



Convention on the Elimination of All Forms of Discrimination against Women

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Summary record of the 1161st meeting*

Held at the Palais des Nations, Geneva, on Wednesday, 2 October 2013, at 10 a.m.

Chairperson: Ms. Ameline

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* No summary record was issued for the 1160th meeting.

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The meeting was called to order at 10.05 a.m.

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

Combined seventh and eighth periodic reports of Colombia (CEDAW/C/COL/7-8; CEDAW/C/COL/Q/7-8 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Colombia took places at the Committee table.*
2. **Ms. Rentería** (Colombia), introducing the State party's report (CEDAW/C/COL/7-8), outlined the Government's main achievements in striving to achieve equality for women during the reporting period. Institutional measures worthy of note had included gender equality guidelines, drawn up by the High Presidential Council for Women's Equity with input from civil society and women's organizations. The guidelines had served as the basis for the adoption of a gender equality policy, for the coming 10 years, and a related action plan for 2013–2016 with a budget of over 3 billion pesos. The gender equality policy focused on economic issues, women's participation in decision-making and control over decisions relating to their own bodies. It defined six areas of action: peacebuilding and cultural change, economic independence and work-life balance, women's participation in decision-making bodies, rights relating to health and education, and a comprehensive plan to guarantee a life free of violence. The policy also took into account the multiple forms of discrimination that women experienced. The policy had been promulgated in 2013 by Decree No. 1930 which had also established an intersectoral commission responsible for the coordination, follow-up and assessment of the policy.
3. Steps taken to combat violence against women had included the adoption of legislation (Act No. 1257 of 2008). It accorded greater rights to women victims of violence, established awareness-raising, prevention and protection measures, more severe penalties and new follow-up mechanisms. The comprehensive plan to guarantee women a life free of violence provided for strategic, coordinated measures, and represented an unprecedented investment for the period 2013–2016. To promote the implementation of both the new legislation and the plan at the local level, the Government had signed an agreement with local authorities. Moreover, a national plan had been launched to train officials to ensure that women who were victims of violence had access to justice at local and regional levels, as well as measures to improve the communication strategies in place. A committee had been established to monitor the follow-up of the implementation process, as well as an inter-institutional board on eliminating violence against women. In line with the recommendations made by the Committee in connection with the previous periodic report, in 2012, the Government had passed a law on domestic violence (Act No. 1542), under which any person was able to bring a case to court.
4. The Victim and Land Restitution Act (Act No. 1448) had been a turning point in safeguarding the rights of victims of the more than 5.7 million victims of armed conflict, 50 per cent of whom were women. It provided for a range of judicial, administrative, social and economic measures, including a comprehensive system of support and redress, covering the restitution of land and reparation, a network of relevant institutions, measures aimed at specific groups, such as the Roma or indigenous communities, and a set of guidelines for the implementation, coordination and follow-up of measures introduced, as well as significant budgetary resources. To combat sexual violence in the context of armed conflict, the Office of the Attorney General was rolling out a comprehensive plan to protect the fundamental rights of victims, covering areas such as the investigation and prosecution of cases and victim support which included setting up technical committees to handle cases, funding for communication strategies and inter-institutional cooperation. Steps had been taken to exclude crimes such as genocide and sexual violence from military jurisdiction.

5. In response to problems identified by the Constitutional Court, a plan of action had been drawn up to mitigate the impact of forced displacement and armed conflict on women in Colombia. Moreover, to deal with the effects of the illegal arms trade on women and girls, Colombia had been at the forefront of international efforts in that field and had recently signed the Arms Trade Treaty.

6. **Ms. Pérez** (Colombia) said that, in 2011, a national human rights system had been established, *inter alia*, to devise and ensure implementation of a comprehensive human rights policy. The system was in line with the public policy on gender equality, and took the gender perspective into account at all levels. A national human rights conference had been held to ensure the input of civil society, government entities and the international community to the comprehensive human rights policy. More than 17,000 persons had participated in the consultation process, with women's organizations playing an active role.

