



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

Distr.: General  
13 June 2013  
English  
Original: Spanish

---

**Committee on the Elimination of Discrimination  
against Women**

**Fifty-sixth session**

30 September-18 October 2013

**Responses to the list of issues in relation to the combined  
seventh and eighth periodic reports**

**Colombia\***

\* This report is published without editing.

13-36272 (E) 130613 300713



Please recycle 



**1. One of the main legislative developments during the reporting period was the adoption of Law 1257 (2008), on awareness-raising, prevention and punishment of acts of violence and discrimination against women (para.104). Please provide detailed information on the mandate of and activities undertaken so far by the Follow-up Committee of Law 1257 (art. 35) and indicate if Law 1257 foresees any complaint mechanism.**

The Follow-up Committee for Implementation and Enforcement of Law 1257 of 2008 comprises the Presidential Advisory Council on Equity for Women [*Alta Consejería Presidencial para la Equidad de la Mujer*], the Attorney General's Office [*Procuraduría General de la Nación*], the Office of the Ombudsman (or Public Defender) [*Defensoría del Pueblo*], and three representatives of women's organizations, selected as representative at the national and regional levels and in terms of diversity. Its essential purpose is to give effect to women's guaranteed rights and to influence the process of taking decisions and making policies that will help to eradicate violence against women and provide comprehensive care for the victims, as well as to promote dissemination of the Law and boost its legitimacy and encourage participation in monitoring its implementation throughout the country. The steps taken by the Committee are described in Annex I.

With respect to complaint mechanisms, Law 1257 of 2008 (article 9 (5)) requires the national government to take steps to incite social opprobrium and to encourage the public to report discriminatory practices and violence against women (Law 1257 of 2008).

In observance of the principle of co-responsibility, civil society organizations, associations, enterprises, commercial and business organizations, and other legal and natural persons have the responsibility to take an active part in eliminating violence and discrimination against women, and they therefore have the duty to report violations of women's rights and any violence and discrimination against them (article 15 4), Law 1257 of 2008).

Finally, article 16 of chapter V of the Law, dealing with protective measures, requires the competent authority for hearing cases involving domestic violence (the local family courts and, in their absence, the municipal civil courts and those exercising mixed jurisdiction) to order immediate protective measures to put an end to violence, mistreatment or aggression or to avoid such when it is imminent, without prejudice to any applicable criminal action. In other words, the administrative issuance of protective measures does not preclude criminal punishment that may be applicable for the offence of domestic violence, and the competent authority must in all cases make available copies of the case file to the respective criminal investigation.

Mention should also be made of the promulgation last year of Law 1542 of 2012, according to which the offences of domestic violence and failure to provide support (where most of the victims are women, children and adolescents) were removed from the purview of civil lawsuit and conciliation proceedings, as a means of ensuring the continuation of criminal action, thereby eliminating the pressure that is often exerted on women to desist from pursuing or to accept conciliation in such cases of violence. This also means that the filing of complaints concerning such offences is no longer confined to the persons affected, and that the offence becomes publicly actionable: thus, violence against women is no longer a private matter but a public one of special importance to society and the State.

Finally, with respect to encouraging and assisting victims to file complaints, the Office of the Ombudsman, pursuant to Law 1257 of 2008, provides coaching and advice to female victims seeking to file written or oral complaints, directly or through the Office of the Ombudsman, and it informs them about their rights to legal representation, coordinated by the National Services of the Office of the Ombudsman through the regional services, which will appoint a lawyer on their behalf.

**2. The 2010-2014 National Development Plan “Prosperity for All” (approved in June 2011) contains a chapter on achieving gender equity. Please provide information on the current status of the national public policy on the elimination of discrimination against women and gender equality referred to in paragraphs 117-118 and its degree of implementation. Please also clarify whether this policy complements or substitutes the five thematic areas of the expired “Women as builders of peace and development” policy (paras. 52 and 134).**

Pursuant to the 2010-2014 National Development Plan “Prosperity for All”, in September 2012 the national government published guidelines for a national policy on gender equity for women and a comprehensive plan to guarantee a life free of violence. Those guidelines constitute the template for the design and implementation of on-going activities to close gaps and to achieve cultural transformation over the next 10 years, and in this way help ensure that the women of our country can effectively enjoy their rights. The Presidential Advisory Council on Equity for Women prepared those guidelines, with broad input from civil society and from persons representative of the diversity of women in the country.

The Public Policy on Gender Equity, which also includes the Plan to Guarantee a Life Free of Violence, seeks to implement a coordinated series of strategic actions to overcome discrimination and to guarantee the exercise of women's rights, and in this way to generate benefits for the entire population in the form of a society that is more equitable, inclusive, prosperous and peaceful.

Thus, on 12 March 2013 the National Social and Economic Policy Council (CONPES) approved social document 161 on gender equity for women (Annex II), which defines six interrelated themes reflecting the principal areas in which women are affected by various forms of discrimination which require sustained intervention to overcome them. The first theme deals with peace building and cultural transformation; the second, with guaranteeing women's economic independence and promoting the reconciliation of working and family life; the third, with fostering women's participation in the circles of power and decision-making; the fourth and fifth, with the differential approach to rights in the health and education systems; and the sixth, with development of a comprehensive plan to guarantee women a life free of violence.

This CONPES document was based on the principles, objectives and themes developed in the guidelines referred to above. It has a horizon of 10 years and it spells out an indicative action plan for the period 2013-2016, with a budget of 3.5 billion pesos. The issues addressed and prioritized in this document reflect key aspects of the inequality that women in our country face, highlighting the need for the State to address them in a coordinated, inter-sectoral manner. This will be done through the Indicative Action Plan which spells out the scope, objectives and actions

to be taken by the entities involved to overcome the various gaps. The indicative plan is now in its first year of implementation.

In order to make operational the Indicative Action Plan of CONPES 161, an Inter-sectoral Commission will be created, under the aegis of article 45 of Law 489 of 1998. It will coordinate and guide functions or services that are shared among various ministries and administrative departments, in particular the National Policy on Gender Equity dealt with in article 177 of Law 1450 of 2011, the 2010-2014 National Development Plan "Prosperity for All". To this end, the Presidential Advisory Council on Equity for Women, in coordination with the competent entities, has prepared a decree creating the Commission, which will be signed shortly. The National Planning Department is to implement the monitoring system and present reports on the following dates: August 2013, February 2014, July 2014, November 2014, July 2015 and July 2016.

It should be noted that this Gender Equity Policy for Women replaces the previous policy on "Women as builders of peace", and it addresses all the problems that affect women from a differential rights focus.

**3. According to the report there are various policies and strategies as well as inter-institutional and intra-institutional coordination mechanisms (paras. 49, 50, 53, 67, 68 and 70) that aim at preventing, combating and protecting women and girls from acts of violence. Please indicate if these policies and strategies have been monitored and evaluated and if so, please provide information on the results achieved. How does the State party ensure that there is no overlap between the different inter-institutional and intra-institutional coordination mechanisms and that information is effectively shared among them? Please also indicate whether there is cooperation established among national, regional, departmental and local levels.**

(a) Monitoring and evaluation. In the context of the inter-sectoral committee described under question 1, there has been an evaluation of the policies of the ministries of labour, health, education and justice, which are responsible for implementing the law. Noteworthy results include the preparation of a proposed set of indicators for monitoring the regulatory decrees to Law 1257, public consultation and examination of new regulatory decrees to Law 1257 of 2008, and the construction of work plans by each of these entities, spelling out specific actions and time frames to be observed in efforts to prevent, address and punish violence against women.

Decree 164 of 2010 created the Inter-institutional Bureau [*Mesa Interinstitucional*] for the eradication of all forms of violence against women. Its central objective is to pool efforts for articulation, coordination and cooperation among entities in order to provide comprehensive, differentiated, accessible and high-quality care to female victims of violence, and to comply with Law 1257 and its regulatory decrees. Each year a work plan is established spelling out specific actions for each of the entities that make up the Bureau

Finally, pursuant to article 35 of Law 1257, the Advisory Council presents an annual report to the National Congress on the situation of violence against women, its manifestations, magnitude, advances and retreats, consequences and impact.

(b) Coordination mechanisms. The Comprehensive Plan for a life free of violence, as one of the themes of CONPES 165 on gender equity, is strengthening

instances of coordination and inter-institutional work through mechanisms designed to integrate existing inter-sectoral efforts to avoid duplication and to reinforce the sharing of information.

(c) Cooperation between the national and subnational levels. In order to promote mainstreaming of the gender perspective in the formulation, management and monitoring of policies, plans and programmes at the subnational level, technical assistance is provided to the country's 32 departments and the city of Bogotá, with priority to mainstreaming the gender perspective in the formulation and implementation of development plans.

Among the principal achievements in this area are a series of departmental diagnostic assessments based on information contained in government programmes, and technical assistance with a view to publicizing the priority lines of action: institutional strengthening, eradication and prevention of violence against women and care for its victims, prevention of adolescent pregnancy, inclusion of specific actions and resources for addressing the special situation of displaced rural women (including indigenous, Afro-descendent or black, and Roma women) as population groups who are particularly affected.

As well, local officials and the Presidential Advisory Council on Equity for Women (ACPEM) have signed 28 departmental agendas and 13 municipal agendas for mainstreaming the gender perspective in development plans, demonstrating the commitment of subnational entities throughout the country to promote its inclusion in policies, plans and programmes.

**4. Please provide updated information on the status of the decree laying down regulations on the access to justice provisions of Law 1257 (2008), mentioned in paragraph 607 (a) of the report, including the number of requests for legal aid (para. 87) and the number of men who have attended or are attending the re-education and therapy programmes at public or private institutions (para. 96). Please indicate if Law 1257 (2008) has been evaluated and if so, what are the results.**

For regulating the access-to-justice articles of Law 1257 of 2008, Decree 4799 of 2011 was promulgated, regulating portions of laws 294 of 1996, 575 of 2000 and 1257 of 2008. That decree was prepared through a participatory process that involved, among others, the Office of the President, the Ministry of the Interior and Justice, the Prosecutor General's Office, the Superior Council of the Judiciary, the National Institute of Legal Medicine and Forensic Sciences, the Office of the Ombudsman, the National Police, the Colombian Family Welfare Institute, the National Prisons and Penitentiaries Institute, and several family court judges of Bogotá.

The objective is to regulate the powers of the Family Court judges, the Prosecutor General's Office, the municipal civil judges, those exercising mixed jurisdiction and those overseeing guarantees to ensure that women have effective access to the protective mechanisms and remedies established by law, and in particular the instruments for eradicating all forms of violence against women.

Among other key features, the decree establishes procedures for removing the aggressor and prohibiting him from entering the home, and others concerning the transfer of children and adolescents, the expenses that the aggressor must bear, temporary protection for the victim and her return to the home, a ban on the

possession or bearing of weapons by the aggressor, a prohibition on disposing of property, support from the national police, and the development of a national registry with information on protective measures and police support ordered by the competent authorities.

It also specifies the validity of protective measures, indicating that they are to be extended for as long as the circumstances that originated them persist, and reiterating the need to monitor those measures to ensure that they are fully applied and effective. It also provides for guidance to the victim as to the action she can take in case of non-compliance.

With respect to protective measures in cases of violence in settings other than the family, the decree provides for removal of the family group to a place where its life, dignity and integrity are protected. This place may be under the responsibility of a public institution or a private organization, provided it has a decent environment conducive to full recovery, that it allows the victim to remain united with the persons in her care, that it avoids any proximity to the aggressor, and that it ensures the safety of the victim and the persons in her care.

