

Colombia

(20th session)

337.The Committee considered the fourth periodic report of Colombia (CEDAW/C/COL/4) at its 422nd and 423rd meetings, on 3 February 1999 (see CEDAW/C/SR.422 and 423).

(a) Introduction by the State party

338.In introducing the report, the representative underlined the commitment of the Government of Colombia to the goal of gender equality. She noted that that commitment was manifested in the Plan for Equal Opportunities between Women and Men, which was in the process of being adopted and which was part of the National Plan for Development. The coordinating institution for the plan would be the National Office for Equality for Women, the government agency responsible for coordinating activities to promote the equality and participation of women. The Plan would be a significant part of the implementation of the international commitments for the advancement of women, including the Beijing Platform for Action.

339.The representative indicated that article 13 of the 1991 Constitution incorporated the concept of equality between women and men as a fundamental right. She also noted that article 93 of the Constitution provided that treaties took precedence over domestic legislation and were drawn on the interpretation of the Bill of Rights.

340.Among the constitutional mechanisms to ensure the effective exercise of human rights in Colombia was *acción de tutela*, which allowed individuals to seek protection of fundamental human rights in the courts. Laws could also be brought before the courts and declared unconstitutional. The representative noted that a large body of jurisprudence with regard to human rights had developed over the eight years since the adoption of the 1991 Constitution.

341.The representative informed the Committee that recent activities of the National Office for Equality for Women had included support to women's organizations in activities to promote political participation and citizenship, the strengthening of women's networks, as well as the discussion with women's organizations on the National Development Plan, 1998-2002.

342.The representative indicated that Law 294 on violence in the family had been adopted in 1996 and that the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women had also been ratified. She also described Law 360, adopted in 1997, which increased penalties for violence. In addition, the title of the chapter of the Penal Code relating to sexual crimes had been amended to emphasize such crimes as the violation of personal freedom and dignity, rather than morals.

343.The representative noted that displaced women faced significant problems, including violence, and that the Government had introduced the National Plan for Attention to the Displaced Population to give priority attention to their needs. She also described the effects of armed conflict on women.

344.The representative informed the Committee that women's representation in public life in Colombia was still low, but that the President had recently appointed two women ministers. While there had been some increase in the enrolment of girls at the primary level, their educational level was still lower than boys. Initiatives to improve girls' access to education included a project to address stereotyped textbooks and promote coeducation.

345.The representative noted that an increasing number of women were entering the labour market, in particular in urban areas. However, despite their level of education, they received lower wages than men and occupied fewer decision-making positions. In addition, women were affected by unemployment.

346.The representative indicated that life expectancy was 64.3 years for men and 73.24 years for women. The Government had adopted a series of measures with regard to sexual and reproductive health in the General System of Social Security in Health and had launched several information campaigns, including on HIV/AIDS prevention.

347.The representative emphasized that important advances had been made to integrate the gender perspective in the rural sector.

(b) Concluding comments of the Committee

348.The Committee expresses its appreciation to the Government of Colombia for its fourth report, which contains a comprehensive, candid and critical account of the progress that has been achieved since the submission of the previous report. The report describes the difficulties and obstacles that still impede the implementation of the Convention and the programmes that have been implemented to promote the advancement of women and the exercise of their rights.

349.The presence of the delegation headed by the Director of the National Office for Equality for Women, at a time when the country is suffering the consequences of a disaster caused by an earthquake that has plunged the nation into a terrible tragedy, is testimony to the importance that the Government of Colombia attaches to the Convention. The Committee deeply appreciates this gesture, which underscores the political will of the Government to improve the status of women in Colombia.

350.The Committee expresses its appreciation for the comprehensive replies to the questions that have been asked and for the fruitful dialogue, which has contributed to a better understanding of the situation of women in Colombia and to an in-depth review of the implementation of each article of the Convention.

351.The Committee appreciates the fact that the Government of Colombia supports the adoption of an optional protocol to the Convention.

