



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-seventh session

Summary record of the 770th meeting (Chamber B)

Held at Headquarters, New York, on Thursday, 25 January 2007, at 3 p.m.

Chairperson: Ms. Gaspard

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In the absence of Ms. Šimonović, Ms. Gaspard, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined fifth and sixth periodic reports of Colombia (continued) (CEDAW/C/COL/5-6; CEDAW/C/COL/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Colombia took places at the Committee table.*

Articles 7 to 9

2. **Ms. Zou Xiaqiao** requested more information about the Quota Act (Act 581 (2000)), which set a 30 per cent quota for women in public life. She noted from the report (CEDAW/C/COL/5-6, pp. 42 to 49) that most, but not all, sectors had reached that target. She wished to know whether any proactive measures were planned to ensure that all sectors reached the target and, if so, whether a time frame was in place.

3. According to a graph contained in the State party's responses (CEDAW/C/COL/Q/6/Add.1, p. 53), the proportion of women in Government posts at the territorial level had fallen in recent years. She would be interested to know whether there had been any research into the reasons for that decrease and what measures would be taken to remedy the situation.

4. In view of the low number of female senators, she was curious to know if the Government was doing anything to encourage political parties to nominate more female candidates.

5. Lastly, in light of the serious challenges facing Colombia domestically, she was curious as to the degree of women's participation in conflict resolution and reconstruction efforts.

6. **The Chairperson**, speaking as a member of the Committee, asked whether the Quota Act obliged political parties to ensure that 30 per cent of the candidates they put forward were women and penalized those that did not.

7. Colombian women were very active in civil society and in the fight for peace. She assumed that female politicians were afforded the same level of

protection as female human rights defenders. Violence levels in the country might well have declined, but many women continued to be held hostage. She referred, in particular, to former presidential candidate Ingrid Betancourt, who was still being held after several years.

8. **Ms. Belmihoub-Zerdani** said that, despite the State party's considerable efforts to guarantee greater involvement of women in decision-making, including advances in legislation and in case law, the number of women in public administration posts was still very low. For example, in the most recent elections, only 15.79 per cent of managerial posts in the legislative branch had gone to women (report, p. 45). She asked why so few public administration posts were held by women. Unless Colombian women voted by proxy, through their husbands, she would appreciate more information about Colombia's electoral law which might have some bearing on the matter.

9. The fact that there was a higher proportion of women in more senior Government posts — which were discretionary appointments — suggested a genuine desire on the part of the Government to implement the Convention. The way to increase the proportion of women in lower posts was, perhaps, to ensure that they were better equipped to stand for election in the first place.

10. **Ms. Šimonović** requested a clarification concerning the number of female ambassadors: according to the report (p. 50), there were eight; however, in her opening statement, the head of delegation had given a much higher figure.

11. She would also be interested to know whether Colombia's Quota Act was based on article 4, paragraph 1, of the Convention and on general recommendation No. 25. Article 4, paragraph 1, explicitly stated that the adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women should not be considered discrimination. As pointed out at the morning meeting, such measures were sometimes necessary to ensure gender equity.

12. **The Chairperson**, speaking as a member of the Committee, noted that, according to the report (p. 51), no Colombian by birth might be deprived of his/her nationality and no Colombian should forfeit his/her nationality because he/she acquired another nationality. The Committee would be interested to know whether a

foreign national who married a Colombian citizen was also allowed keep his/her nationality and transfer it to his/her children.

13. **Ms. Vásquez Zawadzky** (Colombia) said that the Quota Act applied to public administration posts, not to elective office. In other words, it did not apply to political parties and movements. There was bound to be a discrepancy, therefore, in the number of women in each category. According to a recent report by the Office of the Procurator General, there had been a significant increase in the number of women in the Cabinet. During President Uribe's first term, five out of 13 ministers — including, for the first time, the Minister of Defence — had been women; currently, in his second term, four out of 13 ministers and two out of four presidential advisers were women.