The principal results of the decree can be consulted in the document in Annex II.

**5. Please provide further information on steps undertaken by the National Gender Commission of the Judiciary (paras. 74 and 597) or other relevant bodies, including the Office of the Ombudsman, in particular through its Programme “Guidance, Legal Advice and Technical Legal Assistance to Strengthen Access to Justice for Women and Child Victims” (para. 89), to formulate strategies and policies to eliminate institutional, social, economic and other barriers faced by women in accessing justice, in particular women belonging to ethnic minorities and internally displaced women. Please indicate any measures taken to guarantee access to justice to women victims of sexual violence in the context of the armed conflict and its aftermath, and to ensure that all victims benefit from the same protection of their rights and that all cases of sexual violence are examined by civilian rather than military courts.**

**Project on Institutional Adaptation for Female Victims.** The objective of this project is to "improve care, access to justice and participation for victims of sexual violence in the context of the armed conflict, pursuant to laws 1257 of 2008, 1098 of 2006 and 1448 of 2011, and consistent with the framework of international human rights law with respect to overcoming impunity and ensuring due diligence". The project was initially launched in Bolívar, Antioquia, Arauca, Guainía, Cundinamarca - Bogotá D.C., Valle del Cauca and Cauca, and in 2013 will be extended to Córdoba, Magdalena, Quibdó (Chocó) and Tumaco (Nariño).

The project proposes three working strategies. The first involves institutional strengthening and adaptation, including training for officials of the Office of the Ombudsman, qualification of the case for legal representation where the victims are women and minors, and incorporation of a perspective of women's and children's rights at the institutional level.

The second strategy concerns the recognition and strengthening of participation by female and juvenile victims and the restoration of their rights, and includes psychosocial support, training in participatory tools, preparation of

recommendations and input for the design and implementation of policies, and a strategic legal and psychosocial model for dealing with cases.

Lastly, the third strategy relates to moral, political and social aspects, focusing on the regional characterization of violence against women and juveniles, including obstacles to access to justice, the social and institutional response, public awareness and debate over the issue, and the preparation of proposals and recommendations for public policies.

For implementing this strategy, the project has contracted a new working group to articulate the national level, through a conceptual technical team and an expert in indicators, with the local level, through the hiring of on-site teams located in each of the project intervention regions. The teams consist of a person with legal training (a lawyer) and another with training in the social sciences (typically a psychologist) responsible for ensuring that the women's and children's rights perspective is incorporated into each regional Ombudsman's office, and becomes part of the working approach of all its staff (men and women), but also, and in addition to providing care, advice and guidance to victims, to strengthen their capacity to access the justice system.

The first steps taken by the local teams involved presentation of the project and articulation with the various offices of each of the regional public defenders, and with other public institutions involved with violence against women. Besides their institutional work, the teams provided support and coaching for women and juveniles to make their participation more effective at various levels, starting with a specific plan for each of the legal processes, depending on the specific type of violence, and a collective approach to strengthen social mobilization and organization.

Together with the work undertaken within each regional office, documentation was prepared on specific cases and situations in each region in order to characterize violence, including the ways in which institutions and society in general respond.

To date, this project has documented 118 cases handled by the local teams:

- 73 cases involve violence against women and 45 concern violence against children.
- 66% of cases concern female victims, and 33% involve sexual violence, 16% involve sexual violence combined with other types of violence, and 26% involve other types of violence without sexual violence.
- 6% of cases involve femicide and 3%, attempted femicide.
- 15% involve female human rights defenders in a situation of risk or threat.

**Strategy for combating impunity in cases of gender-based violence** (especially sexual assault), intended to promote the investigation and prosecution of cases of this kind, and to provide comprehensive care to women and girls who suffer gender-based violence, through inter-institutional coordination at the national and territorial levels. Other entities participating at the national level in this strategy are: the National Protection Unit, the Ministry of Health and Social Protection, the Colombian Family Welfare Institute, the Unit for Care and Comprehensive Reparation to Victims, the National Institute of Legal Medicine and Forensic Sciences, the Office of the Ombudsman (delegated defenders for children, women

and the family, for the Early Warning System, for victims, and for displaced persons), and the Attorney General's Office.

To date, there have been two pilot applications of the strategy in the municipalities of Maria la Baja and Tumaco, and five similar exercises have been programmed in other territories, including Buenaventura. These municipalities were selected in light of the problems and risks facing women and girls (armed conflict and presence of armed groups) as identified by various institutions and women's organizations, as well as the political will of local institutions to take action on this issue.

The project, which was launched in 2010, is now a reality and since the second half of 2012 it has been operating under the name "Project of Institutional Adaptation to Ensure Access to Justice for Female Victims", designed and implemented by the Delegated Public Defender for the Rights of Children, Youth and Women of the Office of the Ombudsman, with funding from the Embassy of the Kingdom of the Netherlands, geared to restoring the rights of women, children and adolescents who are victims of different types of violence, with the emphasis on sexual violence, and on concrete action to ensure their access to justice.

**The community defenders strategy** in recent years has identified and reported to the authorities serious human rights situations involving women in various parts of the country who have been displaced by armed conflict and other forms of violence. For this reason, efforts are being made to equip the team with better tools for protecting women's rights, and to ensure that organizations defending the human rights of women receive support in their work from the Office of the Ombudsman. Levels of coverage are expected to be improved in certain frontier areas and in the Orinoquia.

**6. Please provide further information on the measures taken to enhance the human and financial resources of the Presidential Advisory Council on Equity for Women (ACPEM), which is the national machinery for the advancement of women in the State party (paras. 42, 134 and 136). Please also explain the role of the Ombudsman in the protection of women's rights and the collaboration established between these two institutions.**

The Administrative Department of the Office of the President increased the staffing complement for the Presidential Advisory Council on Equity for Women at the end of 2012. The Council's staff has now been increased. It has been able to hire technical personnel, as well as to organize its work around four lines of intervention: public policy and the comprehensive plan to guarantee a life free of violence; prevention of adolescent pregnancy; female victims of armed conflict; and the Observatory on Gender Issues. With this new organization, the Council has been able to strengthen its processes and give greater sustainability to its interventions.

The Office of the Ombudsman is responsible for guiding, advising, coaching and guaranteeing legal representation for victims (laws 1257 of 2008, 1098 of 2006 (Code of Childhood and Adolescence) and 1448 of 2011 (the Victims Act), for which it has developed the following activities:

- Raising the visibility of violence against women and girls through regional studies, ombudsman reports and early warning studies.



- Encouraging society and institutions to recognize the full seriousness of violence against women, through training and outreach activities relating to women's rights.
- Pursuing the "Project of Institutional Adaptation for Access to Justice", through a strategy of providing legal coaching and support, including the preparation of documents and the issuance of requisitions as well as the intervention of public defenders and legal representatives, to help women involved in criminal proceedings (either as defendant or victim) to assert their rights in accordance with the relevant national and international mechanisms of protection.
- Using external evaluations and studies on gender mainstreaming and focussing on the rights of women and girls, specific needs for institutional adjustment and strengthening were identified, and are being incorporated into the Strategic Institutional Plan.
- In terms of supporting legislative initiatives favourable to the human rights of women and girls, the Office of the Ombudsman, in coordination with Ángela María Robledo and Iván Cepeda, members of the Chamber of Representatives, participated in the design of Law 037 of 2012 in order to define adequately the offence of sexual violence in the context of armed conflict, and it supported consultations with government authorities, victims, and national and international women's associations and human rights organizations concerning the importance and feasibility of this draft Bill. On 17 April 2013, the Plenary Chamber approved the draft on second reading: it "amends certain articles of laws 599 of 2000 and 906 of 2004 and adopts measures to guarantee access to justice for victims of sexual violence".
- In order to propose effective action to combat sexual violence against women and girls in the context of the armed conflict, the Office of the Ombudsman, with the support of international cooperation (IOM, UNDP, UNHCR and the Embassy of the Kingdom of the Netherlands), has been working since 2011 to prepare regional studies for identifying the dynamics of sexual violence, making recommendations to the local authorities and taking more effective preventive action.
- To ensure the institutional adjustments needed to prevent, address and punish forced recruitment, the Office of the Ombudsman conducts permanent monitoring of institutional responses and issues recommendations to the responsible entities.
- The Office of the Ombudsman is part of the National System of Care and Reparations for Victims and participates, together with the Prosecutor General's Office and the Attorney General's Office, in the design of mechanisms to ensure that victims enjoy the right to the truth and have access to justice and reparations.
- The Office of the Ombudsman also participates in the following forums:
  - Executive Committee of the System of Criminal Liability for Adolescents.
  - Inter-institutional Committee to Combat Trafficking in Persons.

- Advisory Committee to combat the commercial sexual exploitation of children (Law 1336 of 2009, amending and strengthening Law 679 of 2001 on the exploitation of minors, child pornography and child sexual tourism).
- The Inter-institutional Consultative Committee of Law 1146 of 2007, setting standards for the prevention of sexual violence and comprehensive care of children and adolescents who are victims of sexual abuse.
- Committee for the Eradication of Child Labour.
- Inter-institutional Working Group for the enforcement of judgment T-388 of 2009.
- CONPES 3629 of 2009, System of Adolescent Criminal Liability.
- CONPES 3673 of 2010 on recruitment, in which the Inter-sectoral mission for prevention of illicit recruitment of children and adolescents by illegal armed groups is a participant.
- Special inter-institutional team of the United Nations, pursuant to Security Council Resolution 6012, for monitoring the situation of violations and offences against children in the context of armed conflict, with the emphasis on the illicit recruitment and use of juveniles.
- District Bureau for child victims of armed conflict as a body for coordination with the District System of Care for Victims, coordinated by the Advisory Council for Victims and the District Secretariat for social integration, of the District of Bogota.
- Networks of the Ibero-American Federation of Ombudsmen (FIO), an organization that brings together the Ombudsmen (variously known as *Defensores del Pueblo, Procuradores, Provêdores or Raonadores*) and the members and presidents of human rights commissions at the national, state, regional, provincial or autonomous region level in member countries, with the purpose of protecting citizens' human rights in their dealings with the public administration.

**7. Temporary special measures have been implemented in some thematic areas, i.e., enterprise development and employment, eradication of violence against women, education and culture, and women's political participation (para. 106). However, some of these and other measures mentioned in paragraphs 14, 106 and 159-179 do not correspond to the definition of temporary special measures under article 4 of the Convention. Please clarify which temporary special measures aiming at substantive equality of women with men have been put in place and provide concrete examples of their results.**

- Law 1413 of 2010 provided for inclusion of the care economy in the System of National Accounts for measuring the contribution of women to the economic and social development of their country. Research is now underway and a methodological definition is being developed for the Satellite Account on Unremunerated Work. As this law seeks to measure time use in the country, it is consistent with the Gender Equity Policy, one theme of which is to reconcile work and family life.
- Statute Law 1475 of 2011 adopts rules for the organization and functioning of political parties and movements and electoral processes, and makes other

provisions. It sets a minimum percentage (30%) for female representation in political party candidate lists for elections that involve more than five seats (article 28). It also establishes the principle of gender equality in political parties: "men, women and those of other sexual orientation shall enjoy real equality of rights and opportunities for participating in political activities, directing partisan organizations, joining electoral debates, and obtaining political representation".

