and abortion.
Act 715 (2001)	Establishes the duty to ensure that public health is truly at the service of the entire population, particularly children, on the basis of equity, efficiency and fiscal sustainability.
Act 740 (2003)	Ratifies the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, finalized and adopted in Montreal on 29 January 2000.
Act 797 (2003)	Amends Act 100 in part. It adopts provisions relating to special and exempted pension schemes, raises retirement ages, increases the number of weeks of contributions and provides for the apportionment of a pension between a long-term partner and an ex-wife in proportion to the duration of cohabitation.

#### **Advances in case law**

<i>Legal provision</i>	<i>Description</i>
Decisions SU-337 (1999), T-692 (1999) and T-1390 (2000)	These decisions, concerning intersexuality and health care, require Health Promotion Entities (EPSs) to reach a definition of biological sexual identity from an early age.
Decision SU-90 (2000)	Concerns the right to life, minimum income and the health of pensioners, which were put at risk by the non-payment of pensions to 11 women having survivor's pensions, including four women over 55 years of age and two 54-year-old women.
Decision T-391 (2001)	Concerns recourse to judicial protection, which was granted, in respect of the violation of the rights of women heads of household who were owed salaries and allowances when a company was liquidated.
Decision T-467 (2001)	Concerns special and temporary maternity protection. Recourse to judicial protection was granted to a pregnant woman with a fixed-term contract who had been dismissed, and she was reinstated in her job.
Decisions C-647 (2001) and C-198 (2002)	These decisions concern the issue of constitutionality and stipulate that the paragraph of article 124 of Act 599/2000 establishing penalties for abortion is executable.

<i>Legal provision</i>	<i>Description</i>
Decision T-676 (2002)	Concerns the seeking of recourse to judicial protection to request that an EPS pay for the medical treatment of a female patient who suffered complications as a result of aesthetic surgery which resulted in, among other things, the amputation of a leg. Recourse to judicial protection was not granted because, by law, aesthetic surgery is not covered under the Mandatory Health Plan (POS).
Decision T-935 (2001)	Orders an EPS to schedule reduction mammoplasty surgery because it was a health matter, not an aesthetic matter.
Decision 11245 (1999) Supreme Court of Justice	Recognized that the right to a survivor's pension lay with the long-term companion of the covered employee, who had cohabited with him for 20 years, rather than with the employee's wife, who had not cohabited with him. It was a controversial finding that opened a debate on the institution of marriage in a country where new de facto civil unions are established without pre-existing civil unions having been dissolved. The Court has on several occasions ruled on the sharing of pensions between women who survive a man, one being his wife and the other being his long-term companion.
Decision 12123 (2000) Council of State	Concerns medical liability in the area of obstetrics. The EPS was found to have negligent liability for not conducting tests early enough on a woman in labour, which would have made it possible to determine that her uterus had ruptured, and for not performing an emergency Caesarean section, with the result that both the woman and her child suffered irreversible injuries.
Decision 4555 (2001) Council of State	In this case, the plaintiff sought the striking down of article 40 of Decree 1543 (1997), which prohibited testing for HIV/AIDS or other sexually transmitted diseases as a condition for a person to join a prepaid health organization, a health insurance scheme, a health promotion organization or a health services provider. The Council of State upheld the provision prohibiting such testing.

**Special Recommendation No. 18: That abortion should be decriminalized, and that statistics should be presented on maternal mortality, disaggregated by region**

For the purposes of criminal law, the offence of abortion is covered in articles 122, 123 and 124 of Colombia's Penal Code, as set forth in Act 599 (2000).

Notwithstanding the foregoing, the judge may, in the face of extraordinary and unusual motivating circumstances, relieve a person who has committed such a punishable offence of all responsibility, inasmuch as, according to the analysis of the Constitutional Court as set forth in decision C-647 (2001), the judge may set aside a penalty in cases where the following requirements are met: if the abortion is committed in any of the circumstances that justify a lessening of the penalty, if it is committed under extraordinary and unusual motivating circumstances and if the penalty to be imposed is not necessary in the specific case at hand.

The foregoing decision indicates that the relevant paragraph of article 124 establishes personal grounds for setting the penalty aside and that it is not a discretionary power on the part of the judge, inasmuch as the judge must take certain requirements into account in order to make a decision in each individual case: “In the paragraph in question, the legislator has created what is called in legal doctrine an absolving excuse, or genuine grounds for legal impunity; it abandons the strict adherence to the formal requirement that the commission of the offence and determination of responsibility must result in the penalization of the author of the offence, and allows the judge, after analysing the circumstances of the specific case at hand, to decide upon whether the penalty is to be set aside if certain specific requirements are met”.

The foregoing applies despite the fact that abortion is considered a criminal offence under our legal system. Under Decree-Law 100 (1980) — the former Penal Code — abortion was subject to penalties under articles 343, 344 and 345. Those provisions, now repealed, did not in any circumstances admit the possibility that the penalty could be set aside for a woman who had an abortion: it only laid down circumstances in which the penalty might be reduced if the woman had the abortion as a result of violent rape or an abusive sexual act or artificial insemination without her consent.

The current provisions are more flexible with regard to the criminalization of abortion, in that they not only admit the possibility of the penalty being reduced in a broader range of circumstances (behaviour constituting rape or an abusive sexual act without consent, or artificial insemination or transfer of a fertilized ovum without consent), but they also provide that when the abortion is committed in extraordinary circumstances in the context of any of the events that may result in the penalty being reduced, the judge may set the penalty aside.

(a) General clause establishing that the making of laws rests with Congress

The Constitution configures and orders the branches of government that it creates, sets limits on the exercise of power and the scope of fundamental rights and freedoms and establishes the highest offices of the State to the benefit of the community. According to article 13, there are three branches of government: the legislative, the executive and the judiciary. In addition to the organs of which those branches are composed, other autonomous and independent bodies exist to carry out other State functions. The different organs of the State have separate functions, but are called to work together in harmony to achieve its goals.

The public power ascribed to the various organs of the State derives from the people; accordingly, its design and actions must faithfully reflect the popular foundations in which the structural and dynamic complex of the State is rooted.

According to the Constitution, the legislator is responsible for the drafting of laws in accordance with articles 114 and 150, within the framework of a social, pluralistic and democratic State. Leaving aside the specific events of participatory democracy, the ordinary exercise of the people's sovereignty is circumscribed within representative democracy and, accordingly, is the responsibility of Congress.

The legislator has a margin of manoeuvre that permits him to choose from among several criminal policy alternatives provided that constitutional rights are not put at risk. It is to Congress — which is elected popularly and in which different currents of opinion and groups having different philosophical, political and religious outlooks are represented — that responsibility falls for choosing the time, conditions and ways for exercising that margin of manoeuvre within the respect for pluralism guaranteed in the constitution of a secular State (arts. 1 and 19 of the Constitution). Thus, Congress can determine whether or not abortion is to be subject to penalties, taking into account the philosophical, religious and political positions of the electorate as represented by the members of Congress. Whether the legislator's acts are legitimate depends on whether they are inspired by justice and the common good and whether he or she is working on behalf of the interests of those he or she represents.

National surveys have been conducted which have found that most Colombians are opposed to abortion.

- In a survey conducted by the magazine *Revista Semana* (5-12 January 2004), 56 per cent of Colombians were totally opposed to abortion, 36 per cent were somewhat in favour and 8 per cent were totally in favour.
- A survey conducted by the National Centre for Opinion Research (March 1991) found 19 per cent of Colombians in favour of abortion and 71 per cent opposed, with 10 per cent responding "do not know/no response". The breakdown for men alone was 26 per cent in favour, 64 per cent opposed and 10 per cent "do not know/no response", and for women alone 13 per cent in favour, 78 per cent opposed and 9 per cent "do not know/no response".
- A survey conducted by Yankelovich Innova de Colombia for the newspaper *El Tiempo* (August 1994) found that 85 per cent of respondents did not agree with abortion, 4 per cent agreed with abortion and 11 per cent agreed with it in certain cases.
- The report "Catholic Women for the Right to Decide" presented the findings of a survey conducted by Napoleón Franco & Compañía S.A. (September 2003) and reached the following conclusions on abortion:
  - Eight out of 10 of those surveyed did not agree with public health facilities such as hospitals and health centres offering abortion services for women who asked for them. The highest percentages were found among people living in the Antioquia and Atlántico regions.
  - Opinion was sharply divided about when an abortion can be performed: half of the sample felt that abortion should be allowed in some cases. The groups that were more strongly inclined to allow abortion in some circumstances were those living in the Central region, those 18 to 25 years of age and those in the upper and upper

middle socio-economic strata, while those living in the Antioquia region and those over 46 years of age were more strongly inclined to believe that abortion should be outlawed in all cases.

- More than half of those surveyed believed that an abortion should be permitted when the woman’s health or survival was in danger, when the woman had AIDS, when the foetus had congenital defects or when the pregnancy was the result of rape. Nine out of 10 respondents did not agree that an abortion should be permitted if it was by the woman’s choice, if the woman did not feel capable of looking after a child, if the pregnancy was the result of a failure of contraception or if the woman lacked economic resources.
- For more than half of those surveyed, the best way to deal with an unwanted pregnancy was to continue with the pregnancy and to keep the baby.
- More than half those surveyed agreed or totally agreed that the Church should oppose abortion in all cases.”

Legislative initiatives to decriminalize abortion have met with no success whatever. There is a growing awareness of the implications of abortion for public health both at the institutional level and within civil society.

Lastly, it needs to be mentioned that, given that Congress has the power to develop the rules of law deriving from the Constitution — the power to enact legislation, in other words — and consequently the power to determine which behaviours it deems punishable and to establish the corresponding penalties, it is not within the power of the Government to decriminalize abortion.

(b) Participatory democracy

The principles of democracy, participation and pluralism find full expression in the Constitution, through specific instruments that enable the individual to take part in political decisions that concern him and to function as a check on elected bodies. Indeed, in accordance with the participatory democracy enshrined in our Constitution, the people not only elect their representatives, through voting, but also have the opportunity to intervene directly in certain decisions (plebiscites, referendums, public consultations, town-hall meetings, legislative initiatives and removal of elected officials from office), to annul or amend decisions that their representatives in public elected bodies have adopted, whether by invitation or at their own initiative, and to remove elected officials from office.

Article 155 of the Constitution establishes that proposed legislation or constitutional amendments may be put forward by a group of citizens comprising not less than 5 per cent of the voters on the voters’ register on the date in question, or by 30 per cent of the country’s councillors or members of Congress. Congress must proceed with a people’s initiative in accordance with the procedure established for bills that have been declared urgent. Citizens making a proposal have the right to name a spokesman to be heard by the Houses of Congress at all stages of the proceeding.

To date, organizations in civil society have not made use of the various mechanisms for direct participation in order to seek the decriminalization of abortion.

## (c) National public health policy

In response to the various problems faced by the country in the area of sexual and reproductive health, the Government has established the Sexual and Reproductive Health Policy. The policy sets out a series of actions having an important impact on the prevention and reduction of abortion and its complications. Of particular note are the following: strengthening of human resources for treating the complications of abortion, employing comprehensive strategies that take biological, psychological and social considerations into account; the training of health personnel in emergency contraception methods and the provision of such methods when indicated; and family-planning counselling and education and access to contraceptive methods as a fundamental strategy for preventing abortion.

To implement the National Sexual and Reproductive Health Policy and reduce the number of abortions and the risks they entail, the Ministry of Social Protection is undertaking activities aimed at promotion, prevention and care, and is endeavouring to increase the amount of information available to adolescents and strengthen public-health education.

Among the activities under way are the following: ensuring that the entire population has access to a variety of acceptable, safe and reliable contraceptive methods, including emergency contraceptives; promoting responsible sexuality and the development of self-help attitudes and skills in the area of sexuality and reproduction; family planning; disseminating information on services and rights; and strengthening social participation with a view to empowering the community.

Actions aimed at strengthening institutional management to guarantee abortion prevention and care in high-risk situations are included in the regulations governing family planning for men and women and in the comprehensive care guidelines on haemorrhagic complications of pregnancy, which are obligatory pursuant to the SGSS Mandatory Health Plan and are governed by Resolution 412/2000 of the Ministry of Health (now the Ministry of Social Protection).

Maternal mortality statistics disaggregated by region are provided in annex 10.

**Special Recommendation No. 19: That women and men should be given more information on, and access to, the use of contraceptive methods**  
(the response to this recommendation is described throughout this section)

In the area of health care, the General Social Security System (SGSS) seeks to ensure greater access by the entire population to health services by enrolling those who can pay in the contributory scheme and those who are unable to pay in the subsidized scheme. The population enrolled in the system have access to health care through different health plans. In 2002, 25.7 per cent of the population was enrolled in the subsidized scheme, while 30.9 per cent of the population was covered by the contributory scheme; nevertheless 43.4 per cent are still not covered (see annex 9).

Over the last 10 years, much progress has been made in developing regulations on sexual and reproductive health activities. Now there are technical standards to regulate the services that must be provided to the insured population and resources from the Mandatory Health Plan to implement them. Nevertheless, there is still limited financing and access to services for the poorest among the population, who are not insured.

One of the main achievements of SGSS has been financing the enrolment of more than 11 million poor people in the health-care system (8,284,138 confirmed beneficiaries); this has involved increased expenditure on health for the poorest 69 per cent of the population. The Constitution mandates that, within this group, priority must be given to pregnant women and children under one year of age. Another positive aspect of the system is that both the contributory and the subsidized scheme cover the person enrolled and his or her family group.

The Ministry of Social Protection and the National Council on Social Security for Health decide the policies and define financing sources for technical assistance and health services; local entities are responsible for implementing the services. The strategies, plans and programmes developed by that Ministry for children, mothers, pregnant or nursing women and the elderly, include the following:

- Comprehensive care for childhood illnesses
- Expanded programme on immunization (EPI)
- Ten-year plan to protect and support breastfeeding
- Guides for feeding children under two years of age
- National Food and Nutrition Plan
- National Sexual and Reproductive Health Policy
- Providing condoms to promote sexual health

The Ministry of Social Protection issued the 2002-2006 National Sexual and Reproductive Health Policy, which considers that sexual and reproductive rights are human rights and should therefore be approached from this perspective, and also recognizes that health is a public service. This proposal is based principally on the following issues: safe pregnancy, family planning, adolescent sexual and reproductive health, uterine cancer, sexually transmitted diseases, including HIV/AIDS, and domestic and sexual violence. The general purpose is to improve sexual and reproductive health and promote the exercise of the sexual and reproductive rights of the entire population, with special emphasis on: empowering women, reducing vulnerability factors and risk behaviour, enhancing protection and providing attention to groups with specific needs.

The following strategies are being implemented by the Ministry to improve the situation of women:

- (a) Increasing political commitment to promoting health services for women;
- (b) Improving managerial capacity by preparing standards and guidelines for sexual and reproductive health as part of the General Social Security System for Health and distributing them throughout the country;
- (c) Taking various steps to strengthen intersectoral coordination in the area of sexual and reproductive health.

Bearing in mind that the displaced population has a high risk of contracting diseases such as HIV/AIDS as a result of its limited access to health services and of certain cultural differences with regard to sexuality, the Country Coordinating Mechanism (CCM) in Colombia proposed a project entitled "Building a comprehensive response in the area of sexual and reproductive health", with an

emphasis on prevention and attention to STD/HIV/AIDS among adolescents and young adults living in a context of internal displacement in Colombia, with a total budget of US\$ 8,678,000, to be financed by the Global Fund to Fight AIDS, Tuberculosis and Malaria. The project will be implemented in the 48 municipalities most severely affected by displacement. The three project strategies that will be implemented over four years, starting in January 2004, have been designed to: (i) strengthen the social response capacity of the selected municipalities; (ii) improve the quality and coverage of the services offered to the target population in the education and health sectors; and (iii) train and empower 600,000 adolescents and young adults from 10 to 24 years of age.

### Statistics

In 2000, men comprised 48 per cent of the population and women 52 per cent; in rural areas, 52.4 per cent of the population were men and 47.6 per cent were women. Traditionally, Colombia has been a young country; from 1998 to 2002, 36 to 40 per cent of the total population were under 18 years of age, with a distribution of 67 per cent in urban areas and 33 per cent in rural areas.

Of the total population of Colombia, 52 per cent (21,847,981 people) are covered by health services under the contributory or subsidized scheme; of this number, 52.67 per cent (11,504,998) are women and 47.32 per cent (10,342,983) are men. From 1998 to 2002, enrolments in the subsidized scheme increased from 55.51 per cent to 69.67 per cent. Of the total number of women with access to health services, 39.47 per cent (4,541,918) are enrolled in the subsidized health scheme, while 60.52 per cent (6,963,500) are enrolled in the contributory health scheme.

The estimated population dynamics for 2002 are:

• Total fertility rate (per woman)	2.6
• Age-specific fertility rate for women from 15 to 19 years of age	79.5
• Average annual number of births	979,260
• Gross birth rate (live births x 1,000 inhabitants)	22.4
• Average life expectancy at birth (years)	72.2
o Men	69.2
o Women	75.3

According to the 2000 Profamilia National Survey of Demography and Health, the general fertility rate was 91 births for every 1,000 women of childbearing age. For capitals of municipalities the total rate was 2.3 children per woman, while in rural areas it was 3.8 children per woman. The data indicate a decline in the fertility rate in 2000, with 2.6 children per woman, compared to 2.9 in 1990. The life expectancy at birth in 2001 was 68.8 years for men and 75.1 years for women.

