



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

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**Committee on the Elimination of Discrimination
against Women**
Fifty-sixth session

Summary record (partial)* of the 1162nd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 2 October 2013, at 3 p.m.

Chairperson: Ms. Ameline

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(*continued*)

Combined seventh and eighth periodic reports of Colombia (continued)

* No summary record was prepared for the rest of the meeting.

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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 seventh and eighth periodic reports of Colombia (continued)
(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.*

Articles 7 to 9

2. **Ms. Rentería** (Colombia) said that the target of 30 per cent of women at the highest administrative decision-making levels under the Quota Act had been met in the executive branch, as women headed almost a third of the Government ministries and held nearly half the senior Government posts. Women fell far short of that quota in the legislative branch, however. Nevertheless, her Government was continuing to work at the territorial level to foster women's participation in the legislature and in parties and electoral candidate lists.

3. **Ms. Guzman Pardo** (Colombia) said that prior consultation with the communities concerned on matters involving the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169), was regulated by law and by the Constitutional Court of Colombia. Efforts were being made to enhance women's participation, particularly among indigenous and Afro-Colombian women, in promoting the rights of indigenous and tribal peoples.

4. **Ms. Fonseca Jaramillo** (Colombia) said that over a quarter of the embassies of Colombia were headed by a woman ambassador. Moreover, the three top posts in the Ministry of Foreign Affairs were held by women.

5. **Ms. Rentería** (Colombia) noted that although there were electoral seats reserved for women from ethnic minority groups, there were currently no indigenous women in the Government.

6. **Ms. Bareiro-Bobadilla** asked what was being done to encourage indigenous and Afro-Colombian women to stand for public office; how was the legislation on quotas for women in decision-making positions enforced; what mechanisms were in place to consult with indigenous communities on issues that affected them and whether a gender perspective was taken into account in those consultations; and how female human rights defenders, who all too often risked their lives in Colombia, were being protected.

7. **Ms. Rentería** (Colombia) said that programmes were being unrolled with support from the Ministry of the Interior and Justice to encourage all women to participate in political life and it was hoped that such initiatives would have an impact on future elections.

8. **Ms. Guzman Pardo** (Colombia) said that a strategy was being implemented to protect female human rights defenders, and that a special programme had been drawn up for indigenous and Afro-Colombian women.

Articles 10 to 14

9. **Ms. Bailey** asked whether school enrolment rates disaggregated by gender and ethnicity were available. She also asked what actions the Ministry of Education was taking to remedy the lack of adequate educational facilities and materials and access to an education that met the needs of pupils, which had been identified by the State party as factors that led children to drop out of school. Would the State party explain why so many

young women failed to complete their studies at the higher educational and technical vocational levels? What measures had been taken to reverse that trend? Lastly, data on the subjects studied by girls at technical vocational institutes would be welcomed.

10. **Ms. Pimentel** noted with concern the very high dropout rate among pregnant adolescent girls, which suggested the need to improve the sex education provided in schools and end school policies that perpetuated gender stereotypes. How was the impact of sex education measured?

11. **Mr. Bruun** welcomed the introduction of legislation on equal pay for men and women but was concerned that the relevant legislation did not adequately cover the concept of equal pay for work of equal value, a concern that had also been expressed by ILO. He wondered what steps had been taken to assess and monitor the results of the legislation introduced in 2010 to boost women's employment by offering tax incentives to businesses that employed women over 40 or under 28 years of age. How many women had been employed as a result of those incentives? Information would be appreciated on the extent to which complaints of sexual harassment were settled through conciliation and through criminal prosecution, the role of the labour inspectorate in dealing with sexual harassment in the workplace and the number of complaints that had been lodged. What social security protection was in place for women who worked in the informal sector and how did internally displaced women gain access to employment? He asked whether there had been any monitoring of the impact of free trade agreements with the United States and the European Union on women's rights. Lastly, had the State party ratified the ILO Domestic Workers Convention, 2011 (No. 189)?

12. **Ms. Barraza Morelle** (Colombia) said that the high university dropout rate of girls and the subsequent problems in finding meaningful employment were serious causes for concern in Colombia. The school dropout rate was just under 15 per cent for girls and boys alike, and a system was in place to monitor dropout trends. A policy had been introduced to prevent teenage pregnancy, the main cause of girls' dropping out of school, for the period up to 2015. In addition, her Government had developed policies to keep children in school, to encourage pupils who had dropped out to resume their education, to eliminate stereotypes from the curriculum and to inspire girls to take up subjects traditionally pursued by boys. The Government had established a gender unit designed to give effect to legislation on human rights education, specifically through the development of a reproductive rights education curriculum. While data on school dropout rates disaggregated by ethnicity still needed to be collected, ethnic education policies and policies targeting the dropout rate of indigenous and Afro-Colombian pupils, including flexible class schedules and increased allocation of resources for poorer children, were being pursued.

