



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 March 2019

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the ninth periodic report of Colombia*

1. The Committee considered the ninth periodic report of Colombia (CEDAW/C/COL/9) at its 1661st and 1662nd meetings (see CEDAW/C/SR.1661 and CEDAW/C/SR.1662), held on 19 February 2019. The Committee's list of issues and questions is contained in CEDAW/C/COL/Q/9, and the responses of the State party are contained in CEDAW/C/COL/Q/9/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its ninth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/COL/CO/7-8/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Deputy Minister for Multilateral Affairs, Adriana Mejia Hernandez, and included representatives of the Ministry of the Interior, the Attorney General's Office, the Constitutional Court, the Congress, the National Gender Commission of the Judiciary, the Office of the Presidential Council for Women's Equity, the Ministry of Foreign Affairs and the Permanent Mission of Colombia to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined seventh and eighth periodic reports (CEDAW/C/COL/7-8) in undertaking legislative reforms, in particular the adoption of the following:

(a) Resolution 845/2018 on the comprehensive programme of guarantees for women leaders and human rights defenders;

* Adopted by the Committee at its seventy-second session (18 February–8 March 2019).



(b) Decree 672/2017, through which the structure of the Administrative Department of the Office of the President, including the Office of the Presidential Council for Women's Equity, was modified;

(c) Act No. 1822/2017, which extends maternity leave to 18 weeks and paid paternity leave to 8 working days;

(d) Act No. 902/2017, which provides for recognition of the care economy and prioritizes rural women as beneficiaries of programmes for access to land;

(e) Act No. 1719/2014, which establishes measures to guarantee access to justice for victims of sexual violence, in particular in the context of the armed conflict;

(f) The Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, signed by the Government and the Revolutionary Armed Forces of Colombia – People's Army on 24 November 2016 and endorsed by the Congress six days later;

(g) Act No. 1761/2015, which recognizes femicide as a separate offence;

(h) Decree 2733/2012, which regulates article 23 of Act No. 1257/2008 and establishes a tax rebate for those who employ women victims of violence.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) Decree 1418/2018, which establishes the high-level forum on gender to coordinate implementation of the gender provisions of the peace agreement;

(b) Document 3918/2018 of the National Council on Economic and Social Policy, which establishes a road map for gender equality in the achievement of the Sustainable Development Goals;

(c) Resolution 1904/2017 of the Ministry of Health and Social Protection on the reproductive rights of persons with disabilities;

(d) Decree 1036/2016, by which the national strategy for the fight against trafficking in persons for the period from 2016 to 2018 was adopted;

(e) Document 3784/2013 of the National Council on Economic and Social Policy document, which establishes a strategy for protection and guarantees of rights for women victims of armed conflict.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party acceded to the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO), on 9 May 2014.

C. Sustainable Development Goals

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see A/65/38, part two, annex VI). It invites the Congress, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

General context and priority concerns

9. The Committee acknowledges the achievements made by the State party in the fields of peace, security and justice, through the signing in 2016 of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace. The agreement established an important precedent in the participation of women in negotiations and the incorporation of a gender perspective into accords. It provides an important basis for the fulfilment of women's human rights in the State party. The Committee is concerned, however, at the slow pace at which the implementation of the gender-related provisions of the agreement is proceeding and the lack of harmonization with the national development plan. The Committee is further concerned about indications that threats and violence, including sexual violence, against women human rights defenders have increased considerably in the period following the signing of the agreement and that the most vulnerable groups of women, in particular Colombian women of African descent, indigenous, rural, lesbian, bisexual and transgender women and women with disabilities, continue to suffer serious violations of their rights without access to the protection of the State or to justice.

10. The Committee recommends that the State party, as a matter of priority, expedite the implementation of the gender provisions of the peace agreement and harmonize them with the national development plan, to ensure the protection of, and access to justice for, the most vulnerable groups of women in the State party.