The fertility rate varies in relation to the level of education, with women with a university education averaging one child each, while women without education have an average of four children each.

In the 15- to 19-year-old group, the percentage of women that have begun childbearing gradually increased in the period 1990-2000 from 13 per cent to 19 per cent. The lowest adolescent fertility is found in the eastern part of the country and in

Bogotá, while the highest is on the Pacific coast. According to the 2000 National Demography and Health Survey, 15 per cent of adolescents were already mothers and 4 per cent were pregnant with their first child, representing a total of 19 per cent, compared to 17 per cent in the 1995 Survey.

In the age group 25 to 49, women's average age at the birth of their first child is 22.1 years, the same as in 1995. In Medellín, the average age at the birth of the first child is 24 years of age, while on the Pacific coast and in Guajira-Cesar-Magdalena, it is 20 years of age.

The fertility of women from 30 to 49 years of age is in inverse proportion to their age, level of education, cultural and socio-economic situation, and also to the possibility of access to and use of contraceptives by men and women. Age-specific fertility decreases with age; thus, for women of 30 to 34 years of age, the fertility rate is 99 births per 1,000; for those of 35 to 39 years of age, it is 49 per 1,000, and for those of 45 to 49 years of age it is 2 per 1,000.

The average interval between births is 37 months; this exceeds the figure for 1995, which was 34 months. The interval in urban zones is 40 months, compared with 33 months in rural areas. The interval is longest in Bogotá, where it is 41 months, and shortest in the Atlantic region, where it is 34 months. For women with a university education, the interval is 46 months and, among women without education, it is 34 months.

In Colombia, all women of childbearing age, whatever their civil status, know at least one method of birth control. Some 76 per cent of all women of childbearing age and 95 per cent of those who are currently married or in a permanent relationship have used some form of contraception. Women of 15 to 19 years of age use such methods least; their use peaks at age 40, and then decreases slightly.

The average number of births a year is 979,260; of these, for every 1,000 live births, 31.1 are boys and 22.5 are girls. The child mortality rate for the five-year period 1995-2000 was 21.4 per 1,000 births, while the neonatal mortality was 15 per 1,000 births and the post-neonatal mortality rate was 6.5 per 1,000 births. The perinatal mortality rate is 52 deaths for every 1,000 pregnancies of seven months or more.

In all regions of the country except the eastern part, the child mortality rate declined in the period 1995-2000. Despite the progress made in reducing child mortality, there are still significant differences according to regional levels of development. For example, in Chocó, 98.8 boys and 81.3 girls die per 1,000 live births, while in Valle, the mortality rate is 22.1 and 16.4, respectively. The regions with the lowest child mortality are Bogotá and the central part of the country (17 and 20 per 1,000, respectively), while in the two coastal areas it is 29 per 1,000. The steepest decline has been in the Pacific region, where it has fallen from 39 to 29 per 1,000.

The gross birth rate is 22.4 live births per 1,000 inhabitants. The mortality rate decreased from 28 in 1998 to 25.6 in 2002, which indicates a decrease of 2.4 points in the child mortality rate. When the mothers are uneducated, the child mortality rate is three times higher than when they have higher education. When the mother has received medical care before and during delivery, the child mortality is 15 per 1,000, while this figure triples when she has not received such care. The lowest child mortality is found in women between 20 and 29 years of age at the time of

delivery, and it doubles when women are over 40 years of age. The shorter the interval since the previous birth, the higher the child mortality rate.

Maternal mortality decreased by 3.5 points between 1998 and 2000, according to figures provided by the Ministry of Social Protection. For every 100,000 live births in Colombia, 67.7 women die of causes related to maternity, even though the rate in some regions is much higher than the average, and not all maternal deaths are registered as such. The principal cause of death is obstetrical complications; the fifth most common cause of maternal mortality is abortion (see annex 10).

The social and environmental situation, which has been exacerbated by civil unrest, conflict, displacement, and structural problems related to marginalization and poverty that hinder access to services and universal social service health coverage, has had a strong influence on morbidity and mortality. Despite the achievements of the past decade, respiratory infections and diarrhoeal diseases in children under 5 years of age continue to be a public health problem and are the primary causes of this group's morbidity and mortality, particularly in municipalities with lower levels of development. Although the mortality rates for acute diarrhoeal diseases have decreased in children under 5, they still have a significant impact on child health.

Other causes of mortality in the general population are related to the widespread violence in the country. Data from 2002 show an increase of 54 per cent in murders of children under 1 year of age; 53 per cent for children under 5; and 30 per cent for all minors. With regard to medical-legal reports on violent deaths, in 2002 the Institute of Legal Medicine performed 4,174 autopsies on children and identified 212 murders of children under 18, 762 deaths from traffic accidents, 274 cases of suicide and 854 accidental deaths. In this connection, population growth rates are not statistically significant, meaning that the phenomenon replicates itself as the population increases.

Other data illustrating the frequency and types of violence that result in non-fatal injuries are taken from 20,284 medical-legal reports on domestic and sexual violence involving children (0-17 years of age). Of these, 50 per cent (10,115) were related to child abuse, that is, 203 cases more than the figure for 1998. Medical-legal reports on sexual crimes increased by 49 cases for children under 5 years of age and by 470 cases for all children (under 18). Bearing in mind the problem of underreporting, these figures show an increase in situations and conditions that violate children's right to life.

The overall malnutrition rate is 6.7 per cent, of which 0.8 per cent represents severe malnutrition; the rates for males and females are 6.6 per cent and 6.9 per cent, respectively. The malnutrition rates rise to 10 per cent in children from 1 to 2 years of age. Some 2 per cent of 2-year-olds suffer from severe malnutrition and 7 per cent of children have a low birth weight (less than 2,500 g). A comparison with the 1995 National Demography and Health Survey shows an improvement in all the malnutrition indicators, particularly that of chronic malnutrition.

With regard to the coverage and quality of prenatal and delivery medical care, 82 per cent of pregnant women received medical care in health institutions in 1995 and 91 per cent in 2000, of whom 87 per cent were attended by a doctor and 4 per cent by a nurse; only 9 per cent received no medical care. The percentage of those who were attended by a midwife was very low and has no statistical significance.

Prenatal care is greater in the case of the first child and declines with the number of children; 50 per cent of medical care is received during the first three months of pregnancy. There is significant inequality in access to prenatal services for mothers in rural areas and with low levels of education; 94 per cent of pregnant women in urban areas received prenatal medical care, compared to 84 per cent in rural areas. As for the mother's level of education, 59.4 per cent of mothers with low levels of education were attended by a doctor, while the figure was 99.1 per cent in the case of mothers with higher (university) education.

The number of deliveries in a health institution increased from 84.8 per cent in 1995 to 88 per cent in 2000; in urban areas, the figure rose from 93 per cent in 1995 to 94 per cent in 2000, while in rural areas it increased from 65 per cent to 70 per cent. Doctors attended 83 per cent of deliveries, nurses 4 per cent, midwives 9 per cent and a member of the family 4 per cent. Deliveries attended by a doctor have increased, and those attended by a midwife have decreased, owing to greater access to doctors and higher levels of education among women.

Even though the indicators show a significant increase in the duration of breastfeeding as the only means of sustenance, which rose from 0.6 months in 1990 to 1.7 months in 2000, breastfeeding as the only means of sustenance for six months has decreased considerably, falling from 15 per cent in 1995 to 11.6 per cent in 2000. This decline may be associated with cultural factors rooted in the belief in the need for liquids during the first months of life, to weak community education messages, inappropriate recommendations from health personnel and publicity for breast milk substitutes.

The State vaccination programme is one of the most complete in the Americas. It targets children under 5 years of age and women of childbearing age (from 10 to 49 years of age). However, according to the Paisoft report, the 2002 Ministry of Social Protection programme did not achieve effective coverage, despite national efforts aimed at, among other things, eradicating measles, poliomyelitis and neonatal tetanus.

According to the 1999-2002 Ministry of Social Protection health sector progress report on the situation of women, over a 10-year period, the use of contraceptive methods by women of childbearing age, either married or living with a companion, increased from 66 per cent in 1990 to 77 per cent in 2000. Despite this improvement, there are significant differences among regions and population groups. Only 57 per cent of adolescents from 15 to 19 years of age use contraception, and the unmet demand for contraceptive methods is 79 per cent; the unmet demand in women without any education is double that of women with higher education.

In 2000, there was a three percentage point difference in the use of contraceptive methods between rural areas (78 per cent) and urban areas (75 per cent). By regions, the use of contraceptives is higher in the east (83 per cent), followed by Bogotá (81 per cent) and the Atlantic region (71 per cent). By level of education, 73 per cent of women without any education use contraceptives; this proportion increases among those with primary and secondary education to 77 per cent and 78 per cent, respectively, and then declines among those with higher education, to 75 per cent.

The adolescent reproductive health situation has been a major concern in recent years, owing to the growing increase in adolescent fertility and early motherhood and fatherhood. This has become a serious public health problem, especially because of its relationship to unwanted pregnancies and abortion, in addition to the social, financial and health consequences for this sector of the population. One of every five adolescents of 17 years of age has been pregnant at some time in her life, as has one in every three adolescents of 19 years of age. Adolescents have limited access to sexual and reproductive health services adapted to their specific needs. Furthermore, they make very little use of contraceptives or use ineffective methods.

Average pregnancy rates are higher in rural areas, where 26 per cent of adolescents have been pregnant, compared to 17 per cent in urban areas. Some 18 per cent of adolescent girls have an unmet need for contraceptives. Owing to this situation, there are 1,450,000 pregnancies in Colombia each year, resulting in 1,100,000 live births (annex 10).

The average age of initial sexual activity is 13.4 years of age for boys and 14.8 for girls. This situation varies according to age, gender and family education. Among children of 13 and 14 years of age, 1 of every 10 adolescents has had sexual relations; for those aged 15 to 17, this proportion is 4 of every 10, and towards the end of adolescence, it is 7 of every 10.

The factors which have the most impact on the increase in adolescent fertility are low levels of schooling and high levels of poverty. Another factor is the place of residence: young people in rural areas tend to have sexual relations and children earlier than those in urban areas. On the Pacific coast, the number of pregnant adolescents is double that of the rest of the country. Additionally, teenage pregnancy is increasingly common among displaced young people.

Cervical cancer is the primary cause of death by cancer in women between 30 and 59 years of age; the second most common cause is neoplasia. However, owing to the tendency to initiate sexual relations at ever-earlier ages, cervical cancer is affecting increasingly younger women.

The frequency of sexually transmitted diseases (STDs), such as syphilis, gonorrhoea and urogenital trichomoniasis, is higher than world averages. The congenital syphilis rate is 0.95 per 1,000 live births, but it is estimated that this figure hides significant underreporting. Hepatitis B and herpes are on the rise.

Among displaced adolescents, the most relevant problems are fertility, which stands at 30 per cent, or 10 percentage points higher than the national average, and a 60 per cent unmet demand for contraceptives.

The frequency of HIV/AIDS has increased in population sectors other than those traditionally considered at risk or vulnerable, particularly in youth and women, in addition to homosexuals. From 1986 to 2000, female/male ratio of HIV infection rose from 7:1 to 47:1.

From 1983 to date, 38,879 cases have been reported, of which 982 are in children under 5 and 272 are in children aged 5 to 14. This means that 3.22 per cent of the cases of infection are in children. In this population sector, infection occurs basically owing to mother-to-child transmission, which entails an ever-increasing challenge to halt the expansion of the epidemic in women of childbearing age and in

unborn children by taking preventive measures and providing appropriate prenatal care.

The infection rate for HIV in pregnant women attending prenatal check-ups is 0.2 per cent. For each reported case of HIV/AIDS, there may be 10 unreported or simply undiagnosed cases. It may be concluded that since around 2,300 pregnant women have had a confirmed diagnosis as carriers of HIV, 23,000 pregnant women may be living with HIV but have not been identified. At the present time, the prevalence of syphilis in pregnant women is 7.7 per cent, representing approximately 91,000 pregnant women in the country.

According to the national survey of drug use by young people, carried out by the Presidential Programme "Directions" in 1999-2000, approximately 9.3 per cent of adolescents (1.5 million) have used marijuana, 3.6 per cent basuco and 2.8 per cent cocaine. There is no evidence of significant differences attributed to gender, social standing or level of education.

## 2.13 Article 13 Economic and social life

### Legislative advances

<i>Legal provision</i>	<i>Description</i>
Decree 1133 (2000)	Article 21 stipulates that the qualification criteria for applications to be granted the rural social housing subsidy should give priority to lower-income people with greater social vulnerability. Where the head of household is a woman, this enhances eligibility.
Act 731 (2002)	Legal measures targeted at rural women.
Act 790 (2002)	Establishes the social withholding to guarantee employment for mothers who are heads of household, as part of the Public Administration Reform Programme.
Act 823 (2003)	Contains special provisions on credit, special support to micro-, small and medium-sized enterprises run by women, and access to housing for female heads of household from the poorest strata of society, namely, women working in the informal, rural and urban marginal sectors.
Decree 1042 (2003)	Article 25, like Decree 1133, is targeted at female heads of household, but it establishes an additional condition for obtaining preferential eligibility: involvement in a productive agricultural project, collective environmental programmes in areas impacted by national parks, cooperative programmes in agribusiness or women's cooperatives.

<i>Legal provision</i>	<i>Description</i>
Resolution 1 (2002) National Commission for Agricultural Credit	Defines the concept of “rural woman” giving entitlement to credits using FINAGRO resources; credit for rural women’s rural activities and their purpose is also defined, and the conditions are laid down for entitlement to those credits and to guarantees from the Agricultural Guarantee Fund (FAG).
Resolution 6 (2002) National Agricultural Credit Commission	Authorizes the Agricultural Financing Fund (FINAGRO) to open lines of credit for financing rural activities. Natural or juridical persons obtaining loans will be entitled to Fund backing, in accordance with Resolutions 5 and 13 (2001).

### **Advances in case law**

**Decision C-034 (1999):** the female plaintiff sought to have article 2 of Act 82 (1993) declared unconstitutional, on the grounds that it was discriminatory against a group of women, since its definition of a female head of household included the phrase “who being single or married ...” The plaintiff held that it thereby excluded widows and divorcees. The court ruled that the expression was acceptable, concluding that such women, like those who are joined in an actual marital union, were not excluded by the legislation, under the legal definition.

### **Special Recommendation No. 21: Gender-sensitive training for those involved in planning and programme implementation; introduction of microcredit programmes to improve women’s economic situation; and programmes to enhance displaced and rural women’s enjoyment of their human rights to health and education**

The first part of this recommendation is related to Special Recommendation No. 3, as well as to the section on administrative advances under the part of this report dealing with article 3. The second part is described below.

#### **Programme for female heads of household who are microentrepreneurs**

The programme that was started under the previous Government included the following components: credit, training and follow-up. The Administrative Department of the Presidency of the Republic (DAPR) set aside 3,000,000,000 pesos to establish a special line of credit for female heads of household, on the basis that this sector of the population suffered greater poverty, and in accordance with the provisions of Act 82 (1993), “Female heads of household”. In January 2003, various complex problems were facing the programme, notable among them: (a) the discordance in most cases between the selection criteria and those that had been defined by the Presidential Advisory Office on Gender Equality (CPEM); (b) the participants’ limited ability to make payments (female heads of household from strata 1 and 2); (c) inappropriate selection of the latter and the lack of resources to pay for follow-up and support by expert entities. Despite the difficulties, the programme was retained, with an Improvement Plan being prepared for implementation during the year 2003 and a complete redesign to make it sustainable over the following years. The Improvement Plan for 2003 included: consolidation of figures, streamlining of project evaluation, the issue of guarantees and the disbursement of credits; follow-up from CPEM to each of the recipients of the credits by means of calls and visits to the regions. The training

component was carried out in the urban areas through partnering with ILO, the Ministry of Social Protection and the National Administrative Department for Mutual Economic Support (DANSOCIAL); and in the rural areas through the departments of agriculture.

The new programme for female heads of household who are microentrepreneurs became operational in June 2004, under some new parameters (see annex 12).

The Ministry of Trade, as the Government entity responsible for directing and coordinating development policies for micro-, small and medium-sized enterprises, has agreed with CPEM to support, as one of its thematic areas of work, production-related activities and others relating to the development of women's projects and enterprises, as well as to consider instruments and mechanisms that would help women gain access to lines of credit and to make these instruments and mechanisms more widely known. To achieve that end, the Ministry has agreed to provide support to the following institutional measures being undertaken by CPEM:

1. Provision for an automatic guarantee from the National Guarantee Fund for credits approved by the Integrated Support Programme for Women Heads of Household.
2. Support, through the Fund for Modernization and Technological Development for Micro-, Small and Medium-Sized Enterprises (FOMIPYME), for organization of the National Businesswomen's Fair.
3. Support for the National Business Training Programme for Women.
4. Submission, through the Corporation for Microenterprises, of an economic proposal to evaluate the projects that were implemented during 2004 by CPEM, through the Integrated Support Programme for Female Heads of Household and the National Business Training Programme for women from the lowest strata of society.