14. There were a number of reasons for the decline in the proportion of women in Government posts at the territorial level in recent years. Until very recently, there had been 72 political parties and movements in Colombia, making it difficult for people to identify with a particular party and hampering women's participation. As a result of the political reform of 2006, the number of political parties and movements had been drastically reduced, and women's participation was expected to increase as a result. The articles of association of those political parties — which had been drawn up long ago, by men — were also being reformed in order to allow women to occupy senior posts and have a say in the composition of candidate lists. Furthermore, pending an actual quota law for the legislature, an open list system had been established, which should make it easier for women to gain access to elective office. The special measures, though temporary, would remain in place until such time as the situation changed.

15. In response to the request for updated figures, she said that, as at 2005, one third of directors at the territorial level were women. As for the number of women holding elective office, the current figure was 6.25 per cent for governors' offices, 7.6 per cent for mayors' offices, 13.71 per cent for municipal councils and 15.62 per cent for departmental assemblies. The current number of female high court judges was 11 per cent for the Constitutional Court, 9.7 per cent for the Supreme Court of Justice, 26 per cent for the Council of State and 15.4 per cent for the High Council of the Judiciary, or 16 per cent on average. The Quota Act did not apply to the courts in the same way that it applied

to public administration posts. The requirement for the courts was that shortlists must include at least one female candidate.

16. With regard to measures aimed at increasing women's political participation, she mentioned the agreement for the effective inclusion of women in politics, which the representatives of 16 political parties and movements had signed in October 2005. Under that agreement, each political party and movement undertook to develop an action plan aimed at raising awareness of political processes, increasing the number of women on candidate lists and incorporating a gender perspective. It was hoped that the impact of that agreement would be seen in the next regional elections, which were scheduled for October 2007.

17. Penalties had indeed been established for public officials who failed to comply with the Quota Act. Officials who contravened the Act more than once could be suspended from their post for up to 30 days; those who continued to contravene the Act were replaced. In order to ensure that officials were aware of the provisions of the Act and how they should be applied, the Presidential Advisory Office on Gender Equality (CPEM) disseminated information about the Act each time there was a change of Government.

18. Her Office was also promoting the establishment of Women's Community Councils, which aimed to encourage discussion between women's organizations and the State. Such councils — of which there were currently 323 — comprised indigenous women, displaced women, female microentrepreneurs, female academics, and female political and social leaders. The aim was to define a common agenda on women's issues and establish a network of women who were in favour of political participation and against violence.

19. Lastly, she said that, as a result of the Government's Democratic Security Policy, the part of the country previously under the control of illegal armed groups had been recovered and the number of kidnappings, assassinations and attacks on the population drastically reduced. However, even that was not enough. As long as one Colombian was held hostage, the Government and its institutions must continue to make every effort to secure their release.

20. **Ms. Nieto Jaramillo** (Colombia) said that another reason for women's low participation in public life in the past had been the civil unrest and violence in

the country. The elections scheduled for October 2007 would be the first in which participants would not be harassed by paramilitary or self-defence groups on the margins of the law. The number of women standing for election and, consequently, being elected was therefore expected to be higher. Furthermore, Colombia's current Ambassador to the United Nations had been the first female President of the Congress. Her successor — the current President of the Congress — was also a woman. The Government demonstrated its genuine desire to advance the cause of women with actions, not just words.

21. With regard to the political participation of indigenous and Afro-Colombian women, as at 2006, there were 1,908 indigenous governors, of whom 408 were women. Those elections were held within the reserves of indigenous communities, which exercised the autonomy given to them in the Constitution and recognized women as key stakeholders within their traditional practices.

22. Political parties had also begun to include women in their candidate lists. In Bogotá, 25 per cent of municipal councillors were women. Trends in the capital had an impact on the rest of the country, and it was expected that other cities and municipalities would follow suit. Lastly, as part of a recent agreement between the Government and the United Nations Development Programme (UNDP), a major campaign would be launched to encourage women to participate in the October 2007 elections.