Legislative and policy framework

11. The Committee notes the State party's efforts to strengthen its legislative framework on gender since its previous review, in 2013. In particular, it notes with appreciation the elaboration of the pact for the equity of women in the proposed national development plan for the period from 2018 to 2022. The Committee also takes note of document 3918/2018 of the National Council on Economic and Social Policy, which establishes a road map for gender equality as a cross-cutting matter in the achievement of the Sustainable Development Goals. The Committee is concerned, however, that the gender provisions of the proposed national development plan do not yet provide for specific budget allocations. The Committee is also concerned about the absence of efficient legislative and policy measures targeting the intersectional discrimination faced by women belonging to vulnerable groups.

12. Recalling its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party:

(a) **Ensure that the pact for the equity of women is properly incorporated into territorial development plans, with goals and indicators to measure and monitor its implementation, and guarantee the allocation of adequate human and**

financial resources for its efficient implementation throughout the territory of the State party;

(b) Apply in its legislation the comprehensive definition of discrimination against women and girls contained in article 1 of the Convention, prohibit all discrimination against women, in accordance with article 2 (b) and ensure that legislation covers all prohibited grounds of discrimination, including protection from discrimination for indigenous women, Colombian women of African descent, rural women, women with disabilities and lesbian, bisexual and transgender women, in the public and private spheres, and that it covers intersecting forms of discrimination.

Access to justice

13. The Committee welcomes measures taken to improve and increase access for women to justice and notes in particular the equity criteria for the administration of justice and the evaluation of judges and the capacity-building programmes on gender-related issues for competitive exams. The Committee also welcomes initiatives to extend the presence of the Attorney General's Office to rural areas. The Committee remains concerned, however, about the limited institutional capacity of the judiciary, in particular in rural areas, and the high level of impunity, in particular in cases related to femicide, sexual violence and violence against women human rights defenders, which disproportionately affect women from vulnerable groups, such as indigenous women, Colombian women of African descent, rural women, women with disabilities and lesbian, bisexual and transgender women.

14. **Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Strengthen the judicial system, including through additional financial, technical and specialized human resources, with a view to handling cases in a timely, gender-sensitive, non-discriminatory and competent manner in all of its territory, in particular in rural areas;**

(b) **Strengthen the Attorney General's Office and expand its presence to rural areas;**

(c) **Facilitate access to justice for indigenous and migrant women, Colombian women of African descent and women with disabilities, by ensuring that information, including in native languages, sign language and through other forms of communication, concerning the institutional presence of the judiciary and due process rights is widely available, and that procedural and age-appropriate accommodations are provided;**

(d) **Strengthen capacity-building programmes on the Convention for judges, prosecutors, lawyers and the police;**

(e) **Increase the number of judges and prosecutors specialized in sexual violence matters, as recommended in the Committee's previous concluding observations ([CEDAW/C/COL/CO/7-8](#), para. 18);**

(f) **Ensure access to legal aid services for women and girls and undertake awareness-raising campaigns to inform women and girls about their rights under the Convention.**

Women and peace and security

15. The Committee commends the signing of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace and the establishment of the high-level forum on gender. It is concerned, however, that the implementation of the

provisions of the peace agreement concerning gender equality is progressing at a slower pace compared with other parts of the agreement and that the gender mainstreaming component of the framework plan for implementation lacks a budget. The Committee notes with concern that the presence of the State remains weak in many areas and that armed groups continue to threaten the civil population and recruit children in former conflict zones.

16. Recalling its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:

(a) **Accelerate the implementation of the gender-related provisions of the peace agreement, including those related to security guarantees for women leaders and human rights defenders and the reintegration of women who are former combatants of the Revolutionary Armed Forces of Colombia – People’s Army, and ensure that sufficient human and financial resources are allocated for its effective implementation;**

(b) **Integrate indicators, disaggregated by sex, age, ethnicity, race, geographical location and disability, to monitor the impact of implementing the provisions concerning gender equality in the framework plan for implementation and assign an indicative budget;**

(c) **Increase the presence of State institutions and access to basic services in previous conflict zones, taking into consideration the specific needs of Colombian women of African descent, indigenous women and women with disabilities, and ensure the protection of the affected population in former conflict zones and the prevention of the recruitment of children by armed groups.**