At the present time funding is provided for productive projects in rural areas through FINAGRO by means of a special line of credit for those who are in a vulnerable situation as a result of the conflict. The line of credit has been approved by the National Agricultural Credit Commission and covers both the recorded displaced population and the vulnerable population affected by the conflict.

Furthermore, the National Training Service (SENA) is developing the programme "Productive units targeted at special populations", which seeks to generate mechanisms that will allow sectors of the population with special needs to improve their productive situation and their position in society. This programme covers people displaced by violence, female heads of household, reintegrated combatants, minor offenders, ethnic groups and people with disabilities.

## **Statistics**

### Coverage

The following departments are currently covered: Huila, Bolívar, Antioquia, Cundinamarca, Bogotá, Choco, Sucre, Cesar, Magdalena, Caquetá and Córdoba.

Number of credits to be disbursed.

A revolving fund has been created by DAPR, the Ministry of Agriculture, the Agrarian Bank and the National Guarantee Fund for the disbursement of up to Col\$ 12.5 billion for the urban and rural areas, on a 50-50 basis.

Furthermore, starting in 2001, FOMIPYME has cofinanced seven major projects for the social and economic advancement of female heads of household, for a total of 1,062,408,800 pesos (see annex 11).

## 2.14 Article 14 Rural women

In line with General Recommendation No. 19, the advances relating to rural women in Colombia are presented below.

### Special Recommendation No. 20: Progress with indicators and programmes for enhancing the living conditions of rural women

#### Legislative advances

<i>Legal provision</i>	<i>Description</i>
Act 546 (1999)	Benefits rural women in the area of housing.
Act 731 (2002)	Stipulates measures targeted at rural women, especially with regard to their quality of life. Gives priority to those with the least resources and enshrines specific measures aimed at accelerating achievement of equity between rural men and women. It includes the components of participation, credit, development fund, family subsidy, social security and health, education and training, recreation, land reform, reforestation, housing, issue of identity cards and microenterprises. CPEM and the Ministry of Agriculture are currently coordinating the regulation process.
Resolution 1 (2002) National Agricultural Credit Commission	Establishes credits for rural women's activities and their purpose; sets out the conditions for obtaining access to such credits and FAG guarantees.
Resolution 6 (2002) National Agricultural Credit Commission	Authorizes FINAGRO to open lines of credit to finance rural activities.
Act 823 (2003)	Contains special provisions in favour of rural women in articles 5 and 10.
Decree 2998 (2003)	Grants benefits to rural women for obtaining title to land.
Resolution 0127 of 6 June 2003 Ministry of Agriculture and Rural Development (MADR)	Creates the Development Fund for Rural Women (FOMMUR).

**Advances in case law**

**Decision C-673 (1999):** declares unenforceable article 20 of Act 160 (1994), which created the National Agrarian Reform System. Recapitulates the benefits which must be granted to rural women in respect of the acquisition of land.

**Decision C-557 (2000):** on the National Development Plan. Refers to the equality of rights between men and women and the importance of the agriculture sector.

**Administrative advances**

As agreed between the departmental governments, the Ministries of Health and Agriculture, the Rural Family Compensation Fund (COMCAJA), the regional women's offices and the municipal authorities, campaigns were carried out to prevent diseases to which rural women are particularly vulnerable in five municipalities in the department of Atlántico, three in Sucre and one in Nariño, reaching a total of 2,890 women and children.

The Rural Education Project (PER) of the Ministry of National Education has the following goals: to deliver quality coverage in the rural sector; to provide capacity-building for education management in the country's administrative subdivisions; to provide training in coexistence and peace in schools and communities; and to formulate a policy for education. To these ends, a total of US\$ 40 million was invested between 2001 and 2003 (a US\$ 20 million loan from the World Bank and a further US\$ 20 million as national counterpart): 70 per cent was allocated for measures in the municipalities and the remaining 30 per cent for measures at the national level.

This project is introducing education models designed to improve the quality of education in the rural sector and eliminate the factors causing inequality, discrimination or isolation. It has a component on training for harmonious relations in schools, which seeks to create an authentic culture of democracy in the country's schools and improve the school environment by establishing good relations among the persons involved in the education system. The measures for achieving this objective include: training in human rights and the peaceful settlement of disputes, training of young leaders, and co-education.

The Ministry and the World Bank are currently preparing a proposal for the incorporation of co-education in the project's coexistence component with the aim of introducing relevant changes in the co-education handbook to take account of the special features of the rural sector.

Since 1997 the MADR Rural Women's Office has been carrying out an integrated project of adult education with a gender perspective in agreement with the Ministry of National Education, the governments of Nariño, Cauca and Cesar, the peace programme of Magdalena Medio, the Patía Plan and the University of Cauca. In the southern part of Cesar, 35 teachers were trained in the new trends in adult education and in gender equity. In the departments of Cauca and Nariño (Alto Patía subregion) 45 rural teachers received training in the following subjects: research, participatory activities, new trends in adult education, and gender equity. In addition, an analysis was made of the participation of women in the region's development and their role in the community.

In the case of house-mothers and representatives of farm workers' organizations, the Ministry of Agriculture, in collaboration with ICBF and the Office of the First Lady of the Nation, trained 150 women in the manufacture of products from soya beans.

Since 1994 the Ministry has been pursuing a set of development strategies for rural women which envisage measures to expand their participation in production activities in the countryside and improve their living conditions. These strategies are as follows: institutional adaptation; agricultural assessments; inter-agency work team; and registration campaigns for rural women and their children.

The following strategies have been pursued to help rural women in situations of armed conflict:

- Dissemination of information about international humanitarian law to rural women and local authorities as a means of protecting the civilian population in armed conflicts. Training was given to 250 extension workers and 250 humanitarian-law extension workers under an agreement between MADR and the International Committee of the Red Cross (ICRC);
- Support for the return to the countryside of women and families displaced by the violence. Cauca and Nariño were the priority departments owing to their high incidence of armed conflict, population displacement, rural dwellers, unmet basic needs and households headed by women;
- Institutional measures were carried out to support the return or relocation of 172 displaced families in agrarian-reform zones and under farm-food projects in the departments of Bolívar and Córdoba.

In the context of the policy “Women: builders of peace and development”, the Ministry of Agriculture agreed with CPEM a programme of work to promote the gradual mainstreaming of the gender approach in the design and implementation of the Ministry's policies; participation by women in the rural development programmes and projects promoted by the Colombian Institute for Rural Development (INCODER); participation by rural women in the creation of businesses and diversification of agricultural activities; and encouragement of the economic empowerment of Colombia's rural women. CPEM will implement the National Business Training Programme for rural women in coordination with the Ministry.

CPEM and a representative of women's organizations take an active part in the meetings of the FOMMUR steering committee, whose function is to support plans, programmes and projects for rural activities with a view to consolidating the mainstreaming of rural women and their organizations in the country's social and economic policies. An occupational health programme involving women workers from the informal rural farm sector (including indigenous and Afro-Colombian women and women of mixed race) is being carried out in the departments of Chocó, Nariño and Vaupés; it is coordinated by the Department of Occupational Insurance of the Ministry of Social Protection using resources from the Occupational Insurance Fund.

### **Statistics**

In 2000 Colombia had 12.1 million rural inhabitants; this means that 72 per cent of the total population was classified as urban. Men account for 52.4 per cent of the rural population (6,534,000) and women for 47.6 per cent (5,759,600). However, as the Rural Development Observatory of the Inter-American Institute for Cooperation on

Agriculture (IICA) has established, “the male-female ratio declined between the 1995 and 2000 National Demography and Health Surveys (ENDS) from 113 to 110 men for every 100 women, reflecting migration to rural areas, especially by single women and women heads of family”.

The proportion of households with female heads increased from 24 per cent in 1995 to 28 per cent in 2000; in rural areas women accounted for 31 per cent of household heads. Regardless of the gender of the head of household, all families, both urban and rural, are tending to have increasingly fewer children: at the national level the size of families fell from an average of 4.4 to 4.2 persons, and in rural areas from 4.7 to 4.4. Twenty-six per cent of rural women of childbearing age are single, 33.2 per cent are in informal relationships, 30.5 per cent are married, 7.4 per cent are separated, and 2.1 per cent are widows.

The total fertility rate is estimated at 2.6 children per woman: 3.8 in rural areas and 2.3 in urban areas. The general fertility rate is estimated at 91 live births per 1,000 women of childbearing age; the rate peaks early, in the 20-24 age group.

The biggest decline in rural fertility rates is found in the 25-39 age group. However, the adolescent fertility rate has been rising since 1978 in all areas and regions. In rural areas the average age of women when they bear their first child is 20.7 years. One in five adolescent girls is a mother and 5.4 are pregnant and/or have given birth, indicating that 26.2 per cent of this group has experienced pregnancy and/or childbirth; the figure for the whole country is 19 per cent. “The average number of years of education is 4.1: the Pacific region has the lowest average rate (3.9 years) and the eastern region the highest (4.3 years)”.

Although life expectancy remains lower in the countryside than in the towns, the gap has been narrowing. The gap was five years in 1965 but more recently it has been estimated at only two years. Life expectancy has increased for urban women by 10.6 years and for rural women by 13.6 years.

The mortality rates for rural women are very much higher than the rates for all of the country’s other inhabitants. According to a study on the incidence of ill health in Colombia, the primary cause of death among women is ischaemic heart disease, with rates of 77.3 per 10,000 inhabitants in rural areas and 6.95 per 10,000 in urban areas.

Among rural women, deaths due to cerebrovascular diseases total 63.8 per 10,000, while in urban areas the rate is 3.64. The third most frequent cause of death among rural women is perinatal infections, with a rate of 29.4 per 10,000 inhabitants; it is the fourth most common cause of death among urban women.

With regard to poor health, understood in terms not only of mortality but also of incapacity caused by disease, the statistical distribution is not uniform for all regions of the country.

Fewer non-hospital consultations are requested by rural women than by women in the towns: 23 per cent of rural women between the ages of 15 and 24 and 30 per cent in the 24-44 age group had medical consultations in one month.

According to information obtained by the IICA Rural Development Observatory, three out of every four rural women have used a means of contraception at some time: 65.7 per cent have used a modern method (41.1 per cent pills, 21.7 per cent condoms, 19.8 per cent sterilization, 18.4 per cent IUD) and 40 per cent a traditional method (31 per cent withdrawal and 20 per cent periodic abstinence). Almost all women currently

married (93.5 per cent) and unmarried but sexually active women (91.8 per cent) have used means of contraception at some time.

At the national level 60 per cent of women (62 per cent urban and 53.8 per cent rural) are members of a social security scheme. The Atlantic region has the lowest rate and Bogotá the highest (73.1 per cent).

More rural girls than boys attend school. In rural areas 17.2 per cent of females and 18.7 per cent of males have had no education. This proportion swings towards rural females as the level of schooling advances: the primary rates are 66 per cent for girls and 64 per cent for boys, while the secondary and higher rates are 15.1 and 2 per cent, respectively, for females and 12.9 and 1 per cent, respectively, for males. Although nowadays rural girls are more likely than in the past to enrol and remain in the education system, the average length of their education is 4.3 years, as compared with the 8 years of their urban counterparts.

The IICA Rural Development Observatory reports that rural areas lag quite a long way behind urban areas in education. In fact, 7.8 per cent of rural women are illiterate, 39 per cent of women of childbearing age have not completed primary school and 21.6 per cent of those who enter secondary school do not finish, while only 2.6 per cent go to university.

Urban incomes reached 2.89 times the rural income level between 1991 and 1997. This ratio changed in 1997 owing mainly to an urban decline, not to a rural increase. This urban decline coincided with the depression in the period 1997-2000, which narrowed the gap between the two sectors, leaving urban incomes at 2.35 times the rural level.

In 1991 the economically active rate for rural women of working age was 33 per cent; by 2000 it had risen to 39.6 per cent. In 1991 the employment rate in the rural sector stood at 78.3 per cent for men and 30.2 per cent for women; in 2000 the rates were 76.9 and 30 per cent, respectively.

The IICA Rural Development Observatory analyses the rural employment figures as follows: "The rural employment rate for all the years shows higher percentages for men, but these figures may not reflect accurately the employment of women in various activities which have been culturally 'invisible' because they are not regarded as 'work' in the formal sense of being remunerated or producing quantitatively measurable value in the same way as traditional work in other areas".

Unemployment among rural women has increased in recent years, owing in part to the statistical invisibility of unremunerated employment such as domestic work and helping with farming tasks on the family property. In 1991 the rural unemployment rates were 2.5 per cent for men and 8.4 per cent for women. These rates increased by 19.3 and 19.4 per cent, respectively, in 2000.

According to information from the IICA Rural Development Observatory, 65.2 per cent of rural women currently in employment are paid for their work in cash and 10.9 per cent in cash and kind, while 23.6 per cent are not paid at all or receive only something in kind. Family helpers in particular find themselves in this latter category.

The new generations of rural women do not confine themselves simply to a reproductive role or exclusively to work on the family plot. Many women have established themselves as farm workers and are active throughout the farm-food chain.

Furthermore, a large proportion of rural women are engaging in non-farm activities such as services, fisheries, commerce and small-scale mining.

For men, the participation trend in terms of applications for agricultural loans was 77 per cent in 2001, 75 per cent in 2002 and 74 per cent in 2003; for women, it was 23, 25 and 26 per cent in the same years. The participation trend in terms of numbers of farm loans granted to women was 21 per cent in 1999 and 25 per cent in 2002, while the figures for men in the same years were 79 and 75 per cent, respectively. The total amounts lent to small and medium-sized producers were greater in both cases; the amount lent to men rose from a total of Col\$ 2,994,000 in 1999 to Col\$ 195,195,000 in 2002; the figures for women were Col\$ 768 for 1999 and Col\$ 52,601,000 for 2002.

The Integrated Support Programme for Women Heads of Household in the rural sector produced the following results: 2,378 projects submitted to the Agrarian Bank; 1,185 loans approved; 1,086 loans disbursed; total value: Col\$ 2,515,431,971.

The proportion of women owning land has been on the rise in recent years: it stood at 11 per cent in 1999, 23 per cent in 2000 and 47 per cent in 2001. Despite this trend, men still predominate: 41 per cent in 1999, 34 per cent in 2000 and 56 per cent in 2001. Of total land titles awarded, 44 per cent were to men (9,620), 28.4 per cent to couples (6,247) and 27.9 per cent to women (6,153).

Under the Rural Social Housing Programme, 11,103 subsidies were awarded to the same number of rural women heads of household in the period 2000-2002, for a total of Col\$ 51,475,209,973; this made a decisive contribution to a better quality of life and physical environment for rural women, their families and their living space.

According to information from the IICA Rural Development Observatory, the proportion of households enjoying electricity service rose from 92 per cent in 1995 to 95 per cent in 2000. In the towns the proportion was 99 per cent in 2000, and in rural areas 84 per cent; the rural coverage had been only 74 per cent in 1995. In 2000, 78 per cent of households were connected to a water supply (97 per cent urban and 27 per cent rural). In the towns, 91 per cent of households are connected to a sewerage system; in rural areas the proportion is only 14 per cent.

## **2.15 Article 15**

### **Equality before the law and in civil matters**

This article relates to General Recommendation No. 21, which is mentioned under the next article, and General Recommendation No. 19, which is mentioned various times above. The comments made concerning this article should be read in conjunction with the progress made in relation to all articles, particularly article 2 on non-discrimination against women, article 4 on affirmative action and article 7 on participation in political and public life, as any legislative, jurisprudential or administrative measure to combat discrimination against women advances equality between men and women. This is demonstrated by various statistics.

#### **Legislative advances**

**Act 812 (2003):** National Development Plan. This act establishes measures to achieve gender equity in Colombia.

**Act 823 (2003):** This act provides a solid framework to promote the development and advancement of women in Colombia.

#### **Advances in case law**

**Decision T-610 (2002):** This decision develops the concept of equality between men and women and equality before the law.

## **2.16 Article 16 Marriage and family**

This article relates to General Recommendation No. 19 on violence against women, in particular family violence, and General Recommendation No. 21 on equality in marriage and family relations. Both recommendations will be given extensive consideration when implementing this article.

#### **Legislative advances**

This section describes the most relevant provisions relating to marriage and the family, both before and after the reporting period. This information is essential in order to fully understand the issue.