- CONPES Social 161 on Gender Equity for Women contains numerous provisions for affirmative action in its Action Plan 2013-2060, under each of its themes, which are designed to overcome gender inequity gaps (Annex IV).

**8. High levels of domestic and sexual violence against women exist in the State party (paras. 108-116, annex 4). Please provide detailed information on the number of domestic and sexual violence cases reported, the relationship between the victim and the perpetrator, and the number of prosecutions and convictions of perpetrators, as well as on the sentences imposed on them. Please provide updated information on the establishment of the national monitoring centre on violence, as well as on the strategy of the Prosecutor General's Office which foresees measures to strengthen and expand the investigation and support centres on sexual violence (CAIVAS) and on domestic violence (CAVIF) (paras. 75 and 121). Please indicate the developments with respect to the establishment of a national mechanism which would provide shelter for women victims of violence, in accordance with Law 1257 (2008). Please also provide information on the current status of the Bill mentioned in para. 664 and its relationship to the comprehensive victim support model developed by the National Commission for Reparation and Reconciliation.**

#### **Number of complaints and convictions for domestic and sexual violence**

<i>Consolidated cases</i>			
	<i>Active</i>	<i>Inactive</i>	<i>Total</i>
Sexual violence	115 606	211 797	<b>327 403</b>
Domestic violence	37 951	215 150	<b>253 101</b>
<b>Total</b>	<b>153 557</b>	<b>426 947</b>	<b>580 504</b>

<i>Judgments</i>			
	<i>Acquittals</i>	<i>Convictions</i>	<i>Total</i>
Sexual violence	1 967	8 764	<b>10 531</b>
Domestic violence	84	1 622	<b>1 706</b>
<b>Total</b>	<b>2 051</b>	<b>10 386</b>	<b>12 437</b>

#### **National Observatory on Violence**

Pursuant to article 9 (9) of Law 1257 of 2008, the Ministry of Social Protection, with the support and technical assistance of the Observatory on Gender Affairs of the Advisory Council on Equity for Women, instituted this Observatory in 2012, with a view to consolidating, calculating indicators and analysing all

information produced in the country on this topic, from forensic, police, medical, judicial and other sources. The Observatory is a full participant in the health information system, led by the Ministry and consisting of 24 bodies that include other observatories such as those for old age, mental health, safe maternity, and national monitoring and records systems.

The purpose of the observatory is to monitor violence nationwide, through inter-sectoral efforts and operating networks that facilitate the availability of information and knowledge management on the social factors and circumstances associated with forms of violence, with a view to making policies more effective, improving the allocation of resources, and influencing the quality of life for population groups at high risk. It concerns itself primarily with domestic violence, sexual violence, and violence against women.

The observatory also takes the lead in the roundtable on information systems, pursuant to Law 1257, where all the entities involved with preventing and treating violence against women work in a coordinated manner to improve data collection and to monitor the effectiveness of government actions. As well, the observatory monitors progress towards target no. 3 of the Millennium Development Goals.

In addition, the institutions responsible for information on violence – (i) the Presidential Advisory Council on Equity for Women, (ii) the National Institute of Legal Medicine and Forensic Sciences, (iii) the ICBF, (iv) the National Health Institute, (v) the Office of the Attorney General, and (vi) the Ministry of Health and Social Protection – are working jointly to promote the accessibility and shared use of information that, by law, must be notified to the Comprehensive Information System for Social Protection (SISPRO), without creating parallel systems or replacing existing systems, but rather seeking to strengthen them.

The National Observatory on Violence uses information from the following sources: National Public Health Surveillance System (SIVIGILA); Individual Registry of Provision of Health Services (RIPS); Vital Statistics (EEVV); SIVELCE - National Institute of Legal Medicine and Forensic Sciences; National Health Survey; National Demographics and Health Survey (ENDS), to obtain relevant data on: (i) different forms of violence, (ii) injuries from external causes, and (iii) victims and aggressors.

The observatory has produced results and deliverables, as described in annex V.

#### **National mechanism to provide shelter for female victims of violence**

Article 19 of Law 1257 of 2008 makes it mandatory to offer housing, food and transportation services for female victims of violence who are under threat. In addition, article 18 provides that female victims of violence in settings other than the family may be referred to places where their life, dignity and integrity and that of their family group will be protected.

In accordance with these provisions, the Ministry of Justice, with the assistance of the Advisory Council, issued Decree 4799 of 2011, regulating the provision of shelter for purposes of protecting the victim and her children in cases of violence in settings other than the family.

The Ministry of Defence and the Ministry of Health jointly prepared decrees 4799 of 2011 and 2734 of 2012, regulating measures of care for female victims of violence. On 27 December 2012, a decree was issued establishing rules and procedures for granting measures of care, food, accommodation and transport pursuant to article 19 of the law. The cities of Bogotá, Cali, Medellín and Cartagena have instituted such shelters with municipal funding.

**9. In light of the agreements reached during the second symposium of Emberá women in the municipality of Marsella in August 2009 (paras. 205 and 207), please provide further information on the measures taken to eliminate FGM in the department of Risaralda.**

By means of Resolution 001 of June 2009, issued pursuant to the jurisdictional powers granted it by the Constitution, as well as ILO Convention 169, Law 21 of 1991 and other rules that give it full autonomy for adopting its own standards in accordance with its ancestral customs and traditions, the Regional Indigenous Council of Risaralda (CRIR) established a series of measures to halt and prevent ablation (female genital mutilation), in recognition of its harmful consequences for girls belonging to the Emberá indigenous ethnic community.

The measures adopted in that resolution were the following:

- To restrict the provision of pregnancy check-ups and childbirth assistance to midwives whose experience has been recognized by the town council of each municipality, the *Jaibanes*, a senior midwife, and the local governor of each community.
- To require referral to the nearest health centre for any pregnant woman found to present complications at the time of the check-up or assisted childbirth.
- In the case of hospital-assisted childbirth, any surgical intervention on the mother must be authorized in advance by the mother or a companion.
- The practice of female genital mutilation is prohibited as of the date of the resolution, as is any act that threatens the life and integrity of new-born children. As well, due account must be taken of the outcome of the participatory action-research under the Emberá-Wera project, led by UNFPA.
- Penalties are imposed on midwives who engage in this practice, depending on the seriousness of its consequences.
- Cases are to be reported to the Indigenous Governor, the President of the Women's Committee, the promoter and the health managers, who must inform the town council and the CRIR.

As part of the “Emberá-Wera” project for strengthening the rights of the Emberá women of Risaralda, in which UNFPA, the ICBF, the MDGF and the indigenous authorities of Mistrató and Pueblo Rico are partners, and with the advice and technical assistance of the departmental health authorities, it was decided to undertake an awareness raising campaign for personnel working in the San Rafael hospital of Pueblo Rico, dealing with intercultural dialogue about health knowledge, with the emphasis on sexual and reproductive health and on training traditional midwives in the Emberá Chami reserves known as Unificado and Gitó Docabú of Pueblo Rico. Annex VI provides an account of the activities performed.

**10. Please provide further information on the developments and challenges in the establishment of the Anti-Human Trafficking Operations Centre (COAT) (paras. 222 and 238), the status of the draft assistance decree and other measures mentioned in paragraphs 236-238. Please also provide information on the coordination of the measures taken to address the links between drug trafficking and human trafficking and their negative impact on women. In light of Decision C-636 (2009), mentioned in paragraph 233 (b) of the report, please provide information on measures taken by the State party to limit the harmful effects of prostitution of women and girls.**

In June 2008, the Anti-Human Trafficking Operations Centre (COAT) was inaugurated with a view to articulating institutional responses to this crime, in the areas of investigation, prosecution, and comprehensive assistance and protection for victims. Its administration and coordination falls to the Ministry of the Interior, as technical secretary of the Inter-institutional Committee to Combat Trafficking in Persons. The COAT has managed to position itself among the departmental and municipal committees against trafficking in persons, as well as among other State institutions which, upon learning of a case, report it directly to the Ministry of the Interior.

During 2012, the Inter-institutional Committee to Combat Trafficking in Persons coordinated the final text of the draft decree regulating portions of Law 985 of 2005, the purpose of which is to regulate the responsibilities, benefits, procedures and processes to be followed by the responsible entities in adopting measures of protection and assistance for the victims of human trafficking. The process for the adoption of the decree has been conducted in conformity with Decree 1345 of 2010, which adopts the Ministry of the Interior's guidelines for preparing draft decrees or executive resolutions. Five stages were established: preliminary stage, drafting stage, publicity stage, review and consultation stage, and issuance and archiving stage.

The preliminary stage defined the objective of the decree, the principles under which it would be applied, and the persons to whom it would be directed. The drafting stage consolidated the inputs from all members of the Inter-institutional Committee. In this phase of the process, in addition to the regular meetings, five special sessions were held which succeeded in articulating the draft with the approval of the corresponding legal offices. Thus, and with a view to sounding public opinion, the draft decree was published on 18 December 2012 at the webpage of the Ministry of the Interior. Subsequently, the Inter-institutional Committee reviewed the observations received and included the ones it deemed relevant in the final version of the draft.

To obtain the final approval needed for its issuance, the final version of the draft decree was submitted on 26 April 2013 to the Legal Office of the President of the Republic, where it is currently pending action.

With respect to the measures adopted by the State party to limit the harmful effects of the prostitution of women and girls, Colombia treats child prostitution as a form of sexual exploitation and child abuse for commercial purposes, matters that are deemed crimes in the criminal code and are socially unacceptable. On this basis, the Colombian Family Welfare Institute seeks to prevent this crime and to protect and restore the rights of all its victims. (Specific actions are detailed in Annex VIII).

**11. Please provide information on the challenges faced by the State party to meet the established 30 percent quota for women in decision-making positions in public institutions, in particular in legislative bodies and in the judiciary (para. 253). Please provide detailed information on measures taken to prevent and protect women civic and community leaders and women human rights defenders from acts of violence (paras. 259 - 267). What is the status of the public policy on women's protection (para. 268)?**

With respect to measures taken to prevent and protect women civic and community leaders and women human rights defenders from acts of violence, the government adopted Decree 4912 of 2011, organizing the Programme for Prevention and Protection of the rights to life, liberty, integrity and security of persons, groups and communities of the Ministry of the Interior and of the National Protection Unit, regulating the principles of the process of protection, incorporating the differential approach for analysis, risk assessment and the adoption of protective measures for the persons targeted by the programme. The processes provide for observing the specific features and vulnerabilities of the target population, in terms of age, ethnic group, gender, disability, sexual orientation and urban or rural origin.

This decree creates the Risk Assessment Group, a body responsible for assessing the level of risk in each case on the basis of information provided by the Technical Corps for Information Compilation and Analysis (CTRAI) and the Committee on Risk Assessment and Recommendation of Measures (CERREM)). Taking into account the incorporation of the gender focus in protection programmes, the national government adopted Resolution 805 of 2012, issuing a specific protocol on the gender focus and women's rights referred to in article 50 of Decree 4912 of 2011.