Women human rights defenders

17. The Committee welcomes the adoption of the comprehensive programme of guarantees for women leaders and human rights defenders, in resolution 845/2018. It is concerned, however, about the prevalence of homicides, threats and other violations perpetrated against women human rights defenders and at the high levels of impunity for such crimes. The Committee is particularly concerned that women who work to implement the peace agreement at the local level and who seek redress for victims who have suffered land rights violations are being targeted in particular. It is also concerned about information it has received indicating that women human rights defenders often experience revictimization when seeking protection and that law enforcement officers sometimes use discriminatory and revictimizing language.

18. The Committee recommends that the State party:

(a) **Ensure the efficient implementation of the comprehensive programme of guarantees for women leaders and human rights defenders, including through adequate funding and staffing;**

(b) **Monitor the implementation of the comprehensive programme of guarantees for women leaders and human rights defenders and include women’s organizations in the monitoring process;**

(c) **Ensure the sustainability of the strategy for the investigation and prosecution of homicides of human rights defenders, led by the Attorney General’s Office, by allocating resources and strengthening knowledge on methodologies for the investigation of cases of violations against women human rights defenders;**

(d) **Conduct public awareness-raising campaigns to raise knowledge of the important role of women human rights defenders in promoting peace and human rights;**

(e) **Provide capacity-building for law enforcement officers with the purpose of eliminating inadequate behaviour and attacks against women human rights defenders.**

National machinery for the advancement of women

19. The Committee welcomes the increase in the budget allocation to the Office of the Presidential Council for Women's Equity. It is concerned, however, that it is not sufficient for the Office to efficiently implement all the activities assigned to it under the national development plan. The Committee is also concerned that, despite its previous recommendation, the State party has not raised the status of the Office to the ministerial level. The Committee is further concerned that the State party has not adequately strengthened the Intersectoral Commission, which was a recommendation specifically included in its previous concluding observations (CEDAW/C/COL/CO/7-8, para. 12). The Committee is concerned that the gender observatory lacks the capacity to influence policy design. The Committee also notes with concern that indigenous women, Colombian women of African descent, lesbian, bisexual and transgender women and women with disabilities are not represented in the Office of the Presidential Council for Women's Equity.

20. **Reiterating its previous recommendation (CEDAW/C/COL/CO/7-8, para. 12), the Committee recommends that the State party:**

(a) **Give ministerial rank to the Office of the Presidential Council for Women's Equity, with a view to enhancing its capacity to influence the formulation, design, implementation and monitoring of policies concerning gender equality and the advancement of women and strengthening its coordination role at all levels of Government, in particular at the ministerial level;**

(b) **Strengthen the role of the Intersectoral Commission in coordinating the implementation of the public policy on gender equity, including at the regional and local levels;**

(c) **Strengthen the capacity of the gender observatory to coordinate with academic institutions and influence public policies on gender-related issues;**

(d) **Ensure that indigenous women, Colombian women of African descent, lesbian, bisexual and transgender women and women with disabilities are represented in the Presidential Council for Women's Equity.**

Temporary special measures

21. The Committee takes note of activities to strengthen women's organizations, such as political training courses for women in municipalities and the inclusion of differential approaches in the public policy on victims. It is concerned, however, that the State party has not adopted any temporary special measures aimed at accelerating the full inclusion of women in all areas of the Convention, in particular in politics, education, employment and health, including by taking into consideration the special needs of vulnerable groups of women.

22. **The Committee recommends that the State party adopt temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in order to accelerate the full inclusion of women in health, employment, education,**

politics and other areas covered by the Convention, including by targeting vulnerable groups of women.