23. **Ms. Vargasa Silva** (Colombia), responding to the question concerning the number of female ambassadors, said that the figure given at the morning meeting (35) corresponded to the total number of female heads of diplomatic missions and consulates abroad. Twelve of those women were actual ambassadors. Furthermore, for the past five years a woman had been serving as Minister for Foreign Affairs. Women also accounted for 38 per cent of all diplomatic posts and 41.2 per cent of career diplomats.

24. Lastly, a child born to a Colombian mother or father could acquire Colombian nationality if he or she was born inside the country. If the child was born outside the country, the birth must be registered with a Colombian consulate. Even if one of the parents was a foreign national, the child was still entitled to Colombian nationality.

Articles 10 to 14

25. **Ms. Zou Xiaojiao** observed that the report did not mention a compulsory education law and wondered whether the Government had plans to adopt such a law in the near future. She was concerned at the dropout rate for adolescent girls and stressed that pregnant teenagers should be able to complete their studies. She would be particularly interested to know the dropout rate for indigenous girls. Following the submission of the fourth periodic report, the Committee had suggested that the Colombian Government should take measures to keep pregnant girls in the school system; however, the latest report made no mention of such measures. Finally, she would appreciate details on the implementation of Decree 2562 (2001) on the provision of public education to displaced students.

26. **Ms. Patten** commended the delegation on its efforts to promote gender equality despite a very difficult situation. Regarding equal pay for equal work, she noted that the gap remained quite high and wondered how many cases had been brought before administrative or judicial courts under article 13 of the Constitution. She would also like to know whether the Government planned to incorporate the principle of equal pay into its Labour Code.

27. She commended the Government on its programmes to support vulnerable groups in general but would appreciate data on specific groups such as disabled, elderly or displaced women. Further information on the situation of the large number of women working in the maquiladora industries would also be welcome.

28. She urged the Government to include in its next report official data on the number of women in decision-making positions in the private sector. The data in the written responses indicated that some 76 per cent of managerial positions were occupied by men; she therefore suggested that the Government might like to consider the implementation of special temporary measures to accelerate de facto equality. Finally, she would like additional information regarding the working conditions of women in the informal sector.

29. **Ms. Maiolo** noted that abortion remained illegal but that, in certain circumstances, judges had the possibility of reducing or setting aside the penalty. She wondered whether there was any draft legislation to decriminalize abortion in additional circumstances and whether women who had had an abortion were actually

imprisoned. She would also like to know whether the Government had launched a campaign to promote the use of contraceptives among rural women.

30. **Ms. Arocha Domínguez** expressed concern that, according to certain estimates, up to 80 per cent of displaced children did not have access to primary education. She would therefore like to know how the Government planned to address that situation. She was particularly interested to learn more about the situation of the some 70,000 women who volunteered as “community mothers”. Given that such women performed invaluable work, it would be interesting to know whether the Government had any plans to recognize their activities formally. Finally, she wondered whether the Presidential Advisory Office on Gender Equality (CPEM) had been consulted to ensure that women's rights were protected within the framework of the free trade agreement with the United States.

31. **Ms. Tan** asked whether the Government was taking any measures to reduce the enormous disparity between rural and urban mortality rates. She noted that approximately 78 per cent of abortions were performed to terminate unintended pregnancies and wondered whether the Government was taking steps to educate women about family planning. She further noted that the Government had passed a law aimed at improving the quality of life of rural women and low-income women in particular (Law 771/2002) and wondered whether the Government had taken any specific measures to enhance the situation of rural women since the adoption of that law.

32. **Ms. Begum** asked whether the “Social Management of Rural Areas” programmes covered all women in rural areas, especially ethnic, minority and indigenous women and women of African descent. She observed that some 31 per cent of displaced women lived in extreme poverty in rural areas and wondered whether such women were also entitled to apply for microcredit under the aforementioned programme. She would also appreciate further information on the outcome of the 2003 Improvement Plan “Female heads of household”. Finally, she would be interested to learn more about the growing involvement of women in drug trafficking.