13. Colombia had ratified ILO Convention No. 189. Employment equality policies had been adopted to address issues such as the pay gap, continuity of employment, occupational segregation, reconciliation of work and family life and women's participation in the informal economy. Those policies were supported by concrete measures, including programmes to raise awareness of women's rights, legal remedies and maternity legislation; a programme to certify gender equality in the workplace that had been launched to encourage companies to guarantee men and women equal employment rights and equal pay for equal work; and the provision of training and flexible work arrangements. Labour inspectors led training sessions and followed up on cases of sexual harassment in the workplace.

14. **Ms. Bibiana Pérez** (Colombia) said that the free trade agreements entered into with Canada, the European Union and the United States of America provided for monitoring mechanisms to ensure respect for human rights. The Government promoted dialogue between management and labour and regularly assessed the impact of such agreements on women. A policy to strengthen human rights monitoring in the workplace was currently

being drawn up based on guidance from the relevant work done at the Human Rights Council. It included provisions for equal employment opportunities, support of entrepreneurship, mechanisms to deal with domestic violence and workplace harassment and enhanced cooperation between the State and private companies.

15. **Ms. Bailey** asked whether the delegation could provide data on primary and secondary school enrolment disaggregated by sex. She would also be grateful to know why so many young women failed to complete their higher education.

16. **Ms. Pimentel** asked whether Colombia had legislation to compel higher educational institutions and businesses to adopt sexual harassment policies.

17. **Ms. Barraza Morelle** (Colombia) said that sexual harassment in the workplace as such was not a criminal offence. However, certain acts of sexual harassment involving abuse of authority in the workplace and in educational settings were investigated and punished, in accordance with the law on violence and discrimination against women, No. 1257 of 2008. Under the law, the Government had also created a special protection unit for victims of sexual violence. The perpetrators of sexual harassment usually incurred only light sentences of less than 1 year, and were investigated informally. However, there were currently more than 2,000 investigations into complaints of sexual harassment and the Office of the Attorney General was working with the Ministry of Labour to devise guidelines for the rapid investigation of cases of sexual harassment in the workplace.

18. **Ms. Barraza Morelle** (Colombia) said that the latest available data showed that more than 1.3 million girls and slightly fewer boys were enrolled in primary and secondary education. She could provide the Committee with data on enrolment and dropout rates for boys and girls at a later date. Although no studies as to the reasons for the low completion rates of young women in higher education had been conducted in Colombia, other studies indicated that many discontinued their studies to assume more traditional roles as caregivers.

19. **Ms. Schulz** noted with concern that the latest figures on abortion dated back to 2008 and recent figures were lacking. Very few abortions performed in Colombia were legal and women suffering from abortion-related complications went largely untreated. Abortion-related deaths were high and the number of abortions had been increasing, which indicated that Constitutional Court Decision C-355 of 2006, which allowed abortions to be performed legally under certain circumstances, was being flouted. Health providers reportedly often refused to perform abortions even where all the legal requirements were met.

20. Women victims of violence, especially internally displaced women, had limited access to health services and information on those services. They did not undergo prompt forensic medical exams and rape victims were denied emergency contraception or treatment to prevent HIV infection. She wished to know what measures were in place and what funds had been allocated to provide for safe, legal abortions and to train health personnel in delivering the relevant health services. Were judges punished if they failed to uphold the law concerning abortion or doctors if they refused to perform a legal abortion, including by taking away their licence to practise? The prevalence of illegal abortions suggested that access to modern contraceptives and information on contraception was lacking, especially among adolescents and young women.

21. Given that sterilization was such a commonly used method of contraception in Colombia, she wished to know whether there was pressure on women to accept this method over other, reversible methods. According to alternative reports, forced sterilization was practised on women with disabilities, women with HIV and poor indigenous and Afro-Colombian women. What measures were being taken to prevent that practice? She would also like to know whether rape victims were given information on antiretroviral therapy to prevent HIV infection.

22. **Ms. Pomeranzi** asked for details of the microcredit schemes and community welfare support programmes under the 2013–2016 action plan to promote gender equity for women. Were the schemes being used not only to fight poverty but also to improve women's economic status? What role did the High Presidential Council for Women's Equity play in public-private partnerships? What percentage of its budget would be allocated for the economic empowerment and the social protection of women in the coming years?