Discriminatory gender stereotypes and harmful practices

23. The Committee welcomes measures taken by the State party in the health, education and service sectors to eradicate discriminatory gender stereotypes and takes particular note of the joint project of the Ministry of the Interior and the Ministry of Defence concerning new forms of masculinity, the first phase of which is aimed at the security forces. The Committee also welcomes activities carried out jointly with indigenous organizations, with the objective of eliminating female genital mutilation. It remains concerned, however, about the persistence of deep-rooted gender stereotypes and roles in the public and private spheres and the continued practice of female genital mutilation in certain indigenous communities.

24. The Committee recommends that the State party:

(a) Develop, without further delay, a comprehensive strategy to modify patriarchal and gender-based stereotypical attitudes about the roles and responsibilities of women and men in the family and in society, as previously recommended by the Committee (CEDAW/C/COL/CO/7-8, para. 14 (a));

(b) Strengthen its efforts to modify entrenched discriminatory gender stereotypes, including through enhanced awareness-raising campaigns targeting the education and health sectors and the political culture, with the aim of eliminating stereotypes regarding the roles of men and women;

(c) Intensify its activities, undertaken jointly with indigenous communities, to implement the action plan to eradicate harmful practices in the State party, in particular female genital mutilation.

Gender-based violence against women

25. The Committee welcomes the directives developed by the Attorney General's Office on parameters for ensuring due diligence in the investigation of cases of violence against women and the mechanisms established to implement agreement 10554/2016 regarding the obligation to consider gender in cases related to violence against women. The Committee is concerned, however, about the increasing and persistently high number of cases of gender-based violence against women and girls, including femicide and violence in institutions, and about the level of impunity for such acts. It is also concerned about the limited implementation of Act No. 1257/2008 concerning health services for victims and about the low capacity for integrated services, such as shelters, for victims in rural areas. The Committee notes the State party's efforts to strengthen the role of the family commissioners and of model procedures developed for protective measures. It is concerned, however, that the family commissioners are not sufficiently funded or staffed, that they report to the local municipalities and that they are tasked with too many responsibilities.

26. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:

(a) Strengthen its efforts, as a matter of priority and within a specific time frame, to implement the national plan for the prevention of gender-based violence against women and girls, including violence in institutions, in particular targeting indigenous women, Colombian women of African descent, rural women, women with disabilities and lesbian, bisexual and transgender women;

(b) **Ensure the adequate and sustainable allocation of resources for the implementation of Act No. 1257/2008 concerning integrated and accessible services for victims in rural areas, in particular health services, and the provision of shelters for victims in rural areas;**

(c) **Consider restructuring the family commissioners under the Ministry of Justice, streamline their mandates and allocate sufficient human, technical and financial resources to strengthen them in their work;**

(d) **Ensure that the Attorney General's directives on due diligence in the investigation of cases of violence against women are effectively implemented by all actors in the judiciary.**

Trafficking and sexual exploitation

27. The Committee welcomes judicial efforts to prosecute and prevent trafficking in women and girls. It notes that the State party adopted a national strategy for the fight against trafficking in persons for the period from 2014 to 2018, in compliance with international standards. The Committee is concerned, however, that migrant women and girls from the Bolivarian Republic of Venezuela are frequently victimized and exploited. The Committee is also concerned that the data provided by the State party emanate from various sources and that they are not disaggregated by relevant factors, which makes it difficult to analyse and use them as a basis for policy design. It is further concerned that only one victim of trafficking received protection from the Attorney General's Office in 2016 and that, despite the adoption of Presidential Decree 1069/2014, which stipulates that a range of support services should be granted to victims of trafficking, no government-operated shelters dedicated to victims of trafficking exist in the State party.