33. **Ms. Patten** noted that Colombia had an impressive series of legal provisions benefiting rural women in such areas as housing and agriculture. She

wondered which Ministry was responsible for the implementation of those provisions and whether there was an inter-ministerial committee to assess their impact. She would also appreciate further information regarding the content and impact of occupational health programmes for rural persons; the participation of rural women in the development of microfinance projects; and the acquisition of land by rural women.

34. **Ms. Ortiz Karam** (Colombia) said that Colombia's Constitution and education laws required that education should be provided free of charge up to the ninth grade. Some municipalities charged fees because they could not afford to provide free education, but families that could not afford to pay were provided with financial assistance. It was more common for boys to drop out of school than for girls, who generally left school because of pregnancy. Flexible support mechanisms, such as tutorials or evening classes, were provided for girls who dropped out. Because parents were not always aware of their rights and responsibilities, the Ministry of Education worked with parent-teacher associations in an effort to keep them informed.

35. The Ministry also provided sex education, as well as human rights education aimed at changing stereotypical ideas. It was also working with the United Nations Population Fund (UNFPA) and conducting research aimed at mainstreaming the gender perspective into curricula and transforming behaviours in the education system as a whole. The Constitutional Court had allocated specific funds to provide services to internally displaced persons (IDPs) and the Government was working with the International Organization for Migration (IOM) in an effort to provide displaced children with access to free education and social services.

36. **Ms. Vásquez Zawadzky** (Colombia) said that the school dropout rate was falling and that the national educational programme was promoting gender mainstreaming, notably with respect to access to education and coverage. The Constitutional Court protected the rights of pregnant girls and ensured that they were not compelled to give up their education.

37. **Ms. Borrero** (Colombia) said that the Government's Families in Action programme currently provided coverage for 600,000 families, and would be gradually expanded to cover 1.5 million families, including 300,000 displaced families. The programme

provided health and education services to mothers of minor children, over a 10-month period, and the Government sought to develop the programme as the foundation for all its work against poverty. There were also music programmes for displaced children which included a psychosocial component aimed at helping them cope with the trauma of having witnessed violence. IOM was also assisting Colombia to train teachers to set up prevention and protection programmes. The National Training Service (SENA) implemented several programmes, including a vocational training programme for men and women between 18 and 30 years of age, focusing on semi-skilled activities. IDPs were eligible for all SENA programmes and were entitled to access to all health services, free of charge.

38. **Ms. Vásquez Zawadzky** (Colombia) said that although women's participation in the labour market had grown over the past few decades, most women worked in the informal sector. A central focus of Government policy was to create jobs and improve employment conditions, and women's organizations were also engaged in those efforts. The Government's programme sought to provide women with access to the financial sector by providing microcredits at low interest rates to women heads of household from the poorest rural and urban areas. The programme also provided free training designed to develop a culture of entrepreneurship and teach women how best to invest their resources, as well as marketing assistance and advice focusing on five sectors: food, cottage industries, clothing, leather and handicrafts. As a result of the programme, the women themselves were creating new jobs and sources of income, and lifting themselves out of poverty.

39. No data was available on wage gaps in the public sector, but there were mechanisms for filing complaints of discrimination, and those mechanisms had been used. The Strategic Plan for the Protection of Women's Rights had been formulated in the first half of 2006, and the second half of the year had been devoted to awareness-raising activities. The next step was to coordinate with the various agencies responsible for providing resources and implementing the Plan.

40. The number of women heads of household in Colombia was growing, and they enjoyed special protection under various laws. While 80 per cent of male heads of household had a companion, most female heads of household lived alone, and therefore

bore a heavier burden, both in terms of income level and in terms of childcare and household chores. Affirmative action measures had therefore been introduced to protect such women, including access to credit and to housing subsidies. In the private sector, the Government promoted parity through education aimed at helping women achieve decision-making and management positions. For example, more and more women were taking jobs in the financial sector. The Government had studied the issue of gender-based salary gaps in cooperation with business and industry leaders, who would be required to eliminate such discrimination.

