



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding comments of the Committee on the Elimination of Discrimination against Women: Colombia

1. The Committee considered the combined fifth and sixth periodic report of Colombia (CEDAW/C/COL/5-6) at its 769th and 770th meetings, on 25 January 2007 (see CEDAW/C/SR.769 and 770). The Committee's list of issues and questions is contained in CEDAW/C/COL/Q/6, and Colombia's responses are contained in CEDAW/C/COL/Q/6/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its combined fifth and sixth periodic report, which followed the Committee's guidelines for the preparation of periodic reports. The Committee notes the quality of the report, which is informative and takes into account the general recommendations of the Committee. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, headed by the Presidential Counsellor for Women's Equity and which included the Vice-Minister of the Interior, of the Ministry of the Interior and Justice and the Vice-Ministers of Health and Well-being and of Labor Relations of the Ministry of Social Protection, senior officials from other line ministries and programmes and a representative of civil society.

4. The Committee appreciates the fact that the large delegation was well prepared and had effectively coordinated its responses, which contributed to the comprehensive, frank and constructive dialogue held between the delegation and the members of the Committee and provided further insights into the real situation of women in Colombia.

5. The Committee commends the State party for its ratification of the Optional Protocol to the Convention on 23 January 2007.



Positive aspects

6. The Committee notes with satisfaction the progress made by the State party, since the consideration of its previous report in 1999, towards eliminating discrimination against women and promoting gender equality, including the adoption of numerous laws, strategic plans and concrete programmes and projects in regard to many of the provisions of the Convention, including in the education and health sectors, as well as in regard to women's participation in decision-making. It also welcomes the important contribution of the courts and judiciary to the promotion of gender equality and women's enjoyment of their human rights.

7. The Committee notes with appreciation the adoption and implementation of: the Quota Act (Act 581 of 2000), which guarantees women at least 30 per cent of discretionary appointments at the highest decision-making levels and high-level management posts in all public entities; the Strategic Plan for the defence of women's rights in the justice system of Colombia, 2006-2010; and the national agreement for equity between women and men of October 2003. It also welcomes the inclusion of gender perspectives in the new National Development Plan 2006-2010, which also includes a chapter on women's equality.

8. The Committee commends the important progress made by the State party to create and strengthen policy frameworks and institutional mechanisms to address the pervasive violence in the country, including all forms of violence against women, and to provide increased attention to internally displaced persons, especially women and children. The Committee also congratulates the State party on its efforts, nationally and internationally, to enhance implementation of Security Council resolution 1325 (2000) on women, peace and security.

Principal areas of concern and recommendations

9. The Committee recalls the State party's obligation to systematically and continuously implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

10. While noting the measures taken by the State party to strengthen its legislative, policy and institutional frameworks to address the persistence of violence in the country, the Committee is concerned about the impact on the full implementation of the Convention of the general climate of violence and insecurity that prevails in Colombia. The Committee is concerned that the steps taken are not yet sufficient and that the prevailing situation puts women and girls at constant risk of becoming victims of all forms of violence.

11. The Committee urges the State party to further intensify its efforts to reduce and eliminate the persistent climate of violence and insecurity in the country in order to create an environment that is conducive to the full implementation of the Convention and women's enjoyment of their human rights. It calls on the State party to take all necessary measures to prevent and

eliminate violence against women by any person or organization, as well as violence committed by, or resulting from, actions or omissions by State agents, at all levels. It urges the State party to address the root causes of violence against women and to enhance victims' access to justice and to protection programmes. The Committee requests the State party to put in place effective monitoring mechanisms and to assess regularly the impact of all its strategies and measures taken on the full implementation of the provisions of the Convention.

12. While noting the State party's efforts to support internally displaced women and children, it is concerned that these population groups, especially female heads of household, continue to be disadvantaged and vulnerable in regard to access to health, education, social services, employment and other economic opportunities, as well as at risk of all forms of violence. The Committee is also concerned about the effects of conflict and displacement on family life.

13. The Committee urges the State party to increase its efforts to meet the specific needs of internally displaced women and children and to ensure their equal access to health, education, social services and employment and other economic opportunities, as well as security and protection from all forms of violence, including domestic violence.

14. The Committee is concerned that the Office of the Presidential Counsellor for Women's Equity may have insufficient capacity and resources for effectively coordinating the use of the gender mainstreaming strategy across all sectors of Government, in particular for effective coordination of the implementation of national policies and programmes at the departmental and municipal levels from a gender perspective.