28. **The Committee recommends that the State party:**

(a) **Unify data on the investigation, prosecution and conviction of trafficking crimes from other gender-based violence offences and disaggregate them by sex, age, ethnicity, race, geographical location and disability so that they can be used as a basis for analysis and policy recommendations and design;**

(b) **Disseminate information widely among all relevant stakeholders about the existence of a protection programme within the Attorney General's Office, taking into account the massive migratory inflow of Venezuelan women and girls;**

(c) **Ensure that all support services provided for in Decree 1066/2015 of the Ministry of the Interior are granted to victims of trafficking, in particular women and girls, and that they are inclusive and accessible;**

(d) **Establish sufficiently funded and equipped shelters and crisis centres for women and girls who are victims of trafficking and provide reintegration programmes for them.**

Participation in political and public life

29. The Committee notes that the State party has achieved gender parity in government positions. It is concerned, however, that, following the 2018 elections, the percentage of women in both chambers of parliament decreased. The Committee is also concerned that, despite the provisions of article 28 of Act No. 1475/2011, which stipulates that 30 per cent of candidates of each gender should be included in lists submitted for the election of five or more seats, the percentage of women elected as a result of the 2018 elections fell well below the target.

30. **The Committee recalls that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women and recommends that the State party:**

(a) **Take sustained measures, including temporary special measures, to introduce, in addition to statutory quotas for the representation of women in elected and appointed decision-making positions, the enforcement of alternation between men and women for the nomination of candidates within political parties and the provision of financial and other incentives to political parties with an equal number of women and men at equal ranks on their electoral lists, in accordance with articles 4 (1), 7 and 8 of the Convention and the Committee's general recommendation No. 23 (1997) on women in political and public life and general recommendation No. 25;**

(b) **Conduct awareness-raising campaigns on the importance of the participation of women in public and political life and continue to provide training and mentoring programmes on political participation, leadership and negotiation skills for women, in particular at the local level, and with a special focus on women affected by intersectional discrimination.**

Nationality

31. The Committee takes note of the State party's accession to the 1961 Convention on the Reduction of Statelessness, in 2014. The Committee notes that the State party has signed but not ratified the 1954 Convention relating to the Status of Stateless Persons. It notes with appreciation the issuance by the National Registry on 22 December 2017 of Circular No. 168, which establishes that children born of foreign mothers who are at risk of becoming stateless will be included in the civil registry without the need for proof of domicile, something that facilitates access to Colombian nationality for those children. The Committee is concerned, however, that the children of foreign mothers, in particular Venezuelan mothers, who are not necessarily at risk of statelessness are issued only with a birth certificate, which does not constitute proof of Colombian nationality, thereby rendering access to the national public health and education systems more difficult.

32. **The Committee recommends that the State party:**

(a) **Ratify the 1954 Convention relating to the Status of Stateless Persons;**

(b) **Review policies to facilitate the issuance of Colombian birth certificates and adequate access to health and education services for all children of foreign mothers.**

Education

33. The Committee notes the implementation of the national strategy for the comprehensive care of children and adolescents for the period from 2015 to 2025 and of Directive No. 1 of the Ministry of Education on guidance to prevent school dropouts due to pregnancy. The Committee welcomes the decrease in dropout rates at all levels of the education system. However, it remains concerned about the following:

(a) The persistent high rates of dropout among women in higher education;

(b) The disparities in access to education for indigenous women and girls, Colombian women and girls of African descent, women and girls with disabilities and women and girls affected by armed conflict;

(c) The low level of representation of women in traditionally male-dominated careers, in particular in the field of science.

34. **In line with the Committee's general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:**

(a) **Intensify efforts, through the Ministry of Education, to increase the inclusion and retention of girls in school, in particular at higher levels, with special attention being paid to indigenous women and girls and Colombian women and girls of African descent, women and girls with disabilities and women and girls affected by armed conflict;**

(b) **Adopt and implement targeted measures, including temporary special measures, to accelerate equal access to free, high-quality and inclusive education at the mandatory levels for girls and women, including indigenous girls, girls of African descent and girls with disabilities;**

(c) **Ensure the implementation of Directive No. 1 and compliance with it, including by adopting policies and strategies to motivate the readmission of pregnant girls and young mothers to school;**

(d) **Develop and introduce age-appropriate, evidence-based, scientifically accurate mandatory curricula at all levels of education, covering comprehensive information on sexual and reproductive health and rights, responsible sexual behaviour, the prevention of adolescent pregnancy and sexually transmitted infections;**

(e) **Strengthen the capacity of teachers to provide bilingual and intercultural education to indigenous and rural communities;**