To address the specific needs of women, this resolution creates the CERREM of Women, which includes the participation of the entities established by law, women's organizations and other invited national and international agencies dealing with gender issues. The Presidential Programme on Human Rights and International Humanitarian Law, the Unit for Comprehensive Care and Reparation for Victims, and the National Police are members of this committee. Its special guests include the Presidential Advisory Council on Equity for Women, the Delegated Attorney for the Defence of the Rights of Children, Adolescents and the Family, the Delegated Ombudsman for the Rights of Children, Youth and Women, the Ministry of Health and Social Protection, the Ministry of Labour, the Ministry of Education, the Colombian Family Welfare Institute, the Office in Colombia of the United Nations High Commissioner for Refugees, and the representative of UN Women in Colombia. In addition, there are four delegates from the target population: two representatives of women's organizations (Claudia Mejía Duque of Sima Mujer and Lorena Morales of the Asociación Colectivo Mujeres al Derecho), and two representatives of organizations of female victims of the armed conflict (Rosalba Riascos of "Restableciendo Derechos" and Inés Camelo of the Espacio Multicultural de mujeres de la región Caribe [Multicultural Forum of Women of the Caribbean Region]).

The Technical Corps for Information Compilation and Analysis (CTRAI) is responsible for documenting cases in situ, and consists of personnel of the national police assigned to the National Protection Unit, as well as civilian personnel. For specific cases involving female victims of the armed conflict, and for those women

who so request, the civilian staff (women and men trained in gender issues) are available for documenting the case. The Preliminary Assessment Group (GVP) is responsible for analysing the threat in each case, using information provided by the CTRAI, as well as for submitting to the CERREM its assessment of the level of threat and a recommendation on the appropriate measures to implement.

The special protocol for women's protection provides for supplementary measures to be taken in favour of the women protected. Supplementary measures are the responsibility of other government entities, such as those relating to health, education and care of juveniles, but they are closely related to the protection measures implemented by the National Protection Unit. The body responsible for coordinating supplementary measures is the Victims' Care and Reparations Unit, provided that the female beneficiary has requested such assistance in her application for protection or when the risk assessment process so suggests.

In order to achieve overall strengthening of the differential gender approach in the Protection Programme, the National Protection Unit has been providing training for its officers in this issue, with the support of the United Nations, the Presidential Advisory Council on Equity for Women, the Human Rights Directorate of the Ministry of the Interior, the Presidential Programme on Human Rights and International Humanitarian Law, social organizations, and the German Cooperation Agency, GTZ.

When it comes to protecting the basic rights of female activists and human rights defenders, the Office of the Attorney General, through the National Directorate for Prosecution Affairs, has been monitoring cases where the victims are women leaders and human rights defenders, in order to examine the difficulties that arise in the course of the investigation, seeking in this way to adopt solutions and specific guidelines. In addition, Memorandum 036 of 12 August 2011 introduced strategies for investigating cases of threats against human rights defenders (male and female), as a legal methodology to guarantee the efficient, effective and optimal use of resources in criminal investigations where these persons are the victims, in order to defend their essential role in the movement for the defence of human rights.

**12. Please provide information on measures taken to ensure the participation of women in the on-going peace process between the State party and the illegal armed groups. Please also provide information on steps taken towards the formulation and implementation of the National Action Plan for the implementation of Security Council Resolution 1325 on Women, Peace and Security (2000).**

**Women's participation in the peace process with the FARC:**

- Phase I of the peace process, known as "exploratory conversations", was led on the national government's side by a group of five persons, of whom two were women. During that phase, three other women participated as part of the support team.
- In Phase II, while the six plenipotentiary members of the government delegation are men, two of the four alternate negotiators on the team are women.
- The Office of the High Commissioner for Peace is structured in three coordination units: the thematic planning directorate, the communications



directorates, and the legal directorate. At the present time the persons heading these three directorates are women, and six of the nine deputy directors are women. All of these women have a special sensitivity to the gender focus and women's rights. Their functions, of managerial rank, are essential to the success of the process. In total, the Office of the High Commissioner for Peace comprises 53 persons, of whom 60% are women.

- The Special Peace Programmes Fund, which is responsible for financing peace programmes for returning members of armed groups to civilian life, is headed by a woman.

**The gender perspective in the peace process with the FARC:**

- The Office of the High Commissioner for Peace, through the Thematic Coordination Unit, has ensured that all inputs delivered to the plenipotentiaries incorporate the gender perspective.
- The agreements reached to date on comprehensive agricultural development include the gender perspective.
- The Office of the Presidential Advisory Council on Equity for Women provides input to the Office of the High Commissioner for Peace in order to ensure that any proposed agreements brought to this roundtable will include the gender perspective.
- During phase II of the process, there are three types of mechanisms for civil society participation, through which women and women's organizations can participate: (i) the physical and electronic mailboxes for sending proposals dealing with items on the agenda; (ii) the thematic forums on topics of the agenda, which to date have been organized by the National University and the UNDP; and (iii) the direct involvement of experts called by mutual agreement of the parties to participate directly in the roundtable on specific issues. The Office of the Presidential Advisory Council on Equity for Women and the Presidential Programme for Human Rights will be pursuing a strategy to strengthen participation by women and women's organizations in these three mechanisms.
- As the process is structured, phase III (which begins simultaneous implementation of all the agreements and hence the process of peace building) will involve participation by all of society, which includes women and women's organizations.

The Colombian State has also decided to include its strategy for implementing Resolution 1325 2000) in execution of its National Public Policy on Gender Equity, designed to ensure the full enjoyment of women's rights and to guarantee the principle of equality and non-discrimination, taking into account specific considerations such as urban or rural residence, identity as Afro-Colombian, black, *palenquera* and *raizal*, rural indigenous, Roma, etc., as well as women with diverse sexual orientations and those in a situation of special vulnerability. On 12 September 2012, with the support of UN Women, the Colombian government published the outline of its policy for gender equity, comprising three components: participatory, institutional, and sector-strategic.

In this respect, for developing the institutional strengthening component, the government has adopted a strategy for protecting the rights of women at risk or victims of forced displacement and other violence against women in the context of the armed conflict, and is pursuing it through the following guidelines, among others:

- Strengthening actions to guarantee access to justice, consistent with the "guidelines and policy actions for female victims of the armed conflict, with the emphasis on displaced women and those at risk of displacement", and with the Comprehensive Plan to Guarantee a Life Free of Violence.
- Integration and implementation of measures for prevention, protection, care and reparations for the impacts of the armed conflict and of forced displacement, particularly on women of Roma, indigenous, Afro-Colombian, *palenquera* and *raizal* origin.
- Strengthening of gender mainstreaming process in the National System for Comprehensive Care and Reparations for Victims.
- Inclusion of variables in the information systems of institutions for strengthening the identification and analysis of how diversity affects the impact of the armed conflict on women.

Working with these guidelines, during 2012 the government used a participatory methodology to construct the National Public Policy on Gender Equity and the Comprehensive Plan for Guaranteeing Women a Life Free of Violence, with the following specific actions:

- Including the gender focus in the design and implementation of policies and institutional projects for dealing with violence against women.
- Design and implementation of information, communication and education strategies to make gender-based violence socially unacceptable.
- Strengthening institutional capacities in the sectors involved with preventing and treating violence, and qualifying their staff to deal with these issues.
- Strengthening the institutions responsible for healthcare and justice for female victims of violence.
- Strengthening forums for national coordination in preventing and treating violence against women.
- Monitoring and adapting legislation on violence against women.
- Strengthening information and knowledge management systems relating to violence against women.

**13. Please provide data disaggregated by sex on the dropout rates in upper-secondary and higher education levels, as well as information on measures taken to reduce the dropout rates of girls, especially those resulting from adolescent pregnancies (paras. 329 and 344). Please provide information on measures taken to eliminate discrimination against girls and young women in the field of education (para. 320) and indicate the number of girls who receive subsidies to reduce or eliminate costs of schooling. Please also indicate whether the Sexuality and Citizenship Education Programme integrates women's rights, in particular sexual and reproductive health and rights (para. 315).**

**Annual dropout rate, by sex: this is the proportion of students who are classified as having dropped out of school one year (two semesters) after enrolment**

<i>Year</i>	<i>Female</i>	<i>Male</i>
2009	16.9%	18.7%
2010	14.5%	16.5%
2011	13.4%	15.2%
2012	12.8%	14.9%

*Source* SPADIES. Data to December 2012.

**Dropout rate per cohort, by sex: this is the percentage of students who drop out of a higher education programme. At the university level, it is calculated at the 10th semester, and for technical education at the 6th semester**

	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>
Male	22.2%	31.8%	38.0%	42.3%	45.6%	48.4%	50.5%	52.0%	53.2%	55.0%
Female	18.6%	26.5%	31.7%	35.4%	38.2%	40.7%	42.3%	43.6%	44.8%	46.7%

*Source*: SPADIES. Data to December 2012 [SPADIES: Higher Education Dropout Prevention and Analysis System (*Sistema de Prevención y Análisis a la Deserción en las Instituciones de Educación Superior*)].

**Intra-annual dropout rate in primary education: this measures the number of pupils enrolled in basic or intermediate school who drop out before the end of the school year. For the year 2012, the rate in public education is 4.28%, and the gender breakdown is shown below:**

	<i>Female</i>	<i>Male</i>	<i>Total</i>
Enrolment	4 048 117	4 173 946	8 222 063
Drop-outs	155 280	196 725	352 005
Drop-out rate*	3.84%	4.71%	4.28%

*Source*: MEN – SIMAT year 2012.[Ministry of National Education — *Sistema de Matrícula Estudiantil de Educación Básica y Media* (System of Student Enrolment in Basic and Intermediate Education)].

**Intra-annual dropout rate in secondary education: for secondary education (grades 6 to 9) the intra-year dropout rate in the public system in 2012 is shown below:**

	<i>Female</i>	<i>Male</i>	<i>Total</i>
Enrolment	1 368 325	1 358 694	2 727 019
Drop-outs*	50 421	64 747	115 168
Drop-out rate	3.68%	4.77%	4.22%

*Source*: MEN – SIMAT year 2012.

The government policy on gender equity for women includes the theme of education with gender equity and seeks to implement tools, programmes and processes for strengthening the differential rights focus and reducing the barriers to remaining in the Colombian education system that women face because of their gender. Strategies include: designing, adapting, implementing and monitoring actions with a differential gender focus that will help reduce barriers to women's entry and continuation in the education system; incorporating the gender focus into teaching guidelines and benchmarks to encourage new concepts and images of the role of women in the educational context; and strengthening institutional capacities in the education sector to enhance the awareness of teachers and public officials.

Girls receiving subsidies to reduce or eliminate costs of schooling: the number of girls receiving such assistance was 3,660,292 across the country, for an investment of \$278,094,052,000, as shown in the table in Annex VIII.

For its part, the Sexuality and Citizenship Education Programme (PESCC), through which the Ministry of Education provides guidance to the education departments and schools for implementing sexual education projects, is being conducted with a human rights perspective, with a particular focus on the sexual and reproductive rights of children and adolescents.

It was established as a "deliberate and intentional pedagogical process that will promote favourable environments so that children and youth can incorporate exercise of their sexual human rights into their daily life, thereby enriching their own future lives and those of others." Further information on this topic can be found at the *Colombia Aprende* Portal <http://www.colombiaaprende.edu.co/html/productos/1685/w3-propertyvalue-46016.html>).

In the institutional management process, one of the essential actions is to establish a regional inter-sectoral technical team (ETRI) comprising representatives of the health and education sectors in the region, and involving other stakeholders such as the Family Assistance Offices or the *Personerías* (legal status offices), with a view to coordinating efforts to guarantee students' rights. In particular, the uniting of health and education has made it possible to introduce students to the "youth-friendly health services" (SAS) that have been created in various regions and that also seek to give effect to sexual and reproductive rights.