<i>Legal provision</i>	<i>Description</i>
Art. 42 of the Constitution	<p>“Article 42. The family is the basic nucleus of society. It shall be formed on the basis of natural or legal ties, by the free decision of a man and woman to enter into marriage or by their responsible resolve to establish a family. The State and society shall guarantee the integral protection of the family. The law may determine that the family property is inalienable and immune to seizure. The honour, dignity and privacy of the family shall be inviolable. Family relations shall be based on the equality of rights and duties of the couple and on mutual respect among all its members. Any form of violence in the family shall be considered harmful to its harmony and unity and shall be punishable by law. Children born within or out of wedlock, adopted children and children conceived naturally or with scientific assistance shall have equal rights and duties. Responsible parenting shall be governed by the law. The couple shall have the right to decide freely and responsibly on the number of their children and must maintain and raise them until they reach the age of majority or if they are disabled. The forms of marriage, the minimum age for marriage and the capacity to contract it, the rights and duties of the spouses, their separation and the dissolution of the marriage bond shall be governed by the civil law. Religious marriages shall have civil effects within the limits established by the law. The civil effects of all marriages shall end through divorce in accordance with the civil law.</p>

<i>Legal provision</i>	<i>Description</i>
	Declarations of nullity relating to religious marriages that are issued by the authorities of the respective religion shall also have civil effects, within the limits established by the law. The law shall determine matters relating to the civil status of persons and the consequent rights and duties.”
Art. 44 of the Constitution	Rights of children.
Art. 45 of the Constitution	Protection of adolescents.
Art. 46 of the Constitution	Protection of the elderly.
Art. 98 of the Constitution	This article establishes that a person must be above the age of 18 to be a citizen. The age of majority is the same for men and women. Persons lose their citizenship de facto if they renounce their nationality, and the exercise of citizenship may be suspended by virtue of a judicial decision in cases determined by the law.
Civil Code	<p>For a marriage to be valid, it must have the free and mutual consent of the parties, expressed before a competent official, and comply with the established form, formalities and requirements. It shall not have civil or political effects if it is entered into in such a way that contravenes those forms, formalities and requirements. In the absence of a written contract, the conjugal partnership shall be deemed to have been formed through the mere act of marriage and shall be dissolved through: dissolution of the marriage, judicial physical separation, a decree of separation of property, a declaration that the marriage is null and void or the common consent of the spouses having legal capacity (with certain legal exceptions). Once the partnership has been dissolved, the parties shall proceed to the liquidation of property. Even if one of the spouses has not contributed towards the assets, both spouses shall have an equal right to half of the liquid assets.</p> <p>A married woman who has reached majority may appear freely in court. She does not require her husband’s authorization or permission from a judge to administer and dispose of her property, and her husband shall not be her legal representative.</p> <p>The marriage shall be declared null and void and without legal effect if the husband or wife, or both, is still married to someone else.</p>

<i>Legal provision</i>	<i>Description</i>
	<p>During separation or divorce proceedings, both spouses must provide for the needs of the common family in accordance with their abilities.</p>
	<p>Maintenance payments must be made to the children, spouse, cohabitees, parents, adopted children, adoptive parents and legitimate siblings, by the guilty spouse to the spouse who became divorced or physically separated through no guilt of his or her own. Maintenance must be provided only to the extent that the person receiving maintenance does not have sufficient means to live in a manner corresponding to his or her social position or to survive.</p>
	<p>Persons (men and women) over the age of 18 may freely contract marriage. Marriages entered into by prepubescent children, that is, by girls below the age of 12 and boys below the age of 14, shall be deemed null and void, though such nullity may be reversed. The nullity shall be considered to have been reversed if the girl in question falls pregnant or after a given amount of time has passed (three months after both parties reach puberty) or by express ratification by the parties once they reach puberty. Pubescent children above the age of 12 and 14 but below the age of 18, meanwhile, require the authorization of their parents or guardians in order to enter into marriage. While lack of authorization does not constitute grounds for nullity, failure to meet this requirement has consequences for the inheritance of the child or children concerned.</p>
Act 28 (1932)	<p>This act revoked the supreme authority of the husband and granted a married woman the same civil capacity as an unmarried woman. Women thus achieved equality with men in terms of the acquisition, administration and disposition of property.</p>
Decree 1260 (1970)	<p>This decree governs the civil status of persons. It removed the obligation for married women to use the particle “de” in their names; it is now optional. The decree also establishes that the only proof of civil status is the registry, making it compulsory to register marriages and divorces.</p>
Decree 2820 (1974)	<p>This decree enshrines equality of rights and obligations for women and men, including parental authority over their children. A husband and wife have an obligation to live together and are jointly responsible for managing the home (this shall be the responsibility of one of the spouses if the other spouse cannot exercise this responsibility or is absent). Both spouses also have the right to choose their place of residence (in the event that one of the spouses is</p>

<i>Legal provision</i>	<i>Description</i>
	absent, disabled or deprived of his or her liberty, the place of residence shall be chosen by the other spouse). Both spouses must provide for usual domestic needs, in accordance with their abilities. This decree ratified the establishment of a conjugal partnership or joint spousal ownership through the act of marriage and extended the obligation to be faithful — an obligation that previously applied only to women — to men.
Act 5 (1975)	This act governs adoption. Protection measures for children.
Act 29 (1982)	This act established equality of inheritance rights for children born in or out of wedlock and adopted children. The corresponding adjustments were also made to the various inheritance laws.
Act 113 (1985)	This act included the cohabitee as a beneficiary of the survivor's pension.
Act 54 (1990)	This act governs de facto marriage, which it defines as “the union between a man and a woman who, without being married, establish a permanent and single community of life”. De facto marriage is protected as a form of family and the children of this type of union have exactly the same rights as the children of a marital union. In the case of de facto marriages, the couple must cohabit for at least two years before a community of property is understood to have been established between them. Cohabiting couples have an obligation to succour and assist each other in the same way as spouses. They must also support each other under the same conditions as marital unions.
Decree 1398 (1990)	This decree prohibits discrimination against a woman in the area of family relations and grants her the same rights and obligations as the father. It also states that the role of women in procreation should not be a basis for discrimination and establishes joint responsibility for raising children.
Act 25 (1992)	Marriages entered into in accordance with the canons or rules of any religious confession or church that has concluded for that purpose a concordat or international treaty or an agreement of domestic public law with the Colombian State shall have full legal effects, provided such confession or church has legal capacity, is listed in the registry of religious entities of the Ministry of the Interior and Justice and follows marriage rules that are in line with the National Constitution and safeguard the seriousness and continuity of their religious organization.

<i>Legal provision</i>	<i>Description</i>
	Civil marriages are dissolved by the actual or presumed death of one of the spouses or by judicially decreed divorce. The grounds for divorce established in the law apply equally for men and women. There is no unilateral divorce or repudiation in Colombia but, in addition to specific grounds for divorce, divorce can be permitted by common consent. As regards dissolution of the conjugal partnership and the rights of successors, women enjoy the same benefits as men. Once the decree of divorce has been issued, the marriage bond and the conjugal partnership are dissolved. However, the parties continue to have duties and rights with respect to their common children and, where appropriate, duties and rights regarding support to each other.
Act 100 (1993)	This act grants a duly registered cohabitee the same right to the deceased's benefits as a wife would have.
Act 248 (1995)	This act approves the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. Decision on enforceability C-408 (1996).
Act 294 (1996)	This act was introduced to prevent, remedy and punish domestic violence. It is intended to develop the fourth paragraph of article 42 of the Constitution by comprehensively addressing the various forms of domestic violence, in order to ensure harmony and unity.
Act 258 (1996)	Regime governing immovable property used as the family home.
Act 311 (1996)	This act established the National Family Protection Registry which lists the name, identity number and place of residence of anyone who fails to pay the maintenance owed under the law to those of their children who are below the age of majority or disabled.
Act 449 (1998)	This act approves the Inter-American Convention on Support Obligations, adopted at Montevideo on 15 July 1989.
Act 495 (1999)	This act determined the voluntary establishment of the community of property.
Act 575 (2000)	This act partially amends Act 294 (1996) and transfers competence in cases of domestic violence from family judges to family commissioners or, in the absence of the latter, to police inspectors. This act also grants assistance to victims of abuse.

<i>Legal provision</i>	<i>Description</i>
Act 599 (2000)	Penal Code. Title VI. Crimes against the family — Arts. 229-237. Art. 229 — Domestic violence; Art. 230 — Abuse through restriction of physical liberty; Art. 231 — Using children for begging and trafficking in children; Art. 232 — Illegal adoption; Arts. 233-235 — Failure to provide maintenance; Art. 236 — Misappropriation and squandering of family property; Art. 237 — Incest; Art. 238 — Suppression, alteration or supposition of civil status.
Act 600 (2000)	Code of Criminal Procedure. This act requires a determination of admissibility before criminal proceedings can begin.
Decree 652 (2001)	This decree governs Act 294 (1996) and Act 575 (2000).
Resolution 049 (2002) of the Office of the Procurator General (Office of the Procurator for Children and the Family)	This resolution provides for special supervision of assistance, prevention and protection programmes for victims of domestic violence, sexual violence, child sexual exploitation and human trafficking and special supervision of compliance with Act 82 (1993), which issues rules aimed at providing special support for female heads of household.

### **Special Recommendation No. 9: Reassess whether current legislation on domestic violence and sexual abuse represents a step backwards**

Although in Colombia the family was traditionally recognized as a private sphere, the Constitution explicitly states that the family is the basic nucleus of society and imposes on the State the obligation to protect it. In an effort to develop the provision laid down in the Constitution and in line with Colombia's international commitments, the legislation in force provides various mechanisms, and establishes various authorities, to prevent, punish and eradicate domestic violence.

Act 294 (1996) grants family courts and, in their absence, civil courts and municipal courts exercising mixed jurisdiction competence to impose protection measures on any person who is a victim of physical or psychological abuse, a threat, affront or insult or any other form of aggression by another member of his or her family group. Act 575 (2000) partially amended Act 294 by transferring competence to issue protection measures to family commissioners and, in their absence, to civil courts and municipal courts exercising mixed jurisdiction. Family courts retained the power to impose protection measures only during proceedings relating to divorce, physical separation and legal and physical custody and the power to impose protection measures was given to public prosecutors.

Act 575 provides victims of domestic violence with further measures in addition to those already established by Act 294 for the protection of life and physical integrity. At the moment, the official concerned may, where necessary, impose the following protection measures: (i) order the aggressor to move out of the house he or she shares with the victim, provided it can be proven that his or her presence constitutes a threat

to the life, physical integrity or health of any of the members of the nuclear family; (ii) order the aggressor, at the official's discretion, to refrain from entering any place where the victim may be, in order to prevent the aggressor from upsetting, intimidating, threatening or interfering with the victim or his or her children (special police protection for victims); (iii) prohibit the aggressor from sequestering or removing from the place of residence without prior warning any of the children who are below the age of majority or disabled, and therefore unable to defend themselves, and even order the aggressor to refrain from entering any place where the victim may be; (iv) oblige the aggressor, if he or she has a record of domestic violence, to undergo, at his or her own expense, re-education and therapy in a public or private institution; (v) order the aggressor to meet the costs of any medical, psychological or psychiatric treatment that the victim may require; and (vi) order the police authorities to provide temporary protection for the victim, whether at home or at work.

In order to ensure compliance with the corresponding protection measure, the authority that imposed it has the authority to request police cooperation in enforcing it. When the aggressor fails to comply with the protection measures, the law imposes sanctions ranging from a fine, which can be converted into three days of detention, to 30 to 45 days of detention, for repeated offences.

In accordance with Act 294 (1996) and Act 575 (2000), the police authorities must give victims of domestic abuse all the assistance required in order to prevent a recurrence of events; remedy any physical or psychological after-effects that may have occurred; and prevent retaliation. The police authorities may take the following measures: take the victim immediately to the nearest medical centre, even if the injuries are not visible; accompany the victim to a safe place or to his or her home in order to collect his or her personal belongings, if considered necessary for his or her safety; give the victim advice on preserving evidence of acts of violence; and provide the victim with information on his or her rights and on the public and private services available to victims.

The changes to Act 575 resulted from the overload that dealing with domestic violence produced in the judicial system. Even though the municipal Family Commissions have helped resolve problems in poor communities, they are extrajudicial bodies with less resources and fewer effective mechanisms than the courts. Besides, according to some experts, the bottleneck at the level of the courts was transferred to the Family Commissions.

Given that Act 575 only entered into force three years ago, it is difficult to determine its real impact on domestic violence. In 2002, there was 7 per cent less family violence than in 2001 (69,681 cases in 2001 and 64,979 in 2002); however, the factors that led to the decrease in the figures have yet to be examined.

From the beginning there were shortcomings in the implementation of both Act 294 and Act 575, owing to gaps in the legislation and problems of interpretation. Consequently, Decree 652 (2001) was issued, regulating certain essential aspects, and this helped overcome the difficulties. For example, it clarified procedural aspects such as the notification of decisions, the opportunities for the accused to defend himself, resources, expert testimony, and the arrest procedure.

Book II, Title VI, of the Penal Code (Act 599 (2000)), deals with crimes against the family. Chapter I (domestic violence) establishes that violent conduct in the family setting is a crime, assuming that such conduct does not fall within the

category of other crimes classified in the Penal Code, such as personal injury. Article 229 refers to the offence consisting of the physical, mental or sexual mistreatment of any member of the nuclear family (punishable by three years' imprisonment) and article 230 classifies as an offence any mistreatment that restricts the liberty of someone who belongs to the family group by the use of force (punishable by one to two years' imprisonment).

Lastly, article 35 of Act 600 (2000), the Code of Criminal Procedure, establishes that, in the case of the offence of domestic violence embodied in the Penal Code, there must be a complaint in order to proceed with a criminal action. This restriction does not apply when the victim is a minor.

The criminal laws establish that domestic violence is an offence which is open to conciliation between the parties (victim and aggressor); however, under the international commitments made by Colombia and the provisions of the Constitution, it is clear that crimes involving domestic violence and sexual crimes are an attack on fundamental rights such as the rights to personal integrity, life and the free development of personality. Some agents of the justice system have not used the concept of conciliation adequately, "misunderstanding it to mean 'reconciliation', which gives priority to preserving an ill-conceived 'family unity' and disregards the protection of the victim".

Consequently, domestic violence legislation should describe clearly the legal framework for conciliation, when it should be undertaken, and the issues that are susceptible to conciliation in cases of offences relating to domestic violence, bearing in mind that acts that violate fundamental rights are not open to conciliation. Conciliation should be one of the mechanisms established to resolve problems within the family, but not a necessary prerequisite.

One of the factors restricting the enforcement of Act 575 is the difficulty of ensuring that the measures of protection it embodies are effective, owing to the limited powers and attributes of the members of the Family Commissions (they do not have judicial powers) to adopt coercive mechanisms to enforce compliance. Likewise, we consider that there is a lack of effective measures to protect the victim after there has been a conciliation with the aggressor, to avoid any possible reprisals by the latter, because he or she feels threatened. It is recommended that both protective and penal measures should be accompanied by other mechanisms that effectively help to resolve violent behaviour.

One of the main problems in implementing Act 575 is the fact that the Family Commissions have not been set up nationwide, despite the compulsory mandate contained in article 30 of Act 294, which ordered that at least one Family Commission should be established and functioning in each municipality within one year.

There have also been significant difficulties in the implementation of Act 575 because not all Family Commissions or courts have an interdisciplinary team. The latter is essential in order to deal with family problems appropriately, because the complexity of the factors involved in the conflict requires specialized knowledge of the circumstances in which they occur and reoccur.

The laws against family violence represent real progress in State-family relations, but their enforcement faces problems not only because of the cultural aspects of the family members and officials involved, but also because the

institutional framework is fragile, since it is subject to the political will of each government authority.

According to a report of the office of the Mayor of Bogotá, the operation of Family Commissions and the implementation of available mechanisms face the following problems: (a) lack of coercive resources to force aggressors to come forward; (b) very limited support from the police in cases of eviction, detention of aggressors and family protection measures; (c) indiscriminate application of the conciliation mechanism; (d) limited knowledge of the complex problems of family relationships among those responsible for dealing with them; and (e) insufficient powers, given the aetiology of some of the most common difficulties, such as the whole problem of material survival.

In 2004, Congress adopted Act 882 (2004), which modified article 229 of the Penal Code (Act 599 (2000)), and increased penalties against aggressors should they have mistreated a child or a woman.

### Advances in case law

<i>Decision</i>	<i>Description</i>
Decision C-034 (1999)	A complaint was filed against art. 2 of Act 82 (1993) on special protection for women heads of households, stating that it did not protect all such women, because it omitted widows and divorced women. The court upheld the law and stated that it included all women, without exception, who could possibly be heads of households.
Decision C-082 (1999)	Declared unenforceable art. 140, para . 8, of the Civil Code, which established as grounds for annulment of a marriage that the marriage had been celebrated between an adulterous woman and her accomplice and that the adultery had been proved in a trial prior to the marriage.
Decision C-507 (1999)	Consensual unions, adultery and homosexuality as offences against the dignity of marriage. A complaint was filed against the norms that stated that committing any of the aforesaid was a serious offence. The Court declared that the prohibition against members of the Army living in a consensual union, and also against homosexuals and prostitutes, was unenforceable.
Decision 5301 (1999) Supreme Court of Justice	The defendant in a paternity suit stated that the exception of <i>plurium constupratorum</i> — multiple sexual relations of the mother with other men — was sufficient to disprove paternity and make any other genetic evidence unnecessary. But the Court stated that, if the defendant submitted to a genetic test that gave a positive result, the proposed exception would be inadmissible.