23. **Ms. Jahan** asked whether the Government had adopted a comprehensive policy for rural women who faced poverty and forced displacement. Many rural women had not benefited from guarantees under the Victim and Land Restitution Act, as they did not own titles to their land or lacked the necessary formal documents so that ownership could be transferred from deceased or missing male family members. What measures were in place to increase women's landownership? What measures had the Government taken to compensate women dispossessed of their land as a result of foreign direct investments and mining operations? She asked the delegation to comment on reports of multinationals using armed groups to displace women from their land. Lastly, what measures had the Government taken to resettle displaced women?

24. **Ms. Pires** asked what were the main barriers to carrying out policies on indigenous and Afro-Colombian women effectively, especially those living in rural areas. She wished to know what percentage of the budget would be set aside for programmes to promote gender equality among indigenous peoples and persons of Afro-Colombian descent in rural areas. What measures were being taken to ensure the involvement of such women in the evaluation of the relevant policies? What was being done to increase vulnerable women's access to food resources such as land, seeds and water? She also asked what steps had been taken to ensure that statistics, especially on Afro-Colombian and indigenous women, were reliable and up to date.

25. **Ms. Gutiérrez Méndez** (Colombia) said that national figures on illegal abortion were a cause for concern despite the relevant Constitutional Court Decision on the voluntary termination of pregnancy. The Ministry of Health had organized awareness-raising programmes and training courses to inform doctors and private and public health-care providers about the law. Health professionals were offered the relevant medical training. All health personnel were also trained in providing care for victims of sexual violence, including courses on the relevant provisions of the law, and in detecting evidence of rape. In accordance with the law, equipment in hospital emergency departments had been overhauled to meet victims' needs. Emergency departments had to be equipped with kits for forensic testing of sex crimes, and antiretroviral drugs and emergency contraception were available for victims of sexual assault. The Government was also working with non-governmental organizations to disseminate information on the relevant laws at the local level.

26. The Government was working with the Colombian Federation of Associations of Obstetrics and Gynaecology to strengthen training of professionals in best practices for the care of victims of sexual violence and for pre- and post-abortion care. The Colombian health system had an oversight body that dealt with ethics and legal matters, including the right of doctors to refuse to perform an abortion on the grounds of conscience. She had no data on the number of judges who had been punished for failing to uphold the law on access to abortion.

27. The Government had enacted laws to prohibit sterilization without the consent of the women or legal representatives of the minors or women lacking legal capacity involved. She knew of no cases of forced sterilization of women with HIV. Modern and effective contraceptives were provided and the dissemination of free information among adolescents on sexual and reproductive health was covered under the national health-care plan.

28. **Ms. Barraza Morelle** (Colombia) said that a distinction should be made between loans to empower women and to combat poverty. Loans were offered to both rural and urban women. A budget of more than 1 billion dollars had been allocated for the economic empowerment of women, mostly in the form of loans.

29. There was a need to root government policies in local communities so that resources could directly reach Afro-Colombian and indigenous women. Loans were not treated merely as subsidies but went hand in hand with support, care and training. Most loans in the past had been designed to fight poverty, but the Government was trying to go beyond that goal. It was also seeking to increase the access of Afro-Colombian and indigenous women in rural areas to loans by encouraging local authorities to work directly with such women to help them to meet the eligibility requirements for obtaining loans, including completing the necessary forms.

30. The public mining and energy sectors were working hard to prevent violence in mining areas. Harmonizing the working methods of the various government departments and gender mainstreaming programmes and projects remained a major challenge.

31. **Ms. Morales Castro** (Colombia) said that the Victim and Land Restitution Act addressed women's lack of access to justice because of the armed conflict and set forth the State's legal obligation to help to support displaced women's land restitution claims. The Land Restitution Unit established pursuant to the Act was responsible for preparing policies to eliminate the institutional, social, economic and other barriers faced by women when reclaiming their land. Steps had already been taken to provide appropriate measures to prevent violence against women living in particularly volatile regions of the country and a national collective reparations programme had recently been introduced for Afro-Colombian and indigenous women, who had been most affected by the armed conflict. The Government had implemented a protocol on gender parity, which guaranteed a greater proportion of female representation in, inter alia, the Land Restitution Unit, thereby allowing internally displaced and ethnic minority women to make their voices heard.

32. **Ms. Pimentel** asked whether the State party intended to introduce a more effective coordination mechanism between the police and health-care institutions to ensure prompt post-exposure prophylaxis treatment for victims of sexual and gender-based violence. She also wished to know what steps the Government had taken to ensure that health-care institutions respected women's right to appropriate health-care treatment, particularly in medical facilities where medical staff members objected to performing abortions on the grounds of conscience.