The PESCC is also intended to articulate the demands of national and international standards concerning sexual and reproductive rights, with a particular focus on such issues as the voluntary interruption of pregnancy, the prevention of violence against women, and respect for differences, for which purpose strategies have been included to encourage thinking about images and practices in the education community, in the training manuals for teachers and education agents, so that they can repeat the same process with students through pedagogical projects for sexual education.

At the national level, the PESCC is the programme whereby the education sector coordinates with other areas, as happens with the National Inter-sectoral Commission for the Promotion and Guarantee of Sexual and Reproductive Rights on approaches for preventing adolescent pregnancy and promoting healthy lifestyle choices, combating trafficking in persons, and preventing sexual violence and providing comprehensive care for juvenile victims of sexual abuse.

**14. The report acknowledges the persistent discrimination against women in the field of employment (para. 418). Please provide information on concrete measures taken to: (a) facilitate women's access to the formal labour sector; (b) narrow the gender pay gap; (c) ensure the implementation of the principle of equal remuneration for work of equal value, which is not respected in Act 1946 of 29 December 2011, in order to ensure that women receive not only the basic salary, but also any other emoluments or benefits linked to the salary; and (d) guarantee that women working in the informal sector have access to social security and other benefits. Please also provide information on the achievements and challenges related to the implementation of the 12 strategies of the employment equality agenda (paras. 389-391). Please indicate how the law on sexual harassment is implemented, in view of the extensive range of mitigating circumstances. Please provide further information on measures taken to facilitate access to employment for internally displaced women, in addition to employment training (para. 387).**

To facilitate women's access to formal employment, the Programme of Occupational Equity with a Differential Gender Focus for Women has been introduced. It is based on the needs, obligations and challenges facing women when they seek to enter and remain in the labour market, considering that a fair and equitable labour market can be achieved through actions of prevention, care, legal empowerment, protection and access to justice.

These actions are pursued in accordance with five specific objectives of the programme: 1. To take steps to prevent gender-based discrimination and inequity in the workplace; 2. To enhance the capacities of women and men in terms of occupational equity with a view to reducing female unemployment; 3. To reduce the informality that affects women primarily; 4. To reduce the wage gaps between women and; 5. To design and implement a surveillance and control system.

In 2012, the Occupational Equity Group was created within the Minister's office, charged with designing, implementing and constructing a policy to improve conditions before, during and after the appointment of women. The group is also supposed to guarantee mainstreaming of the gender perspective in policies, programmes and projects of the various divisions that make up the vice ministries of Employment and Pensions and of Labour Relations and Inspection, Surveillance and Control.

On the legislative front, laws have been developed for facilitating women's employment in the formal sector. Besides Law 1257 of 2008, these include Law 1429 date of 2010, the "first job" Act which seeks to formalize and generate employment by creating incentives for formalization in the initial stages of creating an enterprise, so as to increase the benefits and reduce the costs of "going formal". This law establishes a tax deduction for businesses that employ women over 40 years of age, persons under 28 years, and single mothers in categories 1 and 2, where unemployment rates are highest.

A memorandum of understanding has been signed between the Ministry of Labour, the UNDP and the Presidential Advisory Council on Equity for Women (ACPEM) to carry out the National Programme for Occupational Equity with a Differential Gender Focus and the Gender Policy spearheaded by the ACPEM. Under that MOU training has been provided to the Network of Regional Labour Market Observatories so that they can include the gender issue within their

categories of analysis. This network provides timely analytical input that local governments can use in taking decisions and in formulating and evaluating policies for employment and income generation. The observatories also allow national institutions to visualize regional characteristics for the design and implementation of employment programmes and projects carried out at the local level. During 2011 and 2012 the observatories received support from the Ministry of Labour, the Department for Social Prosperity (DPS) and the UNDP.

The concrete measures taken to reduce the gender wage gap are detailed in Annex IX.

With respect to implementing the principle of equal pay for work of equal value, in order to ensure that women receive not only the basic salary, but also any other emoluments or benefits linked to the salary, it should be noted that article 127 of the Labour Code provides that "salary constitutes not only ordinary pay, fixed or variable, but everything that the worker receives in cash and in kind as direct compensation for service, of whatever form or denomination, such as bonuses, premiums, supplementary wages, normal allowances, supplementary work or overtime pay, the value of work on statutory holidays, percentages on sales and commission". Thus, as discrimination occurs in the pay received by the male or female worker, the salary includes any other consideration or benefit linked to it.

Regulations are now being developed for Law 1496 of 2011, taking into account the recommendation made in 2012 by the ILO Committee of Experts on the Application of Conventions and Recommendations, relating to application of Convention 100 on equal remuneration, whereby the concept of "work of equal value" should be interpreted to require equal pay not only for "equal", "the same" or "similar" work but also for work of a completely different nature that is nevertheless of equal value.

As part of its work plan for the year 2013, the Ministry of Labour earmarked an amount for developing a global communication strategy to publicize the contents of Law 1429 of 2011 and the general concept of formalization, with special emphasis on the formalization of businesses and the benefits this brings in terms of legality and the enrolment of workers in the Social Security system. The measures adopted to guarantee the rights of women employed in domestic service or as community mothers can be consulted in Annex X.

#### **Implementation of the law on occupational harassment in light of its many extenuating circumstances**

For implementation of Law 1010 of 2006, a programme of Occupational Equity with a Differential Gender Focus has been developed, covering numerous activities that will have a direct or indirect impact on reducing the obstacles that prevent women from reporting violations of their rights in the workplace. With a view to achieving a full understanding of the relationship between cultural traditions and rights violations, that programme calls for: 1. Identifying practices that constitute occupational and sexual harassment, 2. Analysing cases of occupational and sexual harassment in the workplace, 3. Examining the cases reported to the Prosecutor General's Office for the offence of sexual harassment in the workplace, and proceedings before the Public Prosecutor [*Ministerio Público*] and the labour tribunals relating to workplace harassment and the respective outcomes.

As a further step, the Protocol for the Acceptance of Complaints of Sexual Harassment and Other Forms of Violence against Women in the Workplace will be designed. Its specific objective will be to provide legal advice and psychological counselling, to estimate damages, and to establish a procedure for referring cases to the labour inspection offices and to the Office of the Prosecutor General.

To this end, the new resolution on inspection and surveillance includes the obligation to provide training in gender issues for labour inspectors and to give them the tools to make visits to firms in order to confirm application of the factors of wage evaluation. All the territorial inspection, surveillance and control offices are expected to have received training by June of 2014.

With respect to the extenuating circumstances admitted in article 3 of Law 1010 of 2006, these do not relieve the perpetrator from liability nor do they justify behaviour that constitutes harassment. Their purpose is to admit that some circumstances offer room for different treatment in the labour context. However, the differences that may exist between employer and employee, or between different employees, because of economic, social, cultural, religious, sexual, racial, family, emotional or other factors may in no case be used to diminish the seriousness of treatment that offends against human dignity, which is an inviolable right of all persons.

The Constitutional Court in fact pronounced itself on this matter when, in 2006, it decided that section "f" of the article was unconstitutional because the extenuating circumstance of family ties is a measure that directly contradicts equal protection for the dignity of all persons in the workplace. It also declared that the existence of an "emotional bond" between the harasser and the victim could not be considered an extenuating circumstance, because it was subjective, and there were no verifiable criteria for determining whether a person harboured such a sentiment (judgment T-882 of 2006 MP: Humberto Sierra Porto - Judgment C-898 of 2006 MP. Manuel José Cepeda Espinosa).

Consistent with the above considerations, in the case of harassment in the workplace involving a relative or someone who is emotionally close, the victim may follow the procedure indicated in the first chapter of the law, and that relationship will not lessen the penalty incurred by the duly demonstrated conduct. However, if the victim does not feel, because of those bonds, that he or she has been harassed or that decent and fair working conditions have been violated, or that any other constitutional right protected by the punishment of workplace harassment has been infringed, that person may choose not to initiate proceedings under the law.

**Measures taken to facilitate access to employment for internally displaced women, in addition to employment training.**

Pursuant to article 130 of Law 1448 of 2011, known as the Victim and Land Restitution Act, as well as articles 67 and 68 of Decree 4800 of 2011, the government has designed a programme known as "Integral Routes to Rural and Urban Employment for Victims of the Armed Conflict", which seeks to coordinate and improve all government efforts to support income generation for victims through formal employment and self-employment.

Specifically, the programme seeks to implement three active labour market policies intended to: 1. Increase the demand for the labour of victims in the public

and private sector; 2. Enhance the quality and relevance of the victims' labour; 3. Improve the operation of the labour market by facilitating the interrelationship between the supply of and demand for the labour of the victims.

The first active labour market policy under the "Integral Routes" programme is to increase demand for hiring victims of the armed conflict in the public and private sectors. This initiative is intended to motivate the productive sector to hire or purchase the products and services of the victims and also to encourage and commit the public sector to take on a significant number of victims at work sites or in infrastructure construction and maintenance projects. The policy involves two lines of work: 1. Adoption of public policies to enhance the employability of victims in the public and private sector, and 2. Mass media campaigns targeted at players, victims and society at large in order to eradicate the discrimination and stigma that affect victims in the workplace.

The second active labour market policy seeks to improve the quality of the work performed by victims of the armed conflict through expanded and better occupational training programmes, assistance in job seeking, and encouragement of entrepreneurship. The idea is to eliminate barriers to access and increase the coverage of existing programmes in national and local government entities, and to create new programmes as required. This exercise is backed by public-private partnerships with a view to providing victims with training consistent with the real needs of the business sector and with local characteristics, as well as helping the victims to formulate suitable productive projects.

Lastly, the third active labour market policy under the programme consists of improving the functioning of the labour market, in terms of matching labour supply and demand and steering victims to the institutional programme, the entity or the firm that can restore their capacity for work or that will allow them to access formal employment or self-employment. This policy embraces two lines of action: 1. Creation of a single point of entry at the national level for employment programmes serving victims of the armed conflict, for which purpose the Ministry of Labour has designed a single instrument of socio-occupational characterization for determining the individual occupational profile of each victim of working age; 2. Creation of a special module in the Public Employment Service for matching labour supply and demand by region, taking into account the needs and characteristics of victims of the armed conflict.

This Programme of Integral Routes to Rural and Urban Employment has a differential gender focus that includes female victims of forced displacement as a consequence of the conflict.

**15. Please provide information on the measures in place or envisaged to ensure equal access to health-care services and facilities, in particular sexual and reproductive health-care services, for indigenous, Afro-Colombian, displaced and rural women. Please also provide information on the measures in place to ensure the implementation of the Constitutional Court Decision C-355 (2006) which guarantees access to voluntary termination of pregnancies to women (paras. 477-479). In view of the numerous obstacles preventing the implementation of that decision, please indicate if there are plans to present a Bill that would enable legal abortions and impose adequate sanctions in case of violations of women's rights to legal abortion (see paragraphs 477-481). In light of information received about the practice of forced sterilizations on women**



with disabilities, as well as about forced abortions and forced use of contraception by women and girls recruited by illegal armed groups, please provide information on the measures in place or envisaged to address these issues, in particular plans to revise Law 1412 which currently allows legal representatives to impose sterilization without free and informed consent of women or girls with disabilities. Please also provide information on the measures taken to address the high proportion of adolescent pregnancies and pregnancies of very young women (para. 36) as well as the very high rate of sterilization of young women as a method of family planning (para. 519).

