



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

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Combined second and third periodic reports of States parties

COLOMBIA*

* For the initial report submitted by the Government of Colombia, see CEDAW/C/5/Add.32 and CEDAW/C/5/Add.32/Amend.1; for its consideration by the Committee, see CEDAW/C/SR.94 and CEDAW/C/SR.98, and Official Records of the General Assembly, forty-second session Supplement No. 38 (A/42/38), paras. 452 - 502.

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INTRODUCTION

In 1992, the 17.2 million Colombian women represented 52.1 per cent of the country's population. Of these, 4.7 million were living in rural areas.

Without doubt, the status of Colombian women has substantially improved in the last 40 years. That trend began with the expansion of education in the 1950s and the demographic change that has occurred since the middle of the 1960s. The combination of these phenomena has made possible the growing participation of women in the spheres of production and political life and has substantially transformed their life-style. Despite these important achievements, there are still inequities that particularly affect women in the poorest strata.

Women have substantially improved their participation in the formal educational system. A few decades ago, there was one woman for every 50 men at university and there were very many more males than females at the primary and secondary levels. The number of drop-outs among girls was, in addition, two to three times greater than among boys. Feminine illiteracy fell from 24 per cent in 1973 to 8 per cent in 1989. The proportion of primary school attendance more than doubled in only 10 years (rising from 35 per cent in 1970 to 76 per cent in 1980). The rate of secondary school attendance increased from 33 per cent in 1960 to 51 per cent in 1986 and that of higher education from 35 per cent in 1975 to 48 per cent in 1986. At present, female enrolment is higher than male at the primary, secondary and even university levels. In addition, the female drop-out rate (51 per cent) has fallen until it is almost equal to that of males.

One of the factors that has had the greatest positive influence on the status of women has been the reduction of the fertility rate. While the average number of children per women was 6.8 in the period 1950-1955, the present figure is 2.9. It is estimated that in the year 2025 that rate will be only 2. The most significant recent progress has been observed in the fertility rate in rural areas, with a 27 per cent drop between 1985 and 1990.

In health, chronic diseases are the principal cause of general mortality in women and malignant tumours for women of childbearing age (16.5 per cent of women in this group) and diseases associated with their reproductive function.

The participation of women in the labour force has grown in recent decades more than in any other Latin American country. The increase was greater in the large cities where the entire increase in the market participation rate was due to the presence of women older than 25 in the labour market. Even more interesting, with the increase in participation, that the proportion of women working in the informal sector fell and their participation in the modern and public sector of the economy grew.

The labour market has responded to the pressure of manpower with an enormous increase in demand for women workers. 55 per cent of the jobs created in the last 3 years were for women. Also, vast changes have occurred in remuneration. The gap between female and male incomes has been drastically reduced. In fact, a recent study shows that while male wages were 70 per cent higher than those of females in the middle of the 1970s, the gap had shrunk to 20 per cent at the end of the

1980s. That decrease in wage differentials applied at every level of education.

Finally, the progress in Colombian legislation with regard to equality of rights of women has been well known.

PART I - GENERAL FRAMEWORK - ARTICLES 1, 2 and 3 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

1.1 LEGAL AND OTHER MEASURES ADOPTED BETWEEN APRIL 1987 AND NOVEMBER 1992 RELEVANT TO THE CONVENTION

- LEGAL MEASURES

The Political Constitution of Colombia - 1991

The National Constitution came into force on 4 July 1991 and was a milestone in the constitutional history of the country owing to the manner in which it was adopted. For the first time, the various social, political and economic sectors had the possibility of participating with a voice and a vote in the definition of the regulations that will govern the country in coming years. This Constitution represents an advance in confirming the rights of the male and female citizens of Colombia, through the wide-ranging Charter of Rights that it establishes.

For participation in the deliberations of the National Constituent Assembly convened in 1991, more than 80 women's organizations at national level constituted the National and Constituent Women's network. Also present were the National People's Movement of Women, the District Network of Women, organizations of female lawyers and many local organizations.

"The presence of women in the process was not improvised. Three years earlier, 17 groups of women of all shades of opinion had presented legislative proposals with regard to the modernization and democratization of the State that would permit genuine equality and the elimination of all forms of discrimination in family, labour, political, religious, cultural and sexual matters. Pluralism, equality of opportunity and the right to difference were advocated." Ramirez, Fempress 1991.

Working groups were set up, proposals were worked out and a current of opinion favourable to reform was promoted. There was discussion in the public and private spheres of participative democracy that would bring equality of rights and opportunities, without discrimination on grounds of sex, race, national or family origin, language, religion, political or philosophical opinion; these principles were enshrined in Articles 13 and 43, which provided that the State should promote conditions to ensure real and effective equality and should adopt measures in favour of groups that were discriminated against or marginalized. The relevant articles of the new Constitution that are related to and apply the general principles of the Convention on the Elimination of All Forms of Discrimination Against Women are the following:

Article 13. All persons are born free and equal before the law, shall receive the same protection and treatment from the authorities and shall enjoy the same rights, liberties and opportunities without any discrimination on grounds of sex, race, national or family origin, language, religion, or political or philosophical opinion. The State shall give special protection to those persons who, owing to their economic, physical or mental condition, are in a position of manifest weakness and shall punish acts of abuse and ill-treatment committed against them.

Article 40. Every citizen has the right to participate in the establishment, exercise and control of political power The authorities shall guarantee the appropriate and effective participation of women at decision-making levels of the public administration.

Article 42. The family is the fundamental nucleus of society. It is set up by natural or legal bonds, by the free decision of a man and a woman to contract marriage or by the responsible act of will to set it up.

The State and society guarantee the complete protection of the family. The law may determine that family property is inalienable and not attachable. The honour, dignity and intimacy of the family shall be inviolable.

Family relationships shall be based on the equality of rights and duties of the couple and on mutual respect among all its members. Any form of violence in the family shall be considered destructive of its harmony and unity and shall be punished as provided for by the law.

Children born in marriage or outside marriage, adopted or procreated naturally or with scientific assistance shall have equal rights and duties. The law shall regulate responsible parenthood.

The couple shall have the right to decide freely and responsibly on the number of their children and must support and educate them as long as they are minors or disabled.

The forms of marriage, the age and capacity for contracting marriage, the duties and rights of the spouses, separation and dissolution of the marriage bond, shall be regulated by the civil law.

Religious marriages shall have civil effects on the terms established by the law.

The civil effects of any marriage shall cease on divorce in accordance with the civil law.

Decrees of nullity of religious marriages issued by the authorities of the respective religion shall also have civil effects on the terms established by the law.

The law shall determine matters relative to the civil status of persons and consequent rights and duties.

Article 43. The woman and the man shall have equal rights and opportunities. Women may not be subjected to any type of discrimination. During pregnancy and after childbirth, women shall enjoy the special assistance and protection of the State and shall receive from the latter maintenance allowances if they should then be unemployed or unprotected.

The State shall give special support to women who are heads of families.

Article 53. The Congress shall adopt a labour law. The corresponding statute shall take into account at least the following minimum fundamental principles: Equality of opportunity for workers ...

special protection for women and motherhood and for workers who are minors.

Article 86. Every person shall be entitled to claim before the courts, at any time and place, by means of a preferential and summary procedure, on his own or through any person acting in his name, the immediate protection of his fundamental constitutional rights whenever the latter are infringed or threatened by an act or omission on the part of any public authority ...

Article 93. The international conventions and treaties ratified by the Congress that recognize human rights and that prohibit their limitation in exceptional circumstances shall prevail over domestic law.

The rights and duties enshrined in this Charter shall be interpreted in conformity with the international treaties on human rights ratified by Colombia.

Article 103. The State shall contribute to the organization, promotion and training of professional, civic, trade union, community, youth, charity or non-profit non-governmental organizations without detriment to their autonomy so that they can constitute democratic mechanisms for representation on the various bodies that are established for participation, coordination, control and monitoring of the public administration.

Decree 1398 of 1990 regulating Law 51/81 (the law approving the Convention)

This decree created the Committee for Coordination and Control of Compliance with the Convention, consisting of:

The Minister of Labour or his representative, as Chairman;

The Minister of Education or his representative;

The Minister of Health or his representative;

A representative of the Head of the National Planning Department;

The Director of the Colombian Institute of Family Welfare or his representative;

Two representatives of the organizations for upholding the interests of women in the country that are the most representative, in the opinion of the Government.

The Secretariat of the Committee shall be under the responsibility of the Director-General for Social Security in the Ministry of Labour and Social Security or his representative.

The functions assigned were: (see Article 15)

To monitor strict compliance with the provisions contained in Law 51/81, in Decree 1398/90 and other supplementary provisions;

To study and suggest to the government agencies measures tending to eliminate discrimination against women in any field;

To coordinate activities tending to stimulate or guarantee the active participation of women in the various activities of national life on equal conditions with men;

To suggest changes in policies, legislation and other programmes and activities of the State tending to guarantee the equality of rights of women and men.

Other functions not related to non-discrimination against women

Article 16 states "The authorities responsible for administration and supervision of implementation of regulations on employment, work, education, health and social security shall have inspection, monitoring and control responsibilities with regard to the provisions contained in this decree".

Since the Committee for Coordination and Control of Compliance with the Convention created by Decree 1398 of 3 July 1990 has not met and has therefore not fulfilled the functions assigned to it, the alternative is left to women who are victims of discrimination to avail themselves of the protective action that is a new element in the Colombian legal system and is enshrined in Article 86 of the Constitution of 1991. By this means any person can claim at any time and place, by means of a preferential and summary procedure, the immediate protection of his fundamental constitutional rights.

Through this action, cases have already been discussed relating to the rights of women in education and employment, for example. The judgments that have been issued in this respect are mentioned under the remarks on the corresponding articles of the Convention (6, 10 and 11), as well as in the chapter on violence against women.

Decree 2737 of 1989

Decree 2737 of 1989 or the Children's Code established the fundamental rights of children and the principles governing their protection. However, it also established protection for pregnant women, granting them the right to claim pregnancy expenses and established the institution of Family Assistance Officers and the Office of the Procurator Delegate for the Defence of Children and the Family.

Legislative measures on maternity leave

The reform of labour law of 1990 (Law 50) expanded maternity protection and extended to 12 weeks the period of paid leave, which had been 8 weeks in the substantive Labour Code.

Other draft legislation

At present three items of draft legislation regarding the family are under discussion in Congress: the draft for reform of Law 54/90, governing the property regime between permanent cohabitants, the draft for support of women who are heads of families, which develops Article 43 of the National Constitution, and the draft on divorce for Catholic marriages, which regulates Article 42 of the National Constitution. That draft was finally approved through Law 25 of 17 December 1992, or the divorce law, which permits divorce for Catholic and any other types of religious marriage and provides for ground for divorce similar to

those applicable to civil marriages, including the additional grounds of "mutual consent".

— OTHER TYPES OF MEASURES ADOPTED FOR APPLICATION OF THE CONVENTION

Presidential Council for Youth, Women and the Family

That title was given in the course of restructuring the Administrative Department of the Office of the President of the Republic, through Decree No. 1860 of 26 July 1991.

At the beginning of his period of office (1990 - 1994) President Gaviria changed the former Council for Social Development into the Presidential Council for Youth, Women and the Family, under Decree 1878 of August 1990. In this way, it was established that the comprehensive policy for the promotion of women must necessarily be structured on the basis of a revision of the social development models prevailing in the country.

With the help of UNDP, through coordination of the various classes in the State and with the collaboration of non-governmental organizations, the Programme for Youth, Women and the Family began in 1990 to develop five strategies, programmes and projects related to these basic aspects:

1. The establishment of a sectoral development policy taking the gender aspect into account at all levels, and providing among other things for the establishment of the State Commission for Women in Development and of a national system of social indicators broken down by gender.
2. Assistance for women's organizations and promotion of their participation in decision-making, promoting the organization of the Women's Councils at the municipal level.
3. Improvement of the entire quality of life of women through specific action to meet their needs with regard to health, education, habitat and the environment, also creating a social support infrastructure.
4. In the cultural and legal sphere, it is intended to bring about a change of attitudes, values and practices with regard to gender roles, and action is taken in two directions for the development of campaigns in the communication media and for support of the legislative development of the articles of the National Constitution that stipulate equality and equity between men and women.
5. With regard to the development of production and opening up the economy in both rural and urban zones through a set of projects for the development of women, it is intended to harness the resources of the financing agencies and to support the establishment of mechanisms for the integration of women in modern processes, including their training through SENA.

Social Policy for Young People and Women

The aim of the policy is to raise and improve the living conditions of women and to strengthen their organization and participation. In addition, efforts are made to adapt the supply of development services and resources to the needs of women. Action and resources will be

concentrated especially on services to poor women in rural areas and marginal urban areas.

The focus of policy differs from that of the past when specific assistance programmes were defined for women as if these problems were isolated from society as a whole. Today emphasis is placed on programmes for involving women in the growing opportunities that are offered by society.

With the aim of ensuring sectoral and regional involvement in the implementation of the Comprehensive Policy for Women within the State, institutional strategies that will include the following actions will be promoted:

A National Coordinating Committee will be created that will direct and monitor the implementation of the policy and will promote the execution of its strategies in coordination with the ministries and with non-governmental and international organizations.

The Presidential Programme for Youth, Women and the Family and the National Statistics Department will create a system of social indicators that will cover needs for planning in gender matters.

The Presidential Programme for Youth, Women and the Family will also support processes to ensure that the ministries, decentralized institutes, governorates and municipalities guarantee the provision of services and resources for women. That programme will include the definition of a strategy for institutional change, the provision of training seminars on women's affairs and on development and planning from a gender point of view, the development of specific materials and the definition of a follow-up and evaluation process.

1.2. NATIONAL INSTITUTIONS OR NATIONAL AND MUNICIPAL AUTHORITIES RESPONSIBLE FOR MONITORING RESPECT IN PRACTICE FOR THE PRINCIPLE OF EQUALITY BETWEEN MEN AND WOMEN

Some of the authorities that are mentioned as being responsible for ensuring that the principle of equality between men and women is respected in practice are from the executive branch and others are supervisory agencies. Among those from the executive branch are the Colombian Institute of Family Welfare, ICBF, which is subordinate to the Ministry of Health, and the National Apprenticeship Service (SENA), which is responsible to the Ministry of Labour. The Family Assistance Officers are subordinate to the municipalities.

The supervisory agencies that do not belong to any of the three branches of power are the Public Defender and the Procurator who are part of the Office of the Attorney-General and are appointed, the first by the Chamber of Representatives and the second by the Senate of the Republic. The Office of the Procurator for the Defence of Children and the Family is subordinate to the Office of the Attorney-General.

The Office of the Public Defender

The Office of the Public Defender was created by the Constitution of 1991 in its Articles 118, 178 #1, 281 and 282, for the promotion, dissemination and exercise of human rights. It is an institution that is responsible to the Attorney-General's office but has administrative autonomy and its own resources. The Public Defender is elected by the

Chamber of Representatives and at regional level the regional defenders can delegate functions to municipal legal officers. The Public Defender is responsible for the practical application of all the judicial mechanisms for the protection of rights such as protective action by the courts, people's actions, action for compliance with or invocation of the right of habeas corpus. He can present draft legislation for promoting the rights for progressive development such as social, economic and cultural rights and rights of communities because such rights are so novel that special promotion measures are needed.

The Defender can request information from the authorities on the fulfilment of their functions and can suggest to the administration that it change practices or carry out reforms and can compel private organizations to abstain from denying rights. He can also monitor the protection of rights in relations between private individuals. He is also responsible for constructing a culture of tolerance and mutual respect by means of educational work. His office is non-political in nature and independent of the traditional power structure. The Office of the Defender is an open and informal institution that grants legal support free of charge to the most vulnerable and needy sectors of the population. This institution began operations at the beginning of 1992 but at present there are no statistics on the work done.

The Office of the Attorney-General

The Office of the Attorney-General has two departments that can receive complaints regarding the violation of the rights of women by public officials:

The Office of the Procurator Delegate for the Defence of Children and the Family (created by Decree 2737/89) and the Office of the Procurator Delegate for the Defence, Promotion and Protection of Human Rights.

The Colombian Institute of Family Welfare

The Colombian Institute of Family Welfare coordinates the programme of children's homes and carries out a programme for expectant and nursing mothers. In the Institute's zonal centres daily services are provided for fathers and mothers of families as well for children who apply to the centres in search of guidance owing to family conflicts. Many of those conflicts are resolved by means of agreements that are put in writing.

The Family Assistance Officers

The Family Assistance Officers, who are part of the National System of Family Welfare, were created by Decree 2737 of 1989, the Children's Code. The Children's Code enshrines the fundamental rights of children and the principles governing their protection and determines the measures that must be adopted with the purpose of protecting them when they are in an irregular situation. With regard to women, it establishes protection for expectant mothers, granting them the right to claim pregnancy expenses.

The functions of the Family Assistance Officers are indicated in Articles 295 to 299 of Decree 2737/89; their functions are related to the sphere of police work and they can officially record complaints or reports on all aspects related to family conflicts, can deal with requests regarding the protection of children, especially in cases of maltreatment and exploitation and can deal with cases of violence in the family, taking the urgent measures necessary pending referral to the competent authority.

There is a draft regulating their operations, defining their intervention specially with regard to the support that they must provide in cases of violence in the family.

At present there are 59 Family Assistance Officers, 20 of them being posted to department capitals and 39 to other municipalities (Colombia has 1,110 municipalities); of these, 35 are women and 24 men. There are no statistical data on their activities but many complaints have been dealt with. From the budget point of view they are subordinate to the offices of the mayors, which have not given them due support. The Presidential Programme for Youth, Women and the Family has organized awareness workshops with the personnel of the Posts.

1.3 DRAFT LEGISLATION UNDER DISCUSSION IN THE CONGRESS OF THE REPUBLIC

- Draft law on the Participation of Women in Posts in the Public Administration.

The present draft is intended to bring about the progressive participation of women on equal terms in decision-making posts of the executive and judicial branches and in the administrative services of the legislative branch and of the autonomous and independent organs that carry out the other functions of the State. The draft also provides that, while appointments must be made by the presentation of lists of three candidates, at least one of the candidates must be a woman. Nominations that ignore that rule shall be null and void. Finally, the need is envisaged to work out within a maximum period of six months a national plan for the participation of women at every level of the administrative hierarchy, without prejudice. The President, the Governors and the Mayors will cooperate in the elaboration of this plan.

- Draft Law on the Protection of Women who are Heads of Families

The draft law under discussion for supporting women who are heads of families defines them as women who, whether single or married, have

permanent economic and social responsibilities for their own children or for other persons who are incapable of working or incapacitated.

Women who are heads of families and foster-mothers looking after groups of children are granted a series of benefits to alleviate their situation such as the possibility of comprehensive social security benefits, preferential access to education, employment, credit systems, micro-enterprise establishment and subsidized or very low-cost housing.

In the political field, it is envisaged that they will participate on equal terms in the official decision-making bodies responsible for programmes related to women who are heads of families.

The National Department of Cooperatives will undertake a special plan to promote the establishment of mutual and similar societies among women who are heads of families, the purpose of which will be to meet the unsatisfied basic needs of the family nuclei of which they are heads.

- Draft Law on Violence within the Family

The draft law, worked out jointly by women's groups and the Congress, contains a series of definitions intended to specify the new interpretation of forms of violence in the family, stipulating the relevant types of penalties and establishing measures for immediate prevention and alternative measures. Prevention campaigns and the establishment of a National Council for the Prevention of Violence within the Family are envisaged.

PART II - CONCRETE INFORMATION REGARDING EACH ARTICLE OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

ARTICLE 4 - TEMPORARY MEASURES TO ACCELERATE EQUALITY

On the basis of the constitutional rule contained in Article 40, which sets forth the right to participation in the establishment, exercise and monitoring of public power, and especially the last paragraph of that Article, which establishes the obligation of "the authorities to guarantee the appropriate and effective participation of women at the decision-making levels of the public administration", three (3) draft laws were presented to the Upper Chamber (Senate) of the Congress of the Republic, which were intended to regulate this constitutional postulate. Draft Law Nos. 79, 86 and 90 of 1992).