7. In order to promote the participation of women in political life, and in line with the Committee's recommendations to supplement existing legislation governing quotas, legislation had been passed (Act No. 1475 of 2011) introducing temporary measures relating to electoral lists, which had resulted in a significant increase in the number of female candidates standing for local elections. However, in order to achieve full parity, it was necessary to review the entire electoral system, work together with political parties and to introduce measures to improve women's work-life balance. Steps taken to protect female leaders and human rights activists had included the creation of a committee to assess risks and recommend measures and the adoption of special protection measures.

8. A programme had been launched to promote equal and fair access to the labour market, including measures relating to protection, prevention, legal empowerment and access to justice, as well as regional initiatives to encourage companies to implement gender equality policies. Legislation had been introduced (Act No. 1429 of 2010) to provide incentives for the recruitment of women from disadvantaged sectors of society, and the International Labour Organization Domestic Workers Convention, 2011 (No. 189) had been ratified.

9. The Government acknowledged the importance of women's sexual and reproductive rights, and noteworthy developments included: a policy to prevent teenage pregnancies, in the light of the Committee's recommendations; information, comprehensive protection, training and support relating to abortion; and measures to combat HIV and the human papillomavirus.

10. The rights of women with disabilities, including their sexual rights, were promoted and protected through educational and support strategies. The important role played by rural women in Colombian society was recognized, with specific programmes relating to property rights and labour equality and mitigating the impact of armed conflict, with a particular focus on the restitution of, and access to, land.

11. Of course, certain challenges remained. In the short term, they included strengthening the institutional framework, improving coordination, and the collection and analysis of disaggregated data. In the medium term, Colombia needed to address shortcomings that prevented women from exercising their rights, and ensure equal opportunities in various areas, such as the labour market, the political arena and the education system. In the long term, efforts were needed to consolidate the process of cultural change, to ensure that Colombian society was aware of and respected women's rights and recognized women's contribution to society. In order to tackle the problem of violence, it was necessary to address the issue of impunity and low reporting rates for such crimes, to provide comprehensive support to victims and ensure access to justice, truth and means of redress to female victims of violence in the context of armed conflict. It was also necessary to strengthen the follow-up and assessment of legislation and public policies, in

order to promote better decision-making. A challenging road lay ahead for Colombia, as it sought to end the conflict while upholding justice and truth and ensuring redress for victims.

12. **Ms. Patten** expressed concern that there was no specific action plan to implement Security Council resolutions 1325 (2000) and 1820 (2008), and asked what the Government's intentions were in that regard. What budget had been allocated to issues relating to women, peace and security? How were women involved and supported in the decision-making and peacebuilding processes? To what extent did the Government recognize the role of women in conflict resolution and peacebuilding activities?

13. Welcoming the steps taken by the Government to tackle discrimination by judicial officials, she asked to what extent the protocols and investigation methods introduced by the Office of the Attorney General relating to conflict-related gender-based violence were being implemented throughout Colombia, how they were assessed, and how the gender commission of the judiciary operated in practice. According to reports, that strategy had had little impact on survivors of violence and was being implemented in an ad hoc manner, particularly in remote areas, where judicial officials were either unaware, or unwilling to implement it. She asked about the training provided to prosecutors and judicial officials and what steps the State party was taking to ensure that the strategy was implemented consistently and effectively.

14. **Ms. Pimentel** asked how the State party planned to ensure coordination between different institutions and respect for the authority of the Supreme Court, especially with regard to women's reproductive rights. What action was the State party taking to improve access to justice for women, guarantee that gender equality was taken into account in court, and to provide training on human and women's rights to judicial officials, including regular training on the Convention?

15. **Ms. Bareiro-Bobadilla**, noting that the State party's report was excessively long and difficult to analyse, asked how it had been drafted, where the statistical information had been obtained, and what groups had been involved in the process. She requested further information on the High Presidential Council for Women's Equity, including on its budget and on how its work was coordinated and implemented, particularly in view of reports that the judicial system operated in a less than seamless and harmonious manner. Noting that the principles of equality and non-discrimination were enshrined in the Constitution, she asked whether the State party had drawn up, or had envisaged, a specific plan to implement those principles.