Positive aspects

352.The Committee notes that the Convention can be invoked in national courts, since it enjoys precedence within the domestic legal order and thus prevails in situations of conflict of laws.

353.The Committee takes note of the significant progress that has been achieved with the adoption of legislative measures for the protection of women. The 1991 Constitution provides for the equality of men and women before the law and defines discrimination. In accordance with the Constitution, important social legislation has been enacted, including legislation on education, social security, dissolution of religious marriages, protection of women heads of household and punishment of sexual abuse and domestic violence.

354.The Committee notes that the *acción de tutela* or amparo have been increasingly used by women as a constitutional means of protecting their rights. The Ombudsman's Office has also been created along with a special unit for the protection of the rights of children, women and the elderly, which assists the Ombudsman's Office by playing a positive role in requesting reviews of *acción de tutela*.

355.The Committee welcomes the creation by the Government of national machinery, namely, the National Office for Equality for Women, which is attached to the Office of the President of the Republic and advises the Government in that field. The National Office can also propose policies and programmes and works in coordination with various women's non-governmental organizations.

356.The Committee notes that primary school enrolment rates have increased, that the rate of female illiteracy has declined and that the Ten-Year Education Plan, 1996-2005, has placed special emphasis on the objective of eliminating all situations of gender discrimination or exclusion, including the introduction of the gender dimension in the education system. Research and consultation have also been carried out to document the issue of equality of

men and women, and a strategy of awareness-raising is being developed for publishers of school textbooks, with a view to eradicating gender stereotypes.

Factors and difficulties affecting the implementation of the Convention

357.The social and economic reality of Colombia remains a serious obstacle to the full participation and advancement of women in society, as well as to the implementation of the Convention. As a result of economic restructuring and adjustment policies, which take little account of social development, over half of the population of Colombia lives below the poverty line. In addition, inequitable patterns of income distribution as well as substantial differences between the urban and rural areas, impede the implementation of the Convention.

358.The Committee notes with concern the persistence of widespread violence as a result of the armed conflict in the country. Women are the principal victims and there are tens of thousands of displaced women and female heads of household who lack the resources needed for their survival in a situation in which they are called upon to assume greater responsibilities, both reproductive and productive, towards their families and communities.

Principal areas of concern and recommendations

359.The Committee notes with concern that little has been done to disseminate the text of the Convention, as required under the constitutional provisions governing the rights of women, and of the supplementary legislation that has been enacted.

360.The Committee recommends that steps be taken to disseminate those norms and to educate the general population, particularly women, about the law as an essential step towards enabling them to learn about and defend their rights.

361.The Committee calls attention to the gaps that exist in follow-up and control mechanisms in the current legislation. There is no effective machinery to enforce compliance with court rulings, nor are there any studies or assessments relating to compliance with legislation on women.

362.The Committee recommends that practical measures on the follow-up and monitoring of legislation be taken, that assessments of their effectiveness be carried out and that mechanisms guaranteeing compliance with court rulings be created.

363.The Committee points out that there has been no systematic development of training programmes for government, State or court officials or for police forces responsible for the implementation of the rules and procedures relating to compliance with the law and the implementation of the Convention.

364.The Committee recommends the introduction of training programmes for all those officially responsible for ensuring compliance with current legislation.

365.The Committee is concerned at the level of authority and rank accorded to the Government's national advisory machinery, which limits its functions to proposing policies and programmes.

366.The Committee recommends that the Government consider strengthening the role of the National Office for Equality for Women, by means of a national law raising its status to that of an autonomous body with all the requisite powers and resources to be able to exercise more effective influence in Colombian society.

367.The Committee notes with concern that, although various programmes for the benefit of women are in place, the economic adjustment programmes restrict public expenditure, thus limiting the availability of resources, which in turn hinders the incorporation of women's interests in State policies and programmes.