The first mentions the necessity that the Government at the national, departmental or local levels should outline a strategy for the effective participation of women in such a way that they can have access to all senior posts in the different agencies of the State. It also states that while a list of three candidates must be drawn up in nominations for senior decision-making posts, the list must always include a woman candidate. Finally, it proposes the creation of an interdisciplinary commission responsible for monitoring compliance with the law, as a supervisory body.

Draft Law No. 86 is similarly intended to regulate the gradual participation of women in the hierarchy of the executive branch at those decision-making levels as well as on the basis of equality in management posts of the various State enterprise at the various levels (national, departmental, municipal or district), except in those posts that are regulated by requirements of the administrative hierarchy. This draft also establishes that, when lists of candidates for appointment to public corporations include a woman as one of the first two candidates, economic recognition equivalent to an additional 25 per cent shall be given by the State.

This draft finally states that supervision of compliance with the law will be a function of the Office of the Public Defender by means of protective court action.

Draft Law No. 90 differs from the preceding drafts in that it clearly spells out the adoption of a National Plan for Participation by Women that is oriented towards facilitating access to positions of authority and to participation by men and women on an equal basis in decision-making posts of the executive and judicial branches, in the administrative services of the legislative branch, and in the autonomous agencies that carry out State functions (Article 20, No. 6).

This project, like the preceding ones, mentions the necessity for including a women's quota in the lists of three candidates necessary for certain appointments as well as the obligation both for the executive and for Governors and Mayors to establish programmes and projects directed towards that end.

Unlike the two preceding drafts, however, it prescribes that the authorities of the Republic must take the action in question within six months of the adoption of the law.

Although each of these drafts, both in its statement of grounds and in its substantive section is a milestone in the participation of women in the development of society, culture-based obstacles perpetuate discrimination against women, and it is necessary to bring about a commitment on the part of the State at its various levels to stimulate and promote participation by women. There are gaps with regard to the concrete definition of the obligations incumbent on the authorities to guarantee the participation of women at the decision-making levels of the public administration, duties of a general nature having been indicated, without determining the time-frame and the mechanism that will make possible the progressive access of women to such positions. Neither is there a clear definition of the scope of the hierarchical timetable, gradual or progressive, and this lack of definition in some way thwarts the aims of the constitutional instrument. In turn, it is necessary to indicate more clearly and concretely what supervisory and monitoring bodies are technically, philosophically and administratively trained to monitor the implementation of the law that regulates this constitutional postulate.

It should be noted that so far no explicit measures of affirmative action have been taken for women.

ARTICLE 5 - SEX ROLES AND STEREOTYPES

In the "Outline for a Comprehensive Policy for Colombian Women" of March 1991, issued by the Office of the Presidential Council for Youth, Women and the Family, it is recognized that the communication media content is discriminatory with regard to the sexes. It was therefore proposed to promote mass-awareness campaigns in harmony with the Policy, to disseminate information regarding the economic and cultural role of women and to increase publicity for Law 51 of 1981 (approving the Convention), with the participation of the Office of the President of the Republic, the Ministry of Communications, the National Institute of Radio and Television (Inravisión), the mass communication media and the NGOs. Thus the publication "Social Policy for Youth and Women", presented by the National Planning Department in November 1992, laid it down that campaigns would be carried out through the mass media that would promote the role of women in all fields and participation by males in domestic and community life.

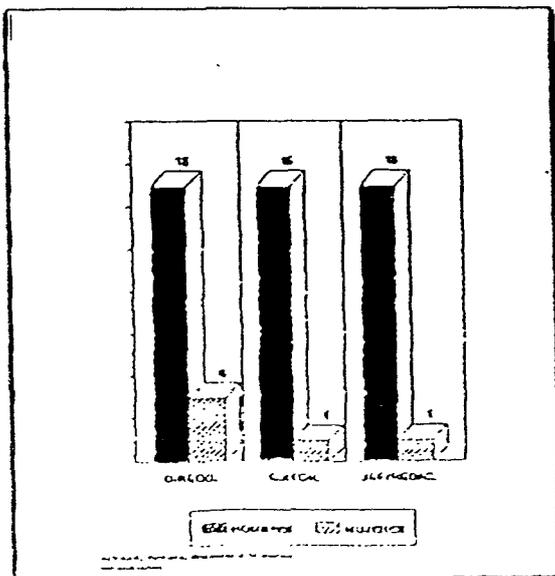
5.1 THE PRESENT SITUATION OF WOMEN

In Bogota, a workshop was carried out on 22 and 23 July 1992 entitled "Communication, an instrument for promoting the participation of women". It was sponsored by *Cine-Mujer*, a non-governmental women's organization, and was attended by 57 persons, mostly women connected with university teaching, research and the execution of government and private promotion programmes for women throughout the country. The following progress and obstacles were identified in the workshop.

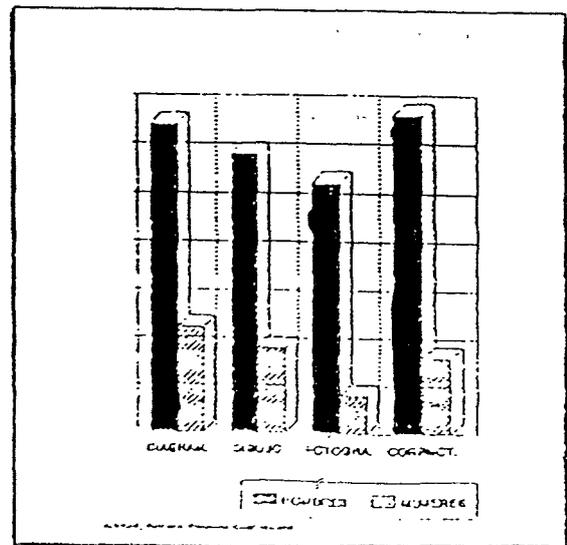
- PROGRESS

- Women are playing an increasing professional role in the press and publishing and television, both in quantitative terms and in their share of management posts, but not in radio.

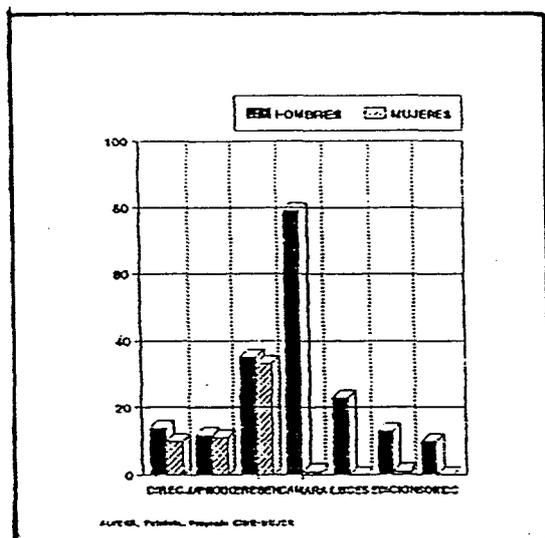
WOMEN'S PARTICIPATION
IN PERIODICALS



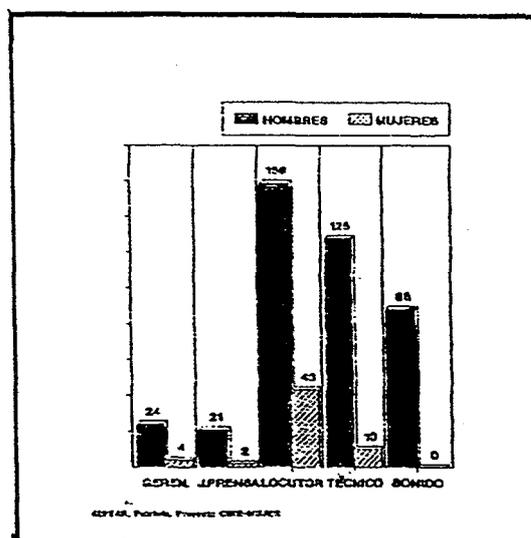
WOMEN'S PARTICIPATION
IN THE TECHNICAL
AREA OF PERIODICALS



WOMEN'S PARTICIPATION IN TELEVISION PROGRAMMING



WOMEN'S PARTICIPATION IN BROADCASTING



- The relative "modernization" of women's image in some sections of the press is acceptable.
- There is growing interest in establishing a presence in new areas of alternative communication.
- Women are participating more and more in the theatrical movement by the establishment of women's theatre groups.
- In the activities for the production of educational material, the workshop found that material was available on some subjects, namely, health, violence, roles and stereotypes.

For instance the Susaeta publishing house has just brought out a text for schools entitled *Para construir la paz - Conozcamos y vivamos los derechos humanos* (To construct Peace - Let us know and experience human rights) which was written with the aim of creating awareness and for teaching. The first set of aims includes the target that boys, girls and young people should become aware that "The human species is made up of different types of beings: men and women, equal in dignity and rights. The differences between the male and the female sex, between ethnic groups, races and beliefs play a role in personal and social progress. These differences must be respected and therefore they cannot be a basis for establishing privileges. The treatment given to these differences and to the conflicts that arise from them has produced the oldest form of oppression and servitude in human history, which we know today as sexism or machismo. This oppression takes the form that the female sex, by the very fact of being female, has been converted into an instrument for the service of the male sex; and the latter, for the same reason, has arrogated to itself characteristics and prerogatives that place it at a higher level It is possible, necessary and rewarding to solve conflicts without using violence and it is necessary to be consistent in the commitments

undertaken for the purpose of changing our attitudes and transforming realities in the country ... (Velasquez and Reyes. *Para construir la paz - Conozcamos y vivamos los derechos humanos*. Editorial Susaeta, November 1992).

- OBSTACLES

- There are gaps in information on what the women's movement is and does.
- Undervaluation, criticism and self-criticism on subjects related to women also exist.
- There are also problems of language and communication related to the stereotypes presented by the mass media.

Here it is possible to add, as examples although they do not appear in the conclusions of the *Cine-Mujer* Workshop, the conclusions arrived at by research carried out at the National University (Thomas 1984), on press photography, popular songs and commercials: there is a great degree of ideological coherence between the various materials analysed; a sharp division between what it means to be a man or a woman is present in all materials; the Judaic/Christian civilization influences all material; the female universe is limited by the concepts "indoor - interior", while the male universe is delimited by the concept of "outdoor - exterior", in other words, the female is defined in terms of her body, the home and the household and the male in terms of the world, production and work (taken from Cuadros. *Situación de la niña y la joven en Colombia* (The situation of girls and young women in Colombia). Bogota, March 1991, p. 50).

- In research, training, education and the dissemination of up-to-date information, there is a lack of comprehensive communication policies that would make it possible to harness the various media in the service of programmes for social development and for greater participation by women.
- There is a lack of continuity and systematic work in gender studies and on problems of women in the various areas of knowledge.
- It was noted that there is an absence of syllabuses and research on subjects such as gender.
- The Workshop noted a lack of activities for the production of educational material on a number of subjects such as education for work and entrepreneurship, the environment, political participation, and the development and utilization of teaching aids.
- It was also noted that there was an absence of gender content in training materials in the areas in which women have traditionally not participated.

Finally, it is important to note that "the use of language consequently is sexist, thus women of any age are called 'girls'; men use words such as 'cuty', 'doll', 'sugar bunch', 'chick', 'pet' and 'sweety'; in offices especially Government offices, any man in a supervisory post is called "doctor", women at the same or higher grades are frequently

called by their first names; in the traditionally male professions women are still referred to by the masculine forms of titles such as engineer, doctor, architect" (Cuadros. *Situación de la niña y la joven en Colombia*. UNICEF, 1991, p. 49).

ARTICLE 6 - PROSTITUTION

6.1 - THE PRESENT SITUATION OF WOMEN

There are no national statistics that illustrate numerically the problem of prostitution in Colombia, but we shall refer to two studies carried out between 1990 and 1991 by the Bogotá Chamber of Commerce entitled Prostitution in the Centre of Bogotá and Prostitution in the Chapinero Sector of Santa Fe de Bogotá. They made a socio-economic analysis and a census of establishments and persons in both sectors. Although the analysis is not national in character, it can serve as a reference owing to its high quality and the fact that it was carried out in the capital of the Republic, where the situation is characteristic of national problems.

There is no distinction as to sex among the passive and active subjects of crimes and offences related to prostitution, but, owing to the situation of high risk and vulnerability of women for reasons of their sex, more women engage in prostitution, thereby becoming passive subjects. However, within the totality of court proceedings related to sexual morals and liberty, legal action on the count of inducement to prostitution, procuring, was taken against 30 women, representing 12.2 per cent of this type of crime as against 20 men, representing 0.5 per cent.

The research carried out by the Chamber of Commerce reveals convergent and divergent aspects in these two sectors of the city. In the Centre, 14,211 female sex workers were detected, of whom 10,932 (76.9 per cent) exercised prostitution in establishments and 3,279 (23.1 per cent) on the street. In Chapinero, of 3,480 women prostitutes, 3,445 (99 per cent) practise their profession in establishments and only 35 (1 per cent) on the street.

Street prostitution in the Centre brings with it the proliferation of district shops which are hardly ever found in Chapinero, where there are more places that offer clandestine services. Other designations are found, such as private rooms, all-night establishments and clubs of a strictly private nature. These names imply that although the women do not work in such depressing circumstances as those on the streets, there are other derived circumstances equivalent to "slavery" or at least a high degree of repression by the owners.

The prostitute population of Chapinero is in general younger than that of the Centre, and women both enter and leave the profession at an earlier age. In the Centre, the concentration is of younger women: 82.4 per cent of prostitutes are between 15 and 40 years old; the largest relative subgroup is that between 21 and 30 years, representing 37.7 per cent, followed by the 31-40 age-group with 24.7 per cent and the 15-20 age-group with 20 per cent.

In Chapinero, the 21-30 age-group accounts for 52.2 per cent of the total, followed by the 15-20 age-group with 30.5 per cent. In this sector, it was also found that 63 girls (1.8 per cent) were aged between 11 and 14, the level considered as constituting child prostitution. Though this proportion is very much lower than that found in the survey of the Centre (1,200 girls, representing 8.4 per cent of the total), the commencement of prostitution at such an early age continues to be a matter of great concern. However, the situation in Chapinero is less serious, both owing to the small numbers involved

and to the fact that no girls under 11 were found engaging in prostitution. That is perhaps due to the fact that prostitution is much more "organized" there than in the centre, and that the managers of the establishments take greater care and consequently do not expose themselves to the risk of having very young girls.

Logically enough, as women grow older, the share of prostitutes decreases, because they lose their attractiveness with the passage of time and in this population group the consumption of drugs and liquor has a devastating effect on the organism, so that scarcely 2.5 per cent reach the age of 41-50. It is striking to note that in this sector and perhaps also owing to the organization of the activity, no prostitutes over 50 are registered, while in the centre, women aged between 51 and 60 appear on the registers (1.5 per cent).

With regard to their civil status, most of the prostitutes in Chapinero are single (66.9 per cent), with or without children and/or living in free, prolonged unions that are later terminated. Next comes the category of separated women, accounting for 17.8 per cent. These two categories, which together make up 84.7 per cent of the total, are an indication that the women live within a family structure in which the mother is the sole person responsible for the household. The category of free unions, with 7.6 per cent, indicates the acceptance by the couple of the exercise of prostitution, either in the form of exploitation by the cohabitee or as a mechanism to improve income. The percentage of married women is not very high, 3.2 per cent. Out of the sex workers in the central zone, 52.3 per cent declared that they were single; 21.5 per cent were living in free unions; 17.4 per cent were separated and 3.6 per cent were widows.

Comparison of the two zones shows that the women who practise prostitution in Chapinero have on the average a smaller number of children, 1.3, as compared with 1.7 in the centre.

As to educational level, the study found that, in the centre, 41.6 per cent of the women had incomplete primary education; 19 per cent complete primary education; 16.9 per cent incomplete secondary education; 2.2 per cent complete secondary education; 2 per cent incomplete university education, while 17.9 per cent had no education and 0.4 per cent did not reply.

The educational level is rather higher in Chapinero - 54.2 per cent have incomplete secondary, 18.6 per cent complete primary; 15.3 per cent incomplete primary, 8.5 per cent complete secondary, 1.7 per cent incomplete university and 1.7 per cent complete university education.

81.2 per cent of the prostitute population of Chapinero come from outside Santa Fe de Bogotá, 10 points more in terms of migrants than is found in the centre. The weighted average monthly income is also substantially higher (144,716 pesos and 115,080 pesos, respectively).

Despite the importance of psychoaffective factors, it is clear that the economic aspect of income is still exercising a very great influence on the increase of prostitution: in both surveys, the percentage of women who had left formal employment is very significant, and within that type of work, most come from domestic service.

In the centre, 36.3 per cent of prostitutes state lack of income as the principal cause for their activity. 27.4 per cent give lack of

training as the reason; 22.3 per cent violence in the home, 10.2 per cent the absence of other work and 3.8 per cent mention other reasons. It can therefore be deduced that in this zone 73.8 per cent of this phenomenon is basically due to reasons of an economic nature.

The following table indicates the causes reported by women, by age-groups, in the central zone of Bogotá.

CAUSES LEADING TO PROSTITUTION
BY AGE-GROUPS
CENTRAL ZONE

CAUSES	9-10	11-20	21-30	31-40	41-50	51-60
* Lack of income	--	22.4	41.9	37.7	50.0	33.4
* Lack of training	--	14.3	32.4	34.0	28.6	33.3
* Violence in the home	100	51.0	10.8	15.1	7.1	--
* Lack of other employment		6.1	10.8	11.3	14.3	33.3
* Other		6.2	4.1	1.9	--	--
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0

The study on the Chapinero zone dealt in greater detail with the causes of prostitution and classified them in three groups: family, psychoaffective and age-group related, giving the results summarized in the tables below.

FAMILY	
	%
Family conflict	35.6
Break-up of the family	18.6
Psychological violence	10.2
Sexual violence	7.6
Physical violence	6.8
Single-parent father or mother	5.1
Abandonment by the family	4.2
Children and other persons	3.4
Unwanted pregnancy	1.7
No reply	6.8
T O T A L	100.0

Source: Bogotá Chamber of Commerce, Census of the population and establishments engaging in prostitution. October 1991, p. 26.

PRINCIPAL PROBLEMS AFFECTING
WOMEN ENGAGING IN PROSTITUTION
CENTRAL ZONE

PROBLEMS	% OF WOMEN
* Police abuses	32.7
* Diseases of customers	14.3
* Ill-treatment by customers	12.8
* Use of alcohol and/or drugs	10.2
* Lack of social prestige	7.1
* Low income	6.1
* Having nobody with whom to leave their children	5.1
* Other	11.7
TOTAL	100.0

NOTE: According to the statements of the prostitutes.

PRINCIPAL PROBLEMS CONFRONTING WOMEN
ENGAGING IN PROSTITUTION
CHAPINERO ZONE

PROBLEMS	%
Abuse by customers	28.8
Quarrels with fellow prostitutes	23.7
Police abuse	10.3
Bad habits and late nights	8.7
Leaving their children unsupervised	6.7
Street robbery	6.2
None	5.6
Inability to get out of the scene	3.0
Envy of fellow-prostitutes	3.0
Abuse by vagrants	2.5
Exploitation by bosses	1.5
T O T A L	100.0

Source: Bogotá Chamber of Commerce. Census of the population and establishments engaging in prostitution. October 1991, p. 46.

There are similar proportions of opinions regarding the solutions that women propose as alternatives. It is worth while to point out that the vast majority opt for solutions that would enable them to continue with prostitution.