16. **Ms. Barraza Morelle** (Colombia) said that the aim of the gender equality policy was to bring about cultural change, based on the principles of equality and non-discrimination enshrined in the Constitution, in line with the provisions of the Convention. The High Presidential Council for Women's Equity provided technical assistance and advice relating to the implementation of a comprehensive gender equality strategy, and coordinated the work of gender equality units in ministries and other governmental bodies with a view to improving the coordination and implementation of the gender equality policy. Despite the Committee's recommendations, the Government had not upgraded the Council to a ministry or independent body. Instead, it had focused on improving the work of the gender equality units in the various ministries and State bodies, ensuring that the gender equality policy and strategy were properly implemented by all, and that the mechanisms operated in a coordinated manner. The operating budget of the High Presidential Council on Women's Equity — which needed to be increased — amounted to less than US\$ 1 million per annum.

17. **Ms. Córdoba Hurtado** (Colombia) said that special protocols had been established to investigate cases of gender-based violence, and technical legal committees, consisting of

specially trained judges and officials, had been set up to expedite such cases. Training had been provided to more than 1,000 officials, with support from the United Nations, and the Governments of the United States and Germany. Guidelines had also been drawn up on the care and assistance provided to victims, and rolled out in units throughout the country. The gender equality commission was responsible for the implementation of the Office's gender equality policy. The Office of the Attorney General, together with the High Presidential Council for Women's Equity, had devised a strategy involving field visits to identify obstacles to women's access to justice and to seek solutions. The protocols developed to investigate cases involving organized crime and sexual violence in the context of armed conflict, as well as cases relating to female leaders, served as a tool for prioritizing and handling such cases.

18. **Ms. Pérez** (Colombia) said that, although Colombia did not have a specific action plan to implement United Nations Security Council resolution 1325 (2000), many of its legal mechanisms had been influenced by the resolutions and guidelines on women and peace and security introduced over the years. Colombia had a strong tradition of women's participation in public life and many ministers and high-ranking government officials were women. While it was true that no woman had been appointed to lead the peace negotiations, which were being led by the President, many women were closely involved in the broader peace process. Colombia was aware of the international community's comments on peacebuilding. In that connection, she referred to the Colombian President's statement during the sixty-eighth session of the United Nations General Assembly.

19. **Ms. Fonseca Jaramillo** (Colombia), responding to concerns expressed about the length of the State party's report, said that the Committee's guidelines had been taken into account in drafting the document. That had been a comprehensive process involving the executive and legislative branches of government, the judiciary and civil society organizations.

20. **The Chairperson**, speaking in her capacity as an expert, emphasized the urgent need for action to end sexual violence in conflict and recalled that 113 States, including Colombia, had signed a declaration recently pledging new efforts along those lines.

21. **Ms. Patten** said that concerns had been raised over the competence of the military to deal with victims of sexual violence. What training was given to the judges sitting on the military courts and what steps were being taken to address the shameful record of those courts closing investigations without holding the perpetrators to account?

22. **Ms. Bareiro-Bobadilla** said that the President, as leader of the peacebuilding initiative, should appoint women as the main peace negotiators, which was the basic thrust of United Nations Security Council resolution 1325 (2000). She asked why only eight ministries had gender units and what steps were being taken to raise the visibility of the Convention.

23. **Ms. Schulz** said that she was concerned about the gap between the numerous laws, policies and plans on women's rights drafted and their implementation in practice. The State party's report, at four times the permitted length, was too long and many of its annexes had not been translated, making the Committee's work difficult. Both the report and the replies to the list of issues failed to give a clear, accurate and concise view of the situation in Colombia.

24. **Ms. Jahan** said that racism and racial discrimination remained serious problems in the State party and were also structural, leading to multiple forms of discrimination against women, especially indigenous and Afro-Colombian women. Were there plans to amend anti-discrimination legislation to include a gender dimension and to meet the needs of Afro-Colombian and indigenous women?

25. **Ms. Pimentel** expressed concern about the State party's failure to implement the 2006 ruling of the Constitutional Court on legalizing abortion under specific circumstances. What steps were being taken to ensure that the executive and the judiciary abided by each other's decisions?

26. **Ms. Pérez** (Colombia) said that a new statute law, currently under consideration by the Constitutional Court, stipulated that military courts could no longer deal with crimes of sexual violence and had been the subject of national debate and consultations with women. Security Council resolution 1325 (2000) covered many topics aside from the important role of women as peace negotiators, such as the treatment of displaced women and children in armed conflict. Colombia had taken all of the resolution's provisions into consideration when developing policies and actions. The Victim and Land Restitution Act, for example, contained specific sections on women and land restitution and psychosocial care for women victims.