368.The Committee recommends that in the allocation of budgetary resources priority be given to the needs of women, especially women of limited means, including access to employment, education and public services, since social investment in women constitutes one of the most effective means of combating poverty and promoting sustainable development.

369.The Committee notes that despite the efforts made it has not proved possible to incorporate in legislation temporary special measures aimed at accelerating de facto equality between women and men within article 4, paragraph 1, of the Convention so as to ensure women's political participation, under the Constitution, because it is seen as discriminatory and there is clearly resistance on the part of legislative, executive and judicial bodies to their being put into effect.

370.The Committee recommends that consideration be given to the possibility of adopting temporary special measures in accordance with article 4, paragraph 1, of the Convention, to promote the increased integration of women in decision-making in the country's administrative and political life.

371.The Committee recognizes the difficulties faced by the Government in putting law and order into effect in a situation of internal conflict and paramilitary violence. It takes note of the incidence of violence directed against women in custody, including cases of kidnapping and disappearances. Moreover, it notes with concern the increasing danger in which the individuals forming organizations promoting human rights in Colombia find themselves.

372.The Committee urges the Government of Colombia to establish an effective national mechanism, including complaints procedures, that will ensure that those guilty of criminal conduct, both State officials and private individuals, stand trial. The Committee recommends that the Government step up security measures for all those who promote and defend human rights, especially in view of kidnappings and other acts that constitute an assault on physical integrity, with particular attention to the situation of women.

373.The Committee is concerned that, despite the efforts that have been made, the Government's ability to ensure compliance with the rules providing for punishment for domestic violence is restricted. Moreover, the family commissions do not have the necessary human or financial resources to carry out their mandate and there is no systematic supervision of their work by the relevant government body. As a result, efforts to help victims are inadequate. The Committee stresses that, since a human rights issue is involved, it is the Government's responsibility to act to reduce violence against women, investigate cases and give treatment and support to the victims of violence.

374.The Committee recommends that effective measures be taken to ensure compliance with the law and that due attention be paid to the family commissions to enable them to carry out their functions.

375.The Committee is concerned that there is currently before Congress a bill to decriminalize domestic violence at both the civil and criminal level, passing responsibility for dealing with these human rights violations to an administrative court.

376.The Committee recommends that the bill be reassessed, since it represents a step backwards from the progress achieved by the country in legislative terms in tackling and confronting the problem of domestic violence and sexual abuse.

377.The Committee is concerned that, although national legislation condemns inhuman and degrading treatment, many women are forced to become prostitutes in order to survive and there is traffic in women. Preventive mechanisms are lacking and the State has little capacity to confront the national and international criminal organizations engaged in procurement, which operate with a high degree of impunity.

378.The Committee recommends that the Inter-institutional Committee that has taken various measures to prevent and punish traffic in women should organize a more energetic and effective work strategy in order to deal with this serious phenomenon.

379.The Committee is extremely concerned at the situation of street children, in particular girls, with respect to their human rights and physical integrity.

380.The Committee recommends that the needs of street children, especially girls, be integrated systematically into all poverty-eradication, social-development and anti-violence plans and programmes.

381.The Committee notes that no systematic effort is being made to counter discriminatory cultural traditions and change sexist stereotypes and that the media continue to project stereotyped images of women.

382.The Committee recommends that a systematic effort be made to educate the population on gender issues by all possible methods and in all sectors and that programmes be developed with the aim of raising the awareness of media personnel with respect to equality of men and women, with a view to eradicating sexist stereotypes in all media.

383.The Committee notes that there is little participation by women in management and decision-making bodies and that there is a lack of specific measures to promote their participation.

384.The Committee recommends that statistics be disaggregated by sex, in a systematic manner, and included in the next periodic report and that steps be taken to guarantee greater involvement of women in decision-making.

385.The Committee is concerned that the school drop-out rate of girls and young women remains high and that the causes of this high rate are linked to sexist stereotypes and that, in addition, the vocational choices made by women when they enter higher education are still gender-differentiated.