SOLUTIONS PROPOSED BY WOMEN
ENGAGING IN PROSTITUTION
CENTRAL ZONE

SOLUTIONS	% OF WOMEN
* Finding other work	21.4
* Control of the police	13.8
* Help from the State or anyone else	11.7
* Training to enable them to quit prostitution	9.2
* The existence of institutions to provide care	8.7
* Giving up alcohol and/or drugs	7.9
* Having social security	7.5
* Being able to organize themselves for engaging in the activity	6.5
* Other	13.3
TOTAL	100.0

SOLUTIONS BY AGE-GROUP
CHAPINERO ZONE

AGE-GROUPS	11-14	15-20	21-30	31-40	41-50
Doing other work	-	41.7	41.9	33.3	-
Stop consuming alcohol	-	11.1	11.3	20.0	33.3
Protecting themselves against disease	-	13.9	4.9	6.7	33.4
Attending medical check-ups	50.0	-	8.1	6.6	-
Participating in health campaigns	50.0	8.3	4.8	-	-
Kindergartens for their children	-	2.8	9.7	-	-
Avoiding quarrels	-	2.8	11.3	6.7	33.3
Training	-	2.8	-	13.3	-
Returning to the city	-	-	3.2	6.7	-
Taking care not to be recognized	-	-	1.6	-	-
Don't know	-	8.3	3.2	6.7	-
None	-	8.3	-	-	-
TOTAL	100.0	100.0	100.0	100.0	100.0

Source: Chamber of Commerce of Bogotá. Census of the population and establishments engaging in prostitution. October 1991, p. 52.

ALTERNATIVES PROPOSED BY WOMEN
ENGAGING IN PROSTITUTION
CENTRAL ZONE

ACTIVITIES OR BUSINESS	% OF WOMEN
* In a warehouse	13.5
* In a factory	12.8
* Having a shop of their own	11.5
* Anything	11.6
* Cleaner	8.6
* Office worker	7.5
* Baker	4.3
* Domestic service	3.8
* Textiles	3.6
* Other employment	1.2
* First you have to get trained	10.9
* Don't know how to do anything	10.7
TOTAL	100.0

ACCEPTANCE OF OTHER WORK BY EDUCATIONAL LEVEL
(PERCENTAGES)
CENTRAL ZONE AND CHAPINERO

EDUCATIONAL LEVEL	CENTRE YES	CHAPIN. YES
* None	71.4	-
* Incomplete primary	91.3	38.9
* Complete primary	93.3	45.5
* Incomplete secondary	76.3	32.8
* Complete secondary	100.0	70.0
* Incomplete university	75.0	50.0
TOTAL	100.0	100.0

6.2 LEGISLATIVE OR OTHER MEASURES TO SUPPRESS ALL FORMS OF TRAFFIC IN WOMEN AND THE EXPLOITATION OF PROSTITUTION BY WOMEN

Prostitution is not punishable and is not an offence in Colombia. On the other hand, the exploitation of prostitution and traffic in women are punished.

The present District Police Code of Bogotá, which has been in force since 1989, accepts the existence of prostitution without punishing it but prohibits places where this activity is carried out. That is the case with Article 340, which says: "Prostitution is exercised by persons who habitually engage in traffic with their bodies for the erotic satisfaction of others, with the aim of ensuring, supplementing or improving their subsistence or the subsistence of others.

"The Capital District of Bogotá shall use the means of protection at its disposal to prevent prostitution and to facilitate the rehabilitation of persons who exercise it". Similarly, Article 341 of

this Code provides that: "Rehabilitation shall be offered but shall not be compulsory in nature. Consequently, the Ministry of Health shall carry out monthly health programmes and, in coordination with the Administrative Department of Social Welfare shall organize free training courses for persons who engage in prostitution and shall create institutions to put such rehabilitation into effect". Article 348 of that Code provides that: "The owner or manager of an industrial or commercial establishment who assigns a place, apartment or premises in that establishment for the practice of prostitution shall incur a suspension of his licence for up to thirty (30) days. The same punishment shall be incurred by the owners or managers of hotels, boarding houses, inns, residences or guest houses who let accommodation for the practice of prostitution". Article 350 provides that: "Any persons who maintain themselves economically out of the prostitution of others or who in any way exploit the earnings that others obtain from the practice of prostitution shall incur temporary detention for twenty-four (24) hours, provided that the prostitute is not obliged to maintain them and provided that the act does not constitute a crime."

Article 17 of the National Constitution states that slavery, servitude and traffic in human beings are forbidden in all their forms. By means of Law 11 of 21 June 1992, Colombia approved the Protocol Additional to the Geneva Conventions of 12 August 1949 Relating to the Protection of Victims of International Armed Conflicts (Protocol I), adopted in Geneva on 8 June 1977. Section III of that Protocol concerning persons within the power of a party to a conflict, provides in its Chapter II specific measures in favour of women and children. Article 76 states: "Protection of women: 1) Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault. 2) Pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict shall have their cases considered with the utmost priority. 3) To the maximum extent feasible, the Parties to the conflict shall endeavour to avoid the pronouncement of the death penalty on pregnant women or mothers having dependent infants for an offence related to the armed conflict. The death penalty for such offences shall not be executed on such women."

Decree 666 of 21 April 1992 promulgated provisions on the issue of visas, the control of aliens and other provisions. Article 60 (c) of the Decree includes procuring among the serious crimes in respect of which the Administrative Security Department DAS, by means of an order accompanied by statement of grounds, may expel from the company any alien found to be engaging in such conduct.

There are no laws in Colombia that provide for the compulsory registration of women engaging in prostitution but there are various forms of registration based on the Police Code among the regulatory powers of municipalities.

As can be seen, the legislation is ambiguous and at one and the same time prohibits and permits the exploitation of women as the weaker parties in sex traffic, to the detriment of women sex workers.

Nevertheless, there have been fundamental changes in this situation in the last two years. Women sex workers have been able to demonstrate on the street, carrying banners, claiming their rights, outside the doors of the National Constituent Assembly.

One of these women, Elizabeth Fonseca, stood for office in the Council of Santa Fe de Bogotá in the 1991 elections and, although she did not receive the necessary votes to be elected, she is at present working in the District Health Secretariat, in the AIDS prevention campaign, from where she carries out campaigns in favour of the rights of women in her profession.

In September 1992, a group of sex workers in Bogotá presented to the Mayor of the city the following demands in view of the closure of a number of establishments in which they had exercised their profession and by virtue of the constitutional right of petition:

- Recognition of prostitution as a social reality;
- The establishment of a temporary board of the municipality and the sex workers to facilitate their participation in decisions affecting them;
- The application of the constitutional principle of equality of rights and opportunities, and the same protection and treatment of all persons by the authorities.

To date, the Mayor's reply is not known.

- COURT PROTECTIVE ACTION

The proprietress of a hotel lodged an appeal with the Higher Court of Bogotá concerning the legitimacy of prostitution as work and said that nobody could for that reason, on the pretext of cleaning up a sector of a city, violate the fundamental right that entitles all persons to work.

For procedural reasons, the Court rejected the action for protection but nevertheless the case served to indicate a first doctrine on the subject. The judgment stated that "prostitution is neither a crime nor regulated in Colombia, at least in due form, and is merely tolerated."

"Selling one's body for money or other gift is one of the oldest professions in history and has changed its image in the course of time from an activity that is morally prohibited to one that is socially accepted." The judge officiating in the Penal Court of the Higher Court of Bogotá was Lucas Quevedo and the file was returned to No. 13 Penal Court of the Circuit on 11 December 1992.

6.3 PROGRAMMES AND POLICIES FOR THE RETRAINING OF SEX WORKERS

The organizations that carry out non-governmental programmes have the following common denominator: the rehabilitation of women in the marginal class who engage in prostitution, by means of strategies for the human promotion of such women as complete persons who require training. Among these organizations are national religious communities which carry out training programmes for female sex workers such as the religious community of the Good Shepherd, which works in the women's prisons of Bogotá, Medellín and Cali; and the religious order of the Adoratrices, who arrived in the country more than 60 years ago and began to work under the slogan: "Avoid the moral evils of prostitution". Today, their programmes are oriented towards youth affected by prostitution and they use both preventive and rehabilitation strategies. This order works with the support of an

interdisciplinary technical team including the *Renacer* Group, consisting of the *Adoratrices* and professional lay workers devoted to the defence of human rights.

The programme of these nuns, which is carried out in 20 cities in Colombia, mostly out of private resources, has benefited 8,258 young persons, who have received academic training at leaving certificate level and work training in workshops, and through prevention, retraining and relocation.

There is no national agency devoted to the implementation of government programmes. However, in the municipalities there are bodies such as the Administrative Department of Social Welfare of the Capital District, which has assigned one of its centres to the training of women sex workers, using resources coming from the Municipal Office of Santa Fe de Bogotá. This centre is also carrying out training programmes at the primary level, by means of an interdisciplinary team, using psycho-educational orientation and individual and group follow-up systems, work training in florists', fashion and cosmetic workshops; it is also giving courses in entrepreneurial self-management with a practical part including courses on human relations and an administrative and accounting part on the management of a shop and child-care.

The Procurator Delegate for Human Rights, in response to the demand of women sex workers who were affected by abuse on the part of the police authorities, approached the Commander of the Fifth Police Station of Bogotá on 8 March 1991, pointing out that the treatment that should be given to women must be based on the universal principle of human rights and the dignity of all persons, irrespective of their social, cultural, economic and political position, taking into account the fact that the practice of prostitution does not involve any crime and that in the Colombian legal system any discriminatory treatment against women is prohibited according to Law 51 of 1981, by which the Convention on the Elimination of All Forms of Discrimination Against Women was approved.

6.5 LEGAL AND PRACTICAL OBSTACLES TO THE IMPLEMENTATION OF THE AIMS OF THE CONVENTION:

The various socio-economic component factors of the problem of prostitution constitute a vicious circle, the result of which is that regulations that punish sexual traffic and establish training and rehabilitation facilities for persons engaging in prostitution are not applicable in practice.

As a result of prevailing double moral standards, prostitutes, while not being punished legally, are the object of rejection and social marginalization. This, added to the lack of training for earning money by other means and in view of the laws which, without punishing them, have contradictory attitudes regarding the exercise and exploitation of prostitution, discriminates against women who engage in that activity, to the detriment of the exercise of their rights and for the benefit of third parties who exploit them.

Through the lack of budget resources and thorough study of the problem, the existing permissive rules and regulations, including those for the rehabilitation and training of women prostitutes, are inoperative. It is urgently necessary to have clear, precise and consistent regulations establishing the exercise of prostitution and regulating the places in

which it can be exercised. The reasons are that there can be no question of the total eradication of prostitution, which would be a task lasting many years, and that prostitution must be seen as a social reality and must be dealt with as such. The rehabilitation and training programmes that are being carried out have had some success so that, benefiting from their experience and results, they can be taken as models and can reach a larger number of users by the injection of resources.

There is no State budget intended exclusively for dealing with the socio-economic problem of prostitution. Certain municipalities, such as the Capital District, assign part of their budget but there are no laws in Colombia that provide for the compulsory registration of women engaging in prostitution, although there are various forms of registration at the level of municipalities, under the latter's regulatory powers.

ARTICLE 7 - POLITICAL AND PUBLIC LIFE

In the "Outline for a Comprehensive Policy for Colombian Women" issued in March 1991, it was stated that, with regard to organization and participation, there is little participation by women in social, community, guild and political organizations, and a low level of participation in the coordination bodies set up by the State. It was therefore proposed to promote mass campaigns to strengthen and stimulate forms of organization for women at the urban and rural levels and training for participation by women in all those processes. The Office of the President of the Republic, the Ministries for Government, Communications, Education and Agriculture, the Higher School of Public Administration (ESAP), the Colombian Institute for Agrarian Reform (Incora) and National Apprenticeship Service (SENA), the universities, trade unions and community organizations and NGOs would all take part.

Furthermore, in the recent "Social Policy for Young People and Women" it was established that, in coordination with the municipalities and departments, the Presidential Programme for Women, Youth and the Family would support the establishment of Women's Councils. The aim is to improve the negotiating capacity of women *vis-à-vis* government authorities and to promote their participation in defining local and regional development plans. The Women's Councils are defined as bodies for ensuring the participation of women that combine the various women's groups and have the option of approaching the State for the purpose of coordinating with the State the planning, execution and control of all programmes directed towards promoting better living conditions for women, in accordance with the provisions of the National Constitution. Since the formulation of the proposal these Councils have been set up in 1992 in the cities of Buenaventura, Cali and Cartagena, and recently in Bucaramanga.

In order to strengthen negotiating capacity, seminars will be made available to the grass-roots organizations and to groups of women convened by the Councils on questions of gender, democracy and planning.

The establishment of specific constitutional precepts affecting women should serve as an engine to generate new dynamism in the process of achieving their full identity as persons, as women and as citizens. The new political Charter introduces fundamental changes that transform representative democracy into participative or direct democracy, which obliges and commits citizens to participating in shaping and exercising control over political power through the so-called citizen participation mechanisms.

Accordingly, and being aware of the low level of participation by women in these areas of power, the last paragraph of Article 40 states: "The authorities shall guarantee the appropriate and effective participation of women at the decision-making levels of the public administration." For that purpose, a draft law called the Plan for participation by women by the year 2000 is being debated in Congress and will increase the percentage of women in the administration. The Plan is to "outline specific targets for various bodies and is to guarantee a progressive increase in the appointment of women to decision-making posts".

Article 103 establishes the mechanisms for democratic participation that will make it possible for decisions affecting the community in general to be taken with the participation of citizens of either sex by

means of elections, plebiscites, referenda and other forms of consultation of the public. It will also be possible to present draft popular initiatives at the national, regional and local levels.

These constitutional measures will contribute to consolidating participative democracy if women, individually or collectively, carry out action intended to develop those principles so as to generate a new social order that will transform institutions, transform power and contribute towards modernizing society and create progress.

7.1 THE PRESENT SITUATION

Women in elections and public corporations

According to the law in force, the President, Senators, Representatives in the Chamber, Deputies in the Departmental Assemblies, Municipal Councillors, Mayors and Governors are elected by popular vote.

In the legal order there is no discrimination against women's participation in popular elections and there is no property or literacy requirement for voters. Any person of full age, irrespective of social, political or economic status is entitled to elect the persons who will administer, govern and legislate in the public corporations or in the executive branch of the public authorities.

Consequently, women can stand as candidates on the same conditions as men for posts filled by popular election, although in fact they do not have the same possibility owing to the obstacles that we shall mention below, which are related to cultural conceptions concerning men and women, the historical marginalization of women from power and politics, etc.

VOTING IN PRESIDENTIAL ELECTIONS, BY SEX

Period	Men	%	Women	%	Total
1986-1990	3,847,871	53.0	3,355,687	47.0	7,203,558
1990-1994	3,180,761	52.8	2,854,278	47.2	6,035,039

Source: National Register of Civil Status - National Electoral Directorate

NUMERICAL BREAKDOWN BY SEX — SENATE OF THE REPUBLIC

Years	Men	Women	Total	% Women
1990	113	1	114	1.0
1990+	102	8	110	7.2

Source: National Register of Civil Status — National Electoral Directorate

+ Withdrawal of mandate, new elections

NUMERICAL BREAKDOWN BY SEX — CHAMBER OF REPRESENTATIVES

Years	Men	Women	Total	% Women
1990	182	17	199	8.5
1990+	161	12	173	6.9

Source: National Register of Civil Status — National Electoral Directorate

+ Withdrawal of mandate, new elections

NUMERICAL BREAKDOWN BY SEX — DEPARTMENTAL ASSEMBLIES

Years	Men	Women	Total	% Women
1988	388	33	421	7.8
1990	391	30	421	7.1
1992	441	40	481	8.3

Source: National Register of Civil Status — National Electoral Directorate

NUMERICAL BREAKDOWN BY SEX — MAYORS OF MUNICIPALITIES

Years	Men	Women	Total	% Women
1988	951	58	1,009	5.7
1990	925	64	989	6.5
1992	957	55	1,012	5.4

Source: National Register of Civil Status — National Electoral Directorate

NUMERICAL BREAKDOWN BY SEX — GOVERNORS OF DEPARTMENTS

Years	Men	Women	Total	% Women
1991	26	1	27	3.7

Source: National Register of Civil Status — National Electoral Directorate

For an analysis of the percentage of the total number of women who have voted in the periods mentioned, it is important to establish overall voting by sex.

Years	Census total	Voting				Abstentions	
		Men	%	Women	%	M %	W %
1988	11,067,878	3,928,004	35.49	3,533,578	31.92	31.98	33.24
1990	13,903,324	3,180,761	22.87	2,850,278	20.52	55.50	57.76
1991	15,037,526	2,898,599	19.27	2,614,104	17.38	62.26	64.47

Source: National Register of Civil Status — National Electoral Directorate

From these data we can draw the following conclusions by electoral periods: in 1988, women, who accounted for 31.29 per cent of the total number of persons voting, obtained only 8.05 per cent of offices filled by popular election. In 1990, women made up 20.52 per cent of the general voting population and gained 8.1 per cent of representative offices filled by public voting.

Special mention should be made of the establishment of the National Constituent Assembly, which was convened by the present Government, following a referendum of the Colombian people on a reform of the country's political Charter. In 70 constituencies, 4 women were elected for this historic task. However, none of them were elected on behalf of women or by adopting an explicit position of representing women's interests. A total of 119 lists were presented and only 8 women headed such lists; a small number of women were at secondary levels in a traditional political parties. The political movement with the most marked female profile was the Democratic Alliance-M19. Mention should also be made of the presence of a list consisting only of women, but unfortunately it obtained only a little more than 1,000 votes.

As a result of the withdrawal of the mandate in 1991, elections were held for a new Congress of the Republic whose most important task was to develop the new constitutional postulates. The 17.38 per cent of the electorate accounted for by women received scarcely any seats in Congress and only 6.7 per cent of the total offices in the popular elections for Governors. Lastly, in 1992, women obtained scarcely 6.2 per cent of elections for the Assemblies, Councils and Municipal Administrations.

Without disregarding the fact that in each electoral period abstentions progressively increased in general terms, it is no less certain that women have not been unaffected by this political apathy owing not only to reasons of a general nature (discrediting of the public corporations, lack of faith in the Government, lack of information, lack of political and civic awareness) and that they are also faced with another series of obstacles related to their distant relationship with the Government politics and power.

Considering four electoral periods in Colombia, women have occupied on the average only 17.2 per cent of the total offices filled in such elections at the national, regional and local levels. There is also a large measure of abstention, as has already been stated, though this is lower among women than among men. Despite the fact that they represent 50 per cent of the active voting population, their participation tends to diminish, as is shown here; this confirms the general view that Colombian society, and the management of power, neither recognize nor legitimate the social and political force represented by women; without such legitimation, which prevents their incorporation in civil life, there can be no question of equality of conditions at opportunities between men and women and therefore there will be no democracy in Colombia.

Participation by women in the structure of the State

SEX BREAKDOWN OF STATE POSTS - 1988

Branch	Pres Min	Admin. Depts.	Super- Intend.	Decent. Inst.	National Grand total
Management posts					
Men	96	18	8	102	224
Women	11	4	-	22	37
% Women	3.2	2.2	-	6.4	10.8
Advisory posts					
Men	14	5	1	7	27
Women	6	-	-	9	15
% Women	11.1	-	-	16.7	27.8
Executive posts					
Men	143	62	4	90	299
Women	71	25	4	37	137
% Women	11.1	3.9	0.6	5.8	21.4
All levels					
Men	253	85	13	199	550
Women	88	29	4	68	187
Total	341	114	17	267	769
% Women	8.5	2.8	0.4	6.6	18.3

Source: Bonilla, Outside the fence, 1992, p. 189

SEX BREAKDOWN — SUPREME COURT OF JUSTICE
AND COUNCIL OF STATE — 1988

	Total	Men	Women	% Women
Supreme Court				
Dignitaries	2	2	-	-
Judges	20	20	-	-
Deputy Judges	27	22	5	18.5
TOTAL	49	44	4	10.2
Council of State				
Dignitaries	2	2	-	-
Judges	22	21	1	4.5
Deputy Judges	18	12	6	33.3
TOTAL	42	35	7	16.6

Source: Bonilla, Outside the fence, 1992, p. 190

In the present Government, which commenced its term of office on 7 August 1990, two women have been appointed as ministers (Agriculture — the incumbent has already resigned — and External Relations — still in office).