#### **Access to sexual and reproductive health services**

Access to these services is governed in several respects. First, there are models, protocols and guidelines on sexual and reproductive health that establish the processes and procedures to be applied by health institutions in the provision of services relating to maternal health, sexual assault, sexual and reproductive health for adolescents, contraception, cervical cancer, breast cancer and other cancers.

Community information campaigns have been conducted on sexual and reproductive rights and on ways of accessing health services. Inputs have been provided for contraception, prophylactic treatment for victims of sexual assault, the taking of forensic samples, and the outfitting of public health institutions to perform manual uterine aspiration for the voluntary interruption of pregnancy, as well as training for health professionals who provide the service and for communities in accessing it.

Actions taken to implement judgment CE-355 of 2006 and Law 1412 of 2010 are described in Annex XI.

#### **Reducing adolescent pregnancies**

The government has adopted various measures to promote and guarantee sexual and reproductive rights. These include the National Policy on Sexual and Reproductive Health (2003 to date), the National Public Health Plan (2007 to date), judgment C.355/06, decision [*acuerdo*] 380 of 2008 expanding the availability of free, modern contraceptive methods in the mandatory health plan, for all persons affiliated with the General Social Security System for Health, and Decree 2968 of 2010, creating the National Inter-sectoral Commission for the promotion and guarantee of sexual and reproductive rights. In compliance with the rules adopted over the last decade, communication strategies have been implemented to promote sexual and reproductive rights: these include the campaign "for the right to meaningful sexuality" and efforts at social mobilization of young people, encouraging them to identify with and participate in actions to prevent pregnancy among their age group, such as the institution of youth counsellors in the health services.

The "youth-friendly health services model" was introduced in 2007, with an emphasis on SRH, to improve the accessibility, quality and coverage of health services for adolescents. Colombia now offers such services in 744 centres in 33 territorial health directorates and 595 municipalities (90%), as well as the Sexuality and Citizenship Education Programme of the National Ministry of Education.

The last Demographic and Health Survey conducted in Colombia, in 2010, showed a decline of one percentage point (from 20.5% in 2005 to 19.5%) in the proportion of girls aged 15 to 19 who had experienced pregnancy; in the country's major cities (Cali, Medellin and Bogotá) that percentage was down by an average of five percentage points. At the same time, there was an increase in the use of modern contraceptive methods among sexually active, co-habiting adolescents, from 38.3% in 1995 to 63.1% in 2010.

On 30 January 2012, at the initiative of the National Inter-sectoral Commission to Promote and Guarantee Sexual and Reproductive Rights (which includes, among other agencies, the National Education Ministry, the Ministry of Information and Communication Technologies, the National Apprenticeship System and the Colombian Family Welfare Institute, and the Ministry of Health and Social Protection, which serves as the executive secretariat) and with the leadership of the Presidential Advisory Council on Equity for Women, the National Planning Department approved CONPES 147, establishing "guidelines for a strategy to prevent adolescent pregnancy and to promote healthy lifestyle choices for young people between the ages of 6 and 19 years". This pilot strategy is being implemented in 192 municipalities, selected on the basis of the total number of adolescent pregnancies recorded.

This intervention is being pursued at the individual, family and community levels, under four strategic themes: inter-sectoral work; human development and lifestyle choices; offer of services relating to sexual education, sexual and reproductive health and sexual and reproductive rights; and monitoring and evaluation. The principal channels for implementation will be the territorial directorates, through the "Youth-Friendly Health Services" of the Ministry of Health and Social Protection and the Sexuality and Citizenship Education Programme (PESCC) of the National Education Ministry. The programme is accompanied by information and communication strategies. Once it has been evaluated and improved, the strategy will be extended to the entire country in a gradual and progressive manner.

Consistent with CONPES 147, the National Inter-sectoral Observatory on Adolescent Pregnancy was created, with the main purpose of producing useful information for taking decisions to address this situation.

**16. Please provide updated information on the status of the regulation process of Law No. 731 (2002), (para. 562). Please provide further information on the guidelines and measures adopted by the Inter-Institutional Committee on the Promulgation of Regulations of Law No. 731 to improve rural women's enjoyment of their rights in all spheres of life (para. 562). Please provide further information on the participation of rural women in the adoption and implementation of policies and strategies aimed at land restitution.**

Regulations are now in place for the articles of Law 731 of 2002 relating to: rural activity, financing, development fund, land and housing of rural social interest (articles 3, 7, 8, 9, 10, 11, 12, 24, 25, 26 and 27). However, some articles of the law do not require regulation, and can be implemented directly by the corresponding entities: these include those relating to dissemination and training for access by rural women to the various institutions that promote rural activity; dissemination of laws for the advancement of women; expansion of statistical records; registration and

identity card campaigns; and the occupational risks programme, as specified in Annex XII on the status of regulations to Law 731/2002.

The Inter-institutional Committee (which is chaired by the Presidential Advisory Council on Equity for Women, and includes the Ministry of Agriculture and Rural Development and representatives of the Rural Women's Political Action Forum [*Mesa de Incidencia Política de Mujeres Rurales*]) has been working with the entities responsible for regulating that law, with a view to generating a system of indicators relating to rural women, establishing a regulatory mechanism within each entity, depending on its responsibilities, and identifying and implementing lines of action that will give full effect to the law in the short term.

With respect to participation of rural women in the adoption and implementation of policies and strategies aimed at land restitution, the "Programme of Special Access for Women and Girls to the Administrative Stage of the Process of Restitution of Illegally Appropriated Lands" has been designed and implemented (see details in Annex XIII). Its main purpose is to create effective mechanisms to facilitate the accreditation and award of land rights to women and girls who have been the victims of forced abandonment and illegal appropriation in Colombia. It focuses on four strategic lines of action, contained in Chapter III of Resolution 080 of 31 January 2013 (Annex 14).

In this connection, actions under the Women's Programme are being taken, first, to combat the patriarchal paradigms that dominate the concept of land ownership rights; second, to transform the system that creates unequal power relationships between men and women with respect to land ownership; and third, to recognize and appreciate the various unequal situations and conditions that women face in their relationship with the land. Specific actions include the following:

- Construction of strategies to identify permanent spouses and partners. Recognizing that many of the property rights of women derive from their relations of kinship or affinity, it was decided that the preliminary administrative procedure must identify the assets held by a couple in community of property, and in this way facilitate the order of Law 1448 of 2011 on joint title.
- Preferential treatment and priority in substantiating women's claims.
- Strategies for collecting evidence, especially in the case of de facto marital unions.
- Establishment of routes of action for documenting cases, by typology of illegal appropriation.
- Inter-institutional management with the Prosecution Office and the Superior Council of the Judiciary to coordinate efforts to speed civil proceedings for land restitution (declarations of de facto marital unions, dissolution of community of property, declarations of presumed death by disappearance, declarations of absence and other requirements).

Lastly, in order to continue with development of the women's programme, and to pursue actions to highlight and uphold the rights of rural women who are victims of appropriation or forced abandonment of lands, forums for dialogue are being established with women's organizations at the national level. This involves making contact with women's organizations to develop training programmes for women and

girls in recognizing their land rights. At the same time, the Land Restitution Unit is providing training for women and is publicizing the women's programme throughout the country, coordinating work in the departments of Tolima and Putumayo, among other activities contained in the women's programme.

**17. Please provide information on the measures taken and envisaged to improve the socio-economic situation of women living in indigenous and Afro-Colombian communities, which are the poorest in the country.**

- "Rural Woman Programme", the training component of which is intended to promote the personal, social, cultural and economic empowerment of rural women, starting with their rights and differences; it has targeted departments where a large percentage of the population is of indigenous (Chocó, Vaupés, Cuaca) or Afro-Colombian origin, and is working with 256 Afro-Colombian community councils and organizations.
- Programme for Protection of the Rights of Displaced Afro-Descendent Women, to encourage community initiatives for the defence of black, Afro-Colombian, *raizal* and *palenquera* women. This process culminated with designation of the National Committee for Monitoring the Process of *Auto* 092, comprising female leaders representing the 18 areas of work defined. The process has facilitated efforts to defend the human rights of participating Afro-Colombian women.
- A diagnostic assessment of the state of vulnerability of Afro-Colombian women in the context of the armed conflict. This has served to provide warning and initiate action for this population segment, in coordination with other State institutions: the Colombian Family Welfare Institute (ICBF), the National Apprenticeship Service SENA), the Agustín Codazzi Geographic Institute (IGAC) and the Presidential Advisory Council on Equity for Women.
- As called for in the 2010-2014 National Development Plan "Prosperity for All", which includes as a strategic guideline the differential focus in public policy action to generate conditions for equal opportunities and integral social development of disadvantaged population groups such as rural, indigenous, Afro-Colombian, *palenquera*, *raizal* and Roma women, an awareness campaign is under way to ensure that sector officials include those groups in plans, programmes and projects. The Ministry of Agriculture and Rural Development, USAID, ACDI/VOCA (Agricultural Cooperative Development International and Volunteers in Overseas Cooperative Assistance) and women's NGOs are developing a methodological model for including the differential gender and ethnic focus, with a view to unifying the concept and scope of what is understood by differential focus and mainstreaming of gender and ethnic variables in public management at the national and territorial levels.
- Programme for Protection of the Rights of Displaced Indigenous Women. Under this programme, a series of agreements has been negotiated with delegates of the four indigenous organizations, ONIC (National Indigenous Organization of Colombia), OPIAC (Organization of Indigenous People of the Colombian Amazon), CIT (Tairona Indigenous Confederation) and AICO (Indigenous Authorities of Colombia), which include the following goals: 1. To design an agreed document on guidelines and proposals for formulating the programme to protect the rights of displaced indigenous women and those

at risk of displacement, as part of the process of socialization and awareness raising concerning rulings [*autos*] 092 and 237 of 2008 handed down by the Constitutional Court to protect the rights of indigenous women; 2. To establish working teams in each organization in order to initiate work at the sub-national level; 3. Socialization workshops to raise awareness among indigenous women; 4. Collection and systematization of information by each organization; 5. Local meetings with each indigenous organization and a national meeting of indigenous women and authorities to socialize the work performed and to prepare a single document that will serve as input to the programme for the protection of the rights of displaced indigenous women and those at risk; 6. Preparation of a brochure or poster and a video; and 7. Establishment of a permanent coordination forum between the national government and indigenous women's organizations for delivery of the document, "Programme for protection of the rights of displaced indigenous women and those at risk". Other activities have included community outreach workshops to raise awareness and reinforce the contents of rulings 092 and 237 of 2008 in various cities (Mitú, Ibagué, Florencia, Cartagena).