Decision	Description
Decision C-112 (2000)	It declared that art. 126 of the Civil Code on marriage formalities was enforceable, with the exception of the phrase “of the woman” “on the understanding that, on the basis of the principle of gender equality, the competent judge to perform a marriage ceremony was the local magistrate or justice of the peace of either of the parties, in exercise of the right of concurrent jurisdiction”. The decision declared that the phrases “of the woman” and “of the man” in art. 131 of the Civil Code and “of the woman” in art. 1, para. 1, of Decree 2668 (1988) were unenforceable, on the understanding that the judge or notary of the domicile of either of the parties had jurisdiction to perform the marriage ceremony.
Decision C-1440 (2000)	Complaint against arts. 173 and 174 of the Civil Code. The plaintiff argued that the articles in question violated the principle of equality by discriminating against women, because they prevented a woman from re-marrying before she had given birth, when a marriage had been dissolved or annulled while a woman was pregnant, or before 270 days have elapsed from the date the dissolution or annulment was declared. The law did not make this stipulation with regard to men, who could re-marry when they wished. The Court declared that the norms in question were unenforceable because they violated the rights of women to free development of their personality, to freedom and to honour.
Decision C-533 (2000)	A complaint against art. 140, para. 5, of the Civil Code concerning voluntary cohabitation. In its decision, the Court declared “enforceable the provision that ‘Force or fear shall not be grounds for annulling a marriage, if, when the force has abated, the marriage is expressly ratified in words, or merely by the cohabitation of the spouses’, contained in art. 140, para. 5, and art. 145, para. 2, of the Civil Code, on the understanding that the cohabitation referred to was voluntary and free, and without prejudice to the right to prove, at all times, that it was not intended to validate the marriage”.
Decision C-660 (2000)	A complaint against art. 6, para 1, of Act 25 (1992). The Court declared that part of the paragraph in question was unenforceable and stated: “6: art. 154 of the Civil Code shall stipulate the following: The grounds for divorce are: (1) extra-marital sexual relations by one of the spouses, <i>unless the plaintiff has allowed, facilitated or pardoned them</i> . The text in italics was declared to be unenforceable because the norm in question violated the right to the free development of personality of the spouses and their freedom of conscience by invoking individual or joint attitudes that belong to a couple’s private sphere, namely, facilitating, allowing or pardoning the extra-marital sexual relations of the other. In brief, the corporal or affective actions that are part of the life of a couple correspond to the individual sphere of each of its members, and not even the other spouse may censure them”.

<i>Decision</i>	<i>Description</i>
Decision 2472 (2000) Council of State	The decision reaffirmed that the companion in a homosexual relationship did not have the right to inherit pension benefits; however, in explanation of her vote, Councillor Ana Margarita Olaya stated that the benefits should be granted because the decision adopted discriminated against families deriving from same-sex unions.
Decision 6188 (2000) Supreme Court of Justice	Confirmed that in paternity suits, scientific evidence has precedence over indirect evidence. Decision 6322 (2002) ruled likewise in defence of genetic tests in paternity suits.
Decision 5883 (2001) Supreme Court of Justice	With regard to the scope of the temporary validity of Act 54 (1990), or consensual union law, this decision reaffirmed the method for calculating the two years of cohabitation.
Decision 66001 (2001) Supreme Court of Justice	Revised a supervisory order that denied permission for a woman imprisoned in the municipality of Dosquebradas to receive conjugal visits from her permanent companion. The Court ordered the visits to be allowed and her fundamental rights to be protected.
Decision 6353 (2001) Supreme Court of Justice	In a paternity suit, the Court admitted the testimonies it had received as evidence that the plaintiff and the defendant must have had intimate relations at the time of conception, a fundamental element in this type of suit, but always very difficult to prove, as the Court itself emphasized.
Decision 6594 (2001) Supreme Court of Justice	In a case where the husband contested paternity, the Court stated that the evidence of the wife's unfaithfulness did not in itself disprove the presumption of the husband's paternity; unfaithfulness cannot be alleged as evidence without additional evidence that the husband and wife were not having sexual relations. The complexity of the case resided in the fact that the woman admitted she had committed adultery with a nephew of her husband, because her husband had requested and consented to such relations in order to have another child "of his own blood", because he was unable to father a child.
Decision C-007 (2001)	Declared that art. 140, para. 6, of the Civil Code was enforceable, provided the expression " <i>robada violentamente</i> " [abducted with violence] was understood to mean kidnapped and also that, based on gender equality, the grounds for the annulment or the validation of a marriage could be invoked by either party.
Decision C-578 (2002)	Reviewed the constitutionality of the Statute of Rome of the International Criminal Court, which refers to several crimes of sexual violence.

<i>Decision</i>	<i>Description</i>
Decision C-1033 (2002)	Declared that art. 411, para. 1, of the Civil Code (concerning persons with a right to maintenance) was enforceable, provided it was understood that the provision was applicable to permanent companions in a consensual union.
Decision 510 (2003) Supreme Court of Justice	Supervisory order concerning two female prisoners in the Villa Josefina in Manizales, to ensure that their fundamental rights to the free development of their personality, equality and privacy were respected, and to allow them to receive conjugal visits in the prison, based on the fact that they were detained in two different prisons. The Court protected the fundamental right to freedom of choice in sexual matters, to privacy and to conjugal visits, and ordered that visits should be allowed.
Decision of September 2003 Supreme Court of Justice	Clarified that the previous conjugal partnership does not have to be liquidated in order to constitute a community of property between permanent companions in a consensual union. Previously, Act 54 (1990) required that, in order to initiate the required two-year period and constitute the community of property, the conjugal partnership had to be dissolved and liquidated at least one year before the said period was calculated.
Decision C-482 (2003)	Declared that art. 140, para. 11, of the Civil Code was enforceable, provided it was understood that the grounds for annulment established therein extended to marriage between an adopted daughter and the man who had been the husband of the woman who had adopted her.
Decision C-964 (2003)	For the plaintiff, the expressions “woman” and “women” contained in arts. 2 to 21 of Act 82 (1993) violated the Constitution, because: (i) they established an unjustified discrimination between men and women heads of household, disregarding the right of men and women to equal treatment, and (ii) they established an unjustified discrimination between the children under the care of a female head of household and those under the care of a male head of household, thereby disregarding the primacy of the rights of the child. The Court declared the conditional enforceability of the articles in question, on the understanding that the benefits established in favour of the dependants of a female head of household must be extended to minor or disabled children who are dependants of a man who is in the same de facto situation as a woman head of household.

### **Administrative advances**

#### *(a) Domestic violence*

In 2000, a process of suprasectoral collective construction of national entities resulted in the formulation of the National Peacebuilding and Family Harmony Policy, *Haz Paz*, whose prime objective is to consolidate democratic families that

are tolerant of differences and respectful of the dignity and rights of their members, without distinction with regard to age, gender, culture or physical or intellectual ability. Implementation of the *Haz Paz* policy rests on the four pillars of prevention, early detection and vigilance, care and institutional change.

The success of the *Haz Paz* policy relies on the following key factors:

- Identification of entities working in the field, establishing the competencies of each.
- National and territorial coverage that enables all stakeholders to develop and harmonize the policy, with due regard to the autonomy of each region and locality.
- The policy has four components designed to attack the root causes of domestic violence and focus on special protection for victims, and is meant for adoption by communities and civil society organizations.
- It established a domestic-violence information system to record and collate national statistics on domestic violence, child abuse and sexual abuse and to serve as a national complaints registry from which aggressors can be identified, cases can be followed up, and State intervention when the rights of victims are breached can be improved.

Families are helped by State dispute-settlement programmes. The national justice centres (*casas de justicia*) programme, promoted by the Ministry of the Interior and Justice, runs multi-institutional centres for consultation and conflict resolution, using both formal and non-formal justice mechanisms and advising on ways of expediting the process of peaceful social coexistence. The justice centres defend, protect and restore the rights of women, most of whom approach them in connection with domestic violence. They also respond to the need to facilitate training for domestic-violence law enforcers, empower victims to exercise their rights, and dispel misconceptions in their interpretation and exercise of those rights.

Thus far, 33 justice centres have been established and the number is expected to increase to 50. In 2002, the national justice centre programme catered to a total of 396,808 persons, 60.2 per cent of them women. Most of these were adults (28.5 per cent aged 26-35 and 23.2 per cent aged 36-45); of the total, 35.2 per cent were housewives, 24.2 per cent employees, and 18.4 per cent independent workers. During the same year, 39.4 per cent of those who used the service visited the justice centres in order to settle domestic disputes.

The *Justicia Empieza en Casa* (Justice begins at home) programme is designed to promote family values through the reading and discussion of 12 stories and is one of the activities used by the Ministry of the Interior and Justice to try to restore the rights of protection, development, survival and participation enshrined in the International Convention on the Rights of the Child. It is basically a two-part primer, comprising the stories themselves and a handbook, and will be distributed to all departments in Colombia through the representatives of the various authorities in 29 of the justice centres in operation in as many localities across the national territory, and through a handful of representatives of the municipal town halls. Its message concerns the need to enhance the family's emotional life and inculcate positive attitudes to conflict resolution; its initial coverage target is 17,000 homes.

The National Police, the Office of the Mayor of Bogotá and the National University of Colombia are jointly implementing a project to inculcate institutional values in the Bogotá Metropolitan Police (MEBOG). The project's overall aim is to inculcate universal institutional values in the group of 1,600 officers of MEBOG, with a view to improving life within the institution and enhancing its service to the community.

The aim of the training project is for MEBOG members to serve in their day-to-day lives as models for themselves, their families, the institution and the community, demonstrating their attachment to principles for living that enable them to fulfil the mandate of the National Police, in accordance with the requirements of public security and peace, through effective service founded upon the prevention, investigation and control of crimes and violations, and generating a culture of solidarity. The training highlights three main concepts: a sense of social life and responsibility; institutional responsibility, and the family and society.

Action taken by the Office of the Procurator for Children and the Family is as follows: encouragement and monitoring of 14 child-abuse prevention networks countrywide through the family procurators and the professional staff attached to the Office of the Procurator.

- Care, guidance and advice given at the citizens' care centre of the Office of the Procurator to persons reporting situations of risk or rights violations involving children, disabled persons or the family as an institution. Assistance is provided in dealing with problems such as lack of food, child abuse and domestic violence, sexual abuse, trafficking in women, juvenile delinquency and child labour. To that end, the Office of the Procurator and various State bodies signed an inter-institutional coordination agreement to redouble their efforts to create a centre for comprehensive care of victims of domestic violence.
- Strategy for public information via the media (print press, television and radio) on typical actions taken by the Office of the Procurator in defence of children's fundamental rights.
- Preparation of a manual of technical guidelines for care and legal and administrative guidance, concerning children and the family, for citizens reporting to the Office of the Procurator situations in which the fundamental rights of children, women, the elderly, persons with disabilities, and the family are at risk.

CPEM has formulated the Family Democracy Programme which comprises an intervention model and a training project for public officials, parents and local community actors in order to build up democratic and equitable family relations, fostering cultural changes in society that would reassess male and female roles in the various areas of social activity: personal, family, work, community and political. The programme involves a system that provides information on family-related issues, widespread campaigns for influencing family and civic behaviour, research and dissemination of experiences that can inform policy formulation and guidelines for action in that regard. A portfolio on the promotion and protection of women's rights is in the process of preparation for making headway with that effort. State action on family care is also being developed through the Families in Action programme and through the Colombian Family Welfare Institute (ICBF) attention to

children and the family. The latter is of particular importance for guaranteeing full protection of children and their right to belong to a family and not be separated from their parents, through renewed family assistance and consolidation, the provision of temporary or alternative care for children separated from their parents and care of children separated from their parents as a last resort.

The Families in Action programme, which forms part of the National Development Plan, awards poor families financial subsidies to assist with education and food. The monthly food subsidy of \$Col 46,500 is paid to families with children under 7 years of age; the monthly primary school subsidy of \$Col 14,000 is awarded for children in grades 2 to 5, and the monthly secondary school subsidy of \$Col 28,000 is awarded for children in grades 6 to 11. The subsidy is paid to the mother in order to encourage women's participation and leadership role within the nuclear family and in the community or municipality.

Implementation results for 2002 are as follows: 621 municipalities in 26 departments; 353,008 beneficiary families; 203,419 food subsidies; 214,623 primary education subsidies and 115,251 secondary education subsidies. As of February 2003, an estimated 803,656 children and 364,251 families had benefited from the programme.

(b) *Sexual violence*

Additional Agreement 003, on national inter-institutional cooperation was signed on 25 September 2003 (extending and augmenting Agreement 02 of 27 September 2001, which in turn extended the Agreement of 3 November 1999) in order to combine activities and resources for providing the victims or survivors of sex offences with comprehensive and coordinated assistance for the appropriate, timely and effective guarantee, protection and restoration of their rights; the Agreement was signed by the Office of the Attorney General; the Institute of Legal Medicine; ICBF; the National Police; the Ministry of Social Protection, the Ombudsman, town halls, the Office of the Procurator, the Ministry of National Education and the High Council of the Judiciary.

Under the Agreement, the entities have the shared obligation to provide guidance, training and support to their sector or its regional, municipal and local branches in order to promote and facilitate the formulation of comprehensive and coordinated responses to the victims or survivors of sex crimes and sexual violence. Each institution, according to its functional organization, jurisdiction and legal competence, must appoint a person at the local and regional levels to coordinate and direct the formulation, launch, development, adaptation and sustainability of comprehensive and integrated responses to cater to the victims or survivors of sex crimes and sexual violence on a permanent basis.

Each of the institutions must designate, within a department that will form part of a technical committee, responsibility for coordinating and directing, countrywide and on a permanent basis, the formulation, launch, development, adaptation and sustainability of comprehensive and integrated responses to the victims or survivors of sex crimes and sexual violence. The economic resources for implementing the agreement shall come from the budget of each of the entities. Each institution undertakes specifically to include the guidelines, actions and resources earmarked for comprehensive attention to victims of sexual violence in its annual plan.

The Office of the Attorney General signed a national agreement with ICBF, the Institute of Legal Medicine, the National Police, the Ministry of Health, the Bogotá Mayor's Office and the Office of the Ombudsman to combine efforts to provide comprehensive attention to victims of sexual violence. The pillars of its policy are training, research, assistance, internal and external coordination, and the publicizing and reporting of crimes.

The creation of regional models of assistance to victims of sexual violence is being encouraged and technical training has been provided, with UNFPA support, for the professional personnel appointed to the Office of the Procurator and the family procurators on the subject of sexual and reproductive rights and sexual violence.

Both the special unit on crimes against sexual freedom, integrity or upbringing, of the Office of the Attorney General in Bogotá and its local sub-units located across the country (Sincelejo, Montería, Santander de Quilichao, Popayán, Villavicencio, Armenia and Pereira) are giving specialized attention to the subject of sexual violence.

The Office of the Attorney General also has a central technical committee — composed of four members appointed by the Attorney General — that is responsible for all policy concerning the fight against sexual violence.

Within its new concept of care, the Office of the Attorney General created a Centre for Comprehensive Assistance to Victims of Sexual Crimes, which deals with persons involved in crimes against sexual freedom, in a context of respect for human dignity, through interdisciplinary and inter-institutional measures involving specialists in various areas: a psychologist from the Technical Enquiries Unit (CTI), an assistant district attorney, a medical examiner, a family procurator and a social worker.

The Office of the Ombudsman does important work to promote and publicize the creation of inter-institutional committees to provide appropriate and effective assistance to the victims and survivors of sexual crimes in order to ensure that the care they receive protects and restores their rights. The Office also provides a special advisory and guidance service in the processing of cases arising from such violations.

The Office of the Procurator for Children and the Family has been overseeing and encouraging the joint proposal being advanced in Colombia, with UNFPA technical and financial support, of institutionalizing models of comprehensive assistance to victims of sexual crimes. This task is being performed through the family procurators, pursuant to resolution 049 (2002) of the Office of the Procurator General of the Nation.

### **Statistics**

During 2002, the Institute of Legal Medicine issued 64,979 personal injury reports stemming from complaints of domestic violence, a daily average of 178 injury reports. Of these, 62 per cent were due to spousal abuse (women victims accounted for 91 per cent; in other words, 11 abused women to each abused man), 23 per cent to violence inflicted by a family member and 16 per cent to child abuse. The highest percentage variation in relation to cases in 2001 was a 16 per cent reduction in reported cases of domestic violence.

**Domestic violence in Colombia 2002**

<i>Type</i>	<i>2001</i>	<i>2002</i>	<i>Difference</i>	<i>% Variation</i>
Spousal	41 320	40 013	-1 307	-3.2
Family	17 440	14 629	-2 811	-16.1
Child	10 921	10 337	-584	-5.3
<b>Total</b>	<b>69 681</b>	<b>64 979</b>	<b>-4 702</b>	<b>-6.7</b>

From 2001 to 2002, domestic violence fell by 7 per cent (from 69,681 cases in 2001 to 64,979 in 2002).

Despite the lower 2001 figure, in 2002 there were 178 reports per day of injuries due to domestic violence, broken down into 110 reports of spousal abuse, 40 of abuse by a family member and 28 of child abuse.

In 78 per cent (507,109) of domestic-violence cases the victims were women, aged 25 to 34 for the most part (35 per cent) and 18 to 24 (24 per cent).