So far as the year 1991 is concerned, the following conclusions were drawn regarding the percentage of women in decision-making posts of the State:

"In positions of central executive authority (including ministries, administrative departments and the diplomatic corps), 56 of the 259 decision-making posts were occupied by women. That is a participation rate of 21.6 per cent. However, percentages of participation were lower at the highest decision-making levels: Ministers, 7.9 per cent; Deputy Ministers, 0 per cent; Heads of Administrative Departments, 0.0 per cent; Ambassadors, 6.8 per cent."

"The figures for decision-making posts occupied by women in the bodies mentioned below were as follows: ministries, 31 posts, equivalent to 22 per cent; diplomatic corps, 24 posts or 20 per cent; administrative departments, 19 posts or 21.9 per cent. In conclusion, it is known that 42.9 per cent of civil servants are women, but the great majority of them are not to be found at decision-making levels." (Taken from the preamble of the draft law No. 90 of 1992 on the participation of women in decision-making levels of the public administration. — Gazette of Congress No. 17, 6 August 1992).

SEX DISTRIBUTION OF POSTS IN THE EXECUTIVE BRANCH AND THE JUDICIARY

Post	Total	No. of women	% of posts
Ministers	14	1	7.1
Deputy Ministers	14	1	7.1
Heads of Admin. Depts.	8	0	0
Judges, Constitutional Court	7	0	0
Judges, Supreme Court of Justice	20	0	0
Judges, Supreme Council of the Judicature	13	1	7.6
Council of State	26	4	15.4
TOTAL	102	7	6.8

Source: Survey commissioned by the Ministries and data taken from the newspaper *El Espectador*, September 1992.

Generally speaking, we can conclude that, despite the efforts made by women to obtain access to decision-making public office in the life of the nation, they are still very far from conquering high office in the country, that is to say, that "the supreme power is still held by men. The advancement of women with regard to the gender distribution of public office places them at the lower decision-making levels. In conclusion, participation by men is in any case greater in all branches of public power in Colombia.

Women in political movements, trade union organizations, community participation and the cooperative movement

Trade union organizations

Since the presence of women in trade union organizations is directly related to the emergence of their large-scale participation in the market for remunerated labour, their history in this area of the public sphere in the country is relatively recent. This involvement through the increase in the trade union base because of the presence of women activists has not yet been reflected in terms of participation in management levels of those organizations.

Elssy Bonilla states: "A review of the available statistics derived from the trade union census of 1984 indicates that women make up one-third of workers who are members of trade unions in the City of Bogotá, a trend which continued in 1991, if one analyses women's trade union membership in the four principal departments of the country. As regards the size of the trade unions, both State and private, women's participation ranges from about 25 per cent in trade unions with less than 50 workers to 17.5 per cent in those with 100 to 149 members and 33.5 per cent in unions with 500 or more workers. A more detailed analysis shows that while participation by women increases with the size of the trade union in the public sector, there are some deviations in the private sector, which suggests lower participation by women in larger corporations."

That is related to the progressive increase in formal employment originating from the private sector as a result of economic processes, inflation, high labour costs, insecurity, etc. (Bonilla. Outside the fence. 1992, p. 192)

MEMBERSHIP OF TRADE UNIONS, STATE SECTOR
BY SIZE OF UNION AND SEX, ACCORDING TO TRADE UNION CENSUS - 1991

Size of Union membership	Men	% Women	Total
0 - 50	69.9	30.1	25,080
50 - 99	70.6	29.4	30,151
100 - 149	77.0	33.0	25,573
150 - 199	76.6	23.4	25,426
200 - 499	69.6	30.4	97,360
500 or more	53.8	46.2	315,823

Source: Report on trade unions in Cundinamarca, Antioquia, Atlántico and Valle. 1991 Trade Union census, Ministry of Labour

MEMBERSHIP OF TRADE UNIONS, PRIVATE SECTOR
BY SIZE OF UNION AND SEX, ACCORDING TO TRADE UNION CENSUS - 1991

Size of Union Membership	Men	% Women	Total
0 - 50	64.4	35.6	20,792
50 - 99	77.0	23.0	22,026
100 - 149	84.7	15.3	18,157
150 - 199	76.1	23.9	16,122
200 - 499	61.0	39.0	68,802
500 or more	82.9	17.1	146,118

Source: Report on trade unions in Cundinamarca, Antioquia, Atlántico and Valle. 1991 Trade Union census, Ministry of Labour

On the other hand, the proportion of women is higher and they are more activist in occupations related to the agricultural sector (57.0 per cent of total trade union members), services of a commercial nature (50.2 per cent), community services (48.2 per cent), the public services sector (40.3 per cent) and finally the financial services sector (35.1 per cent) (Bonilla, Outside the fence, 1992, p. 194)

We can conclude that most women are employed in activities which in one way or another signify a continuation of the roles that are culturally assigned to them and they can therefore have access to leadership posts in such trade union organizations. In the organizations that are in the majority male, they are almost always chosen as secretaries or as members of the "Women's Committees", but have no access to the power structure. Women in fact exercise trade union leadership on the basis on which they enjoy great recognition or at the intermediate levels of power, but time factors, the preservation of the "advantages of power", and the rigid structure of trade unions constitute serious limitations in the way of women's attaining high management levels in the trade union organizations.

Women in political movements

Perhaps the appropriate explanation for the low representation of women in public corporations can be found in the almost entire absence of women in the power structures of the national political movements. A report indicating their numerical participation in political movements makes depressing reading. Generally speaking, the presence of women in elected positions in public corporations is minimal, and an approximate percentage of only 8.5 per cent means that the involvement of women as politicians, representatives of political movements *vis-à-vis* the country and the electorate is less than 3 per cent, so that they are excluded and marginalized from the power elites within the political organizations.

Of the traditional political parties in Colombia (ranging from the various trends and branches of Liberals and Conservatives to the left in this country, the latter having the greatest representation of women in the management of the party), the Liberals are the major party that receives more votes from women and in which women are most strongly represented, although they receive only 7 per cent of the total number of popular electoral seats obtained by that movement.

In recent years the demobilization and integration into civilian life of guerilla groups converted into alternative political forces (the case of the AD-M-19) on the one hand and the political pluralism which permits the appearance of new political forces in the national scene (Christian, community, civic, indigenous groups, etc.) on the other hand have opened up greater scope for women, not only in their involvement with the grass-roots levels of the movements but also greater opportunities than in the traditional political parties for access to decision-making levels and power structures.

How can this situation be explained? On the one hand, there is little democracy within the traditional political organizations, little rotation in management posts, or in other words the absence of renewal at management level; these situations in fact prevent the access of women to positions of authority; linked to that there are patriarchal society attitudes which inhibit participation by women in policy and organizational aspects.

On the other hand, when new parties are formed, there is more room for renewal of the management cadres and for representation of women in the elections, either because they are "needed" to fill the "feminine quota" and to demonstrate that "democracy" is the backbone of those parties and of their philosophical principles or because women have opportunities to demonstrate their leadership and political qualities.

Women in community organizations.

In the last twenty years, women have been present in all forms of community organization that have been created. Some of these are promoted by the State itself, as is the case with the Communal Movement, the Local Administrative Boards, the Community Participation Committees, the associations of heads of families of the Family Welfare Homes, and the child-care foster-mothers. Other organizations are promoted by society, in principle as instruments for exercising pressure or as a response by the community to the failure of the State to satisfy primary needs, and in recent years since the administrative reform introduced in 1986 through Law No. 11, as organizational forms

for joint management and participation with the State in the development of programmes oriented towards the community. We find examples in the increase in people's housing organizations by means of which the community constructs urban housing units, the self-help construction of health posts, schools or the so-called community and people's kitchens and in the women's non-governmental organizations, which tend to develop action aimed at improving the living conditions of women in the production and socio-political sectors.

In the case of the community organizations managed by the State, it is also important to point out that, despite the mass presence of women in such organizations, whose action is directed towards the current situation in the country (elections, political rivalry at regional levels, etc.), women are also exposed to discrimination and marginalization not only owing to objective factors related to their education, available time and political autonomy but also owing to the effects of the socialization of roles that are most clearly marked at local levels, for instance in the suburbs, villages, communes, etc. and that constitute strong barriers against the access of women to decision-making bodies.

Women are local leaders, stimulate the activities of the suburb, convene group meetings, carry out fund-raising activities, approach the governmental authorities in order to call for solutions to their problems of a general nature and are elected to community organizations. However, very few women are elected to higher-ranking and representative posts (less than 30 per cent of the boards of management of the Local Administrative Boards, Community Participation Committees, and Communal Action Boards are women) and those who are mostly occupy posts as secretaries or less frequently treasurers or posts that require the performance of activities that are often an extension of domestic work.

Women in the cooperative movement

The cooperative movement is emerging as a strategy for mutual aid, as a defence against the conditions created by the progress of the mercantilistic movement and also as a means of satisfying basic or fundamental needs through the collective efforts of its members.

The economic crisis of the 1980s, which produced high rates of unemployment and in turn the growth of the informal sector of the economy, induced women to set up small associative and family production units, from which cooperative enterprises began to emerge. On the other hand, the cooperative movement, which introduces a bond of solidarity among its members, is arousing interest among wage-earners in the creation of service cooperatives; among the latter there is a high proportion of women who have slowly but progressively been rising to positions at the management levels.

In the year 1987, 7.28 per cent of the marketing, production and housing cooperatives were managed by women, there being a greater participation by women in production cooperatives; no information is available for 1988; for 1989 only 12.36 per cent of the cooperatives in the country (3,315) were managed by women, most of them being mutual aid cooperatives, followed by multipurpose cooperatives. In 1990, there were 4,374 cooperatives in Colombia, of which only 14.74 per cent were managed by women, the highest proportion of women being found in the mutual aid cooperatives followed by the labour and service

cooperatives (taken from the book *Participación de la Mujer en el Cooperativismo Colombiano* - Women's participation in the Colombian cooperative movement. ASCOOP - Superación ediciones, 1992).

"Women's cooperatives represent only 1.5 per cent of the total for the country, there being also great difficulties in their development and consolidation, especially for reasons of working capital." Furthermore, "the lack of programmes for the provision of social security, for the establishment of day-care facilities for children, and recreation for women are an evident deficiency in cooperative service that would foster more active participation." Furthermore, "there are very few cooperatives that have new lines of action when they are oriented towards women. The activities that they engage in reflect the traditional roles carried out in the household (millinery, pastry-making, handicrafts, food preparation), which limits their active participation and economic output owing to the high levels of competition, thus confirming the traditional subordination structures." And finally, "the present women's cooperatives offer no solutions for the lives of women members but generally become additional sources of household income." (Taken from *Participación de la mujer en el cooperativismo colombiano*, Bogotá 1992).

The social movement of women

The guiding principles of action by women in the country in the last five years can be summarized in two levels of claims: on the one hand, to eliminate the subordination of women, consequently transforming the patriarchal system, that is to say, overcoming the different treatment of the sexes and attempting to give women the status of social subjects, and on the other hand highlighting the differences. Although we are equal to men, we have a subjective nature, a way at looking at life, that is specific and different from the vision of men.

Owing to the existence of these two lines of action, action taken varies greatly in scope and direction and groups are formed in the following areas:

- Militant women in political parties, who demand participation by women at the organizational and representative levels;
- Independent women's groups designed as forums for individual or group study of problems and for the provision of services for the promotion of women;
- Women who participate in popular movements struggling for better living conditions and access to consumer goods, public services, housing, etc.;
- Women belonging to trade union organizations, working along two lines: on specific and general problems of employment;
- Women participating in the peasant movement, working for the defence of the soil, legalization of the take-over of land, seeking the elimination of discrimination against them in agricultural legislation, etc.

Owing to this heterogeneity of women's groups, action by women takes different forms and is also carried out in different fields. Rather than regarding them as fragmented groups, without cohesion, without

clear identity and consistency in their work, one should consider what they contribute to the construction of an alternative social movement of renewal linked to their individual experience. The machinery of oppression of women is unmasked, the historical and unnatural character of the subordination of women is denounced and in addition the movement aims collectively to make changes in society that will transform the social order, institutions and above all the power structure - the area of historic marginalization that has kept women far away from the political arena.

An example of that is the establishment in 1990 of the National Network of Women, whose initial objective was to create working groups to submit proposals to the National Constituent Assembly that would raise the rights of women to the rank of constitutional postulates. At present, this Network includes more than 80 groups of women throughout the country and has become a forum for communication and interchange of experience, making it possible to ascertain the concerns of women's groups in order to present them to the appropriate bodies.

7.2 OBSTACLES IN THE WAY OF WOMEN'S PARTICIPATION IN THE POLITICAL AND PUBLIC SPHERE

We cannot deny that the patriarchal society, which continually reinforced in our country in manifold forms, that discrimination against women is a logical consequence of patriarchy, or that the roles culturally assigned to men and women have placed them in different areas owing to the socializing effects of those roles in the development of society. Nor can we deny that the marginalization of women is also directly related to the form in which society, the economy, politics, and the military apparatus are interrelated, thus paying respect to class interests and affecting the masses, who constitute a majority in terms of the population but a minority in view of their marginalization from the structures of political, social and economic power, as is the case with women.

Furthermore, by engaging in other areas that remove them from the domestic sphere, which is biologically and culturally intended for them, women have been protagonists for important changes in national life, which involve them as citizens but in no way affect the values, roles and functions of men and women, that is to say, external changes that in no way transform the patterns of development for the majority of women and society as a whole.

Also, even women's reproductive role, their maternal function, is still the form in which they are regarded as socially valuable, with all the limiting factors in terms of the search for leadership and activism in other sectors of civil society that the exaltation of motherhood causes for women.

On the other hand, when women have sought participation in sectors of civil society, as is the case with the political movements, for example, they have had difficulty in working out strategies that would enable them to start a process for renewal of political action. The probable reasons are either the absence of gender awareness, which prevents them from promoting thought and discussion that would call in question the interrelation between men and women and from promoting legislative action aimed at the development of women in areas barred to them by the very fact of their being women, or the reproduction of masculine models of politics, in which a populist approach, demagoguery

and favouritism prevail. Linked to these situations there is also a general absence of interest among women with regard to women who are elected, that is to say the lack of support that the latter receive. This is derived from the traditional apathy of women towards involving themselves more directly in the political sphere or from the widespread feeling that making speeches on women's demands is a way of attracting the electoral potential of the female sex. A final obstacle in this aspect is related to the "hostility faced by women who compete for power, which ranges from apparently harmless jokes that ridicule women's political behaviour to death threats intended to dissuade them from continuing the struggle." (Taken from: Bonilla. Outside the fence, 1992).

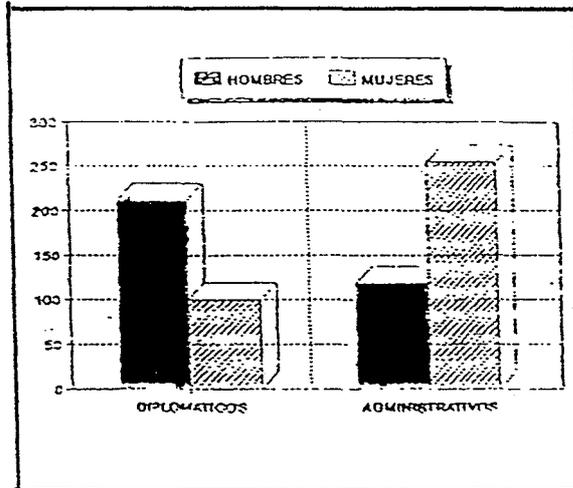
Women have difficulties in participation in the public life of the country owing to the necessity of working long hours in order to meet all their obligations: housework, motherhood, wage-earning, acting as delegates on boards, attending meetings of heads of families, paying for services, attending political meetings, etc. - an overload which is *de facto* limiting their options for entering the arena of power. The assumption of management responsibilities in the areas in which they are struggling politically and in the civil sphere involves a great expenditure of time, family problems, rejection by their immediate environment, criticism, and even occasionally the breaking of ties of all kinds so that they can free themselves from those bonds and have greater liberty to dedicate themselves to those challenges.

There are obstacles in the way of women's participation in this sphere that stem from the absence of national, regional or local infrastructures that would make it possible to involve all women's groups in defining clear policies for action and in designing strategies that would in the short, medium or long term make possible better living conditions and development for women. Other causes are the absence of national women leaders who would be able to unify the diverse women's organizations existing in the country and the lack of support and solidarity for women who valiantly take up the challenge of becoming political activists. Perhaps the most certain thing is that civil society does not yet recognize or legitimate the social and political force represented by women, so that they are prevented from developing their role as citizens. That is also the reason why there will be no democracy in Colombia, as long as marginalization and discrimination exist.

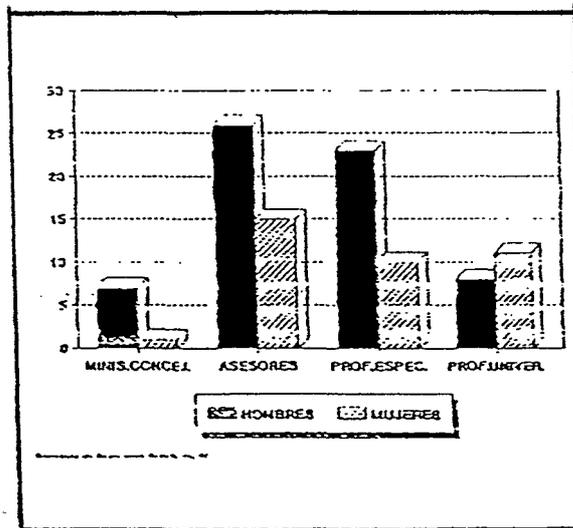
Finally, when society recognizes the historic contribution of women in the political, legal, economical and cultural spheres and becomes aware of the whole extent of their participation in creating society, of their contribution to the survival of the human species, and of women as social agents, political subjects and citizens, it will consequently be necessary to construct a new social model that will modify the functions of the two genders of humanity and relations between them.

ARTICLE 8 - PARTICIPATION IN THE DIPLOMATIC SERVICE

MINISTRY OF FOREIGN AFFAIRS
SEX BREAKDOWN - 1991



MINISTRY OF FOREIGN AFFAIRS
POST AND SEX BREAKDOWN



ARTICLE 9 - NATIONALITY

The Constitution of 1991 (Article 96) speaks of two ways in which Colombian nationality can be acquired and speaks of Colombian citizens by birth and by adoption:

1. Citizens by birth are:

- a. Persons born in Colombia satisfying one of two conditions: that the father or the mother are natural born Colombians or Colombian citizens or, in the case of children of foreigners, that one of the parents was domiciled in the Republic at the moment of their birth.
- b. The children of Colombian fathers or mothers born abroad and later domiciled in the Republic.

2. By adoption:

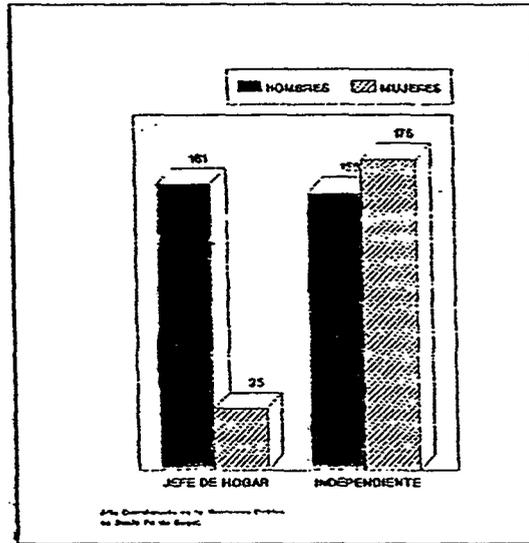
- a. Foreigners who request and obtain a naturalization card in accordance with the law, which will also establish the cases in which Colombian citizenship will be lost by adoption.
- b. Latin American and Caribbean citizens by birth domiciled in Colombia who, with the authorization of the Government and in accordance with the law and the principle of reciprocity, apply to the municipality in which they are resident for registration as Colombian citizens.
- c. Members of indigenous peoples who share border territories, by application of the principle of reciprocity, according to public treaties.