**18. In the context of Ministerial Directive No. 11 (2010) on zero tolerance of sexual violence and its supplementary measures (para. 647), please provide information on the number of cases of sexual violence which have been recorded, investigated and prosecuted, as well as the number of perpetrators who have been punished. Please provide updated information on the implementation of the 2010-2013 Project on combating impunity in sexual violence cases within the context of the armed conflict (para. 652). Please also provide information on the number of girls and young women forcibly recruited by illegal armed groups. Please also indicate whether the reintegration and rehabilitation programmes for women ex-combatants have been successful, in particular whether such programmes have fostered their social reintegration (para. 655).**

**Number of cases of sexual violence which have been recorded, investigated and prosecuted, as well as the number of perpetrators who have been punished.**

Because alleged crimes of sexual assault fall within the exclusive jurisdiction of the ordinary justice system, the National Directorate for Prosecution Affairs (*Dirección Nacional de Fiscalías*) issued Resolution 0266 of 9 July 2008, as a strategy for investigating the 183 complaints received. In addition, there has been progress in building an information system that is sensitive to the differences among the victims, so as to reveal conditions of vulnerability in order to optimize control and monitoring mechanisms, to formulate strategies for dealing with the problems of specific population groups, and to facilitate the production of statistical data disaggregated by differential variables, as detailed in Annex XV.

**2010-2013 Project on combating impunity in sexual violence cases within the context of the armed conflict.**

This project, which was formulated in 2010 with the cooperation of the Kingdom of the Netherlands, has produced inter-institutional articulation between the Justice and Peace Unit, the National Directorate for Prosecution Affairs, the National Human Rights Unit of the Prosecutor General's Office, the Ombudsman for youth and women, the Special Investigations Directorate of the Attorney General's

Office, the Ministry of National Defence, the Military Criminal Justice School, the National Institute of Legal Medicine, the Presidential Advisory Council on Equity for Women, the Victims Unit, and the Presidential Programme of Human Rights and International Humanitarian Law, which is heading this exercise.

As part of the strategic theme on "organizational development for investigation, prosecution and punishment of cases of sexual assault in the context of the conflict", existing instruments within the entities have been identified for addressing this issue and its principal requirements.

Similarly, work has continued on formulating an inter-institutional training strategy on sexual violence, jointly with the Training School for Prosecutors, the Military Criminal Justice School, the Rodrigo Lara Bonilla School and the Studies Institute of the Prosecution Office, as well as the Ombudsman's School.

Under the theme, "care and protection for victims of sexual violence" and in support of the inter-institutional bodies at the departmental level established to provide care for victims, a project was formulated for implementing the methodology of coaching and training in self-care, geared to professionals responsible for caring for victims of sexual violence in contexts of armed conflict, as well as for becoming familiar with tools for providing care and guidance to this population in order to avoid secondary victimization.

Technical implementation of the project is being transferred to the Ombudsman for the rights of children, youth and women, and is focused on the provision of psychosocial and legal guidance and coaching. However, the Presidential Programme on Human Rights and International Humanitarian Law continues to coordinate an inter-institutional approach with the entities listed, through an inter-sectoral strategy for promoting cases and providing comprehensive care for female victims of violence, and of sexual violence in particular. This strategy is part of the Justice subsystem of the National System of Human Rights and International Humanitarian Law. The initiative is promoted and led by a group constituted to combat impunity under the Presidential Programme of Human Rights and International Humanitarian Law, the National Directorate for Prosecution Affairs, the Office of the Prosecutor General and the Presidential Advisory Council on Equity for Women. It seeks to foster inter-sectoral coordination to provide comprehensive care to women and girls who are victims of gender-based violence.

The purpose of this forum is to promote the investigation and prosecution of cases of violence against women, and to strengthen the institutional capacity of the local authorities to prevent such violence and to respond effectively to the victims. The specific objectives are to establish a national-territorial coordination mechanism to address cases of violence against women and to reduce the gaps between legislative provisions and their actual enforcement.

The actions to be taken have a territorial focus, as the methodology varies according to the context, the assessment of the women in the zone, and the institutional assessment previously reviewed. It includes a series of elements: institutional visits, interviews with organizations of female victims and local leaders, training for public officials, prevention campaigns in the community at large, and the adoption of commitments at the local and national levels to eliminate problems in providing comprehensive care to female victims and in proceeding to

prosecution, and especially with committees for promoting cases coordinated by the Office of the Prosecutor General.

The entities participating at the national level are the Office of the Prosecutor General, the Presidential Programme on Human Rights and International Humanitarian Law, the Presidential Advisory Council on Equity for Women, the National Protection Unit, the Ministry of Health and Social Protection, the Colombian Family Welfare Institute, the Unit for Comprehensive Care and Reparations to Victims, the National Institute of Legal Medicine and Forensic Sciences, the Office of the Ombudsman (Ombudsman for Children, Women of the Family, the Ombudsman for the Early Warning System, and the Ombudsman for Victims), the Office of the Attorney General and the Ministry of the Interior. These pilot projects also include participation by local women's organizations.

To date, two pilot projects have been carried out, in the municipalities of Maria la Baja and Tumaco. Those two locales were selected on the basis of the problems facing women and girls, as identified by various institutions, and the political willingness of local institutions to work on this issue. The Attorney General's Office is responsible for monitoring the commitments assumed.

#### **Number of girls and young women forcibly recruited by illegal armed groups**

The Colombian government does not in fact have data on the recruitment of girls, but only on those who have received attention from the Programme of Specialized Care for Child Victims of the Conflict. Those figures are shown in Annex XVI.

#### **Results of integration and rehabilitation programmes for women ex-combatants, with respect in particular to their social reintegration**

Pursuant to the National Policy on Social and Economic Reintegration for Persons and Illegal Armed Groups (CONPES 3554 of 2008), and in order to promote peace, security and social harmony (Decree 4138 of 2011, article 4), the gender perspective was included under Objective VII, Attention to the Population with Special Needs, section on "Gender Equity: women in the process of reintegration and masculinity". The government also fosters nonviolent gender relations, both for persons in the process of reintegration and for their family members. This has involved working on skills for nonviolent settlement of disputes and affirmative relationships. Those skills are developed through training for identifying and generating constructive relationships that are respectful of the person's own integrity and that of others, in order to achieve an understanding of the importance of effective communication, tolerance, empathy and emotional affirmation, among other things.

- Design and implementation of the Special Focus on Physical and Mental Health in relation to domestic violence. This approach is part of the psychosocial care offered to persons in the process of reintegration and their family members. This route includes 24 psychosocial activities relating to domestic violence with a gender perspective, for men and women in the process of reintegration and their family members, and with referral to institutions of the public health network specialized in this problem area.

- Management and referral of women and men in the process of reintegration to institutions for care in cases of sexual violence. Men and women in the process of reintegration who have experienced sexual violence at some point in their lives are referred to institutions of the public network and to university clinics where they can receive specialized care adapted to their situation.
- Psychosocial care with a gender perspective and new concepts of masculinity. There are 38 such activities: 14 of them deal with such issues as gender-based violence, nonviolent and equitable gender relations, rights and duties, introducing flexibility to traditional gender roles, new concepts of masculinity, and sexual and reproductive health. The other 24 activities address the issue of domestic violence. Implementation of these activities takes into account a "new approach to masculinity", i.e. it seeks to promote recognition that there are different ways of constructing and expressing masculinity. Men have the possibility to think about their identity and about themselves, with reference to such aspects as emotional expression, affectionate and active paternity, family dispute settlement, and how to be a nonviolent partner, implementation of communication and negotiation strategies, the importance of an active male presence in the household, and the reporting of male mistreatment. In all of these activities, attention is paid to identifying traditional roles and making them more flexible.

In general, it may be said that the gender strategy in reintegration processes is targeted at mitigating the effects that women have suffered in the context of the armed conflict. Their specific objectives show how the strategy seeks to address various problems associated with the membership of men and women in outlaw armed groups, with activities linked to events and the exercise of good practices relating to the topic.

As well, there is equality of access to the benefits offered by the reintegration process: on a monthly average, 15% of those served are women and 85% are men, depending on their needs.

- The benefits of psychosocial care, management of links to education and enrolment in health and economic reintegration programmes, which include training for employment and income generation, with respect to employability and business plans, are directed at the interests and needs of men and women so that they can perform successfully in the various contexts where they interact.
- The strategy also seeks to encourage self-care habits among men and women, depending on their specific needs, so that they can look after their body as part of their identity and thereby improve their quality of life.
- Institutions of the public health network are enlisted to provide care and encourage self-care, through health promotion and sickness prevention activities geared to the characteristics and needs of women and men in the reintegration process.
- There are activities that foster healthy living habits conducive to sexual and reproductive health, dealing with such topics as sexually transmitted diseases, family planning methods, and safe maternity.



With respect to progress in strengthening income generation for women in the process of reintegration: objectives 4 and 5 of the strategy are focused on women's special needs, identifying for example their economic vulnerability with respect to unemployment or low-paying jobs. Women face a series of barriers to employability, such as lack of productive skills, working experience, formal labour certification, spousal disapproval, and their consignment to traditional gender roles such as raising children, with no support for their care.

- In response, the gender perspective has been mainstreamed in the reintegration process through the project for "Strengthening productive capacities of women in the process of reintegration: toward gender equity in the economic reintegration process". Activities have been designed with a view to the gender perspective and new forms of masculinity for strengthening the productive capacities of women in the reintegration process. The topics pursued through these activities are: shared gender responsibilities; occupational discrimination and economic rights of women; women's self-esteem; gender equity in the world of work; service attitude; decision-making; occupational planning and teamwork.
- At the present time, the new reintegration route is addressing the topic of household finances, as a way of providing men and women in the reintegration process, together with their family members (especially the spouse), with the tools they need to plan and manage their resources so as to meet their needs, develop their planning capacity, and take better, shared decisions with their spouse to ensure their economic welfare.

This year the reintegration route will include, as part of the gender strategy, the topic of shared gender responsibility, which has to do with reconciling men's and women's responsibilities, where they decide to share them equitably in their various fields of activity, both within and outside the home. In this area it is essential, for example, that women should participate in paid work, either as employees or with their own business, and that men should take an active role within the home.

Annex XVII provides some examples of good practices in implementing the gender strategy through the service centres, and indicators on the care provided to persons in the reintegration process, disaggregated by sex.

**19. In light of the peace negotiation process between the State party and illegal armed groups, please indicate how the State party prioritizes the rights of women and girls affected by the armed conflict to have access to the non-repetition guarantees and reparations stated in the Victim and Land Restitution Act (Law No. 1448/2011). Please also provide information on measures taken to protect women and girls victims of acts of violence by illegal armed groups that have emerged after the demobilization process. What is the status of Legislative bill No. 213 of 2010 (Senate) (para. 664)?**

To guarantee the rights of women and girls affected by the armed conflict to have access to the non-repetition guarantees and reparations stated in the Victim and Land Restitution Act, the Mobile Care and Orientation Unit for Victims of the Armed Conflict was created. Its first stage was sponsored by the European Union, the second stage by Chemonics - USAID and the current stage by the Pan American Development Foundation. This strategy provides care, information and legal and psychological counselling to victims in geographic areas remote from urban centres

who lack the means or opportunity to attend a service point or a Regional Care and Reparations Centre.

This mobile unit delivers personnel, equipment and materials to priority municipalities selected in light of the number of victims and local needs. The unit began its rounds in the department of Cundinamarca on 17 August 2012, and since that time it has visited 13 departments and 42 municipalities, serving a total of some 6,290 individuals, taking 1,952 declarations, and reporting on proceedings for approximately 1,366 individuals before the Victims Unit. The Mobile Unit plans to cover a further 16 departments and 96 municipalities between April 2013 and August 2014. Of the persons served to date, roughly 70% are women who have declared themselves victims of threats, crimes against sexual freedom, forced disappearance of a relative, forced displacement, homicide, torture, illegal land seizure, etc.