15. The Committee calls on the State party to monitor carefully the capacity of the national machinery for the advancement of women to fully implement its responsibilities for the promotion of gender equality and women's enjoyment of their human rights. It encourages the State party to strengthen the role of the Office in coordinating the use of the gender mainstreaming strategy across all sectors and levels of Government. The Committee recommends, in particular, that the State party enhance the capacity of the national machinery to coordinate the implementation at the departmental and municipal levels of a range of sectoral policies, programmes and plans with those aimed specifically at the promotion of gender equality.

16. While noting that the State party's definition of the principle of equality of women and men is directly in line with that of the Convention, and has been upheld by the Constitutional Court of Colombia, the Committee is concerned that, when applying temporary special measures, the State party's goal often is to achieve equity for women rather than to accelerate the achievement of de facto equality of women with men. It also notes that the concept of equity, rather than equality, is often used in the design and implementation of policies and programmes for women.

17. The Committee draws the State party's attention to article 2 (a) of the Convention, which calls for the practical realization of the principle of equality between men and women. The Committee also draws the State party's attention to article 1 of the Convention, providing a definition of discrimination against

women, and its link to article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, in which the Committee clarified that such temporary special measures are a necessary means for accelerating achievement of women's de facto equality with men. It recommends that the State party encourage dialogue between representatives of public entities, academia and civil society in order to ensure that when the State party pursues the goal of equity for women its efforts are placed within the overall framework of the Convention's principle of de facto (substantive) equality between women and men.

18. While noting steps taken to address domestic violence, the Committee is concerned that the transfer of competence from family courts to family commissioners, civil courts or municipal courts may in practice reduce women's access to justice. It is concerned about the use of conciliation in cases of domestic violence and the lack of effective monitoring of the impact of such procedures on women's access to justice and remedies. It is also concerned that statistical data on domestic violence against women remain insufficient.

19. **The Committee encourages the State party to study the impact and effectiveness of its mechanisms for addressing domestic violence against women. In particular, the Committee calls on the State party to study carefully the use of conciliation in cases of domestic violence against women, to track the long-term results of mediated cases and to evaluate the impact of conciliation on women's access to justice and protection of their rights. It calls on the State party to enhance, within a given time frame, its system for the regular collection of statistical data on domestic violence against women, disaggregated by sex and type of violence and by the relationship of the perpetrators and victims. It also encourages the State party to further enhance coordination among all institutions providing assistance and support in cases of domestic violence.**

20. While welcoming the State party's integrated approach to combating trafficking in persons, the Committee is concerned about the persistent scope of the problem. The Committee is concerned about the links between drug trafficking, where women are used as "mules", and other forms of trafficking in women and girls, including for sex tourism and the economic exploitation of women and girls in domestic work. It is concerned at the insufficient information provided about the incidence of internal trafficking. The Committee regrets that insufficient data and information was provided on the exploitation of prostitution and on the effectiveness of measures to address it.

21. **The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls. It calls on the State party to fully assess the scope of trafficking in women and girls, including internal trafficking, and systematically compile and analyse data and information with a view to identifying more effective methods to prevent this phenomenon. It also recommends that the State party enhance its nationwide awareness-raising campaigns on the risks and consequences of becoming involved in drug trafficking, targeting, in particular, women and girls at risk, including those living in rural areas, and to enhance alternative economic opportunities for them. It urges the State party to take measures for the recovery, support and social reintegration of women and girls who are victims of trafficking. It**

encourages the State party to intensify training of law enforcement, migration and border control officials and to enhance its regional and international cooperation, in particular with countries of destination, in order to effectively combat trafficking. It urges the State party to analyse and monitor the impact of measures taken and provide information about the results achieved in its next periodic report. The Committee also requests the State party to provide in its next report statistical data and analysis on the exploitation of prostitution and the effectiveness of measures taken to address it.

22. While noting the steps taken by the State party to enhance women's health, including sexual and reproductive health, such as the establishment of the Sexual and Reproductive Health Policy and decision C-355 of May 2006 of the Constitutional Court, which decriminalized abortion in cases where the pregnancy represents a risk to the life or health of the mother, in cases of serious malformation of the foetus or in cases of rape, the Committee expresses its concern about the high rate of maternal mortality, especially among poor, rural and indigenous and afrodescendent women. The Committee is particularly concerned at the high number of illegal and unsafe abortions and related maternal mortality. It is also concerned that, in practice, women may not have access to legal abortion services, or to guaranteed care for the management of complications arising from illegal and unsafe abortions.