With regard to the loss of citizenship, Article 96 provides that:

- No Colombian by birth can be deprived of his citizenship.
- The law will establish cases in which Colombian citizenship will be lost by adoption.
- Colombian citizenship will not be lost by the acquisition of another nationality.
- Nationals by adoption will not be obliged to renounce their nationality of origin or adoption.
- Persons who have renounced Colombian nationality can recover it according to the provisions of the law.

So far, Colombia has had no migration policy. At present, it is insisted that a law is necessary in order to regulate the matter, and the Government is obtaining advice on the matter from the International Organization for Migration. Furthermore, Colombia has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of December 1991.

UNHCR REFUGEES IN COLOMBIA



According to data from the Office of the United Nations High Commissioner for Refugees (UNHCR) in Bogotá, there are at present 527 refugees in Colombia: 317 men, and 210 women. Of the men, 161 are heads of families and 156 dependants. Among the women, 35 were heads of families and 175 were dependants. The refugees come from Cuba, China, Chile, Hungary, Italy, Peru, Poland, Romania, the Ukraine, Yugoslavia, Haiti, Iran, Sri Lanka, El Salvador and Nicaragua. The majority come from Cuba, Chile, Peru and Nicaragua.

According to Article 11 of decree 2817 of 1984 "Refugee status shall be extended to under-age children, the spouse (or cohabitee); the document referred to in the previous article shall be granted to such persons. The latter is the travel document issued to recognized refugees by the Ministry of Foreign Affairs through the visa office."

ARTICLE 10 - EDUCATION

The "Outline for a Comprehensive Policy for Colombian Women" recognizes the perpetuation of sex stereotypes through the educational institutions and the deficient quality of the education imparted, especially to women. The action proposed includes the promotion of changes in school textbooks, curricula and educational texts, strategies of training for teachers, the modernization of non-formal educational structures and strategies for involvement in and follow-up of this problem within the academic community.

The "Social Policy for Young People and Women" of November 1992 provides that one of the priority actions in education is to guarantee total coverage in primary education. That will directly benefit girls in the poorest strata of the population. The increase envisaged in secondary education coverage will reach a substantial group of young women.

In addition, special attention will be devoted to creating and applying measures to correct the lower quality displayed by women's colleges. For that purpose, the Office of the President, the Colombian Institute for the Promotion of Higher Education (ICFES) and the Ministry of Education will establish the necessary mechanisms for the adaptation, follow-up and evaluation of the quality of education. Also, various types of educational material and school textbooks presenting a fair picture of gender matters will be disseminated.

Finally, cultural and creative events organized and promoted by women's groups will be supported.

10.1 THE PRESENT SITUATION OF WOMEN

Year	Percentage of women	Percentage of men	Percentage, overall
1938	49.7	45.7	47.7
1951	43.9	41.0	42.5
1964	36.3	35.2	35.8
1973	25.0	24.9	24.9
1985	17.6	18.3	17.9
1990	8.6	9.5	9.0

Source: Bonilla, Elssy, Outside the fence, 1992. P. 7 and EPDS 1991, p. 16

TOTAL SCHOOL ENROLMENT BY SEX

PERIOD	PRESCHOOL		BASIC PRIMARY		SECONDARY AND INTERMEDIATE VOCATIONAL	
	BOYS	GIRLS	BOYS	GIRLS	BOYS	GIRLS
1989	185,574	190,844	2,148,600	2,080,095	1,067,160	1,237,722
1990	186,960	192,270	2,155,915	2,087,176	1,080,176	1,253,519
1991	196,323	201,899	2,185,857	2,116,164	1,117,459	1,296,060
Totals	568,857	585,013	6,490,372	6,283,435	3,265,399	3,787,301

Source: Ministry of National Education - Statistics Department.
Estimates based on the historical series and data compiled.

ESTABLISHMENTS AT THE VARIOUS LEVELS OF EDUCATION
IN RURAL AND URBAN AREAS 1982 - 1988

YEAR	PRESCHOOL		PRIMARY		SECONDARY	TOTAL
	URBAN	RURAL	URBAN	RURAL	TOTAL *	
1982	3,305	418	10,166	21,952	5,214	41,055
1983	3,463	482	11,021	22,080	5,495	42,541
1984	3,745	489	9,734a	21,173	4,973a	40,114
1985	4,813	626	10,521a	21,195	5,088a	42,243
1986	4,796	975	11,771	22,825	5,181a	45,548
1987	6,163	783	12,326	23,783	5,884	51,649
1988	6,958	832	13,020	24,757	6,082	

Source: DANE (*Colombia Estadística*, pp. 483-492). Figures tabulated from compilation C.800

a. The reduction in the figures compared with previous periods is due to limitations in the coverage of the survey

* There is no secondary education in rural areas, with some few minor exceptions.

The data of the National Programme of Popular Basic Education of Young Persons and Adults, Four-Year Plan, September 1991, show the following:

There is still not total coverage of primary education in Colombia: of every 100 children of school age, 16 were not attending school.

In the capitals, 13 per cent of children and in the rural zones 22 per cent do not attend school; though 90 per cent of children begin first grade, 40 per cent do not complete the primary course.

There is 23.4 per cent illiteracy today in rural zones and 7.3 per cent in urban zones.

There are also great variations according to age-groups, reflecting changes in the intensity of education received by the various generations: while the rate of illiteracy among the population aged 12 to 24 is less than 6.7 per cent, it is 8.2 per cent for the 35-44 age-

group, rises to 21 per cent for the 45-59 age-group, and is 3.1 per cent for those over 60.

ESTABLISHMENTS OF INTERMEDIATE EDUCATION
MALE - FEMALE - MIXED

PERIOD	MALE		FEMALE		MIXED	
	TOTAL	%	TOTAL	%	TOTAL	%
1984	222	8.7	554	21	1,787	69
1986	228	6.2	652	17.7	2,809	76.1
1988	232	5.6	686	16.5	3,233	77.9
1990	242	5.3	696	15.3	3,604	79.4

Source: ICFES, National Tests Office
Statistics are calculated at intervals of approximately two years.

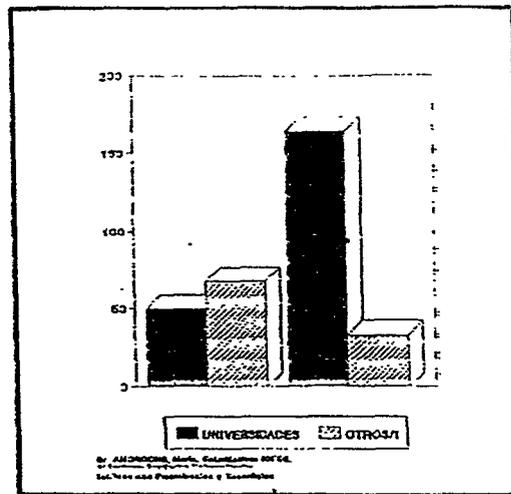
Higher education

The sex breakdown of enrolment figures for higher education shows that the proportion of women has increased in the last two years, and that the figure has varied from 53 per cent in 1982 to 55.1 per cent in 1990 (Source: ICFES: Research and Test Design Division, Section for Research into Statistics on Persons Aspiring to enter Higher Education - September 1991).

Private institutions account for 55 per cent of university enrolment, 70 per cent of university institutions, 64 per cent of technological institutions and 90 per cent of the technical professional institutions. A undergraduate programme actually attended by students has on the average 280 students in official universities and 400 in private universities, while a distance-learning programme has 485 students in official institutions and 718 in private institutions.

It is significant that even at university level courses derived from the tasks of motherhood are clearly feminine, psychology, education and social work being good examples of this phenomenon. Also the paramedical professions absorbed the largest number of women, who concentrate on nursing, nutrition or therapy.

COVERAGE OF HIGHER EDUCATION CENTRES, BY STUDENT POPULATION



The situation is similar in intermediate technical education and women orient their training towards commerce and services; in so-called non-formal education promoted by various State institutions the traditional sex division of labour is strengthened and women specialize in subjects

intended to enhance their skills in domestic tasks, such as millinery, dressmaking or cooking.

As shown by the ICFES report of September 1991, Population Statistics - Division for Research and Design of Tests for Persons Aspiring to enter Higher Education - in the first academic semester of 1991, men basically tend to opt first for careers in engineering, architecture and related subjects, secondly for economics, management, accountancy and related subjects and thirdly for subjects in the area of health sciences.

Women's first preference is for health sciences, second place being taken by economics, management, accountancy and related subjects, while engineering, architecture and related subjects come third, and educational sciences fourth.

ACADEMIC SUBJECT PREFERENCES
IN HIGHER EDUCATION BY SEX

AREA OF PREFERENCE	MEN	WOMEN	TOTAL
Agronomy, Veterinary and related subjects	N 8,402 % 8.70	5,034 4.17	13,436 6.19
Fine Arts	N 4,604 % 4.77	8,292 6.88	12,896 5.94
Educational Sciences	N 7,048 % 7.30	16,827 13.96	23,875 11.00
Health Sciences	N 9,573 % 9.92	29,419 24.49	38,992 17.96
Social Sciences, Law, Polit. Science	N 6,584 % 6.82	15,059 12.49	21,643 9.97
Economics, Management, Accountancy and related subjects	N 13,199 % 13.67	24,010 19.91	37,209 17.14
Humanities and Theology	N 878 % 0.91	1,163 0.96	2,041 0.94
Engineering, Architecture and related subjects	N 44,029 % 45.61	18,794 15.59	62,823 28.93
Mathematics and Natural Sciences	N 2,223 % 2.30	1,981 1.64	4,204 1.94
TOTAL	N 96,540 % 100.0	120,579 100.0	217,119 100.0

Source: ICFES, p. 42. State examinations. August 1990, Calendar A. Statistics by area of knowledge.

ENROLMENT IN HIGHER EDUCATION BY SEX
1960 - 1990

YEARS	TOTAL ENROLMENT	MEN	%	WOMEN	%
1960	23,013	18,779	81.6	4,234	18.4
1965	44,403	34,094	76.7	10,309	23.3
1975	176,098	112,059	63.6	64,039	36.4
1980	276,098	150,515	55.4	121,115	44.6
1985	417,654	214,270	51.3	203,384	48.7
1990*	499,185	241,237	48.3	257,948	51.7

Source: Taken from Bonilla, Elssy, Outside the fence, p. 82
* Projection for this year

PROPORTION OF WOMEN AMONG GRADUATES
OF HIGHER EDUCATION
1985 - 1989

	WOMEN	%
■ 1982	12,782	47.5
■ 1983	12,298	47.4
■ 1984	13,184	49.7
■ 1985	15,172	49.3
■ 1986	17,475	50.1
■ 1987	18,657	50.6
■ 1988	23,799	53.8
■ 1989	22,551	55.6
■ 1990	21,216	51.2
■ Average		50.6

Source: ICFES.

GRADUATES OF HIGHER EDUCATION
BY SEX AND SUBJECT - NOT INCLUDING RELATED SUBJECTS

YEAR	MEDICINE		LAW		ENGINEERING		AGRONOMY		EDUC. SC.	
	M	W	M	W	M	W	M	W	M	W
1984	1,279	391	1,475	1,130	3,081	640	195	36	68	1,028
1985	1,419	447	1,471	1,144	3,766	922	189	80	104	1,064
1986	1,654	580	1,546	1,257	3,807	1,056	155	38	192	1,826
1987	1,391	488	1,797	1,567	4,061	1,156	203	48	85	1,782
1988	1,286	540	2,220	1,962	4,321	1,493	153	54	609	4,040
1989	1,299	436	1,916	1,653	4,171	1,512	157	46	855	5,064
1990	1,265	648	533	1,854	5,057	1,865	143	39	497	3,236

Source: ICFES

The figures for medicine were processed for this report by the ICFES Office of Statistics, Dr. Mario Amochó, because they are not found in bulletins. He also made a breakdown of figures referring to health sciences, which include all medical and paramedical subjects.

POSTGRADUATE STUDENTS

YEAR	ARCHITECTURE AND RELATED SUBJECTS		AGRONOMY AND RELATED SUBJECTS		SOCIAL SCIENCES P. LAW		HEALTH SCIENCES	
	MEN	WOMEN	MEN	WOMEN	MEN	WOMEN	MEN	WOMEN
1984	60	8	7	-	98	87	249	80
1985	60	41	9	1	200	168	296	126
1986	82	106	4	14	195	161	379	168
1987	427	106	29	7	146	140	148	99
1988	212	47	17	6	256	258	386	185
1989	188	62	9	-	386	342	407	207
1990	203	83	12	1	298	250	345	139

YEAR	ECONOMICS, MANAGEMENT AND RELATED SUBJECTS	
	MEN	WOMEN
1984	426	196
1985	311	153
1986	454	230
1987	319	157
1988	550	213
1989	761	406
1990	460	283

Source: ICFES

INTERNATIONAL FELLOWSHIPS PROGRAMME
1989 - 1992

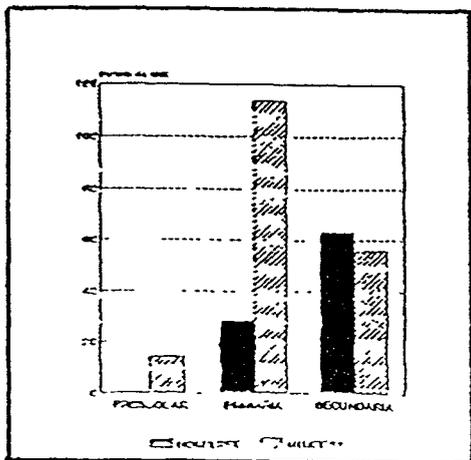
PERIOD AND SEX ACADEMIC AREA	1989		1990		1991		1992*		TOTAL	
	M	W	M	W	M	W	M	W	M	W
■ Economics and economic development	17	9	15	6	10	9	8	5	50	29
■ Management	22	13	18	15	42	16	14	14	96	58
■ Regional/urban development	16	7	10	5	12	8	0	0	38	20
■ Social sciences	12	13	7	11	25	21	3	4	47	49
■ Education	21	12	24	10	7	5	1	1	53	28
■ Law, Jurisprudence	9	7	4	2	3	4	0	2	16	15
■ Humanities	10	17	7	15	10	12	2	6	29	50
■ Architecture, town planning	7	5	2	5	6	4	2	1	17	15
■ Fine arts	10	13	11	10	1	8	5	1	27	32
■ Exact sciences, technology	38	25	37	17	22	4	4	1	101	47
■ Natural science	20	15	16	10	10	9	7	4	55	38
■ Agricultural sciences	16	9	18	8	21	18	13	2	68	37
■ Engineering, related subjects	48	12	54	30	38	13	19	3	159	58
■ Health sciences	17	6	25	10	11	20	6	1	59	37
■ Rural development	-	-	-	-	1	2	6	2	7	4
■ Other areas	3	-	3	-	37	16	16	7	59	23
■ International Baccalaureat	-	-	-	-	2	2	-	-	2	2
■ Training ship	-	-	-	-	7	5	-	-	7	5
TOTALS	266	163	251	154	265	176	106	54	888	547

Source: ICETEX, Follow-up and Evaluation Section

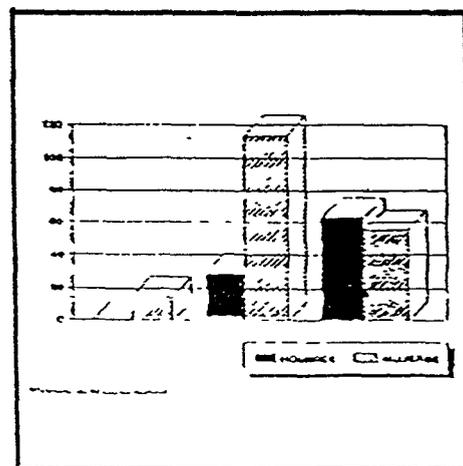
* Report of July 1992. Drop-out rates

- Teaching staff

NUMBER OF TEACHING STAFF
AT NATIONAL LEVEL
SEX DISTRIBUTION



NUMBER OF TEACHING STAFF
SEX DISTRIBUTION



NUMBER OF TEACHING STAFF BY SEX

YEAR	SEX	PRESCHOOL	PRIMARY	SECONDARY
1989	Women	13,277	112,207	53,745
	Men	517	28,474	61,094
1990	Women	13,894	113,208	54,892
	Men	541	28,728	62,399
1991	Women	14,654	113,847	56,040
	Men	571	28,890	63,702

Source: Ministry of National Education, data estimated on the basis of historical series and compilation of data DANE C.600.3

According to the most recent data provided by the same source for February 1992, there were in the country 258 university institutions, 33 of which were headed by women, 9 women being Rectors in the official sector and 24 in the private sector. In the latter sector, the trend was that management by women was concentrated more in technological institutions.

PROFESSIONAL PARTICIPATION BY WOMEN IN THE MINISTRY OF
EDUCATION AND IN DECENTRALIZED INSTITUTES
RELATED TO HIGHER EDUCATION

LEVELS OF PARTICIPATION AND INSTITUTION	COLCI- ENCIAS		ICFES		ICETEX		M.E.N. (1)		TOTAL	
	M	W	M	W	M	W	M	W	M	W
MANAGER *	3	-	5	2	4	-	1	2	13	4
ADVISER	-	-	1	-	-	-	-	1	1	1
EXECUTIVE **	9	3	24	10	35	31	14	9	82	53
PROFESSIONAL	13	13	54	46	27	25	105	122	199	206
TECHNICIAN	1	2	29	29	27	56	461	10	103	97
ADMINISTRATIVE	1	25	54	115	112	214	57	211	224	565
OPERATIVE	9	4	30	14	34	37	97	45	170	100
SUBTOTAL/SEX	36	47	197	216	239	367	320	400	792	1,026
GRAND TOTAL	83		413		606		720		1,818	

Source: (1) The Ministry of National Education (M.E.N.) has equivalent posts at the management and executive levels and identical posts in the lower levels.

* Includes Director, Deputy Director, Secretary-General

** Includes Heads of Divisions, Sections and Units

10.2 NEW LEGISLATIVE OR OTHER MEASURES TO GUARANTEE EQUALITY IN THE ACCESS OF MEN AND WOMEN TO EDUCATION

National Constitution of 1991

Article 67 provides among other things that education is a right of the person and a public service that has a social function, the aim of which is access to knowledge, science, technology and to the other goods and values of culture. Colombians are to be trained in respect for human rights, peace and democracy, in the practice of work and recreation, for cultural, scientific, technological improvement and for the protection of the environment.

The State, society and the family are responsible for education, which shall be compulsory for children between 5 and 15 and which shall comprise one year of pre-school education and nine years of basic education as a minimum. Education shall be free of charge in State institutions.

Article 68 states that it is the duty of the State to guarantee the freedom of teaching, apprenticeship, research and academic teaching. It adds that heads of families can choose the type of education for their children.

As innovations, it provides that in the State establishments, no person can be obliged to receive religious education, that all ethnic groups

have a right to education, and that their cultural identity must be respected.

Decree 2737 of 1989: Children's Code

The Children's Code, Decree 2737 of 1989, refers in its Chapter XX to education, including that subject in Articles 311 to 318. It incorporates the rights of Colombian children, guiding principles in this matter, and protects children who are in an irregular situation (by desertion, or physical or moral danger).

It mentions the necessity that children, (girls and boys below the age of 18) should receive education and comprehensive training, considering that it should be compulsory up to the ninth grade of basic education and be provided free of charge by the State; this right is extended to children belonging to indigenous communities, and their traditions and language must be respected. Article 312 also provides that a fine of 1 to 60 minimum statutory wage units, convertible into imprisonment at the rate of 1 day for each wage day unit, shall be imposed on any persons who without justified cause violate these provisions; that sanction will be imposed by the Family Assistance Officer, the Defender, the Mayor of the Municipality or his deputy or a Police Inspector.

Article 313 of the Children's Code states: "The Directors of educational centres shall see to it that children regularly attend their establishment, shall try to reduce the incidence of drop-outs from school and shall investigate the causes of any drop-outs that occur."