**Domestic violence rate 2002**

<i>Age group</i>	<i>Male</i>			<i>Female</i>			<i>Total</i>		
	<i>Cases</i>	<i>Population</i>	<i>Rate</i>	<i>Cases</i>	<i>Population</i>	<i>Rate</i>	<i>Cases</i>	<i>Population</i>	<i>Rate</i>
<1	180	445 372	40.4	139	424 828	32.7	139	870 200	36.7
1-4	732	2 093 995	35	650	2 015 983	32.2	1 382	4 109 978	33.6
5-14	2 923	5 153 471	56.7	3 200	4 988 462	64.1	6 123	10 141 933	60.4
15-17	810	1 320 619	61.3	2 847	1 360 651	57.1	3 657	2 681 270	136.4
18-24	1 873	2 815 196	66.5	12 217	3 049 927	400.6	14 090	5 865 123	240.2
25-34	2 879	3 603 950	79.9	17 714	3 890 373	455.3	20 593	7 494 323	278.4
35-44	2 337	2 543 737	91.9	9 585	2 677 283	358.0	11 922	5 221 020	228.3
45-59	1 659	2 142 503	77.4	3 136	2 231 728	140.5	4 795	4 374 231	109.6
>60	621	1 443 138	43.0	670	1 574 622	42.5	1 291	3 017 760	42.8
No data	255			552			807		
<b>Total</b>	<b>14 269</b>	<b>21 561 981</b>	<b>66.2</b>	<b>50 710</b>	<b>22 214 857</b>	<b>228.3</b>	<b>64 979</b>	<b>43 775 838</b>	<b>158.40</b>

In 2002, there were 10,337 reported cases of child abuse, mostly of children aged 5 to 14, of which 38 per cent involved the father and 28 per cent the mother.

According to the ICBF protection programme, in December 2000 ICBF was catering to 6,814 abused children: 197 of them had been subjected to psychological abuse, 2,087 to negligence or carelessness, 3,231 to physical abuse, 203 to social abuse, 1,081 to sexual abuse and 15 to abuse during pregnancy. As of December 2002, the number of abused children taken in was 8,554; of these, 239 had been subjected to psychological abuse, 2,677 to negligence or carelessness, 3,871 to physical abuse, 276 to social abuse, 1,450 to sexual abuse and 41 to abuse during pregnancy.

Statistics compiled by the National Institute of Legal Medicine show that, in 2000, of the 68,585 reported cases of domestic violence, 10,900 involved children under 18 years of age. In 2001, of 69,681 cases, 10,921 involved minors.

### Spousal abuse 2002

<i>Age groups</i>	<i>Spousal</i>		<i>Total</i>	<i>%</i>
	<i>Male</i>	<i>Female</i>		
5-14	28	118	146	0.4
15-17	58	1 162	1 220	3
18-24	499	9 727	10 226	25.6
25-34	1 308	15 114	16 422	41
35-44	1 001	7 819	8 820	22
45-59	514	1 927	2 441	6.1
>60	92	199	291	0.7
No data	53	394	447	1.2
<b>Total</b>	<b>3 553</b>	<b>36 460</b>	<b>40 013</b>	<b>100.0</b>

### Verbal abuse

<i>Age</i>	<i>Where occurred</i>			
	<i>Antagonistic situation</i>	<i>Public</i>	<i>Private</i>	<i>Both</i>
15-19	16.7%	15.1%	16.7%	16.7%
20-24	31.1%	31.1%	31.1%	31.1%
25-29	21.8%	21.8%	21.8%	21.8%
30-34	23.3%	23.3%	23.3%	23.3%
35-39	26.2%	26.2%	26.2%	26.2%
40-44	27.5%	27.5%	27.5%	27.5%
45-49	28.5%	28.5%	28.5%	28.5%
<b>Total</b>	<b>25.4%</b>	<b>16.0%</b>	<b>60.0%</b>	<b>23.9%</b>

### Psychological abuse

Age	Threats made by the husband		
	To leave wife	To take children away	To cut off financial support
15-19	14.0%	20.70%	10.50%
20-24	18.50%	27.90%	14.50%
25-29	19.1%	17.80%	12.10%
30-34	18.40%	18.00%	13.00%
35-39	23.0%	16.40%	14.40%
40-44	26.10%	12.40%	12.30%
45-49	23.9%	9.80%	16.90%
<b>Total</b>	<b>20.90%</b>	<b>17.40%</b>	<b>13.50%</b>

### Physical abuse

Age	Result of violent episodes			
	Bruises and/or headaches	Injury or fractures	Miscarriage or bleeding	Loss of organ/ limb function
15-19	57.9%	46.8%	46.8%	46.8%
20-24	47.5%	58.6%	58.6%	58.6%
25-29	56.2%	73.1%	73.1%	73.1%
30-34	45.9%	64.1%	64.1%	64.1%
35-39	59.9%	59.9%	59.9%	59.9%
40-44	70.0%	70.0%	70.0%	70.0%
45-49	73.2%	73.2%	73.2%	73.2%
<b>Total</b>	<b>51.1%</b>	<b>9.9%</b>	<b>2.7%</b>	<b>2.3%</b>

In 2002, the legal medicine information system reported that it had issued a total of 14,421 reports relating to sex crimes, 1,069 more than the number for the previous year (13,352). Of all the cases, 26 per cent (3,746) had occurred in Bogotá and the remaining 10,675 (76 per cent) in other regions of the country.

*Grosso modo*, those 10,675 reports represent a monthly average of 1,202. Generally speaking, only in one out of three alleged sex crimes reported to the Institute was physical evidence found; that is to say, in only 3,701 cases (34 per cent) of the 10,675 examinations was there any evidence found. Of that 34 per cent, 1 person in 23 had a sexually transmitted disease; 1 report out of 36 stated that evidence of resulting psychological trauma was found. For every man with a non-genital injury, nine women suffered the same injury, and for each male victim there were six female victims.

In confirmed cases of sexual crimes, 45.9 per cent of perpetrators were known to the victim, 13.4 per cent were family members, 2.2 per cent were spouses, 7.8 per cent were stepfathers, 7.4 per cent were fathers and 23.3 per cent were strangers.

The average age of female victims was approximately 14 (44 per cent of cases), while the average age for males was 12. Minors under 17 make up 74 per cent (7,937) of the 10,675 claims of abuse reported to the Institute. In only 32 per cent (2,557) of those cases was physical evidence of abuse found upon examination. There was a higher incidence of abuse in the 10 to 14-year-old age group who had already had some sexual activity before the alleged abuse occurred (53 per cent, or 847). That group is followed closely by 15 to 17-year-olds, who represent 40 per cent, or 638, of the total.

Injuries were reported to areas not involving the genitals in 12 per cent of cases involving girls under 17 (306), 44 per cent of cases involving girls between 10 and 14 and 33 per cent of cases involving girls between 15 and 17.

Of all minors 17 years old or younger who were victims of sexual abuse, 6 per cent became pregnant; setting aside the figures for Bogotá, 1 out of 12 girls became pregnant.

The Attorney General's Office has not undertaken any investigations or proceedings involving sexual slavery, forced nudity, imposition of strict dress codes, forced abortions or forced contraception.

#### **Special Recommendation No. 8: Family Commissions**

The juridical structure consisting of Family Commissions was established by Decree Law No. 2737 (1989) (Minors' Code) as a special structure to deal with the problems of cohabitation in the nuclear family, with a view to protecting the rights of boy and girl children and the family, promoting peaceful coexistence and developing actions for the detection, prosecution and prevention of ill-treatment of children and domestic violence.

The Commissions were created as an adjunct to the national family welfare system in order to protect the rights of minor children and promote harmonious relations in the family within the constitutional framework pursuant to which the State and society must ensure comprehensive protection for the family and likewise adopt measures to prevent ill-treatment of children and domestic violence.

The family commissioner must inform the parties of their rights and obligations and of the consequences of non-compliance and assist the parties in coming to an agreement which will put an end to the violence in the home.

No statistical information is available on the Commissions at the national level. However the Office of the Mayor of Bogotá and the Government secretariat have published a document containing information on domestic violence in 2001 and 2002 as reported by the Family Commissions, including the total number of requests for intervention and action taken, disaggregated by the communities where the Commissions are located.

The key aspects of the work of the Family Commissions are:

- Providing free assistance and informal intervention for the protection of the rights of victims of domestic violence, helping women victims of domestic violence to become more aware of existing mechanisms for defending their rights;

- Making available an interdisciplinary team to assist at all levels of the work of the commissioners.

Women victims of domestic violence have become more aware of existing mechanisms for defending their rights thanks to workshops organized by the Family Commissions.

The Attorney General's Office monitors the work of the Family Commissions in order to ensure that Act 575 of 2000 is implemented.

### **3. Special recommendations not related to specific articles**

#### **3.1 Special Recommendation No. 1: Dissemination of the Convention and education of women about their legal rights**

In an effort to promote women's human rights, a brochure entitled "Towards a millennium to promote and defend the rights of women" was published by the Office of the President of the Republic through the Presidential Advisory Office on Gender Equality (CPEM). That brochure was drafted and disseminated with a view to making women aware of their human rights.

The Government Online programme makes Colombian legislation, including legislation relating to women, available via the Internet, and identifies the competent authorities for the various programmes and projects as well as the names of staff. The CPEM public web page also provides information on legislation involving women's rights and the policy, programmes and projects it implements.

At the end of 2003, CPEM published 10,000 copies of a public information document on its "Women: builders of peace and development" policy, which briefly describes legislation aimed at protecting women. That document was distributed to regional and municipal governments throughout the country, to representatives of civil organizations and to individuals responsible for women's issues in the various public institutions.

#### **3.2 Special Recommendation No. 2: Mechanisms for following up and monitoring existing legislation; implementation of judicial decisions**

The main objective of CPEM is to design, promote, coordinate and implement a women's policy which contributes to achieving relations based on equity and equality of opportunity between women and men; enhancing the quality of life of women, respect for human rights and citizen participation; and strengthening of organizational processes and women's groups. To that end it coordinates with all branches of the public administration on how to implement that policy and has established a coordination framework with departmental and municipal governments, the legislative and judicial branches, universities, research centres, non-governmental organizations and other stakeholders in society; those efforts have led to the drafting of a National Agreement on Equality between Women and

Men. The Council's policy is described in detail under Special Recommendation No. 4.

No gender-disaggregated data are available for Colombia how policies, budgets, programmes, laws and judicial services affect men and women differently. However, on 5 May 2004 CPEM established an Observatory for Gender Issues, a follow-up mechanism for social indicators, compliance with regulations and evaluation of measures taken and of the effects of programmes aimed at closing the gap caused by gender inequality in women's quality of life. The Observatory has the following objectives:

- To generate up-to-date quality data on the situation of women and the activities of government bodies in the area of gender equality;
- To promote awareness of existing laws to protect women's rights and facilitate compliance with and reform of legislation;
- To encourage the development of projects throughout the country aimed at successful implementation of the gender equality policy;
- To measure the results and effects of institutional projects on gender equality;
- To make the population aware of progress made and results achieved by the Observatory.

In addition, in 1994 the National Planning Department (DNP) began measuring and publishing indices on gender-related development, contribution to income by gender and empowerment of women.

Generally speaking, mechanisms meant to enforce judicial decisions have not been effective enough. Some of the highest compliance rates are those involving regulatory protections, since failure to comply would be an act of contempt of court which could lead to imprisonment. There has been tremendous growth in such proceedings and the rights to petition the court, which occur on a daily basis, leading to an increased burden on the State apparatus for the administration of justice in all jurisdictions, levels of competence and specialities. There have therefore been difficulties in implementing effective mechanisms to enforce judicial decisions. The various bodies have joined forces to create alternative mechanisms for the effective resolution of conflicts. The executive branch has acted at the pre-judicial level: police investigations, ICBF, Family Commissions, and mediation units based in mayors' offices, among others. The private sector has organized pre-judicial arbitration and conciliation through the chambers of commerce, and university-based conciliation centres. The High Council of the Judiciary has sought to strengthen special jurisdictions, including justices of the peace and of indigenous peoples and has promoted conciliation within the national judicial system.

The principal acts and rights involved in regulatory protection issues are: failing to respond to rights of petition, in particular with regard to social security services (21 per cent); work-related violations, in particular with regard to payment of salaries and employees relieved of their duties or dismissed; violations in educational institutions; and violations of due process. The most common claimants in such actions are: employees (21.71 per cent), representatives of minors (5.07 per cent), individuals deprived of their liberty (4.75 per cent) and senior citizens (4.44 per cent). Judges grant the claimant's request in only 28.5 per cent of cases.

The Office for the Rights of Children, Youth, Women and Older Persons, attached to the Office of the Ombudsman, disseminates information about and ensures the defence and protection of those groups. Based on indicators collected by State authorities and non-governmental organizations, the Office identifies the major problems hindering those groups' exercise of their human rights with a view to analysing the situation. This analysis is reviewed in the context of the system for follow-up and monitoring of the rights of those groups.

With regard to the human rights situation of women in Colombia, the Office investigates events that adversely affect gender equality in the context of a standing working group on women's human rights. The issues identified and studied include the following:

- Domestic violence;
- Women and armed conflict, in particular forced displacement;
- Sexual and reproductive rights;
- Political participation of women, in particular in the context of implementation of the Quota Act;
- Women heads of household in the context of the application of Act 82 (1993);
- The impact of the economic and labour situation on the status of women.

The Office of the Procurator for Children and the Family is responsible for prevention, oversight and implementation by governmental and non-governmental institutions that are involved, pursuant to resolution 049 (2002), in assisting and protecting boys and girls, adolescents, women heads of household, disabled adults and family institutions in the following areas:

- Follow-up, protection against and prevention of the mistreatment of children, domestic violence and sexual abuse;
- Prevention and eradication of sexual exploitation of children and trafficking in women, boys and girls, and special protection for those groups;
- Assistance to and protection of boys, girls and adolescents in the workforce;
- Assistance to and protection of boys, girls and adolescents who are young offenders;
- Assistance to and protection of the disabled or gifted;
- Adoption of boys and girls or adolescents, and single mothers;
- Assistance to and protection of boys, girls and adolescents escaping from armed conflict;
- Prevention of drug abuse by young people and care of and re-education of boys, girls and adolescents involved in the abuse of psychotropic substances;
- Assistance to and protection of boys, girls and adolescents institutionalized in juvenile centres;
- Assistance to and protection of boys and girls living in community homes for family welfare and homes for children;
- Assistance to and protection of women heads of household.

As part of its mandate, the Office of the Procurator for Children and the Family has issued a number of internal directives on how to approach problems which affect the enjoyment of fundamental rights by women and girls.

The Working Group on Rural Women of the Directorate for Rural Development of the Ministry for Agriculture and Rural Development (MADR) is coordinating efforts to assist rural women, such as: regulations arising out of Act 731, the Integrated Support Programme for Women Heads of Household, which covers microenterprises and rural enterprises, and the Fund for Rural Women.

Pursuant to the National Agreement on Equality between Women and Men, signed on 14 October 2003, the Inter-institutional Gender Liaison Bureau was established as a mechanism for follow-up of commitments made in the Agreement; its responsibilities are:

- Planning, follow-up and evaluation of commitments made in the Agreement;
- Planning, follow-up and evaluation of cross-cutting initiatives;
- Development of working groups to mainstream gender issues in the national budget;
- Follow-up on harmonization of national legislation with international conventions ratified by Colombia and international commitments relating to the rights of women.

Act 823 (2003), the Equal Opportunities Act, establishes an institutional framework to guarantee equity and equality of opportunity for women in the public and private spheres; it commits all national and territorial government bodies to mainstream gender equity and equality of opportunity policies and initiatives in all aspects of their work.

### **3.3 Special Recommendation No. 3: Training on gender issues for civil servants**

In 2003, CPEM organized gender awareness workshops for employees of national, departmental and municipal ministries and bodies and for civil servants responsible for budget and planning and for areas related to women and gender. Information brochures on the main laws which protect women were also distributed to various authorities, including a brochure on the Quota Act, which was sent to new mayors and governors.

On 13 April 2000 the Ministry of Defence issued a standing directive on “Ministry of Defence policies relating to human rights and international humanitarian law”; it defines the competencies and responsibilities of the various branches of the defence sector with a view to establishing, maintaining and promoting mechanisms for the protection of human rights and international humanitarian law, and improving the ability of the defence forces to prevent human rights violations and infractions. Over the past four years, more than 280,000 members of the defence forces have received training and 231 human rights and international humanitarian law offices have been created in military and police units across the nation.

The Office of the Procurator has provided training to all branches of the judicial system and its personnel and to military personnel on gender-based violence and the human rights of women, through activities such as:

- National meeting of family procurators and professionals working with the Office of the Procurator for Children and the Family on the topic of domestic violence and conciliation, in cooperation with Georgetown University;
- Training of professionals working with the Office and family procurators on the issue of sexual and reproductive rights and sexual violence, with the support of the United Nations Population Fund (UNFPA);
- Distribution of brochures to staff of the Office;
- Participation in the inter-agency teleconference on models for providing comprehensive care for victims of violence aimed at judicial system and government employees dealing with that issue;
- In cooperation with the International Labour Organization (ILO) and its International Programme on the Elimination of Child Labour (IPEC) a workshop was organized in Bogotá for family procurators and related professionals on the Plan for the Eradication of Child Labour. From 5 to 7 March 2003, the Office of the Procurator, in collaboration with the National University and the Pensar Institute of the Pontificia Universidad Javeriana, organized the first international conference on gender, justice and rights. The conference was attended by civil servants and other interested persons.

The Rodrigo Lara Bonilla School for the Judiciary is promoting a cross-cutting awareness-raising programme on gender equity to ensure that all the school's programmes include activities related to that issue. With a view to incorporating a gender perspective into the national training plan for the judicial branch, the school has prioritized the design, organization and implementation of a training process for magistrates and judges. Its purpose is to increase awareness in the judicial branch of current inequalities and differences in treatment between men and women with a view to contributing to the elimination of sexist and discriminatory practices in the administration of justice and effectively implementing the constitutional right to equality.