(f) **Design specific strategies oriented towards increasing enrolment among women and girls in non-traditional areas of vocational training, such as science, technology, engineering and mathematics.**

Employment

35. The Committee welcomes the State party's implementation of the certification programme for gender equality, the development of a plan by the Ministry of Labour to strengthen the protection and social security system through a differential approach and the establishment in 2016 of a committee to follow up on the implementation of ILO Convention No. 189. The Committee is concerned, however, about persistent vertical and horizontal labour market segregation, the gender pay gap, which currently stands at 19 per cent, the unequal sharing of domestic responsibilities, the difference in employment and unemployment rates between men and women and the fact that a large number of women in the labour market are engaged in the informal sector. The Committee is also concerned about the high levels of sexual harassment cases and that article 3 of Act No. 1010/2006, which provides for mitigating circumstances, has still not been amended.

36. **The Committee recommends that the State party:**

(a) **Take steps to eliminate horizontal and vertical occupational segregation, including by adopting temporary special measures to promote access for women to employment;**

(b) **Increase access for women to decent work, promote the transition of women from work in the lowest paid professions to employment in the formal sector and ensure that women employed in the informal sector are covered by social and labour protections;**

(c) **Effectively enforce the principle of equal pay for work of equal value, adopt measures to narrow and close the gender pay gap, regularly review wages**

in sectors in which women are concentrated and provide statistical data, disaggregated by sex, on wages in both the public and private sectors;

(d) Extend the certification programme for gender equality or similar programmes to the public sector;

(e) Repeal the mitigating circumstances for perpetrators of sexual harassment under Act No. 1010/2006, develop and strengthen existing systems for filing complaints related to gender-based discrimination and sexual harassment in the workplace, as recommended in its previous concluding observations (CEDAW/C/CO/7-8, para. 28 (e)) and undertake a comprehensive study to understand the scope of sexual harassment in the workplace.

Health

37. The Committee takes note of the reduction in the maternal mortality rate but remains concerned about the continued discrepancy in access to health care between urban and rural areas, which has a significant impact on maternal and child mortality rates. The Committee welcomes judgment SU-096/18 of the Constitutional Court, of 17 October 2018, through which the Court reiterated the right to voluntary interruption of pregnancy in the three cases established in judgment C-355 of 2006 and reaffirmed the duty to eliminate the barriers that women encounter in the health system to acquire access to the procedure. It is concerned, however, about reports that service providers question the legality of the procedure, that services are denied without justification, that requests are made for additional documentation not required by the law and that there is a failure to comply with the regulations governing the use of conscientious objection. The Committee welcomes resolution 1904/2017 of the Ministry of Health to ensure informed decisions by persons with disabilities regarding sexual and reproductive rights but is concerned that women with disabilities and women living with HIV/AIDS continue to be victims of forced sterilization. The Committee is also concerned that the official data do not accurately reflect the actual number of abortions carried out in unsafe conditions.

38. **In line with its general recommendation No. 24 (1999) on women and health, the Committee calls upon the State party:**

(a) **To continue increasing the budget allocated to health care and the number of trained health-care providers and medical personnel, including midwives, in particular in rural areas, to ensure access for women to inclusive basic health services and accessible essential obstetric care;**

(b) **To ensure that women and girls in rural and remote areas, in particular indigenous women and girls and Colombian women and girls of African descent, and including women with disabilities, have equal access to high-quality health care, including through accelerating the implementation of the national plan on rural health and strengthening the implementation of the model of clinical safety for emergency obstetric attention;**

(c) **In line with judgment C-355 of the Constitutional Court, of 2006, adopt a law legalizing abortion in cases of rape, incest, risk to the physical or mental health or life of the pregnant woman and severe impairment of the fetus and decriminalize abortion in all other cases;**

(d) **Take legislative steps, as ordered by the Constitutional Court in its judgment SU-096/18 of 17 October 2018, to remove the barriers in the health system encountered by women who seek to access their legal right to abortion under the conditions established by the Constitutional Court in judgment C-355, of 2006;**