27. **Ms. Rentería** (Colombia) said the delegation would certainly convey the Committee's message to the President that women must be involved at a high level in the peace process. However, she pointed out that, although the six main peace negotiators were men, three of the directors and six deputy directors were women and many staff in the Office of the High Commissioner for Peace were women.

28. Although only eight ministries had gender units, the national planning unit responsible for coordinating public policies had a gender unit to ensure that a gender perspective was included in all public documents or policies. There was greater public awareness about racism and discrimination and a bill on equal opportunities for ethnic communities was currently under consideration. In addition, an indigenous public policy with a specific gender approach was about to be adopted, for which her advisory body was providing technical support.

29. **Ms. Fonseca Jaramillo** (Colombia) said that the report was long because it was a combined report, covering a lengthy period during which many policies, programmes, laws and actions had been put in place, and Colombia had wanted to update the Committee on the significant progress made.

30. **Ms. Pérez** (Colombia), in response to the concern about the need for the executive and the judiciary to abide by each other's decisions, said that there would always be some differences between State bodies, which was part of the democratic process. Nevertheless, there was an appropriate system of safeguards and checks and balances in place: moreover, civil society played a crucial role in ensuring proper debate of issues in order to resolve any differences. Training in human rights had been provided to around 600 judicial officials over the past six years and the programme was ongoing.

Articles 4 to 6

31. **Ms. Pomeranzi** said that the temporary special measures referred to in the State party's report and the replies to the list of issues did not correspond to the definition and scope defined in the Committee's general recommendation No. 25 on article 4, paragraph 1, of the Convention. She asked whether national and local women's NGOs had helped to draft the action plan for the gender equality policy; whether an intersectoral commission had been set up and, if so, who headed it; whether government departments were working with the local, regional and provincial authorities; and what budget had been allocated to each area of action.

32. **Ms. Patten** enquired about measures allowing women to report acts of sexual violence by illegal armed groups and establishing a reliable system to document such cases. She asked how the Victim and Land Restitution Act was being implemented in respect of women subjected to sexual violence by illegal armed groups, which affected rural

indigenous and Afro-Colombian women in particular. Were there plans to reform the Act, since it currently excluded those targeted by illegal armed groups because they were not considered to be official parties to the conflict?

33. She asked how the Government intended to fulfil its obligations under the Rome Statute, which included investigating crimes of conflict-related sexual violence under international law, and not domestic law. She noted with concern that the legislation relating to peacebuilding allowed human rights abusers, including members of the security forces, to benefit from de facto amnesties and for Congress to suspend the prison sentences of the warring parties, including the security forces, and requested data on the number of amnesties that had been granted. Lastly, how many of the 183 complaints of sexual violence against women and girls that the Constitutional Court had ordered to be followed up in 2008 been brought to trial?

34. **Ms. Bareiro-Bobadilla** (Colombia) said that violence against women in the home and in the community was as much a concern as conflict-related violence, especially as reports indicated that in 98 per cent of cases the perpetrators went unpunished. Were women reporting domestic violence and could the delegation elaborate on the reported link between justice and violence? She requested more information on cases of female genital mutilation and incest. Why were such acts not criminalized and dealt with effectively by the courts? She asked what measures had been adopted to protect women with disabilities, given that they were sometimes denied their rights, institutionalized without their permission and that their legal guardians were not supervised.

35. **The Chairperson**, speaking in her capacity as an expert, said that violence tended to be rooted in discrimination, often fuelled by stereotypes and patriarchal culture. Was combating stereotypes thus a government priority?

36. **Ms. Leinarte** said that the report said little about prostitution, defining it only in relation to legislation on trafficking in persons for sexual purposes. Although prostitution and trafficking in persons were linked, the two forms of sexual exploitation should be dealt with separately. Did the Government plan to prevent prostitution, including so-called voluntary prostitution, which was tolerated in Colombia, and to penalize sex buyers, as had been successfully done in some European countries?