In 2001, two training workshops on the gender perspective were offered to bring trainers up to date on that issue; that process was supported by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD). Four training workshops were organized in Bogotá during which the issue of gender was dealt with in working groups on the philosophy of the law and on interpretation of the Constitution. A great deal of interest was shown in the issue, but there appeared to be little interest on the part of judicial system civil servants to apply those concepts in their daily work. In most of the approximately 200 training round tables held in 2002, the issue of gender equity was raised in opening workshops of two hours. Between 2002 and 2006 the objective is to provide gender awareness training to 15,000 civil servants.

### **3.4 Special Recommendation No. 4: Presidential Advisory Office on Gender Equality (CPEM)**

In the light of the Committee's General Recommendation No. 6 calling for the establishment of an effective national body to promote and protect women's rights, there follows a description of the national women's body, the Presidential Advisory Office on Gender Equality (CPEM).

#### *The Presidential Advisory Office and its influence on Colombian society*

By Decree 1182 of June 1999, the established women's body was changed from a national department to a presidential advisory office.

In President Álvaro Uribe Vélez's reorganization of the Government, CPEM kept its rank because the issue was one of his Administration's priorities.

By Decree 519 of March 2003, the Government redefined the Office's functions as follows:

- To help the President and his Administration design government policy on gender equality, following the general guidelines set by the President;
- To promote the incorporation of a gender perspective into the formulation, management and monitoring of the policies, plans and programmes of government bodies at the national and territorial levels;
- To establish machinery to monitor the implementation of domestic legislation and international instruments relating to a gender perspective and the equality of women;
- To establish strategic alliances with the private sector, international agencies, non-governmental organizations, universities and research centres in order to encourage and strengthen research and the analysis of current knowledge about the condition and situation of women, providing national assistance to women's support groups and women's community and social organizations and ensuring their active participation in government activities and programmes;
- To support the formulation and design of specific programmes and projects to improve the quality of life of women, especially the poorest and most dispossessed;
- To encourage the adoption of regulatory provisions under the women's equality laws;
- To channel international cooperation resources and activities towards the development of projects to guarantee gender mainstreaming and the participation of women in social, political and economic areas;
- To perform any other tasks assigned by the President.

The National Development Plan submitted by the Administration to the Congress, which passed legislation to adopt it in 2003, made it the first duty of the Presidential Advisory Office to further the policy for the advancement of women and coordinate the concerted action by the various national, territorial and local bodies for the incorporation of a gender perspective into policies, plans, programmes and budgets.

As it carries out its mission as an institution, CPEM is reaffirming the contribution of women to the country's development and adding to what the Administration is doing to achieve the principle of social justice, set out in the 2003-2006 National Development Plan: "Towards a Communitarian State".

The "Women: Builders of Peace and Development" policy incorporates a gender perspective in that it seeks to foster development on more democratic terms by building equitable relations between men and women and encouraging equal opportunities.

The principles underlying the policy are: justice, equality, participation, respect for the rights of women, respect for international humanitarian law, autonomy, respect for diversity and decentralization.

CPEM has programmes in seven areas: women's employment and entrepreneurial development; education and culture; health, sexual and reproductive health; violence against women; political participation; rural women; and institutional strengthening.

The Government's cross-cutting approach to gender mainstreaming in public policies, plans, programmes, legislation and legal services is making progress in achieving a just situation for all, where inequalities are offset or lessened. By working with the other branches of the Government and providing training in gender issues to national, territorial and local officials, CPEM is encouraging the adoption of intersectoral agendas and a policy on women based on an affirmative action plan.

The various stages in that process have been progressing satisfactorily:

- On 14 October 2003 the National Agreement on Equality between Women and Men was concluded, representing the commitment of the Administration and the legislative and judicial branches, regulatory bodies, universities and private-sector trade unions to move ahead with a process of cultural and institutional transformation that will create conditions conducive to equitable development, without discrimination and with opportunity for all;
- An Inter-institutional Gender Liaison Bureau has been set up as the mechanism for monitoring commitments under the Agreement;
- Local and departmental governments, public universities and research centres are all signing on to the Agreement;
- The training of government officials in gender issues is proceeding on two levels, national, and departmental and local;
- Eighteen intersectoral agendas have been adopted, and a report on the progress made is scheduled to be prepared a year after the signature of the Agreement;
- The results of the various CPEM activities have been indicated throughout this report.

A number of support mechanisms have been set up to reinforce the Office:

- Observatory for Gender Issues;
- A data bank of women's organizations and groups working for the advancement of women;
- A project bank;

- A technical advisory council;
- A communications strategy.

The use of various media (news bulletins and briefings, articles, opinion columns, websites) to publicize CPEM policies and activities is helping to raise awareness of women's issues and improve knowledge of gender questions.

The Ministry of Foreign Affairs is informing all its foreign missions about the policy on women as builders of peace and development and is helping CPEM meet its international commitments.

### **Outcome**

By 2006 the Government hopes to have contributed significantly, through the work of CPEM, to improving the condition, the status and hence the quality of life of women, especially women heads of urban and rural households, women victims of violence and women living in poverty. It will have created new opportunities for income-generation and decision-making, for access to education, funds, health services and social security, and for the reduction of the various forms of violence and discrimination to which women are prey.

It will also have awakened the public to the importance of curtailing discrimination and injustice and of having an overall body guiding a policy on women that will remain in place even as administrations change.

The Government will have made progress in establishing gender-mainstreaming guidelines for the territorial and national bodies in their official policies, legislation and legal services, and will have established a framework of collaboration with departmental and municipal governments, the legislature and the judiciary, universities, research centres, non-governmental organizations and other stakeholders.

### **3.5 Special Recommendation No. 7: Programmes for protection of human rights defenders and promoters, both men and women, in Colombia**

Act 418 (1997), renewed and amended by Act 782 (2002), set out parameters to be followed by the Government in implementing programmes for protection of persons in immediate danger of losing their lives or personal integrity, security or freedom, owing to political or ideological violence or the internal armed conflict.

Decree 200 (2003) gave the Human Rights Directorate of the Ministry of the Interior and Justice the task of designing and coordinating general programmes for the protection of human rights and the prevention of rights violations, including the protection of persons at risk in that connection, in collaboration with the Presidential Programme for the Promotion, Respect and Guarantee of Human Rights. By Decree 1592 (2000) and Decrees 1386 and 2742 (2002), programmes were set up under the Human Rights Directorate to protect journalists, outreach workers, mayors, deputies, councillors and persons in charge of the Human Rights Directorate. Regulatory and risk assessment committees were established in connection with security programmes to evaluate the risk level and the degree of threat to the persons under protection and to recommend appropriate protection

measures. By Decree 2788 of 2003, the different committees were brought together under a single Regulatory and Risk Assessment Committee (CRER) within the Human Rights Directorate, whose main functions are the following:

- To assess cases submitted to it by the Human Rights Directorate and, exceptionally, by a member of the Committee itself;
- To consider technical assessments of the levels of risk and the degrees of threat, together with technical studies of the physical security of facilities, in the light of specific circumstances;
- To recommend the security measures it deems appropriate;
- To periodically monitor the implementation of security measures and recommend any adjustments accordingly.

Ministry of Defence Directive 9 of 8 July 2003 established Ministry policy in the matter of human rights protection for trade unionists and human rights defenders. The policy was publicized at all levels of command in the Armed Forces and the National Police.

The Organización Femenina Popular (Women's Popular Organization — OFP) is a case in point, because this women's group was a target of threats and harassment by armed groups operating outside the law. On 26 May 2003, the Inter-American Commission on Human Rights ordered interim measures of protection for 16 members of the organization, including its national coordinator. Before these measures were ordered, the Colombian Government was already providing protection for OFP members, and security measures were heightened after that.

The Government also took certain political steps to support the work of the Organization, maintaining a presence at events that they hold and expressing recognition of the good work it is doing on behalf of the victims of violence.

The Inter-American Commission on Human Rights ordered further interim measures of protection on 2 March 2001 for the National Association of Rural and Indigenous Women of Colombia (ANMUCIC). Complying with that order, the Government arranged for Foreign Ministry meetings to monitor the action taken and had the National Police provide humanitarian assistance, communications equipment, relocation support and a technical study of the level of risk and degree of threat. The Offices of the Deputy Minister of Agriculture and of the Presidential Programme for Human Rights and International Humanitarian Law worked with the Colombian Institute for Rural Development (INCODER) to ensure the renewal of the organization's bailment on the building in which it worked. The Attorney-General's Office also conducted an investigation into the facts.

### **3.6 Special Recommendation No. 11: Plans and programmes for street children**

This problem is being handled in three separate segments, depending on the age of the children and the agency responsible for them. Boys and girls under seven are supervised mainly by the Colombian Family Welfare Institute (ICBF); those from 9 to 22 years of age by the District Institute for the Protection of Children and Youth (IDIPRON). Eleven institutions are under contract to ICBF, and they serve from 4,500 to 5,000 boys and girls each year.

The supervision model is based on re-socialization in six phases: the street, club supervision, encouraging commitment, personalization, socialization and integration into society.

Although the problem as a whole is not easily analysed because so many causes contribute to it and it takes different forms in different regions of the country, the Government has been involved in investigating cases of children living in the streets and taking action on them. Thus far, no national census has been taken of this street population because identification is so difficult. The figures differ depending on the source, and they are believed to reflect a high degree of underreporting. Nevertheless, some ICBF estimates set the figure at between 15,000 and 30,000 boys, girls and adolescents living in the streets. Thirty-seven per cent of all street children live in Bogotá. Eighty-five per cent are boys and 15 per cent are girls. Eighty-seven per cent of them are on drugs.

The census conducted in Bogotá reported 10,477 street people: 82.1 per cent men and 17.7 per cent women, a pattern similar to that found in 1999. Of that total, 26.7 per cent were minors.

<i>Age groups</i>	<i>Number</i>	<i>Per cent</i>
Children under 7	297	2.8
Ages 8 to 11	216	2.1
Ages 12 to 16	826	7.9
Ages 17 to 21	1 457	13.9
Ages 22 to 27	1 743	16.6
Ages 28 to 39	2 802	26.7
Over 40	3 124	29.8
No information	12	0.1
<b>Total</b>	<b>10 477</b>	<b>100.0</b>

*Source:* IDIPRON-National Statistics Department (DANE) 1999-2001.

The educational level of this population group is low: about 50 per cent have had some primary schooling and only 2.5 per cent have completed secondary school. Their most frequent occupations are begging and gathering recycling material. Also, those living in the street come from broken homes and feel bereft of protection.

The case of Bogotá presents the same dynamics as the situation nationwide. Recent years have seen a sharp increase in street people, stemming from, among other things, the deteriorating living conditions of broad segments of the population, owing to unemployment, the break-up of the family, domestic violence, drug consumption and forced migration to the cities as a result of violent conflict.

### **3.7 Special Recommendation No. 22: Dissemination of the special recommendations made by the Committee on the Elimination of Discrimination against Women in its concluding comments on the fourth periodic report submitted by Colombia**

The fifth periodic report, the Committee's recommendations and all the relevant national and international instruments, together with the work being done by the Observatory for Gender Issues in coordination with the area of communications referred to in relation to article 4, can be found on the CPEM web page.

## **4. Issues of special relevance in the Colombian context**

### **4.1 Forced displacement**

#### **Legislative advances**

<i>Legislative provision</i>	<i>Description</i>
Council for Economic and Social Policy (CONPES) document 3057 (1999)	Plan of Action for prevention, protection, humanitarian assistance, return, resettlement and socio-economic stabilization with respect to persons displaced by violence. The Plan provides that, since nearly half of displaced families are headed by women, productive and income-generating projects implemented under socio-economic stabilization programmes must promote the participation of this population group. In order to facilitate access to housing and basic services for families headed by women, the criteria used to calculate allowances must reflect this situation.
Decree 290 (1999)	Provides measures aimed at facilitating the registration of displaced persons in the register of births and the issuance of their identity documents.
Decree 489 (1999)	Transfers the functions of the Presidential Office for Displaced Persons to the Social Solidarity Network (RSS).
Directive 500-7 (1999)	Issued by the Colombian Armed Forces. General Command. Instructions for treatment of displaced persons.
Act 589 (2000)	Adds the following offences to the Penal Code: genocide, forced disappearance, forced displacement and torture.
Act 599 (2000)	Penal Code. Establishes two categories of offence for displacement and offences against personal integrity, such as torture and illegal constraint, and for fraudulent detention in an asylum, clinic or similar establishment.

<i>Legislative provision</i>	<i>Description</i>
Decree 2569 (2000)	Defines the powers and functions of the Social Solidarity Network (RSS) as the coordinating entity of the National System of Comprehensive Care for Displaced Persons (SNAIPD); defines the status of displaced persons and requirements for attaining such status; establishes and regulates the National Register of Displaced Persons and the effects of their declaration and registration; defines and regulates emergency humanitarian care and socio-economic stabilization; establishes the National System of Comprehensive Care for Displaced Persons, as well as local and district committees for the comprehensive care of persons displaced by violence.
CONPES document 3115 (2000)	Because the anticipated results were not achieved, the Plan of Action for prevention and care with respect to forced displacement was developed. The Plan redefined the mechanisms and instruments for prevention, protection and provision of emergency humanitarian care with respect to displaced persons and provided actions for the socio-economic stabilization of those affected, through return and resettlement. It proposes a mechanism for sectoral budgetary allocation and recommends the adjustment of mechanisms and procedures for facilitating the access of displaced persons to programmes run by institutions in the System in order to ensure an effective State response to the problem of forced displacement.
2000 Instruction of the National Police General Directorate	Provides comprehensive guidelines on persons displaced by violence.
Agreement 185 (2000)	Defines procedures for claiming payment for health services provided to displaced persons (claims are to be made directly to the Support and Guarantee Fund).
Decree 951 (2001)	Partially regulates Act 3 (1991) and Act 387 (1997) in relation to housing and housing subsidies for displaced persons. With the aim of meeting the criteria and goals of the resettlement programme, it advocates the development of a Zonal Plan of Action (PAZ), involving the participation of the affected population. Based on consultations with the displaced population concerning return or resettlement, PAZ seeks to define a strategy for applying the family housing subsidy through an assessment of the housing needs of displaced persons, carried out by the respective local or district committee for the comprehensive care of displaced persons, in coordination with the Social Solidarity Network.

<i>Legislative provision</i>	<i>Description</i>
Regulatory Decree 2007 (2001)	(i) Recognizes communities' property rights, especially rights acquired by owners or tenants; (ii) provides for the declaration of the imminent risk of displacement or actual displacement in a given zone, with a view to the application of measures to protect the rights of those affected through the identification and subsequent registration of affected buildings by the Colombian Institute for Rural Development (INCODER); (iii) prevents, through a freezing order on the sale, or transfer of title, of declared property to third parties in zones affected by displacement or at-risk zones; (iv) provides temporary accommodation for the displaced population until a decision is taken on their return or resettlement; (v) provides for permanent socio-economic consolidation and stabilization through exchanges, the right to earn title of wasteland over time and the acquisition and allocation of new land; and (vi) obligates the States to replace property lost, through various means such as exchanges.
Decree 2562 (2001)	Guidelines for providing public education to displaced students.
Presidential Directive (2001)	Instructions for strengthening the comprehensive care of persons displaced by violence. Designed for: all ministers concerned, the Director of the Social Solidarity Network, the directors of administrative departments, the directors of decentralized government agencies, the High Commissioner for Peace, the Director of the Presidential Programme for the Promotion, Protection and Guarantee of Human Rights, presidential advisers, governors, mayors, the Commander-in-Chief of the Military Forces, the Commander of the National Army, the Commander of the Colombian Navy, the Commander of the Colombian Air Force, the Director-General of the Police, the Director of the Colombian Radio and Television Institute (INTRAVISION), the Director of National Radio, and public servants in general.
Ministry of Defence Resolution 1879 (2001)	On the cost of obtaining provisional military papers for persons displaced by violence.
Resolution 0474 (2003)	Defines indicative quotas for allocation of resources from the sub-account for catastrophic risks and traffic accidents.  Subproject 4: Support for claims by victims from within the displaced population.
Agreement 03 (February 2003)	Agreement of the Social Solidarity Network setting maximum amounts for services intended to facilitate socio-economic stabilization, for the year 2003.
Soacha Regional Defence Resolution	On the situation of the displaced population of Soacha.
Decree 2131 (2003)	Regulations, implementing Act 387, concerning the provision of health care to displaced persons.