(e) **Put into effect a comprehensive strategy to implement and raise awareness of the protocol for the prevention of unsafe abortion in rural areas, as well as among indigenous persons and Colombians of African descent, taking into account the particular needs of women with disabilities;**

(f) **Ensure access to appropriate modern birth control methods, in particular long-term methods targeting rural and remote areas;**

(g) **Ensure that all cases of forced sterilization committed against women and girls with disabilities and women living with HIV/AIDS are duly investigated, that the perpetrators are prosecuted and adequately punished and that any medical procedure is carried out only with the free and informed consent of those concerned, in accordance with international standards;**

(h) **Ensure that adolescents have access to accurate information about their sexual and reproductive health and rights, including responsible sexual behaviour, the prevention of adolescent pregnancies and sexually transmitted diseases.**

Economic and social benefits and the economic empowerment of women

39. The Committee is concerned that women in the informal sector are not covered by social security services, in particular maternity protection, and that women still bear disproportionate responsibilities with regard to unpaid care work. It notes the measures taken to increase the economic empowerment of women, such as training on information and communications technology. It is concerned, however, that such programmes do not always reach those in need, such as indigenous women, Colombian women of African descent and women with disabilities.

40. **The Committee recommends that the State party:**

(a) **Increase access for women to the national social security system, in particular maternity protection, develop coordinated social protection and compensation programmes for women and increase incentives for the equal sharing of unpaid care work;**

(b) **Consider establishing national floors of social protection in line with ILO Recommendation No. 202 concerning national floors of social protection;**

(c) **Take measures to improve the economic empowerment of women, in particular indigenous women, Colombian women of African descent and women with disabilities, such as targeted measures to increase access for women to financial services, including low-interest credit and savings schemes, and to promote their entrepreneurial activities by providing technical assistance and counselling.**

Rural women, indigenous women and Colombian women of African descent

41. The Committee takes note of the adoption of the comprehensive public policy on rural women and the special programme on access for women, girls and adolescents to the land restitution process. It is concerned, however, about the persistence of obstacles to access to land restitution, including for sustainable productive projects. The Committee is also concerned about deep-rooted stereotypes and discrimination against indigenous women and Colombian women of African descent, which prevent their active participation in the process of land restitution.

42. **The Committee recommends that the State party:**

(a) **Strengthen the implementation of the comprehensive public policy on rural women and ensure adequate funding and follow-up to the policy;**

(b) **Take measures to increase access for women to land, including access to financial and technological support for productive projects;**

(c) **Conduct inclusive awareness-raising campaigns on the principles of non-discrimination and gender equality, through cooperation with civil society and women's organizations, political parties, education professionals and the media, aimed at enhancing a positive and non-stereotypical portrayal of Colombian women of African descent and indigenous women;**

(d) **Design and implement inclusive awareness-raising strategies on promoting the involvement of women in the public sector, through incorporating differential approaches that contribute to transforming narratives and challenge stereotypes affecting indigenous women and Colombian women of African descent;**

(e) **Consider incorporating the principles contained in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas in legal and policy instruments regarding rural women.**

Lesbian, bisexual and transgender women

43. The Committee is concerned about reports of widespread discrimination, threats and attacks directed against lesbian, bisexual and transgender women. The Committee is further concerned that, despite the fact that the Constitutional Court has ordered the legal recognition of same-sex marriages, lesbian, bisexual and transgender women continue to face unjustified delays, discriminatory interpretations and unforeseen requirements when exercising their rights. The Committee welcomes judgment T-478/2015 of the Constitutional Court, which ordered the Ministry of Education to implement preventive and responsive measures against discrimination on the basis of sexual and gender identity and incorporate that information into school manuals. It is concerned, however, that those measures have not yet been fully implemented. The Committee is also concerned that the national school coexistence system, implemented in 2013, has not produced the expected results regarding the protection of lesbian, bisexual and transgender students.