23. **The Committee encourages the State party to continue its efforts to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by increasing knowledge and awareness about, as well as access to, a range of contraceptives, family planning services for women and girls, and to take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of lack, or inaccessibility, of appropriate family planning and contraceptive services. The Committee recommends that the State party give priority attention to the situation of adolescents and rural, indigenous and afrodescendent women, and that it provide appropriate sex education with special attention to the prevention of pregnancies and sexually transmitted diseases, including as part of the regular education curriculum. It urges the State party to ensure that women seeking legal abortions have access to them, including by clarifying the responsibilities of public health service providers. The Committee recommends that the State party take steps to ensure that the regulatory framework and guidelines in place governing access to quality services for the provision of legal abortion services, and for the management of complications arising from illegal and unsafe abortions are applied in practice and that medical and health-care professionals receive adequate training and sensitization on their obligations, so as to reduce women's maternal mortality rates.**

24. While noting the efforts made to eliminate stereotypes in the educational system, including through the Gender and Diversity Education Programme, the Committee is concerned that the impact of such measures is not being adequately monitored. It is further concerned about the absence of studies or research and by the lack of analysis of the social impact and consequences of the persistence of gender-role stereotypes for the promotion of gender equality.

25. **The Committee recommends that the State party continue its efforts to address stereotypes that perpetuate direct and indirect discrimination against women. It encourages the State party to study and analyse systematically the impact of prevailing gender-role stereotypes for the promotion of gender equality. It encourages the State party to strengthen educational measures and to develop a more comprehensive and wide ranging strategy across all sectors to eliminate stereotypes, working with a broad range of stakeholders, including women's and other civil society organizations, the media and the private sector in order to achieve progress in this area. It calls on the State party to monitor the impact of measures taken and to provide the results achieved in its next periodic report.**

26. While recognizing the efforts made to increase the representation of women in public administration at the national and local levels, including through the Quota Act, the Committee is concerned about the underrepresentation of women, including indigenous and afrosdescendent women, in elected bodies at all levels, and in particular about the recent decline in women's representation in Parliament and in the Judiciary.

27. **The Committee calls upon the State party to expand its efforts towards achieving women's full and equal participation in all areas, and in particular in elected bodies and in the Judiciary. In this regard, the Committee encourages further use of temporary special measures to accelerate the advancement of women, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23. Particular efforts should be made to increase the number of indigenous and afrosdescendent women in political and public life and in decision-making positions in all fields. It encourages the State party to enhance efforts to provide leadership training programmes for women, including indigenous and afrosdescendent women, in order to strengthen their roles in leadership and decision-making positions in society. It encourages the State party to monitor progress made and results achieved.**

28. The Committee is concerned about the increase in the number of women working in the informal sector, which offers fewer rights, benefits and opportunities for advancement. It notes with concern the lack of analysis of the impact of the *maquiladora* industry and of seasonal agricultural work on women's economic situation. It also notes with concern the lack of analysis of any possible adverse impact of free trade agreements on the economic well-being of Colombian women and the consequent lack of policies to counteract any potential adverse impact.

29. **The Committee encourages the State party to strengthen its efforts to enhance women's access to employment in the formal sector, including through increased opportunities for education and training. The Committee encourages the State party to analyse the impacts of *maquiladora* and seasonal agricultural work on women's economic situation. It also suggests that the State party study the impact of free trade agreements on the socio-economic conditions of women and consider adopting compensatory measures that take women's human rights into consideration.**

30. While noting measures taken to improve the situation of rural women and girls, the Committee is concerned about the persistent high levels of poverty among women living in rural areas and their persistent vulnerability to armed conflict.

Rural women's disadvantaged situation is reflected in their high illiteracy rates, low school enrolment and completion rates and poor access to health care, including sexual and reproductive health. The Committee is concerned that the scope of current policies and programmes for rural areas remains limited, that the strategy for rural development is not comprehensive in nature and that it does not adequately address the structural nature of the problems rural women continue to face.

31. The Committee urges the State party to ensure that all rural development policies and programmes integrate a gender perspective and explicitly address the structural nature and various dimensions of poverty faced by women. It recommends that the State party strengthen its efforts to implement comprehensive nationwide health and educational programmes, including programmes in the areas of functional literacy, enterprise development, skills training and microfinance, as a means of poverty alleviation. It also encourages the State party to ensure that the situation of rural women is taken into account in efforts to eliminate women's vulnerability to violence, including as a result of armed conflict.

32. The Committee encourages the State party accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

33. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.

34. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

35. The Committee commends the State party for having ratified the seven major international human rights instruments.¹ The Committee notes that the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

36. The Committee requests the wide dissemination in Colombia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

37. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, due in February 2007, and its eighth periodic report, due in February 2011, in a combined report in 2011.