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**Advances in case law**

<i>Decision</i>	<i>Description</i>
Judgement SU-1150 (2000)	Rights of the displaced. The Ombudsman for Antioquia argued for the protection of various communities of displaced persons, comprising mostly women, children and pregnant women, against eviction orders. The Court did not order the evictions to be halted, but did increase the comprehensive protection accorded to displaced persons and ruled that they should be protected by, and integrated into the Government's system of protection. The Court also ruled that "because the problem of persons displaced by violence constitutes a disruption of the public, social and economic order of the country, the relevant measures ordered by the President of the Republic must be implemented by regional officials acting as the President's agents in the matter, in accordance with articles 296 and 303 of the Political Constitution".
Decision C-1165 (2000)	Displaced women and men seek coverage under the Beneficiary Identification System (SISBEN) in an effort to gain improved access to social security benefits.
Decision T-1635 (2000)	The Court provides that the violation of, or the threat to, fundamental human rights may occur not only through positive actions by the public authorities but also through their failure to comply with their constitutional and legal obligations. Reaffirms that the care of displaced persons is the responsibility of the President of the Republic, to whom the Social Solidarity Network reports.
Decision T-327 (2001)	Displacement involves the multiple, massive and continuous violation of fundamental human rights. Protection is particularly important in the case of women and children, and the Government must intervene immediately. The judgement stresses the fact that the women concerned are from rural areas, and incorporates the United Nations Guiding Principles on Internal Displacement into domestic law under the heading of constitutionality. It cites Decision T-227 (1997), which also concerned displacement and provided relevant legal definitions.
Decision C-232 (2002)	Declares the enforceability of the offence of forced displacement.
Decision C-578 (2002)	Approves the Rome Statute of the International Criminal Court which considers forced displacement as a legitimate means to protect civilians.

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**Administrative advances**

State action on forced displacement is coordinated by the National System of Comprehensive Care for Displaced Persons (SNAIPD), under RSS. The National System comprises 35 departmental committees on displacement and 15 care and orientation units. The strengthening of services is assured through the integration of

public and private efforts and through timely and efficient management of the human, technical, administrative and financial resources allocated for this purpose. The work involves prevention, monitoring, humanitarian care and resettlement programmes which enable the affected population to rebuild their lives under dignified conditions.

Under the UNDP COL97/001 project, the National Solidarity Network (RSS) promotes and supports the development of proposals for strengthening the Network with a view to raising the quality of life of the country's most vulnerable population groups and improving their ability to exercise their rights as citizens. One of the project's components is the Partnership for Equity, which aims to encourage the organizational efforts of specific communities and population groups by lending support to the proposals of their organizations or associations. In order to make women's community work more profitable, the Partnership for Equity will work to enhance leadership skills in this population group and strengthen its organizations so that they can understand and defend their rights, manage their resources and increase their participation in social and political life.

In particular, as part of its emergency humanitarian response, the Network has introduced special procedures for the treatment of women, which take into account pregnancy, breastfeeding, age and disabilities. Moreover, as part of the resettlement process, the community kitchen programme established for regions containing settlements of displaced persons has become a setting for the active intervention of women.

Women have played a significant and active role in productive projects set up within programmes for displaced persons. This is illustrated by the system of food distribution, in which women's groups have taken charge of monitoring food quality, nutrition and dietary balance and promoting the proper handling of food, the proper handling and management of refuse containers and the organization of community cooking facilities; they have also taken on responsibility for monitoring their communities and accounting for the resources invested in them.

RSS has taken the following actions to address the needs of displaced women:

- Procedures have been introduced for processing women's documents and providing them with access to services and programmes. The non-governmental organizations authorized to manage resources allocated for emergency humanitarian services are equipped with funds to facilitate the processing of documentation. Also, organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and church outreach groups have carried out large-scale operations in major regions such as Urabá, Middle Magdalena and the Southern region.
- As a cross-cutting element of services provided to displaced persons, the psychosocial services component seeks to help men and women look back at their past experiences and reframe their lives. By reviewing their past experiences, displaced persons are able to reactivate their skills and abilities and reconstruct their social and family networks within the context of their arrival or return. The development of this component included a pilot project, involving 80 displaced women in Bogotá, which identified important working guidelines for addressing the needs of displaced women.

- Focusing on the population, humanitarian services try to achieve greater gender equity in the distribution of aid, as well as to address women’s specific needs, relating to their ethnic group or to breastfeeding or pregnancy.
- Non-food aid: during the emergency phase, displaced persons are provided with individual hygiene kits designed to meet specific situations such as pregnancy, or the presence of infants under two years old or older persons.
- Productive projects are one aspect of the income-generation component, which aims to create the necessary conditions for households affected by displacement to recover their productive capacity and regain the ability to obtain basic goods and services. In this way, assistance is being provided to 430 displaced families headed by women.
- As part of the “Strategic Regional Partnerships” project, which is financed by the World Bank and the Government of Japan, training in dressmaking is being provided to 239 displaced women heads of household, who are guaranteed work through partnerships with a number of private enterprises.
- Food aid: the Social Solidarity Network (RSS) has developed a number of menus which, without exceeding established ceilings and while respecting international nutritional standards, meet the particular needs of family groups and their members, taking into account traditional cultural preferences, as well as the special circumstances of children, pregnant women, breastfeeding mothers, the elderly and the sick. In coordination with the Colombian Family Welfare Institute (ICBF) and the World Food Programme (WFP), nutritional supplements have been provided to certain specific age or population groups. The Food Security Programme comprises three systems of services: immediate provision of basic tools, the Food Security Network (RESA) programme, and the productive projects component.

With regard to resettlement, women in general have been able to take advantage of the income generation programmes, although greater assistance is provided to women heads of household. Current projects to increase productivity in rural areas are funded through the Agricultural Financing Fund (FINAGRO) which offers a special National Agriculture Credit Commission-approved line of credit for populations made vulnerable by conflict, including registered displaced persons and persons affected by conflict.

In the area of housing, programmes have been established which give priority to assisting women heads of household in the areas of improved housing, basic sanitation and new housing, with the women participating in construction during community service days as unskilled labour.

No distinction is made between boy and girl children. Every effort is made, in coordination with the municipal and district secretariats for education, to ensure they are placed in educational institutions so that they may continue their formal primary or secondary level studies. Implementation of an agreement between the Ministry of National Education and the Social Solidarity Network (RSS), aimed at instituting a programme for displaced students in municipalities with large displaced populations, has begun. RSS assigns preschool-age children to the Colombian Family Welfare Institute (ICBF) so that they can be integrated into regular programmes, including remedial nutrition programmes. In addition, the

psychosocial care provided in the context of emergency humanitarian assistance includes age-appropriate measures based on the children's needs.

RSS will coordinate with ICBF to establish shelters for children, in particular those from displaced families, so that mothers will have time for productive activities. ICBF has also established 29 mobile care units for victims of violence, in particular those who are among the displaced population. Its programmes also provide assistance for boys and girls from displaced families, who are given priority because of the urgency of their situation.

Discussions and joint actions have been launched with Profamilia with a view to: taking advantage of its experience in helping the displaced population since 1997 with regard to sexual and reproductive health; establishing an alliance to include the registered displaced population in the assistance programme operated by Profamilia in 27 cities; developing a joint project with the Ministry of Social Protection in order to extend Profamilia programmes to other cities of interest to RSS because they have large displaced populations, with services to be funded by the State.

The Úrsula Iguarán "Return to the Land" Campaign, a programme designed by the Presidential Advisory Council on Gender Equality (CEPM), is aimed at promoting the return and resettlement of displaced women to their regions of origin, and providing training to empower women and increase awareness of the human rights of women and international humanitarian law, through coordinated actions by CEPM, the Ministry of Agriculture, the Ministry of the Interior and Justice, the Ministry of Defence and RSS. Projects will be developed to promote the participation of rural women and to increase opportunities for rural women.

The role of the National Training Service (SENA) is to provide job training to the population displaced by violence in order to facilitate their reintegration into the productive life of the country. Accordingly, SENA entered into an inter-institutional agreement on the management of projects in December 2001 with the Fund for the Financing of Development Projects (FONADE).

In March 2004, the Council for Economic and Social Policy (CONPES) authorized the Government to negotiate an external loan of up to US\$ 30 million or its equivalent in other currencies with a view to funding the first phase (2004-2007) of the Peace and Development Programme, which coordinates the Forced Displacement Care and Prevention Policy, the Support Strategy for Development and Peace Programmes, and Peace Laboratories. The Programme has three key components: prevention of displacement; creation of conditions for sustainable reintegration (return and resettlement); and strengthening of the National System of Comprehensive Care for Displaced Persons (SNAIPD).

## **Statistics**

The Government estimates that approximately two million persons have been displaced as a result of violence, of whom 1,280,605 are registered with the RSS consolidated registry system (SUR) for displaced persons. Some 50.5 per cent of the displaced are women, 49.6 per cent are children and 13.9 per cent are ethnic minorities. Approximately 31 per cent of displaced households live in extreme poverty, 35 per cent are small landowners and 90 per cent are from rural or semi-rural areas.

Some 31.6 per cent of female displaced persons are of working age, between 18 and 50, and 6.2 per cent are over 50.

According to information supplied by SUR-RSS in March 2004, 79 per cent of the total displaced population in the country comprised individuals from 220,283 households, and of these, 51.13 per cent (112,633 households) were headed by women.

As a result of the implementation of a comprehensive model for the Democratic Security Policy established in the National Development Programme (PND), there was a marked decrease in displacements in 2003, with figures 53 per cent lower than in 2002. One of the Government's most significant successes has been to slow the increase in the number of displaced households, which dropped from 21 per cent in the period 2000-2001 to 12 per cent in 2001-2002. Without that decrease, 21 per cent more, or 98,643, households would have been displaced in 2003. In the first year, the Government succeeded in ensuring the return of 7,218 displaced households, including 6,812 mass returns, and humanitarian assistance was provided to 30,723 displaced families. In the current year 504 families have been relocated, 197 of which were headed by women.

## 4.2 Demobilization

### Legislative advances

<i>Legal provision</i>	<i>Description</i>
Decree 128 (2003)	Regulations implementing Act 418 (1997), extended and amended by Act 548 (1999) and Act 782 (2002), on reintegration into civil society. Establishes specific guidelines regarding severing of links with illegal groups and contains a full chapter on minors. Although there is no specific treatment of women, the statute uses language inclusive of both genders.
Presidential Resolutions 216, 217 and 218 (2003)	On the process of dialogue, negotiation and signature of agreements with Bloque Cacique Nutibara, United Self-Defences of Columbia (AUC).
Decree 3360 (2003)	Regulations implementing Act 418 (1997), extended and amended by Act 548 (1999) and Act 782 (2002). Provides that "in cases of collective demobilization in the context of agreements with the national Government, status as a member of an organized armed group operating outside the law in question shall be confirmed by inclusion in a list of demobilized individuals signed by the spokespersons or representatives of the group, which explicitly recognizes said status.

<i>Legal provision</i>	<i>Description</i>
Draft Law on alternative sentences	Draft version of an act containing provisions aimed at reintegrating members of armed groups, who will then make a real contribution to the achievement of national peace.

### **Administrative advances**

Policy concerning displaced individuals is aimed at reintegrating them into society and restoring their dignity through comprehensive assistance services, including psychological evaluation, skills training and educational programmes, humanitarian assistance, etc.

Since the end of 1999, ICBF has been operating a programme promoting a return to normal life for boys, girls and youths who have severed links with terrorist groups, in the context of promotion of the rights of the child, citizenship and democracy, including a gender perspective, so they can once again live as normal children.

The Office of the Procurator for Children and the Family is responsible for preventive actions and for overseeing the operations of institutions under contract to ICBF and the International Organization for Migration (IOM) in the context of the project "Assistance to Ex-Combatant Youngsters", through inspection visits to the transitional shelters, specialized care centres and juvenile homes and with a view to investigating the conditions in which care and protection is provided to that group. As a result of those activities, the Office of the Procurator General sent a note to the National Directorate of ICBF containing recommendations on how the latter could remedy the most obvious faults identified in the care provided to that group.

Under a cooperation agreement with UNICEF, regional evaluation workshops are being held to discuss responsibilities, procedures and care provided by the State to demobilized children and youths, for the benefit of judges, family ombudsmen, and family procurators and staff.

ICBF, upon taking custody of a demobilized minor, must notify the Ministry of Defence so that the latter can confirm his links to the armed group, and must also notify the Ministry of the Interior and Justice in order to ensure follow-up and subsequent eligibility for benefits. The Ministry of the Interior and Justice, in coordination with ICBF, is responsible for deciding how to provide minors with the educational and economic benefits arising out of demobilization. ICBF is responsible for planning the restoration of the rights and protections available to the demobilized child or youth.

Assistance is provided in the following order: transitional shelter; special care centre; juvenile homes; comprehensive protection centre; protective care network; foster home; family reunification; family reunification with definition of conditional subsidy; placement in protection network; placement in reintegration programme. Services provided include: preparation for a productive life in society, health and nutrition, family services, therapy, legal services, tutoring, monitoring and evaluation, administration and management.

A socio-judicial investigation process called “Warriors without a Shadow: Children and Youth Involved in Armed Conflict”, was undertaken by ICBF and the Office of the Procurator in four departments: Cundinamarca, Antioquia, Caquetá and Meta. The results obtained helped remedy technical inadequacies in the services provided by ICBF to that group.

### **Statistics**

In 2003, 2,081 individuals made use of the services of the Programme for Demobilization and Integration into Civil Society. Of that group, 1,104 demobilized individuals had been members of the Revolutionary Armed Forces of Colombia (FARC); 342 had belonged to the National Liberation Army (ELN), 579 to the United Self-Defences of Colombia (AUC) and 56 to other groups. The total represented 1,797 men and 284 women, including 321 minors.

The number of certified individuals is higher than that of demobilized persons because the latter laid down their weapons before 2003, but were only certified this year by the Operative Committee for the Abandonment of Arms (CODA). Between January and 5 November 2003, 1,986 individuals were demobilized; the number of individuals certified between January and 29 October 2003 was 2,234. Humanitarian assistance provided to demobilized persons consisted mainly of housing and food.

Currently 1,500 individuals are affiliated with the subsidized health regime (Health and Life Agreement); the rest receive services from the Health Secretariat, as a result, 100 per cent of individuals who have entered the programme with their basic family unit receive health services, 1,450 clothing allowances have been paid out and 450 are in the process of being paid out.

Some official statistics estimate that 6,000 children are involved with an armed group. Between 1999 and 2002, 796 children were removed from armed groups, either voluntarily or by capture, and are currently in institutional care and assistance programmes provided by ICBF.

In 1999, ICBF established and launched its programme for assistance to ex-combatant children and youths, delivered through the specialized assistance centres, with a view to improving their living conditions and seeking sustainable solutions to facilitate their reintegration into society and/or reunification with their families. In 1999, 10 young people received assistance; in 2000, 100; in 2001, 196; in 2002, 394; and up to July 2003, 400. Of the total number, 796 are males (72.32 per cent) and 297 females (27.13 per cent); 681 had belonged to FARC; 167 to ELN; 192 to AUC; 20 to other groups (Ejército Revolucionario Guevarista (ERG), Ejército Popular de Liberación (EPL), Ejército Revolucionario del Pueblo (ERP), Peoples Militias), and 30 were unattached. Of the total, 744 young people turned themselves in voluntarily (68.06 per cent), 280 (25.61 per cent) were captured and 69 (6.33 per cent) were handed over following negotiations.

Of all minors receiving assistance, 52.22 per cent have finished all or part of their primary education; 24.93 per cent all or part of their secondary education; 8.07 per cent have received no schooling; and there is no information on 14.77 per cent of them. Fourteen out of 167 requests by young people for bursaries from the MEN-ICBF Fund were granted.

On 22 September 2003, the Ministry of Defence and the National Federation of Livestock Owners implemented a training programme in agriculture and stock-raising for a group of 70 individuals demobilized from illegal armed groups.

On 6 August 2003, approximately 355 demobilized individuals participated in a workshop entitled “Festival of Hope”, aimed at improving the Government’s humanitarian assistance programmes for demobilized combatants and promoting their reintegration into civilian life, so that Colombians who leave illegal armed groups will be assured a promising future.

### **4.3 Sexual violence**

#### **Legislative advances**

With regard to constitutionality, the following normative instruments relating to sexual violence in the context of armed conflict have constitutional status in Colombia:

Rome Statute of the International Criminal Court of 1998

#### **Article 6: Genocide**

#### **Article 7: Crimes against humanity**

#### **Article 8: War crimes**

Other international instruments in force in Colombia relating to sexual violence in the context of armed conflict that facilitate a comparative review of the legislative context include: the Third World Conference on Women in Nairobi, 1985, the 1993 Vienna Programme of Action, the 1993 Declaration on the Elimination of Violence against Women, and the 1995 Beijing Platform for Action. The principal domestic legislative framework is contained in a special chapter of the Penal Code on human rights violations. Its provisions include: article 137 on torture of protected persons; article 138 on violent sexual assault against a protected person; article 139 on violent sexual acts against a protected person; article 141 on forced prostitution or sexual slavery; article 146 on inhuman and degrading treatment of and biological experiments on a protected person. Other categories of offences in cases of sexual violence that do not occur in the context of armed conflict are discussed elsewhere in this report.

#### **Administrative advances**

One of the themes of the “Women: builders of peace and development” policy is violence against women; it includes structures to strengthen protection of women’s human rights: Women’s Community Councils and various State services for the promotion and protection of women.

#### **Statistics**

No accurate diagnostic study of sexual violence has been done in Colombia. The Office of the Procurator intends to implement and improve recording of such cases at the national level, which should make adequate ongoing, reliable information available for study of the extent of the problem leading to the adoption

of measures aimed at prevention, intervention and awareness-raising among the population. To date the only complaint registered by CPEM is that of Rina Bolaño Mendoza, a bacteriologist kidnapped by FARC on 31 July 2003. After being freed, she filed a complaint with the Ombudsman under the alias “Beltrán” for the rape she suffered during the time she was a prisoner. The proceeding against the perpetrator is currently under way.

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