The sanctions imposed by the Family Defender are not considered as an indicator in the Statistics Department of the Colombian Institute of Family Welfare; however, on consulting several zonal centres of that institution, it has been found that there are isolated cases in which the Defender has initiated investigations of Directors of educational establishments.

10.3 PROGRAMMES DIRECTED TOWARDS ENSURING EQUALITY OF ACCESS TO EDUCATION

Programme of family education for the development of children (PEFADI)

This programme is executed by the Ministry of Education, in agreement with the Colombian Institute of Family Welfare and the Ministry of Health and is coordinated by UNICEF; it has national coverage and aims to change the behaviour of boys, youths and adults towards human sexuality, family life and environmental education, by using methodologies and teaching material to deal with the subjects of gender roles and sex education. (See the brochure "The Story of Luke and Mary", PEFADI 1991)

In 1990 training was given to:

- 8,880 teaching staff
- 10,220 groups of peasant families x 13 persons
- 173,970 rural inhabitants
- 232,723 children.

The New School in rural areas and the Active School in urban areas

The New School Programme was adopted by the Ministry of Education as the basic methodology for primary education in the rural area for children between 6 and 7; its specific objectives include promoting the elimination of all types of discrimination in patterns of socialization and education of boys and girls so that there will be real equality of opportunities for their appropriate growth and comprehensive development.

UNICEF signed a cooperation agreement with the Ministry of National Education in 1988 and the Ministry of Health and ICBF were chosen as the executing agencies.

One million (1,000,000) boys and girls benefited from this programme, of whom 55 per cent were girls, and training was given to 40,000 teachers.

The Zero Grade Project

The Ministry of Education, with the assistance of UNICEF, is introducing the "Zero Grade" educational programme, which began operation in 1992; it aims to contribute to the comprehensive and harmonious development of girls and boys aged from 5 to 7, especially those who have not had access to any form of pre-school education.

Its purpose is to facilitate the transition from family life to life at school, increasing motivation for learning, interest in knowledge, the acquisition of culture, the establishment of relations with the community and nature. It also promotes the development of values such as equality, respect, peace and participation. Activities are programmed up to 1997.

As part of the strategies it is emphasized that the school must recognize and make use of experience that children bring from their homes in order to ensure that there is no incompatibility between the family and the school culture, and to avoid any maladjustment that would lead to drop-outs or rejection of school. Therefore the school must be dynamically open to the family and the community, and teachers must invite and motivate parents to participate in the process of educating their children. Teachers must involve parents in children's projects and activities, thus eradicating a whole range of role and stereotype images that have been to blame for the discrimination between men and women that unfortunately still exists and has had the result that statistically not many women are involved in taking decisions.

The targets proposed, among others, are to achieve a coverage of 630,000 six-year-olds by 1995 and 95 per cent of children aged 6 by 1997. It is intended to provide universal coverage of basic primary education and to guarantee that children remain at school at least up to the fifth grade.

The Women in Development programme

UNICEF is cooperating with the National Government in programmes benefiting rural and urban women by the incorporation of specific activities in a number of national projects, with the aim of improving their status, role and self-esteem. The executing agencies are the

Presidential Programme for Youth, Women and the Family, the Ministry of Agriculture, the Ministry of Government, the Ministry of Education, the Ministry of Labour, the Ministry of Health and NGOs.

The programme reaches 150,000 adolescent girls and 363,000 women and it is hoped that the number of indirect beneficiaries will be 1,350,000. Among the general objectives of the programme are strengthening the institutional capacity of the PPJMF in its function of coordinating the Comprehensive Policy for Colombian Women and to stimulate, structure, evaluate and disseminate five innovative models of action at different territorial levels for local management in the implementation and execution of the Comprehensive Policy for Women, based on the coordination of governmental and non-governmental organizations, groups and grass-roots organizations working for women.

The specific objectives in education are to improve educational conditions for girls and women, to influence the content of formal and non-formal education so as to avoid the perpetuation of sex stereotypes between men and women and to give women job and technical training.

Its aims include help to ensure that girls complete their primary education and to reduce the existing inequalities between boys and girls in the formal and non-formal educational systems. In addition, it will attempt to give technical and job training to 30 per cent of poor women at each territorial level of its action.

10.5 EDUCATIONAL PROGRAMMES AND POLICIES FOR GIRLS AND WOMEN WHO HAVE LEFT SCHOOL BEFORE GRADUATION

CAUSES OF DROP-OUTS IN PRIMARY SCHOOL, BY AGE AND SEX - 1991*

CAUSES	GIRLS		BOYS	
	6-11	12-17	6-11	12-17
Moved house	19.1	3.1	22.3	0.5
Having to work	0.0	22.0	2.6	16.6
No place	13.5	4.6	17.6	5.7
Very expensive	24.7	17.9	19.0	14.5
Not sent to school	15.5	13.5	16.8	5.6
Failed or expelled	0.7	2.3	5.3	2.4
Did not want to continue	11.0	28.7	4.7	47.8
Failed entrance test	1.0	0.8	0.0	0.9
Marriage	0.0	1.2	0.0	0.0
Other	14.5	5.9	11.8	3.1

* Information available for the seven principal cities

Source: National Planning Department, 1992. Outside the fence. BONILLA CASTRO, Elssy, p. 80

CAUSES OF DROP-OUTS IN SECONDARY SCHOOL, BY AGE AND SEX - 1991 *

CAUSES	GIRLS/WOMEN			BOYS/MEN		
	12-17	18-25	Over 25	12-17	18-25	Over 25
Moved house	5.6	1.3	1.3	0.4	0.6	1.2
Having to work	11.3	22.1	26.1	20.6	40.7	58.5
No place	7.3	3.0	0.5	8.4	3.1	0.3
Very expensive	20.1	13.4	18.0	14.5	12.1	20.8
Not sent to school	4.6	2.6	3.6	1.1	1.0	1.6
Failed or expelled	3.7	0.5	0.3	2.7	0.6	0.3
Did not wish to continue	28.1	23.1	18.0	39.3	26.8	16.4
Failed entrance test	4.1	3.6	0.6	1.9	2.9	0.5
Marriage	6.0	17.9	30.2	0.4	3.0	4.6
Other	8.5	6.0	6.0	7.0	6.7	4.6

Information available for the seven principal cities

Source: National Planning Department, 1992. BONILLA, Elssy. Outside the fence.

It is very important to remember the judgment of the Constitutional Court regarding the protection action brought by a girl who had to suspend her studies for the year 1990 because she was pregnant. Her request for re-admission for the year 1991 was not accepted by the Headmaster of the Departmental Lyceum of Liborina (Antioquia), and she was also not allowed to reapply for acceptance in March 1991.

The judgment pronounced by the Constitutional Court on 17 June 1992 stated: "The right at issue that was violated is the right of education, because the expulsion of the pupil from the college deprives her of the knowledge that would be imparted to her through the college and that would contribute to perfecting her personality. In the same way she is also denied both the right to equality as a human person, through being placed in a situation of *capitis diminutio* owing to the fact of her pregnancy, and is also denied the right to self-determination, since it is intended to limit her freedom to develop her own personality."

The Court considered that the girl was treated as inferior through her exclusion from the right to education and the denial of her right to autonomy established as a fundamental right in Article 16, thus restricting the free decision of the student to choose the condition of motherhood as a new form of life and also denying the essential protection for women and motherhood that is enshrined in the Constitution.

Furthermore, to stimulate children who have dropped out of school, Article 318 of the Children's Code orders the Ministry of Education to establish a national programme of remedial courses at the primary school level for pupils who were backward as compared with the average for the course which they were to enter. The purpose of this is to help children who have interrupted their education to re-enter school without suffering traumas. If the cause for drop-out is pregnancy,

the law previously mentioned offers a possibility that the girl can reach the required level and continue her studies.

National Plan for the Prevention and Comprehensive Control of the Drug Problem

In the "Social Policy for Young People and Women" (November 1992) it is stipulated that the efforts of the national Government will be directed towards reducing the incidence of drug addiction and towards promoting responsible sexuality. In the implementation of this priority activity, efforts to prevent the consumption of psycho-active substances will be stimulated and consolidated, with the help of international cooperation. Such programmes are directed towards the training of prevention officers, the generation of cultural and recreational alternatives, and the promotion of youth.

Articles 11 and 12 of Chapter II of Law 30 of 1986 (January 31) on prevention campaigns and educational programmes by which the National Statute for Narcotic Drugs was adopted, state that the primary, secondary and higher education programmes as well as the programmes for non-formal education shall include information on the risks of drug dependency, in the form determined by the Ministry of National Education and ICFES, in coordination with the National Council for Narcotic Drugs (see Articles 11 and 12). It also provides for the organization of consulting centres and clinics in the private and public universities for the treatment of drug-dependent persons.

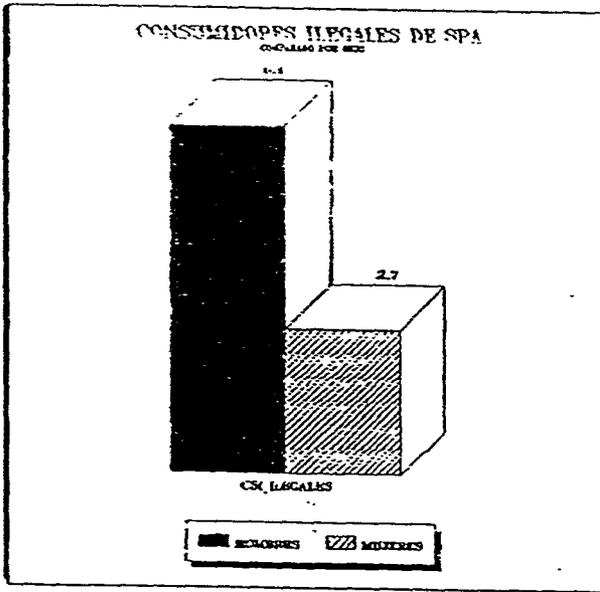
A research project "Factors associated with the consumption of psycho-active substances (PAS) among students of basic, secondary and intermediate vocational education, covering the period from 1988 to 1990, was carried out in the educational sector and was published in April 1992.

The population surveyed in the basic secondary and intermediate vocational education sectors was classified in three groups, not mutually exclusive, namely:

- NC: Not consumers of psycho-active substances (PAS)
- CSA: Consumers of legally accepted PAS (alcohol, cigarettes)
- CSI: Consumers of illegal PAS and/or of substances whose use is controlled (marihuana, *basuco*, cocaine, heroin, hashish, LSD, fungi, tranquillizers, methaqualone-mandrax inhalants, amphetamines, mescaline, opium, morphine, codeine, methaqualone and barbiturates).

As can be seen from the chart below, 8.4 per cent of the total male students are in the CSI category; the estimated population is at present 85,927.

4.8 per cent of female students are at present consumers, the estimated population being 34,863 students. The sex ratio in consumption is 1.7, meaning that for every 10 female consumers there are 17 male consumers, according to the investigation for the period between 1988 and 1990.



Source: Ministry of National Education: "Understanding difficulties and building hope" p. 29. Santa Fe de Bogotá, D.C., 1988-1990.

Among the students in basic primary, secondary and intermediate vocational education, 93.5 per cent of the total number of males investigated belong to the non-consuming group (NC) while 6 per cent had contact with CSI.

ESTIMATES OF CASES OF CONSUMPTION OF PSYCHO-ACTIVE SUBSTANCES (PAS) IN A RECENT YEAR

CASES OF PAS CONSUMPTION IN 1990			
SUBSTANCE	MALES	FEMALES	TOTAL
* Alcohol	651,902	538,198	1,190,100
* Cigarettes	322,270	203,151	525,421
* Tranquillizers	60,208	69,305	129,513
* Marihuana	45,698	11,695	57,393
* Basuco	27,505	7,580	35,085
* Cocaine	26,639	8,879	35,518

Source: "Research on factors associated with the consumption of psychoactive substances (PAS) among pupils at the basic primary, secondary and intermediate vocational levels." 1988-1990.

10.6 Programmes for the modification of school textbooks

At the Seminar for Experts carried out in November 1990 at the Universidad Javeriana of Bogotá the educationalist Olympia Gary presented texts taken from two readers for the first class of primary school published in 1990. The feminine models prepare soup for Dad, Emma is afraid of the motor bike while Johnny is not afraid of it but rides it, etc. The boys build models with constructor kits, engage in sports, read and spend time out of doors. The girls sweep the house, cook, cry and are afraid, sew clothes for the father and their brothers, ask them for help in situations of danger and are rescued by them. The males create, the females serve (quoted by Rico and Fuentes in the research report *Procesos de socialización y formación de roles* (Processes of socialization and role formation) 1991)

Project for gender analysis and manual for the preparation of non-sexist texts

This project, which was financed by the Friedrich Nauman foundation and the Presidential Programme for Youth, Women and the Family, aims to analyse school textbooks in certain subjects (Spanish, literature and others), applying the recommendations of the report entitled "Design and application of a conceptual and methodological proposal for the analysis of gender relations in documents and comprehensive analysis thereof", which was promoted by UNICEF in the year 1991.

The aim of the research is on the one hand to obtain an analysis of school texts from the gender point of view and on the other hand to develop a manual of recommendations for the preparation of non-sexist school texts. The manual will be ready by the end of January 1993 and will be presented and analysed by a group of experts in a workshop held for that purpose.

Later, work will begin with the Ministry of National Education to organize workshops with the participation of publishing houses and teachers in order to arouse awareness of sexist stereotypes in the educational sector. Also, the Ministry of Education will institutionalize a quality seal called "SEAL FOR NON-SEXIST BOOKS", which will be awarded to the publishing houses that use and avail themselves of these recommendations contained in the manual.

Protective court action

One cannot overlook the judgment of the Constitutional Court on an action for court protection lodged by a woman schoolteacher who was dismissed for giving sex education to pupils aged between 7 and 8 years in a school located in a rural zone of the department of Boyaca. The court considered: "The liberty of teaching is denied if, despite recognizing the authority of colleges and educators to impart sex education to pupils, teachers can be exposed to disciplinary sanctions for dealing with the subject in class."

In the substantive portion of the judgment, the Court ordered the Ministry of Education "to prepare with the assistance of experts a study on the most appropriate content and methodology for imparting sex education throughout the country."

10.7 PROGRAMMES AND ACCESS TO COMPLEMENTARY EDUCATION

One of the strategies of the "Social Policy for Young People and Women" is development of production and economic openness. The fundamental orientation of this strategy is to generate modern and efficient mechanisms for integrating women in all economic processes, in both urban and rural areas.

In coordination with the National Apprenticeship Service (SENA) and the Ministry of Labour, technical training programmes will be modernized with the aim of facilitating the access of women to new and more remunerative fields of vocational training and to dynamic areas of the economy. The aim will be to provide services for women between 25 and 59 who have the best aptitude from the labour point of view.

The Presidential Programme for Youth, Women and the Family will promote programmes such as the conversion of small urban and rural production

units and the strengthening of entrepreneurial capacity among women with the aim of establishing enterprises with potential for the domestic and foreign markets and the transfer of technology, preferentially for the benefit of projects managed by rural women.

Project for improvement of social and labour conditions for women in Colombia

In 1992 SENA and the Ministry of Labour were to introduce the gender approach in the comprehensive vocational training for which SENA is responsible, incorporating material to improve the self-esteem of women. They will also attempt to direct and orient women towards the choice of occupations that are not typically feminine, so that they consider other possibilities that were previously inaccessible to them. Among the strategies is promoting the establishment of women's production groups to help solve the problems of women with low incomes and inform them of the current possibilities of social security and how to gain access to benefits.

Special education

Law 28 of December 1988 approved Convention No. 159 Concerning Vocational Rehabilitation and Employment (Disabled Persons), adopted in 1983 by the General Conference of the International Labour Organisation at its 69th meeting in Geneva. This law was regulated by Decree 2177 of September 1989.

The Ministry of National Education, in agreement with the Universidad Javeriana, the CIR (International Corporation for Rehabilitation) is being carried out as part of the project "NATIONAL INFORMATION SYSTEM ON DISABILITY IN COLOMBIA". This work was started three months ago in 25 territorial units and consists in making a zonal census of the disabled population.

The programme of special education is directed towards the entire population, boys, girls, men and women, without any discrimination whatsoever; however, no statistics broken down by sex are available in this area either. Some 10 per cent of the Colombian population have some type of disability; 60 per cent of these are persons under 18 and only 1.7 per cent of them are receiving education under official and private programmes. Coverage is limited since programmes for children under 7 are selective, and the extent of access, continued service to and promotion of the population with physical, sensory, intellectual and/or emotional disabilities is limited. The educational integration project also covers the training of teachers at normal schools.

The educational openness plan 91-94 designed within the framework of education for all "proposes action that contributes to expanding coverage and to improving the quality of the education provided for all children, young persons and adults, irrespective of sex, race, religion and their intellectual, physical and/or emotional characteristics."

10.8 PROGRAMMES FOR YOUNG PEOPLE ON SEX EDUCATION AND THE CONTROL OF FECUNDITY

The "Social Policy for Young People and Women" considers in its diagnosis that the principal health problems among young men are homicides, accidents and traumas. Although in general men have greater

risk of death than women at any age, the risk is much higher for a young male between 20 and 24 years (about 4.5 times higher than for a woman of the same age). The main health problems of young women are associated with their reproductive function. Complications of pregnancy and childbirth and abortion constitute together the principal causes of illness in this group. The very low use of contraceptive methods contributes to these problems, the incidence of which is greater among the poorest strata of the population and in rural areas.

Two important morbidity factors among young people are sexually transmitted diseases and the consumption of psycho-active substances. The actual prevalence of sexually transmitted diseases in the country, especially AIDS, is unknown. Recent data show that about 3,000 cases have been reported. Of these, 40 per cent are among persons between 20 and 29.

The group of adolescents requires special emphasis owing to the high biological and psycho-social risk to which they are exposed particularly in relation with unwanted pregnancies and abortions (Ministry of Health, "Health for Women, Women for Health", May 1992).

National Plan for Sex Education

The National Plan for Sex Education executed by the Presidential Programme for Youth, Women and the Family involves all classes and levels of society - men, women and couples - in an educational process for identity awareness, emotional life and sexuality in general.

This diagnosis indicates that socialization is one of the fundamental aspects of the problem and that adolescents constitute one of the most vulnerable population groups; for that reason the aim defined for the first phase of the plan is to focus action on young people, training teachers and other educational staff, the revision of school curricula and the implementation of information campaigns directed towards the population in general.

General objective:

To promote a positive attitude towards sexuality in the individual, the family and the community, the social equality of the sexes, autonomy and responsibility, and solidarity, tolerance and sexual health in family life.

Specific objectives:

- To generate among educational staff and the community reflection on their attitudes and values with regard to sexuality, to improve their level of information and to promote them as multiplier agents in the groups in which they live;
- To give continuity to training processes by carrying out advisory, follow-up and permanent evaluation activities, with the aim of consolidating and assessing the activities of educational staff.

Although this is a great effort for the generation of human and financial resources and for channelling them into a centralized plan of action, it is also certain that at the moment many different schemes, experiments and programmes have been established in the various State

institutions and non-governmental organizations, which cannot be ignored. Therefore, the plan will act as a coordinator for integrated action but will not aim to become a rigid structure but will rather permit flexibility and autonomy in the execution of action already in hand. It will act as a coordinator of policies and programmes, which will each have executive autonomy.

The National Plan for Sex Education is a comprehensive scheme for the positive promotion of sexuality and sexual education that will be organized around five components for the purposes of planning and execution:

Education and Training;
Research;
Communication;
Services;
Institutionalization.

The first semester will focus on education and training, with simultaneous support action in the areas of research and communication. Action with regard to the two other components will commence in the medium term.

Education and training will be carried out through workshops whose objective will be to train multiplier agents and educational staff in the Ministries of Health and Education and in the ICBF and to select community participants.