37. **Ms. Jahan** asked how the gender perspective had been incorporated into each of the four key areas of prevention, protection, investigation and international cooperation in the comprehensive programme on combating human trafficking. What action had been taken to implement the ruling of the Constitutional Court directing the Government to increase efforts against forced labour and domestic servitude? She requested recent statistics on the number of investigations into trafficking involving women victims; on how many cases had been prosecuted and how many convictions had been handed down; on how many cases involved sex trafficking and how many involved forced labour offences; and on how many joint transnational trafficking investigations had been carried out with other Governments. Had there been any convictions of public officials for trafficking offences? What was the current status of the draft decree on victim protection currently before the legal department of the Office of the President? What steps were being taken to increase efforts to contain internal trafficking?

38. **Ms. Barraza Morelle** (Colombia) said that Colombia was taking a major step forward in closing the gap between drafting legislation and implementing it through the gender equality policy. Its objectives were: in the short term to create the institutional machinery to train staff, build capacity and implement policies for women; in the medium term to adopt temporary measures to bridge gender gaps in employment; and in the long term to bring about a change in attitudes so as to embrace equality and non-discrimination. Many women's associations had participated in the drafting of the policy's action plan,

including indigenous and Afro-Colombian women and other ethnic groups. The Government had allocated a budget of US\$ 1.8 billion to implement women's policies from 2013 to 2016.

39. The main focus of the gender equality policy was women's participation, and every effort would be made to overcome the obstacles to the introduction of temporary special measures. Those included changing the electoral system to achieve parity and working more closely with political parties to ensure quotas were respected. Another focus was to ensure a gender perspective in all education and health policies in order to guarantee women equal access to education and health services.

40. Yet another focus of the gender equality policy was the plan to guarantee a life free of violence, pursuant to which the Government would be spending \$115 million over the next four years solely on addressing various forms of violence. The policy would be rolled out countrywide with the aim of bringing services to the local level and ensuring that all women had access to them and of aligning local policies with national objectives. The Intersectoral Commission on the Eradication of Violence against Women had a technical secretariat attached to the High Presidential Council for the Equity of Women, which ensured inter-institutional coordination of policy implementation and evaluation. She stressed the fact that Colombia was making progress on negative gender stereotypes, thanks in part to its cooperation with civil society.

41. **Ms. Córdoba Hurtado** (Colombia) said that more than 400 cases of internal or international trafficking had been referred to the Office of the Attorney General, nearly 90 arrest warrants had been issued and almost 60 trials had ended in conviction. Cases of international trafficking had been centralized in one public prosecutor's office. Technical guidelines on handling cases of trafficking had been issued in December 2012 and agreements had been signed with neighbouring countries, such as Panama and Ecuador, to ensure swift and effective investigations. Providing statistics on the number of cases of sexual violence, she said that such cases were processed either through the ordinary criminal justice system or through transitional justice. Some 19 sentences had been handed down in cases of sexual violence committed during armed conflict. The Office of the Attorney General had adopted a victim-care approach in trafficking cases, including a witness protection programme, to which an ethnic and gender component had recently been added.

42. **Ms. Rentería** (Colombia) said that the Government, in cooperation with the Family Welfare Institute, had been working since 2007 with the indigenous communities where female genital mutilation was practised. As a result, the communities and their leaders had recognized that the practice was harmful and should be banned.

43. **Ms. Guzmán Pardo** (Colombia) said that the Ministry of the Interior tackled trafficking in all its forms, not prostitution specifically, and had set up a working group to examine options for victim support. The Constitutional Court had recently issued a ruling defining domestic slavery, spurring the Government to action in that area. Efforts were also under way to understand the context of trafficking and promote the idea that women involved in trafficking were victims rather than criminals.

44. **Ms. Morales Castro** (Colombia) said that a gender-sensitive approach was clearly outlined in the Victim and Land Restitution Act to ensure that reparation took into account the particular situation of female victims, both before and as a result of trafficking, as women's NGOs had strongly advocated. In an effort to provide more comprehensive compensation, the Government was cooperating with the Office of the Attorney General to provide support to victims during the investigative period. Reported cases of sexual violence against women were entered into a database and women were encouraged to report abuse in order to receive support. Pursuant to a ruling of the Constitutional Court, reports of

victims of organized crime were also recorded. Considerable efforts were being made in all government bodies to raise the awareness of public officials who worked with female victims or vulnerable women.