33. **Ms. Bareiro-Bobadilla** asked whether the State party intended to simplify its land restitution procedures in order to safeguard women's access to justice, particularly for indigenous women. She also wished to know the extent to which internally displaced women benefited from access to health, employment and education.

34. **Ms. Schulz** asked whether the State party intended to carry out research into the number of legal and illegal abortions performed across the country, the number of health-care institutions complying with the national legal framework and the number of medical practitioners who had been punished for failing to uphold the law. She also wished to know whether the State party had taken steps to include modules on prescribing post-exposure prophylaxis treatment and performing less invasive abortion procedures as part of medical personnel training programmes.

35. **Ms. Jahan** asked whether the State party had plans to establish a monitoring mechanism for land restitution procedures and whether women displaced by criminal groups benefited from the same protection and rights as women displaced by the armed conflict.

36. **Ms. Pires** asked the delegation to provide information on the percentage of the national budget allocated to indigenous women.
37. **Ms. Guzmán Pardo** (Colombia) said that the Government had put in place a series of measures to ensure that minority ethnic groups could actively participate in decision-making processes and Afro-Colombian and indigenous women were fully informed of their rights.
38. **Ms. Gutiérrez Méndez** (Colombia) said that the Government had devised a protocol in 2012, which provided access to post-exposure prophylaxis treatment for all victims of sexual and gender-based violence and regulated every stage of treatment and follow-up. Health service professionals had also received comprehensive training on how to treat victims of sexual violence and specialist emergency treatment kits were available in all health-care institutions. Turning to women's access to abortions, she said that national legislation provided for medical practitioners to refuse to perform abortions but health-care institutions were bound to uphold a woman's right to appropriate treatment. The Government had no data on the number of medical practitioners who had been punished as a result of their failure to uphold the law concerning abortions.
39. **Ms. Córdoba Hurtado** (Colombia) said that the Constitution set forth the indigenous community's right to resolve their own internal issues through traditional indigenous justice systems. However, cases involving internally displaced persons came under the jurisdiction of the public prosecution service and were analysed and reviewed at the national level. Over the past 30 years, rural and ethnic minority women had seen their access to justice increase thanks to various State-led prosecutions and many perpetrators of violence and land expropriation had been punished.
40. **Ms. Mazzoldi** (Colombia) said that, pursuant to the Victim and Land Restitution Act, the Government had disseminated several internal circulars to formalize investigation procedures and the Land Restitution Unit had been working to raise awareness among women victims of their right to restitution. Efforts had also been made to ensure that a gender perspective was taken into account by magistrates and others when investigating and ruling on such cases. Furthermore, the Government had established a plan for 2013–2016, in partnership with women's organizations, to finance projects aimed at helping women to overcome any barriers that prevented their access to justice.
41. **Ms. Gutiérrez Méndez** (Colombia) said that women displaced by criminal armed groups benefited from the same protection and rights as women displaced by armed conflict.
42. **Ms. Halperin-Kaddari** asked the delegation to provide additional information on reports that girls aged between 14 and the legal minimum age of 18 had been allowed to marry with parental consent. She also wished to know what steps had been taken to prevent unregistered, underage marriages and what remedies were available to the girls affected.
43. Turning to the rights of the lesbian, gay, bisexual and transgender (LGBT) community, she wished to know whether the State party intended to enforce a Constitutional Court decision to legalize same-sex marriage. On the issue of women's economic rights following the dissolution of marriage, she wished to know whether pensions and future earning potential were taken into account during the division of property. Lastly, she asked whether women living in de facto unions benefited from the same protection and rights as married women.
44. **Ms. Córdoba Hurtado** (Colombia) said that persons had legal capacity when they reached the age of 18 and girls under the age of 18 could not legally enter into marriage without parental consent. In an effort to combat underage marriage, the Government had established several bodies that provided support and protection measures for minors.

45. **Ms. Bibiana Pérez** (Colombia) said that although the Constitutional Court had ruled in favour of legalizing same-sex marriage, Congress had yet to conclude its discussions on the matter. There was, however, a State-wide policy of non-discrimination towards the LGBT community.

46. **Ms. Barraza Morelle** (Colombia) said that women in recognized de facto unions benefited from the same protection and rights as married women.

47. **Ms. Rentería** (Colombia) thanked the Committee for their valuable comments and said that the State party would be happy to provide additional written replies to the Committee's questions upon request.

48. **The Chairperson** welcomed the progress made by the State party and thanked the delegation for their participation in the constructive dialogue. She hoped that the Government would give due consideration to the recommendations formulated by the Committee.

The discussion covered in the summary record ended at 4.50 p.m.