The following bodies are carrying out inter-institutional programmes on the promotion and integral development of the adolescent through educational programmes and the provision of medical and psychological care programmes related to sexuality:

- Asociación Salud con Prevención;
- Centro Colombiano de Información y Documentación de Juventud (INFAJU);
- PROFAMILIA - Centro para Jóvenes;
- Apostolado Juvenil Ambiental;
- Asociación Cristiana de Jóvenes;
- Centro Pastoral Familiar para América Latina CENPAFAL;
- World Organization of Lions Clubs;
- Colombian Youth Red Cross;
- División de Salud Comunitaria - Fundación Santa Fe de Bogotá;
- Unidad Educativa y de Servicios de salud para el Adolescente UNESA;
- United Nations Development Programme;
- Promoción juvenil y uso creativo del tiempo libre;
- Ministries of Education and Health;
- Defensa Civil Colombiana.

10.9 OBSTACLES

- The recent "Social Policy for Young People and Women" found that, notwithstanding the increase in coverage, problems of the quality of women's education still persist. The results of ICFES tests show that mixed colleges are lowest in ranking and that women's colleges rank consistently below men's colleges.

- As from 1985, DANE and the Ministry of National Education, redesigned the C.800 registration form with the aim of simplifying it, removing the items on the sex and age of students and the educational level of the teaching staff (from *Colombia Estadística*, 1988, p. 487).

- Draft legislation for the reform of education that is at present being considered by the Congress of the Republic does not, unfortunately, take into account the gender variable nor does it propose special programmes or measures of a temporary nature intended to accelerate the achievement of *de facto* equality between men and women students. That is the case with the draft of the General Law on Education 1992, none of whose articles exclusively benefits or refers to women and with the Reform Bill for Higher Education 1992, which, like the law just mentioned, does not incorporate specific programmes for women. Its Article 5 provides that higher education shall be accessible to persons who demonstrate that they have the required capacity and fulfil the academic conditions required in each case. Access will not be limited on grounds of race, sex, religion or particular economic or social status.

A research project carried out with the help of UNICEF and the Universidad Javeriana (see Rico de Alonso and Fuentes "Processes of socialization and formation of gender roles: the role of the family, education and the media" April 1991), identified the following obstacles:

- "The sharp division between the public and private spheres, the family and non-family sectors, emotional experience and the dependence generated by family life make the family area a unique scenario and the educational aspect into one of secondary importance."
- "The attitude towards schools and teachers exaggerates the informational component of the transmission of knowledge and the development of intelligence defined as rational capacity, while their influence on the formation of identity is minimized, not only as a result of the importance of teachers as models for identification but also owing to their conduct, which strengthens and reproduces sex inequalities."
- "Different treatment is still being given to girls and boys, by assigning service tasks to girls and decision tasks to boys. Finally, despite an increase in women's participation in traditionally masculine occupations, most women are still concentrated in the service disciplines."

ARTICLE 11 - EMPLOYMENT

In the "Outline for a Comprehensive Policy for Colombian Women" of March 1991 it is stated in regard to the generation and improvement of income and employment that the problem reflects among other things the persistence of phenomena of labour discrimination based on sex, subcontracting of work by women, the low level of training of women for openings, high concentration in the informal sector, low remuneration, low coverage by social security, unjust treatment of domestic service, integration in areas with low productivity and competitiveness, difficulties of access to technology and credit and of access to development in a panorama of openness, and concentration of poverty in households headed by women.

Schemes and programmes include the design of control and supervision machinery to ensure compliance with labour law; the system of the transfer of technology and entrepreneurial management for the operation of associative processing and production enterprises oriented towards national and international markets; the provision of special employment programmes through the State; the coordination of new forms of subcontracting with the private sector; the adaptation and establishment of a fund for research and the transfer of technology; the promotion of special projects for production areas with a majority presence of women and support for existing production projects.

The Office of the President of the Republic, the Ministers of Labour, Development and Agriculture, the National Apprenticeship Service (SENA), the Colombian Agricultural Institute (ICA), the Integrated Rural Development Programme (DRI), the National Rehabilitation Plan (PNR), the Colombian Institute for Agrarian Reform (INCORA), UNICEF, UNIFEM and the non-governmental organizations are participating in these efforts.

The "Social Policy for Young People and Women" (November 1992) also made the following diagnosis. The participation of women in the labour force has grown in recent decades more than in any other Latin American country. The increase has been greatest in the large cities, where the entire increase in the rate of market participation was due to the incorporation of women over the age of 25 in the labour market. An even more interesting fact is that, with the increase in participation, the proportion of women working in the informal sector has diminished and their participation in the modern and public sector of the economy has increased.

The labour market responded to labour supply pressure with an enormous increase in demand for women workers. 55 per cent of the jobs created in the last three years were for women. However, demand exceeded available posts in the last three years, so that unemployment among women over 25 increased, accounting for the entire increase in overall unemployment in the economy.

Enormous changes were also observed in remuneration. The gap between the incomes of men and women has shrunk drastically. Indeed a recent study shows that while male wages were 70 per cent higher than women's wages in the middle of the 1970s, the gap had been reduced to 20 per cent at the end of the 1980s. This decrease in wage differentials occurred at every level of education.

One of the strategies of the "Social Policy for Young People and Women" is the development of production and economic openness. The fundamental orientation of this strategy is to generate modern and efficient mechanisms for integrating women in all economic processes, in both urban and rural areas.

In coordination with the National Apprenticeship Service (SENA) and the Ministry of Labour, the technical training programmes will be modernized so that women can easily find access to new and more profitable fields of vocational training and to dynamic areas of the economy. Efforts will be made to provide services for women between 25 and 59, who have the greatest need for labour adaptation facilities.

The Presidential Programme for Youth, Women, and the Family will promote programmes such as the conversion of small urban and rural production units, strengthening women's entrepreneurial capacity, in order to lead to the establishment of enterprises with potential for the domestic and foreign markets and the transfer of technology preferentially towards projects managed by rural women.

11.1 THE SOCIO-ECONOMIC SITUATION OF WORKING WOMEN

Urban women

The statistical data are taken from the national survey of rural households 1991 (DANE).

In June 1990, in 10 cities of Colombia, the total number of employed persons was 4,465,548; in the formal and informal sectors, 9.7 per cent (432,257) were women aged between 15 and 24, 25.5 per cent (1,136,930) were women between 25 and 49, and 2.8 per cent (127,462) were women of 50 to 60 and above. Out of the total number of employed persons, 39 per cent (1,746,415) were women. (Ministry of Labour and Social Security. Approximation to the development of occupational unemployment in Colombia. Santa Fe de Bogotá, July 1992.)

The characteristics of the urban female economically active population, by age-groups, reflect the greater dynamism among the younger generations of women who wish to enter remunerated employment; thus it can be observed that in June 1990, 48 per cent of the total female urban economically active population were aged between 12 and 29, representing 39.9 per cent of the proportion of men. Thus the dynamism of women by generations is greater than that of men.

In the same direction, it can be observed that labour market participation among women is greatest in the 20-29 age-group (participation rate 59.4 per cent), unlike men, among whom the corresponding group is the smaller 30-59 age-group, with a participation rate of 94.9 per cent. The group with the lowest labour market participation rate among women is that of the over-60s (they belong to a generation in which paid work was "the province of men"), with a rate of 10.8 per cent and the second-largest group is that of 12 to 19 years with a 27 per cent rate.

The growing dynamism of female labour supply in Colombia is explained by various factors. In the first place there are demographic elements such as the migratory phenomenon, which is much stronger among women with the highest labour potential (15-39 years) and has been growing faster than the total population, the greater life expectancy of women

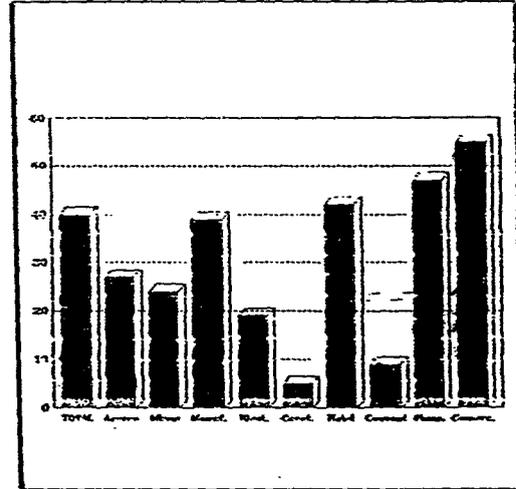
as compared with men. Also, the smaller average size of households and the lower number of children, promote the labour participation of women by reducing their household responsibilities.

Secondly, we have other factors of a socio-economic nature such as limitations on family incomes, the generation change shown in the greater interest of young women in engaging in work, the educational level achieved by women and changes in the family bond between couples, in that the numbers of separated women and women living in free unions are increasing.

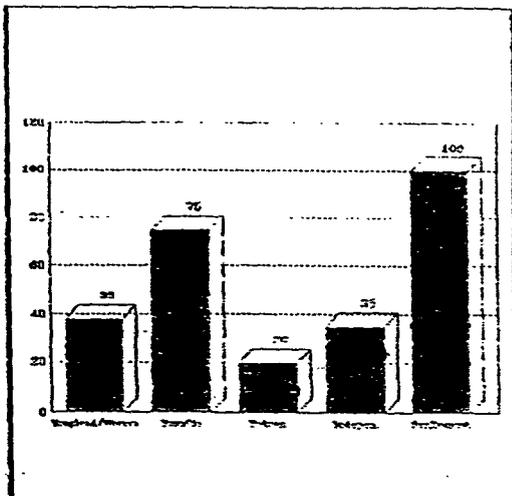
Women continue to engage by preference in services (40 per cent) and commerce (25 per cent). Between 55 per cent and 60 per cent of the total of economically active women are in the informal sector.

Remunerated work in the so-called secondary activities within the household is still invisible. Finally, only some 3.2 per cent of women employed in the formal sector occupy management posts.

PARTICIPATION BY WOMEN IN TOTAL EMPLOYMENT - CITIES - 1990



PERCENTAGE OF EMPLOYED WOMEN - TOTAL CITIES - 1990



In June 1990 (four largest cities) the employment of women by branch of activity was concentrated mostly in the three sectors of commerce, industry and services, which account for 90 per cent of women's employment; the comparative figure for men is 10 per cent, since men diversify their activities more. Among these sectors, services account for 40 per cent of the total employment of women.

Comparing the income of women with that of men shows that the difference varies from only 13.2 per cent among administrative personnel (partly explained by the fact that remuneration in the administrative service is fixed according to the post and not

according to sex) to 105 per cent for women service workers. Generally speaking, the female labour force receives an average income equivalent to only 65 per cent of that received by male workers.

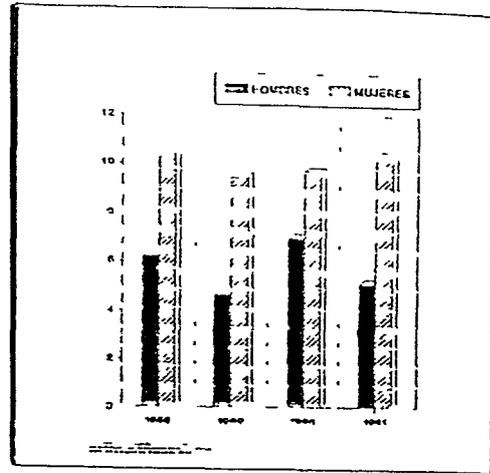
Nevertheless, as a consequence of the greater growth in the female labour force, there is an increase in the proportion of women among the unemployed.

In the four cities mentioned, the percentage of women in total unemployment rose from 45 per cent to 55 per cent in the above-mentioned period (1976-1988).

By contrast, the unemployment rate in Colombia fell more rapidly, from 15 per cent in September 1986 to 10 per cent in the last quarter of 1988. In the four principal cities of the country, female unemployment is invariably greater than male.

Male unemployment exceeds female unemployment at early ages owing to greater enrolment of girls in formal education and because of the sectors in which they are more readily employed than boys: domestic and personnel services. Nevertheless, as from 20 years, the age of entry into the modern sector, women have higher levels of unemployment, even three times as high as male unemployment for the 30-39 age-group. The fact that one in four of the economically active population aged 20-29 are looking for work and that this is the most numerous group, is a possible explanation of the apparent gains in the participation rate, which cannot genuinely be interpreted as gains or improvements in the living conditions of women, although numerically the rates are not high. It is a dramatic fact that there are women of 70 - 2 per cent - who are looking for work.

UNEMPLOYMENT RATES AT HIGHER EDUCATION LEVEL BY SEX IN SEVEN CITIES



Female unemployment is higher than male unemployment, the presence of women in the informal sector is still very large, and sex discrimination in wages and from the employment point of view is still a prevailing fact (Urrutia, 1990)

RATES OF UNEMPLOYMENT AT THE LEVEL OF HIGHER EDUCATION
BY SEX: SEVEN CITIES
September 1983-1991

		TOTAL	MEN	WOMEN
1983	EAP	511,709	43,295	185,709
	UNEMP.	43,295	21,793	21,502
	UNEMP. RATE	8.46	6.68	11.58
1984	UNEMP. RATE	10.72	8.88	13.82
1985	UNEMP. RATE	11.90	8.71	16.63
1986	UNEMP. RATE	9.91	7.54	13.59
1987	UNEMP. RATE	8.71	6.81	11.36
1988	UNEMP. RATE	7.93	6.20	10.39
1989	UNEMP. RATE	6.68	4.71	9.45
1990	UNEMP. RATE	8.17	7.02	9.74
1991	UNEMP. RATE	7.48	5.12	10.36

EAP = Economically active population
UNEMP = Number of unemployed

Source: Ministry of Labour and Social Security. Approximation to the development of occupational unemployment in Colombia. Santa Fe de Bogotá, July 1992.

Analysing the conceptual basis of the unemployment figures shows that, when persons carrying out non-domestic work are excluded from this group, there are found to be 1,178,000 additional employed persons, which means that in 1988 258,000 men and 920,000 women were not counted as employed, so that the participation rate rises from 30.8 per cent to 37.6 per cent in the case of women and falls from 69.2 per cent to 62.4 per cent in the case of men. As is shown by other sources of data, women workers are not reliably recorded in conventional household surveys, in which only 1,385,000 are shown and not the real figure of 2,305,000, so that a large number of female workers do not appear in statistics. Of these "invisible" women, 831,284 or 90 per cent engage in agricultural work, either for self-consumption (40 per cent), consumption and sale (43 per cent) or only for sale (13.7 per cent).

Women as heads of households

It is the group of women recognized as heads of households or families that assumes the greatest economic, social and moral responsibility in the family group, either owing to widowhood, abandonment by their spouses, separation, divorce, invalidity or unemployment - that is to say in the absence of the paternal and/or male functions or roles. Women widowed through acts of violence deserve special attention owing to the significance of the sudden and traumatic loss of the male cohabitee, especially in the poor sectors, in which women head up to 50 per cent of the total households. (Taken from the Ministry of Health. "Health for Women, Women for Health", May 1992).

In the case of women who are heads of households, existing wage discrimination is more accentuated in nature. According to the findings of Rico and Ordóñez, 27 per cent of such women even receive minimum wage; however, this proportion is only 20.8 per cent for male heads of households.

The concentration of poverty in households headed by women is a consequence of structural and social conditions that have historically

affected their participation in society. Women have traditionally been restricted to the domestic sphere, it having been considered that their role *par excellence* is organized around the family nucleus, both in the form of unpaid domestic work and in the upbringing and care of children. Therefore, their educational level has been lower than that of men, and their active participation in various sectors of social life is very low.

It has been considered that the situation of female heads of households is a matter of particular concern because, compared with households headed by men, the cost of solvency is high for the former through their double workload, undernourishment of women and early entry into working life on the part of boys and girls.

Apart from that, when considering the poverty aspect, the average number of employed persons per household is lower among households headed by women than with the rest.

The incidence of households headed by women is high in both urban and rural areas, and the fundamental causes, apart from political and social violence, have been related to factors of migration and the development of new forms of family life with high rates of free and consensual unions and of separations. In addition, irresponsible paternity, legal and bureaucratic inability to apply the law for protection of the family and even the ignorance of mothers of their rights and of those of their children contribute to increasing the already heavy burden of survival of the poorest families.

In the poor strata, the number of households headed by women is larger and this is more directly associated with the family standard of living. 23.4 per cent of Colombian households are headed by women, and this figure increases to 25 per cent in the lower strata. In 1988, about one-third of these households were classified as poor and of these 15 per cent were considered as indigent. In urban zones vulnerability is greater: there is greater infantile mortality and work by children is more common. The average size of household is seven persons.

In rural areas, 17 per cent of households are headed by women. There, the difficulty of surviving and in extricating themselves from poverty is linked to the restricted access of women to the means of production. They lack land and access to credit, and technology is seldom adapted to their day-to-day needs and living conditions. In addition, women are most directly affected by the deterioration of the environment in rural communities, since they are responsible for collecting water and fuel resources for the preparation of food and the cleaning of the house.

The fact of engaging in poorly remunerated and unstable activities, unemployment and the sharp sex division with regard to domestic work and the care of children, the high rates of separation, unstable unions, single-parent women and widowhood contribute to the pauperization of these family nuclei and to the reproduction of the vicious circle of poverty in each generation. The low level of school attendance, the lack of family networks based on solidarity and the absence of alternative forms of participation in other spheres of social life explain why sexual union is entered into at very early ages: the result of sexual subordination to men and the low rate of use of contraceptives is the large number of children, fragmenting even

more the scanty economic resources, which are in many cases generated only by the work of the mother.

The compelling need for survival obliges women heads of households to work, irrespective of the (number and) age of their children, unlike married women, who prefer to work when they do not have children. Thus, the overall rate of participation by women heads of households is 45.1 whereas it is only 16.2 in the case of married women.

11.2 CONSTITUTIONAL AND LEGISLATIVE MEASURES TO GUARANTEE EQUALITY OF OPPORTUNITY FOR WORKING WOMEN

National Constitution of 1991

Article 25 of the National Constitution provides that every person has a right to work in fair and proper conditions.

Article 40 of the National Constitution concerning public functions and offices provides that the authorities must guarantee the appropriate and effective participation of women at the decision-making levels of the public administration.

Article 43 of the National Constitution states that women and men have equal rights and opportunities. Women may not be subjected to any type of discrimination.

Article 48 of the National Constitution guarantees all inhabitants the inalienable right to social security.

Article 53 provides that the Congress shall adopt a Labour Statute to guarantee among other things equality of opportunity for workers, and special protection for women and motherhood.

Legislative measures for female workers in domestic service

Law 11 of 1988 established a special social security regime for female workers in domestic service who earn cash remuneration lower than the minimum legal wage in force; on the basis of that remuneration they can contribute to social security and will accordingly be entitled on a mandatory basis to all the rights of persons insured with the Social Security Institute (ISS) and the contribution may not be less than 50 per cent of the minimum wage.

Regulation No. 824 of 1988 defines who shall be considered as female workers in domestic service and divides them into servants living in and servants hired on a daily basis.

Affiliation of female domestic servants is compulsory and will be carried out by express and personal application from the employer or the group entity, which can act as an intermediary with the Social Security Institute (ISS) and agrees to such status. The group entities must be registered with the Social Security Institute (ISS) and must affiliate the female domestic servants whom they represent and be legally constituted.

Legislative measures for women heads of households

The final paragraph of Article 43 of the Constitution of 1991 provides that "the State shall give special support to women who are heads of families".

The draft law which is being prepared to support women who are heads of families defines such a woman as: any person, whether single or married, who has under her permanent economic and social charge children of her own or other persons incapable of or incapacitated for work.

Women who are heads of families and foster-mothers are granted a number of benefits to alleviate their situation such as the possibility of comprehensive social security benefits, preferential access to education, employment, credit systems, micro-enterprise establishment and subsidized or very low-cost housing.

In the political field it is provided that women who are heads of families will have participation on an equal basis in the official decision-making bodies that are responsible for programmes related to such women.

The National Department of Cooperatives will undertake a special programme to promote the establishment of mutual and similar societies among women who are heads of families, the purpose of which will be to meet the basic unsatisfied needs of the family nuclei of which they are the heads.