44. **The Committee recommends that the State party:**

(a) **Effectively protect lesbian, bisexual and transgender women from violence and discrimination and ensure their access to justice, through the appropriate handling of their complaints, punishment of perpetrators and awarding of compensation to victims, and adopt measures to prevent hate crimes;**

(b) **Ensure compliance with the judgment of the Constitutional Court that orders the legal recognition of same-sex marriages and train civil servants who handle such requests;**

(c) **Take immediate steps to ensure compliance with judgment T-478/2015 of the Constitutional Court, including by raising public awareness in partnership with civil society organizations;**

(d) **Include in the national school coexistence system a more efficient programme on teaching children about the rights of lesbian, bisexual and transgender women.**

Migrant, asylum-seeking and refugee women

45. The Committee welcomes the information that the State party is currently working to redesign its comprehensive migration policy. It is seriously concerned, however, about information that current asylum regulations, as set out in

Decree 1067/2015, give asylum seekers neither access to basic services nor the right to work, leading some to abstain from applying for asylum. The Committee notes that the current legal situation has serious implications for women in an irregular migration situation, notably Venezuelan women. The Committee is concerned that Decree 1288/2018, which guarantees health care for those with irregular migration statuses, applies only in the case of an emergency, without specifying what constitutes an emergency.

46. In the light of the Committee's general recommendation No. 24 and general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:

(a) **Make the asylum process more efficient, ensuring the full implementation of Decree 1067/2015 and the 1951 Convention relating to the Status of Refugees, and amend asylum legislation to guarantee basic socioeconomic rights for asylum seekers and others in need of international protection, including to give them the right to work;**

(b) **Allow access to prenatal and postnatal care for all pregnant and lactating Venezuelan women regardless of their migration status and clarify what constitutes a health emergency under Decree 1288/2018 to ensure that pregnancy complications are classified as emergencies.**

Marriage and family relations

47. The Committee welcomes activities undertaken by the State party to change cultural attitudes to early marriage. It is concerned, however, that the State party has still not amended the exception in its Civil Code that allows boys older than 14 and girls older than 12 to marry, with the consent of their parents.

48. The Committee urges the State party to bring its legislation into line with international standards, in particular general recommendation No. 21 (1994) on equality in marriage and family relations, and without further delay to amend the Civil Code so as to remove the exceptions to the minimum age of marriage and ensure that the legal age of marriage is 18 for both girls and boys.

Equality before the law

49. The Committee is concerned about reports of the use of judicial interdiction that restrict the legal capacity of many women with disabilities, as a consequence of which they cannot marry, form a family, acquire access justice or vote.

50. The Committee recommends that the State party repeal any provisions of the Civil Code and other legislation that restrict the legal capacity of women on the grounds of disability or any other form of discrimination.

Data collection and analysis

51. The Committee welcomes progress made in the gathering of data on discrimination against women. It is concerned, however, that the data collected do not cover all areas of relevance to the realization of the rights of women. Despite the well-established capacities of its national statistical system, the Committee is perplexed as to why data regarding indigenous women, Colombian women of African descent and women belonging to marginalized groups remain insufficiently differentiated.

52. Reiterating its previous recommendation (CEDAW/C/COL/CO/7-8, para. 38), the Committee recommends that the State party strengthen its efforts with the national statistical system to improve the collection of data related to

women's rights, disaggregated by sex, age, race, ethnicity, geographical location, disability and socioeconomic context, in all spheres, in particular with regard to women belonging to marginalized groups, as indicated in Decree 1743/2016.

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

53. The Committee urges the State party to remove its declaration under article 10 (1) of the Optional Protocol to the Convention regarding the competence of the Committee under articles 8 and 9. The Committee also requests the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

54. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

Dissemination

55. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the Congress and the judiciary, to enable their full implementation.

Technical assistance

56. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Follow-up to the concluding observations

57. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16 (a) and (c) and 26 (c) and (d) above.

Preparation of the next report

58. The Committee requests the State party to submit its tenth periodic report, which is due in March 2023. The report should be submitted on time and cover the entire period up to the time of its submission.

59. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).