41. **Ms. Gutiérrez Méndez** (Colombia) said that although contraceptive use remained generally low, there had been an increase in the use of the most modern contraceptive methods, in both rural and urban areas. In 2003 the Ministry of Social Protection developed a Sexual and Reproductive Health Policy to address the issue of teenage pregnancies, which had achieved significant results, both by raising general awareness and by conferring ownership of the issue onto local authorities.

42. With respect to maternal mortality, she said that health workers emphasized prenatal, maternal, and post-natal care, as well as the use of contraceptives. However, they often experienced difficulties in accessing certain critical regions marked by difficult terrain or scattered populations. It was important to note that national health programmes included a mandatory service-quality component which incorporated a thorough survey on the services provided by public and private agencies, for all types of illnesses, throughout the country. The social security services operated two systems: a contribution-based system and a subsidized system. The Government had made every effort to enhance coverage under both systems, including information and protection campaigns.

43. All private and public health services must provide voluntary abortions, in circumstances set out by the law, regardless of the woman's financial situation or social security coverage. The law also set out the rules for the funding of abortion services. If a specific doctor refused to perform an abortion on the grounds of conscientious objection, the refusal was regarded in law as a personal decision, not an institutional one, and therefore did not stand in the way of access to abortion services. Discrimination against

health service providers or against women seeking an abortion was prohibited by law.

44. **Ms. Navarro Ordóñez** (Colombia) said that Colombia's "community mothers" programme was administered, and co-financed, through the Colombian Institute for Family Welfare (ICBF). The "community mothers" worked in community homes, which had been created to assist working mothers, and served as the cornerstone of programmes to improve the situation of children. There were currently around 600,000 children in the programme. The "community mothers" could obtain health care through the social security system and were encouraged to finish their primary education. Funds had been earmarked to provide them with housing subsidies, ICBF had reached agreements with SENA and other entities to provide training, and there was also a plan to provide pensions.

45. **Ms. Vásquez Zawadzky** (Colombia) said that the free trade agreement between Colombia and the United States did not contain express provisions to protect women's rights, but the Government and women's organizations were attempting to turn the agreement into an opportunity in that regard. Rural women had taken up 57 per cent of the individual credit lines granted to women heads of household. The agricultural and rural development programme included a particular focus on women, aimed at empowering rural women to manage and control rural activities. The programme was designed to create employment in rural communities, and 15 per cent of the participants were women.

46. **Ms. Nieto Jaramillo** (Colombia) said that unfortunately most of the drug mules who ingested illicit drugs in order to carry them out of the country were women. The Government was approaching the problem on several fronts: it conducted ongoing, massive campaigns to discourage women, as well as children and men, from acting as mules, as well as activities in airports, ports and other transit points, which made the consequences clear to the population. The State intelligence and security services were all working to attack the drug problem from the production stage on and also to persuade the consumer States to take some responsibility.

47. The Government had programmes and plans cutting across many fields and specifically directed towards indigenous and Afro-Colombian women. An indigenous woman was the head of a programme

within the Justice Ministry that worked with indigenous communities, for instance, and a 27-member commission, with members, including 9 women drawn from all parts of the country, coordinated with the Government in proposing programmes for Afro-Colombians. The Afro-Colombian communities also had high-level advisory councils of their own, many of whose members were women, which coordinated at the departmental and national level with the Government in fields ranging from planning, agriculture and livestock raising, youth issues, peace, the environment and business to culture — to make their needs known and help the Government refine its programmes.

Articles 15 and 16

48. **Ms. Tan** asked if the Government provided free legal aid to women with marital complaints and, if so, up to what income level. She would also like clarification of what further measures for the protection of life and physical integrity had been incorporated into Act 575 (2000) amending Act 294 (1996) on domestic violence (report, p. 94). She wondered whether the decline in family violence registered in 2002 had continued in subsequent years; which authority issued protection orders and how many had been issued in recent years; how many cases of domestic violence were heard annually by the family courts in both urban and rural areas; how many municipal Family Commissions there were in the country (report, p. 95), and whether they could issue enforceable extrajudicial orders and impose penalties for non-compliance; whether victims of repeat offenders had specific, enforceable protections available to them and if any counselling was offered to violent offenders; how many shelters there were for battered women in both urban and rural areas; and how many deaths from domestic violence there were annually. It would be interesting to know if the training provided to police officers, judges, prosecutors and others who dealt with domestic violence was in line with the four components of the National Peacebuilding and Family Harmony Policy (*Haz Paz*) (report, p. 7).