The Mobile Unit performs the following processes:

- Taking of declarations, so that once their application has been validated, victims can be included in the Single Registry of Victims and so become eligible for support from the Victims Unit of the Atty. Gen.'s Office.
- Individual psycho-judicial support and legal counselling. The unit's staff provides psycho-judicial assistance in preparing recourses such as actions for guardianship, rights of petition or of reinstatement (Office of the Ombudsman). If necessary, emergency psychological care is provided.
- Information sessions and individual guidance relating to the Victims and Land Restitution Act, including rights and avenues for accessing them (Ministry of Justice).
- Information on the programming of humanitarian assistance, core inclusion, core clarification, update of data and documents and status of declarations (Unit for the Victims of the Armed Conflict).

At the present time, the Unit has a technical team composed of six officers from the Office of the Ombudsman, of whom three are lawyers specialized in human rights and three others are psychologists with experience in caring for victims of the armed conflict. They are assisted by two officials from the Victims Unit and three from the Ministry of Justice. All have been trained in the normative framework of Law 1448 of 2011 and its regulatory decrees, as well as in international standards applicable in this area and in care differentiated by sex, ethnic origin, age or disability. The Unit has a legal advisor with broad experience in gender affairs and in issues relating to the fundamental human rights of women who have been victimized by the armed conflict.

On 23 November 2012 a forum was held on "Guarantees for Access to Justice for Women with a Differential Focus", which included the identification of institutional actions to improve access to justice for women from a differential perspective that, by taking account of their particular needs, will help protect their rights in the ordinary justice system and ensure adequate handling of processes in which they are victims. The event was targeted at officials of the Prosecutor General's Office, the Technical Investigation Corps, judges and magistrates, the Office of the Ombudsman, and the Attorney General's office, and involved participation by speakers representing ethnic groups and women's organizations as

well as entities such as the ICBF, the Ministry of the Interior and the Ministry of Justice.

**Status of Senate bill 213 of 2010.**

On 10 June 2011 the President of the Republic, Juan Manuel Santos Calderon, gave presidential approval to the Victims and Land Restitution Act, Law 1448 of 2011 (Bill 213 of 2010), giving full effect to the rules establishing a set of measures for care, assistance, integral reparation and access to justice for victims of the armed conflict in Colombia.

The purpose of that law is to guarantee the rights to the truth, justice, reparations and non-repetition through a series of judicial, administrative, social and economic measures, individual and collective, within a framework of transitional justice. This model contains measures of assistance, care and integral reparation that respond adequately to the needs of the population, with a differential ethnic focus, gender perspective and special protection for groups such as juveniles, seniors and persons with disabilities.

To ensure fulfilment of the objectives proposed in the Law, the Colombian government, through CONPES policy document 3726, has allocated financial resources for implementing the initiative. That document also establishes the National Plan for Care and Integral Reparation for Victims, which reflects international recommendations and standards in the area of transitional justice through the incorporation of five essential components: (i) Truth, (ii) Justice, (iii) Prevention, Protection and Guarantees of Non-Repetition, (iv) Assistance and Care, and (v) Integral Reparations, and five cross-cutting themes common to the entire policy: (i) Registration and Information Systems, (ii) Return and Relocation, (iii) National-Subnational Articulation, (iv) Participation, and (v) Differential Focus.

Also, as part of the strategy of reparations for victims, the national government created the Unit for Care and Integral Reparation for Victims, the Centre for Historical Memory, and the Management Unit for restitution of illegally appropriated lands. Each of these institutions plays a key role in the national government's dealings with the territories for reparation and reconciliation of Colombians under each of the components. In this respect, and in order to make the move to the new institutional structure headed by the President of the Republic, the National Commission on Reparations and Reconciliation completed its work on 31 December 2012.

Thus, all levels of the public administration are involved in the National System of Care and Reparations for Victims (SNARIV), which to date covers 48 national entities, 32 departments and 1,103 municipalities. This arrangement makes it possible to take coordinated action in the areas of prevention, protection, assistance, care and integral reparations, through 10 technical subcommittees and the executive committee, the highest coordination body headed by the President of the Republic.

In addition to the Victims Act, there are three decrees with force of law that make explicit provision for care, reparations and restitution of territorial rights for black, Afro-Colombian, *raizal* and *palenquera* communities (D 4635 of 2011), for indigenous peoples and communities (D 4633 of 2011), and for Roma or Gypsy people (D 4634 of 2011).

With entry into force of the Victims Act and its regulatory decrees in June 2011, establishment of the three main entities responsible for implementing it in January 2012, and articulation of the National System of Care and Reparations, there has been significant progress in guaranteeing victims' rights.

Today, more than 157,000 victims have been compensated and are being assisted in rebuilding their lives. Some 85,000 individual reparations plans have been prepared, and 68% of them relate to women. Among those who have already initiated individual reparations plans, more than 41,000 have registered voluntarily in the programme that offers alternatives for investing those funds appropriately. More than 71,000 families have been assisted in returning to their place of origin; new forms for participation had been established, bringing together and strengthening grassroots organizations at both the municipal and departmental levels; 100% of the Transitional Justice Committees have been installed at the municipal and departmental levels, and 86 Comprehensive Care centres have been inaugurated throughout the country. As well, on-going care and humanitarian assistance has been provided for victims of forced displacement, in response to humanitarian emergencies and to assist the victims of terrorist acts. All of the foregoing is based on implementation of the integral care model that links assistance with reparations to ensure the full range of victims' rights.

At the central level, technical training campaigns have been sponsored to help territorial entities adapt their development plans to the needs of the victim population. In addition, systems have been established to bring flexibility to the institutional services and mechanisms for measuring the effective enjoyment of rights, at both the national and subnational levels, as well as strategic lines of protection for victims with a differential focus.

The Colombian government is committed to a policy of restoring lands to victims of forced displacement. As a result of that commitment, restitution is the preferred means of reparation with transforming characteristics. In effect, the idea is to go beyond restoring the effective enjoyment of rights by re-establishing the long-term conditions that were destroyed through forced abandonment and illegal appropriation, where the joint work of all the state institutions involved is key for the reestablishment and sustainability of the objectives of justice, peace and reparations.

Effective participation by victims is both a right in itself and a way of guaranteeing implementation and monitoring the Victims and Land Restitution Act. This right is deemed an essential component in the design and execution of public policy and the effective enjoyment of victims' rights. During the last year, participation forums were established with more than 2,200 victims' organizations and more than 320 organizations defending the rights of victims, which are now participating effectively in the coordination bodies.

The process of participation is being strengthened through the work under way to create a Protocol for Effective Participation, an instrument that will allow victims and their organizations to take part in the formulation, implementation and monitoring of the government policy on care and integral reparations. This is the mechanism through which the rights and benefits of participation are indicated, as well as the obligations of the SNARIVA entities and the territorial entities.

During 2012, and 2013 to date, 26 departmental workshops have been held concerning the draft Protocol of Participation with Victims' Organizations, in the departments of Cundinamarca, Magdalena, Bolívar, Putumayo, Tolima, Guajira, Arauca and César.

In 2012, 100% of the Transitional Justice Committees were installed at the departmental, municipal and district levels, as bodies for defining the implementation of public policy in their respective territories. These committees are chaired by mayors and governors in their respective spheres. To date, more than 1,000 Territorial Action Plans for Care and Comprehensive Reparations for Victims have been registered, together with concrete projects for implementing them.

With respect to protection of women who have been victimized by criminal groups, it must be noted that the government has taken no decision as to whether to include the victims of criminal gangs in the Single Registry of Victims (RUV) and, consequently, this is an open question that has yet to be defined.

However, it should be noted that, among the 203,156 declarations validated by the Victims' Unit as of 31 March 2013, 12,165 declarations (6% of the total) were identified as mentioning a criminal gang as the presumed perpetrator of the offence. The departments with the greatest concentration of such declarations are Antioquia (38.6%), Bogotá (9.8%), Valle del Cauca (8.0%), Córdoba (7.4%), and Nariño (5.6%). Together, they account for 69.4% of the declarations of alleged offences by criminal gangs.

In light of the review conducted, primarily pursuant to court orders (C-781/2012 – Auto 052 of 2013), the Victims' Unit decided to include a total of 1,277 declarations, and as a result 4,730 individuals are recognized in the RUV. Those persons are entitled to the care and reparation measures stipulated in Law 1448.

The 12,165 declarations reveal 16,886 offences (as one declaration may refer to several incidents). The main offences mentioned are forced displacement (59.8%), threats (20.2%) and murder (12.0%). It is important to note that of the total of offences reported, 9,110 (54.0%) were committed in 2012.

**20. Please provide updated information on the proposed strategy to enhance the support provided to internally displaced women and women at risk of displacement (para. 687). Please provide information on the current living conditions of internally displaced women, in particular in relation to housing, food security, protection against violence and access to justice, as well as on their access to health, education and employment. Please also indicate if women, forced to displacement due to threats by post-demobilization criminal groups, benefit from the same protection and rights as women displaced in the context of the armed conflict.**

The stance taken by the Colombian government with respect to the displaced population is to link the humanitarian care process with a route toward comprehensive reparations. Thus, in the case of victims of displacement, the reparations process begins with the return or relocation of the victim, and it is consolidated and becomes sustainable with the victim's socioeconomic stabilization. In this model, the return or relocation is a measure of preparation leading to the restoration of the right to free movement and residency for the victims of forced displacement. The other individual and collective reparation measures are provided

in coordination with the process of return and relocation and they have the objective of providing comprehensive reparation and addressing other effects associated with forced displacement. Thus, to begin the process, the State targets and prioritizes its social offering, adjusting it to the specific needs of the victims.

The Victims' Unit began operating on 1 January 2012. Its objective is to coordinate activities of the entities that make up the National System of Care and Reparation for Victims (SNARIV), with respect to execution and implementation of the public policy on care, assistance and comprehensive reparations for victims. To this end, it assumes the responsibilities of coordinating policies to satisfy victims' rights to the truth, justice and reparations. Thus, the Victims Unit has taken over responsibilities relating to care for victims who were previously in charge of the Presidential Agency for Social Action and International Cooperation and the National Reparations and Reconciliation Commission.

The Victims Unit has sought to bring the State closer to the victims through efficient coordination and transforming actions that will promote their effective participation in the reparations process. To date, some 5,936,548 individuals have been included in the Single Registry of Victims (RUV), a tool that constitutes the point of entry for victims to the institutional system that will provide them with humanitarian assistance and help them exercise all their rights. Of the victims registered, 2,951,619 are women, representing 50% of the total. With regard to their ethnic origin, 16,591 identify themselves as Gypsies, 70,122 as indigenous, 269,919 as black or Afro-Colombian, 74 as *palenqueras* and 4,649 as *raizales*.

With respect to the current living conditions of internally displaced women, the Ministry of Health and Social Protection, in the context of Auto 092 of 2008, issued to comply with the differential focus of Judgment T-O25 of 2004, has instituted the Health Promotion Programme for displaced women. Developments under that programme are documented in Annex XVIII.

**21. Please provide information on measures taken to eliminate discrimination against women in all matters related to marriage and family relations, in particular with respect to the dissolution of marriage.**

The Colombian government guarantees the rights of women, in whatever civil status they choose, be it within marriage, a de facto marital union, or a homosexual or same-sex partnership, and it exercises no direct interference in the continuity or dissolution of a marriage. In any case, in Colombia there is no discrimination when it comes to dissolving a marriage, which may be done through the courts or before a notary, by mutual consent.