386.The Committee recommends that regulations, programmes and other measures, including career counselling, be put in place to prevent girls and young women from dropping out of school and to reverse the trend of high female drop-out rates. It recommends the introduction of vocational programmes to promote the access of women and men to all careers.

387.The Committee notes with concern that women constitute the majority of the unemployed and that the majority of women work in the informal and service sectors, frequently as domestic workers. It notes that within these groups, women receive the lowest wages, and that there are gaps in the level of pay received by women and men for equal work and work of equal value.

388.The Committee recommends that appropriate measures be taken to improve the status of working women, including through the establishment of childcare centres and the introduction of training programmes to promote the integration of women into the labour force and to diversify their participation, through the implementation of legislative measures and through greater efforts to achieve equal pay for work of equal value.

389.The Committee is concerned that, although maternity protection is ensured by law and provision is made for maternity leave in the relevant legislation, the law is sometimes broken and women must meet certain requirements in order to have access to jobs, such as undergoing pregnancy tests.

390.The Committee recommends that steps be taken to ensure compliance with the law and that those who engage in such discriminatory practices are punished. It also reiterates that women must be made aware of their rights through wider dissemination of legislation providing protection for them as workers.

391.While welcoming the preventive measures taken by the Government, including the fact that it has set a minimum age for employment, the Committee notes with concern how widespread child labour is in Colombia, since it leads to the exploitation of girls and the violation of their rights to health, education and future opportunities.

392.The Committee urges the Government to adopt and implement a compulsory education policy, since such a policy is one of the most effective ways of ensuring that girls do not work during school hours.

393.The Committee notes with great concern that abortion, which is the second cause of maternal deaths in Colombia, is punishable as an illegal act. No exceptions are made to that prohibition, including where the mother's life is in danger or to safeguard her physical or mental health or in cases where the mother has been raped. The Committee is also concerned that women who seek treatment for induced abortions, women who seek an illegal abortion and the doctors who perform them are subject to prosecution. The Committee believes that legal provisions on abortion constitute a violation of the rights of women to health and life and of article 12 of the Convention.

394.The Committee calls upon the Government to consider taking immediate action to provide for derogations from this legislation. Furthermore, it asks the Government to provide regular statistics on maternal mortality by region.

395.The Committee is concerned that sterilization is the most widely used family planning method. It believes that it might be unnecessary to make such widespread use of sterilization if couples were better informed and instructed in the use of family planning methods and had ready access to contraceptives.

396.The Committee recommends that information on the use of contraceptives be more widely disseminated, that the necessary effort be made to ensure that women, including women in the most vulnerable population segments, have access to affordable contraceptives, and that action be taken to promote the use of contraception by men, particularly vasectomy.

397.The Committee is concerned at the situation of women in rural areas, where there is a considerable lag in basic services infrastructure, low health and education coverage, and lower quality of life for most of the population. These factors are an obstacle to integrating women in development and ending their difficult living conditions, which, together with violence, are responsible for rural women being one of the population groups that are most vulnerable and subject to discrimination.

398.The Committee recommends that existing programmes be expanded with a view to improving the status of rural women, particularly among displaced populations, and that attention be focused as a matter of priority, on rural women with a view to improving their health, education and quality-of-life indicators.

399.The Committee recommends that those involved in planning and programme implementation receive gender-sensitive training. It recommends the introduction of micro-credit programmes to improve the economic situation of women, as well as programmes to improve the enjoyment by rural women and displaced women of their human rights to health and education.

400.The Committee requests the Government of Colombia to provide information addressing the concerns raised in the present concluding comments in the next periodic report required under article 18 of the Convention.

401.The Committee requests the wide dissemination in Colombia of the present concluding comments, in order to make the people of Colombia, and in particular government administrators and politicians, aware of the steps that have been taken to ensure *de jure* and de facto equality for women and the further steps that are required in that regard. It also requests the Government to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.