49. **Ms. Belmihoub-Zerdani**, referring to the religious marriages authorized under Act 25 (1992) (report, p. 92) asked whether any of the various religious faiths allowed customary marriages, and what happened in the case of mixed marriages.

50. **Ms. Vásquez Zawadzky** (Colombia) said that it had been brought out at the previous meeting that women had indeed made great strides in her country in achieving legal capacity on a par with men and on many fronts. But that did not mean that some women were not still having trouble gaining access to justice, both de jure and de facto. The Presidential Advisory Office on Gender Equality (CPEM), after an in-depth analysis, had therefore adopted a strategic plan setting out a series of steps and recommendations to guarantee that women involved in legal disputes, especially poor women, could get legal redress. There was one particular mechanism that worked very well in Colombia, by which poor women who could not afford a lawyer could consult legal clinics set up in all universities with law faculties, free of charge. That system had its limitations, for it could not actually bring cases to court on behalf of clients, but it served an extremely valuable function. There was also the mechanism involving court protection for the poor, but applicants first needed a lawyer to represent them in court.

51. Recent statistics on domestic violence showed that in 2004 there had been about 3,500 complaints brought, in 2005 some 2,500, and in the first nine months of 2006 almost 1,000. No data was available on how many of those cases had been resolved.

52. **Ms. Navarro Ordóñez** (Colombia) said that there were family courts in all 32 departments of the country, with over 200 regional branches operating at the municipal level. The new 2006 Children's and Adolescents' Code mandated the establishment of a Family Commission in every municipality to deal with domestic violence and sexual abuse, and to set up teams of family defenders comprising lawyers, psychologists, social workers and sometimes doctors, who would be trained to answer questions and deal comprehensively with issues involving the mistreatment of women and children.

53. **Ms. Vásquez Zawadzky** (Colombia), referring to the request just made for more detailed statistics relating to domestic violence, observed that the Government had made a big effort to improve its data-gathering and data-management system and was aware that the statistical work being done by the Institute of Legal Medicine (report, pp. 104-105) needed to be supplemented. The female members of Congress had submitted a bill that would strengthen the capacity of

the Observatory for Gender Issues to manage detailed data better.

54. **Ms. Navarro Ordóñez** (Colombia) said there were also mobile rural and urban units that sought to gather and report complaints of domestic abuse, as well as a system of home visitors who worked closely with individual families to give them guidance on improving family relations. The law did not require victims of domestic violence to reconcile with their spouses if they did not wish to. In the course of a trial, a judge could counsel each one informally in that regard until the concluding sentence was issued. It should be noted that the penalty was aggravated in cases where the aggressor was a family member.

55. **Ms. Nieto Jaramillo** (Colombia) said that as part of freedom of religion in Colombia, persons could enter into religious marriages that fulfilled the conditions set out in Act 25. The rules set by the religious institutions applied, but the State required the free consent of both parties to a religious marriage. They were then free, in the case of mixed marriages, to convert or not in accordance with their beliefs.

56. **The Chairperson** thanked the large delegation of Colombia for their very exhaustive and frank replies, which had made for a rich dialogue. The Committee would draw up concluding comments, which it asked the Government to publicize widely within all its branches and among non-governmental organizations.

57. **Ms. Vásquez Zawadzky** (Colombia) assured the Committee that her President was committed to the advancement of women in all areas of life. The meeting with the Committee had provided an opportunity to review the many achievements Colombia had accomplished in a short time and also to take cognizance of the many difficulties still facing women, which needed special Government attention. Gender equality was an issue that went beyond the Government, however, to all sectors of society, which had to develop their own agendas and commitments. She thanked the Committee for the constructive dialogue.

The meeting rose at 5.25 p.m.