45. **Ms. Gutiérrez Méndez** (Colombia) said that, since ratifying the Convention on the Rights of Persons with Disabilities, the Government had taken a number of measures regarding the sexual and reproductive health rights of women with disabilities. The Ministry of Health ensured that persons with mental impairments, or their guardians, had the tools to make informed decisions about their health. Legislation on voluntary sterilization set out safeguards against forced sterilization of persons with certain mental impairments.

46. **Ms. Barraza Morelle** (Colombia) said that efforts were under way to eliminate negative stereotypes in education. She specified that prostitution was not an offence.

47. **Ms. Mazzoldi** (Colombia) recalled that, under the Rome Statute of the International Criminal Court, the State was responsible for investigating and prosecuting sex crimes committed during armed conflict. In that connection, the legislative branch was setting up the mechanisms to ensure victims' rights were observed to the fullest extent possible.

48. **Ms. Bareiro-Bobadilla**, recalling that there were many other forms of sexual violence unrelated to armed conflict, asked whether the impact of media campaigns regarding Act No. 1257, on violence against women, had been assessed, whether they had helped to change mindsets and what oversight the Government had of stereotypes in the media.

49. **Ms. Pomeranzi** said that, although the Government had good intentions regarding temporary special measures, there did not seem to be any real evidence that they were being implemented. She asked for further comment on concrete action to foster gender equality.

50. **Ms. Jahan** asked what the status of the bill on victim protection was and requested additional information on internal trafficking in women. Recalling the Committee's concern about the links between drug trafficking and other forms of trafficking in women and girls, she asked whether the State party had studied the phenomenon. She also enquired about measures to rehabilitate and reintegrate girls involved in prostitution.

51. **Ms. Leinarte** asked precisely how prostitution was defined under Colombian law.

52. **Ms. Halperin-Kaddari** requested further details on how the State party was monitoring progress in the eradication of female genital mutilation and suggested that it should improve its data collection in that area with a view to more effective policies.

53. **Ms. Pérez** (Colombia) said that Colombia recognized that sexual violence did not occur solely in armed conflict and had therefore adopted a more comprehensive approach to gender-based violence.

54. **Ms. Barraza Morelle** (Colombia) said that measures had been adopted to encourage the recruitment of women over the age of 40 in rural areas and of young women. The government policy on temporary special measures was subject to ongoing dialogue with civil society and was disseminated online and in other media; printed copies had been distributed to local authorities. A survey had been conducted in 2010 to ascertain what stereotypes were present among public servants and the general public. There were plans to repeat the experiment in 2014 to measure any mindset changes. A broad media campaign was also planned, with a projected launch in January 2014.

55. **Ms. Rentería** (Colombia) said that obtaining reliable information on female genital mutilation was difficult because the communities concerned were remote. The only cases that were reported were those in which there had been complications requiring

hospitalization. Therefore, the Government's primary task was to raise awareness. Thanks to such efforts, communities had begun to repress the practice.

56. **Ms. Córdoba Hurtado** (Colombia) said that unlawful adoption, forced labour, exploitation, forced marriage and organ removal were among many trafficking-related offences and that technical guidelines had been issued to judges regarding the prosecution of such offences.

57. **The Chairperson**, speaking in her capacity as an expert, said she took it that there was no specific legislation on prostitution outside the context of trafficking.

58. **Ms. Barraza Morelle** (Colombia) replied that prostitution was only considered a crime when minors were involved; in such situations it fell under the category of sexual exploitation.

59. **Ms. Guzmán Pardo** (Colombia) said that the bill on victim protection was currently being considered by the legal department of the Office of the President.

60. **Ms. Bareiro-Bobadilla** asked how the other branches and levels of government could be expected to implement gender quotas if the executive branch — which should be a leader in that domain — was not achieving its own 30 per cent quota. She also asked how the Government intended to encourage indigenous women to run for parliament and how many women worked in diplomacy and the judiciary. She invited the delegation to comment on the ongoing concerns of indigenous and Afro-Colombian communities regarding the effective implementation of the right to prior consultation.

The meeting rose at 1 p.m.