Legislative measures on maternity leave

The reform of labour law of 1990 (Law 50) expanded protection of motherhood by extending paid leave to 12 weeks whereas the duration of such leave under the Substantive Labour Code had been 8 weeks. The Government, in supporting this provision, pointed out that the recommendation was contained in Convention No. 3, approved by the International Labour Organisation as early as 1919. Colombia failed to implement the Convention for 72 years and, by the labour reform, it brought itself up to date in this field for the benefit of women and the care of newborn children.

Article 236 of the Substantive Labour Code, which was reformed by Article 34 of the Law 50 of 1990 establishing "paid leave in the period of childbirth", says literally:

"Any pregnant worker shall be entitled to paid leave of two weeks in the period of childbirth, paid together with the wages earned at the time of taking leave". The second paragraph speaks of the remuneration for such leave when the worker does not have a fixed wage.

The third paragraph establishes the requirement of a medical certificate of pregnancy and specifies the contents of such a certificate. The paragraph enables the worker entitled to leave to "cede" one week of that leave in favour of her spouse or permanent cohabitee so that he can accompany her at the time of childbirth and the initial puerperal period.

Paragraph 4 spells out the benefits introduced by the reforms for mothers adopting children under 7 years of age, assimilating the date

of birth to that on which the adopted children were officially placed in their care, since such women had no right to maternity leave under the 1986 regulations and are now covered by the extension up to 12 weeks. The law extends the above prerogative to the adoptive father, provided that he has not a permanent cohabitee or spouse.

Article 239 of the Substantive Labour Code, amended by Article 35 of Law 50 of 1990, prohibits the dismissal of women on grounds of pregnancy or lactation:

1. No worker may be dismissed on grounds of pregnancy or lactation.
2. "It shall be presumed that the dismissal has been undertaken on grounds of pregnancy or lactation when it has taken place within the period of pregnancy or within the three months following childbirth and without authorization from the authorities specified in the following Article (Ministry of Labour).

The subsequent paragraph establishes the rights of women dismissed on grounds of pregnancy or lactation and the corresponding sanctions for the employer who has dismissed them: "A worker dismissed without authorization by the authority shall be entitled to the payment of compensation equivalent to the wages for sixty (60) days in addition to the compensation and benefits to which she would be entitled according to her contract and in addition to the payment of twelve (12) weeks of paid leave if she has not yet already taken such leave." The change is that women workers are now entitled to 12 weeks' paid leave instead of 8, if the woman dismissed has not taken such leave.

In the second half of 1991, out of a total of 142 administrative labour investigations carried out by the Ministry of Labour and Social Security, nine were related to dismissals "on grounds of pregnancy" and one to dismissal "on grounds of lactation".

Legislative measures on occupational health

It is calculated that 3.9 million economically active women in Colombia are exposed to occupational risks derived from their work, such as physical, biological and psychological risks related to occupational diseases and work accidents.

The working population that requires occupational health care amounts to 10.3 million, representing 33.4 per cent of the total population in the country in 1990 (Outline of the Plan of Action in Health "A healthy family in a healthy environment" - Occupational Health. Ministry of Health, 1992).

Article 701 of the CST establishes mandatory rules for the employers of female staff with regard to working clothing, which must be of a special type, comfortable at any temperature, appropriate for the work and attractive: it provides measures "to ensure that women's hair is not caught up in transmission belts", "shoes must provide the necessary stability and consequently the workers must be persuaded of the undesirability of wearing high-heeled shoes".

The same article speaks of the provision of sanitation facilities in order to avoid fatigue and tension.

Articles 699 and 700 establish prohibitory provisions to protect the health of pregnant women with regard to work at night for longer than 5 hours and for work requiring the lifting of heavy weights or in which they have to stand upright or be continually on the move, tasks that place great demand on the sense of balance, such as working on ladders, or the operation of heavy machinery or work in dangerous operating stations.

Article 703 provides that enterprises employing more than 50 women must appoint a woman or a social assistant, if appropriate, to be responsible for complaints by women.

Article 705 provides that enterprises employing women must give them periodic instruction on the prevention of accidents, occupational diseases and hygiene.

Article 706 obliges enterprises employing women to include female staff in the Health and Safety Committee, in proportion to the number of women employed.

Article 704 establishes the equality of women and men with regard to occupational health: "Enterprises shall be obliged to provide women with the same opportunities as men; the general safety, health and hygiene conditions must be the same."

The Occupational Health Division of the Ministry of Labour and Social Security is responsible for implementing the provisions of this resolution. Enterprises and employers are obliged to fulfil their obligations in this respect and must demonstrate such fulfilment every six months.

The Occupational Health Division of the General Directorate of Social Security in the Ministry of Labour and Social Security may by resolution stating grounds impose the sanctions on offenders, enterprises and employers that are provided for in Article 41 of Decree 2351 of 1965 and may take the measures that it considers necessary.

Figures provided by the Institute of Social Security for 1991 indicate that 2,756,807 workers were affiliated to the scheme, it being estimated that 1,000,000 were affiliated to the Social Security Funds in 1989 (national, departmental and municipal, and at *comisaría*, *intendencia* and special levels). The affiliation of workers to the ISS is rather unequal by regions of the country and in the various branches of economic activity. At least 57 per cent of the affiliated workers come from the tertiary sector of the economy, 35 per cent from the secondary sector and not more than 5 per cent from the primary sector. (Id)

It is the direct responsibility of the health subsector to develop occupational health services in order to preserve and maintain the health of the remainder of the working population, which represents 64 per cent of workers subject to occupational health care. Within that category there are specially vulnerable and high-risk groups such as those who work in manufacturing establishments, agriculture, mining, construction, transport, artisanal and family enterprises and activities in the informal sector, in which sensitive risk groups are involved, comprising, for example, young people, women and those who receive income lower than the minimum wage and who come from lower social strata. (Id)

Within the outline of the action plan for health "A healthy family in a healthy environment" 1992-1994, the Ministry of Health provides for extending the coverage of the occupational health services to the entire working population of the country on an epidemiological basis, according to their real needs, and directing activities towards high-risk and vulnerable labour groups and those in the informal sector. (Id)

Also, occupational health services should be guaranteed, emphasizing the promotion and protection of health for the entire labour population of the country at the various stages of working life, child workers, adolescent workers, adult workers and older workers, and in the various occupations, including the informal sector, indigenous work activities, domestic work and both remunerated and non-remunerated activities. (Id)

According to Articles 44 and 49 of the New Constitution, health is a social right and the Government and its various institutions, employers and workers, are responsible for fostering and enhancing health and for guaranteeing general participation.

Recently, by means of Resolution No. 001531 of 6 March 1992 of the Ministry of Health of Colombia, it was expressly recognized that "women are entitled to working environments and living conditions that do not affect either their fecundity or their health." In that provision, the resolve of the Ministry was solemnly expressed to "disseminate knowledge of these rights among the bodies that provide health care services and all the institutions of the sector" and the duty was created for these bodies and institutions to "promote the knowledge and application of the health rights of women among patients and communities."

The Ministry of Health, the Ministry of Labour and Social Security and the Social Security Institute, through their respective occupational health departments, the industrial associations and the labour organizations and the Colombian Association of Universities, have prepared a working plan for the "Workers' Health Year".

The plan of action provides for organizing "several central events in collaboration with bodies in various sectors." Among the topics proposed is "occupational health, women and work", a Latin American event organized in collaboration with the Presidency of the Republic of Colombia. In the context of the "Workers' Health Year" initiative there is provision for a Conference on Working Women at the National University of Santa Fe de Bogotá, organized by post-graduate students of occupational health, carried out in December 1992.

According to statistics contained in the Bulletin of the Occupational Health Division of the Social Security Institute, Cundinamarca and Capital District Section, for 1990:

The number of work accidents in 1990 was 27,413 and the rate of accidents per 1,000 workers affiliated to the Social Security Institute was 28.5 per cent. The manufacturing sector continues to have the largest proportion of accidents notified (54.8 per cent). The services sector has an accident rate of 16.1 per cent. Third place is taken by construction with a rate of 8.3 per cent. The accident rate in the agricultural sector is rising: from 3.5 per cent in 1989 to 4.2 per cent in 1990. It should be noted that, apart from construction, the

sectors of services, agriculture and manufactures have the greatest proportion of women workers.

In 1990, 92 accidents caused death to affiliated workers. The economic activity in which there was the largest number of cases was that of services, with 37 accidents, representing 40.5 per cent of the total, followed by the manufacturing industry sector with 16 accidents (17.5 per cent). (It is observed that these are the sectors with the greatest proportion of women workers. These inferences are drawn owing to the lack of statistics broken down by sex).

During 1990 80 occupational diseases were diagnosed in the industrial medicine survey of the Social Security Institute - Bogotá: 41 were cases of hypoacusis (51.2 per cent), 14 dermatitis (17.5 per cent), 10 respiratory diseases (12.5 per cent), 8 heavy-metal poisoning (10 per cent), and 7 other conditions (9 per cent). 78.75 per cent (63 cases) involved men and 28.25 per cent (17 cases) women; that gives a ration of 3.7 men for every woman.

Heavy-metal poisoning occurred exclusively among men (8 cases); respiratory diseases were much more frequent among men (90 per cent) than women (10 per cent), while 87.8 per cent of hypoacusis conditions were found among men and 12.2 per cent among women; on the other hand, more women (57.14 per cent) than men (42.86 per cent) were affected by dermatitis, while lumbago affected both sexes equally. "The percentage breakdown by sex shows that occupational diseases are found more frequently among men than women. This may be due to the fact that the sex composition of the population affiliated to the Social Security Institute shows that there are more men than women and to the assumption that occupations with greater risk are generally assigned to men (high-risk activities, manufacture of batteries, mining)."

Occupational diseases

DISTRIBUTION BY DIAGNOSIS AND SEX
1990

TYPE OF DIAGNOSIS	MEN	%	WOMEN	%	TOT.	%
Hypoacusis	36	87.80	5	12.2	41	51.25
Dermatitis	6	42.86	8	57.14	14	17.5
Respiratory	9	90.00	1	10.0	10	12.5
Heavy-metal poisoning	8	100	-	-	8	10.00
Lumbago	1	50	1	50	2	2.25
Narcolepsy (solvents)	-	-	1	100	1	1.25
Anxiety neurosis	1	100	-	-	1	1.25
Conjunctivitis	1	100	-	-	1	1.25
Carpal tunnel syndrome	-	-	1	100	1	1.25
Chronic poisoning with in. gases	1	100	-	-	1	1.25
TOTAL	63	78.75	17	21.25	80	100

Source: Occupational Health and Industrial Medicine Division, I.S.S., S.C and D.C. Statistical Report on Industrial Accidents and Occupational Diseases. Bogota, 1990, p. 32.

"The problem of occupational diseases is a phenomenon of greater magnitude than is indicated by the official figures available. Diagnosis is incomplete, with major gaps in knowledge regarding workers who are not covered by social security and on particular groups of affiliated workers" (Plan of Action for Colombia, Workers' Health Year". Manual, p. 9).

"The obligations of employers to establish vocational health programmes are fulfilled in very few enterprises, traditionally in the largest and best organized of them. In Colombia, it is estimated that coverage is of the order of 50 per cent in enterprises with 500 or more workers affiliated to the ISS, the total manpower covered not being over 200,000 workers" (Ibid).

Protection of the reproductive health of women at their place of work includes in the first place paid maternity leave, which is now extended to fathers who can share the responsibility and the labour benefits for care of the newborn child. However, the existence of protective legislation does not guarantee its application or implementation.

A concrete case is that of women who work in cultivating flowers in the Savanna of Bogotá, where 70 per cent of the labour force consists of women. In the first Impact Forum of the Flower-growing Industry, held on 13 and 14 October 1991 with participation by female workers, trade union organizations, human rights, cultural, church, national non-governmental and international organizations, the "lack of protection by State bodies for men and women workers with regard to social and industrial security and labour rights" was denounced.

The Health Committee that worked in the forum pointed to multiple occupational diseases and risks:

- Exaggerated heat within greenhouses, which in the long term causes high blood pressure;
- The high degree of humidity, which facilitates the occurrence of rhinitis and bronchial asthma and favours pesticide poisoning;
- Biological risks such as fungi and the pollen from flowers, leading to rhinitis and dermatitis;
- Chemical risks such as smoke, dust and pesticides, which damage the health of the worker and the environment. Pesticides produce acute poisoning caused by phosphorated agents: there are also the chronic and long-term effects of chlorinated agents and toxic agents that accumulate in fatty tissue, either human or animal. It was reported that several studies have shown alterations and contamination of mother's milk and cow's milk.

In the long term, serious problems were denounced such as cancer, disturbances of the nervous system and effects on human reproduction (abortions, congenital malformations, sterility, premature births).

The Health Committee of the Forum stated in its conclusions that "according to pesticide experts it is considered that it will not be known until 15 or 20 years from now what is the impact on health and the environment produced by pesticides that are at present being used in the Savanna of Santa Fe de Bogotá."

The Colombian Association of Flower Producers - Asocolflores - denies the accusations concerning the existing occupational health problem and states that substantial occupational health programmes are being implemented in flower cultivation.

Legislative measures on the pension system

The Government has now proposed a new pension plan for study and discussion. One of the innovations is the age of retirement: any person, man or woman, aged 65 will be entitled to a pension provided that the requirements regarding hours of work has been met. That is a substantial change when it is considered that at present men retire at 60 and women at 55. Any person of that age without social security coverage will receive a needy person's old-age pension.

Law 71 of 1988 extended the provisions concerning pension substitution contained in Law 33 of 1973, Law 12 of 1975 and Law 44 of 1980 on a life-long basis to the surviving spouse or to the permanent male or female cohabitee, and to the under-age or disabled children economically dependent on the retiree. Decree 1160 of 1989 stated that the male or female cohabitee has a substitution right in the event of the death of the other cohabitee, nullity of marriage or divorce and provided that the person is unmarried; under the same provision, the spouse loses the right to substitution if the conjugal community has been dissolved or if there is definitive separation a thoro or if the person does not live with the retiree at the moment of death.

There are various social welfare bodies in the country which all have similar programmes and services with slight variations regarding the

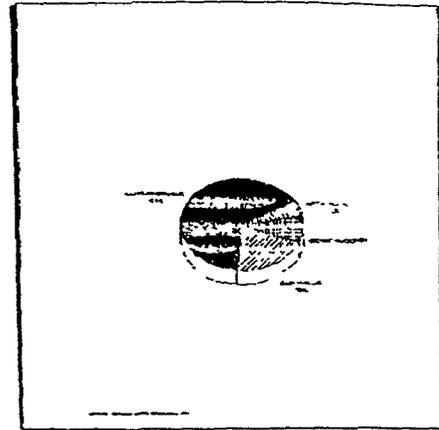
aspects of care for family members of the contributor and the maximum age for children's benefits.

With reference to social security, women workers in Colombia have slightly better coverage than men, 54.8 per cent being covered as compared with 50.2 per cent (urban women in four cities, June 1990). Since employed women are in general of low average age, that may reflect the greater needs for protection, considering that they are in the most fertile stage of reproduction.

SOCIAL SECURITY IN COLOMBIA



SOCIAL SECURITY IN COLOMBIA
BREAKDOWN BY AREA OF
ACTIVITY



11.3 PROGRAMMES FOR WORKING WOMEN

The Colombian Institute of Family Welfare runs two programmes for care of children through the Centres for Comprehensive Care of Pre-school Children (CAIPs) and the Community Child Welfare Centres (HOBIs).

The CAIPs of the traditional type carry out programmes for the physical, nutritional and psycho-social development of children. They commenced their activities in 1974 and by 1991 numbered 1,167, being attended by 207,062 children up to the age of 7; of those, 31,050 aged 2 months to 2 years were in nurseries.

The HOBI programme has been operating since 1897 through actions oriented towards eliminating malnutrition, inadequate protection and the most frequent causes of loss of health of children between 2 and 7 years. It is carried on in the place of residence of each person responsible for the care of children.

The following figures are taken from the 1990-1991 statistical bulletin of the Colombian Institute of Family Welfare (p. 60): In 1991, 55,380 centres were operating in 929 municipalities and 11,792 urban districts. 73 per cent of the centres were in urban areas (40,427) and 27 per cent (14,953) in rural areas. The centres provided care for 830,700 children of 2 to 7 years. Parents have set up 4,937 associations. For the period 1992-1994, it is projected that care will be given to 438,597 children.

Within the Community Centres, a nutritional care programme for the maternal and child group (pregnant women, lactating women and children

under 2) has been carried on for a little more than a year. In 1991 care had been given in 7,231 centres to 83,577 children aged 2, to 85,127 lactating women and to 52,101 other users, giving a total of 220,805 persons. This programme commenced operation about one year ago.

11.4 OBSTACLES

The recent "Social Policy for Young People and Women" discovered that the growing integration of women in work has not been paralleled by growth or modernization of the social support infrastructure. The working days of women, particularly those of the popular sectors, exceed those of men. Apart from domestic work, women perform productive activities and participate in community management. There is neither a sufficient nor an appropriate social infrastructure that would alleviate their global workload and the responsibility for the social reproduction of the family still falls predominantly on the shoulders of women. That has reduced the leisure time of women for recreation or greater political participation. And finally, the number of women job-seekers has exceeded the number of vacancies in the last three years, so that unemployment among women above 25 has increased, explaining the entire increase in overall unemployment in the economy. With regard to women who are heads of households, the most unfavourable situations are found among the poorest women. Women head one household in four in the poor strata. In these households women are at their most vulnerable; the lack of education of women is greater, health problems are more severe, and the fertility rate is higher. That also affects infantile mortality and has the result that work by children is more common. In rural areas, 17 per cent of households have women as heads, with more acute poverty problems than in the urban areas. There, the difficulty of survival and breaking out of poverty is linked to the restricted access of women to the means of production.

Non-consideration of domestic work

Persons engaged in household work are classified as inactive (persons of working age who are not employed nor are seeking paid employment. Inactive persons and those seeking employment are classified as unemployed).

In 1988, 72 per cent of inactive rural women (2,450,378) were classified in this category. In rural areas and in the case of women, more than half of the population above the age of 10 engaged in household work and other non-remunerated production activities were classified as inactive.

This narrow concept shows a high proportion of women in what is considered as the "economically inactive population".

In June 1990, 72.2 per cent of the total economically inactive population, were women, the "inactivity rate" (economically inactive to economically active population) being more than twice as high as among men: 56 per cent as compared with 25.6 per cent, respectively. Of total "inactive" women, 64.8 per cent were engaged in housework compared to 3.2 per cent of men; 29.9 per cent in activities related to education compared with 66.5 per cent of men; and some 5.3 per cent in other activities in this category as compared with 47.8 per cent among men.

For 1988, in rural areas, 1,178,763 "inactive" persons were engaged in production as a secondary activity and of these 78.2 per cent were women (921,915). Most members of that population group were working in agriculture (89.5 per cent) and at home (96.4 per cent). Women working in agriculture, which is the main activity, number 831,284 with lower proportions in commerce (4 per cent), mining (2.3 per cent), industry (1.9 per cent), construction (0.6 per cent) and services (0.9 per cent).

The product of such work is intended specifically for consumption in the household itself (39.9 per cent) or for consumption and sale (43.1 per cent) while only 13.7 per cent is intended exclusively for sale. This preponderant trend in consumption is noted specially in agricultural production but also in other sectors such as mining, industry and construction.

If this population were classified as employed and productive, which it actually is although not recorded as such, the participation rates would rise substantially, from 54.2 per cent to 66.5 per cent for the total population, while among men the figure would rise from 79.6 per cent to 85 per cent and for women from 28.6 per cent to 47.9 per cent, which is double the participation rate obtained by traditional methods.

The concepts used in classifying the labour force require fundamental change since a large number of women who have contributed to the development of society by their work in households are considered as inactive. On the basis of this restrictive classification, a large number of women, engaging principally in household activities and study are placed in this category (the inactivity rate among women was 56 per cent in June 1990 as compared with 25.6 per cent for men).

DANE and the RLA/86/004 project developed in an experimental form a proposal for the construction of a social progress index for Colombia. In the construction of the social progress index, the purpose of initial work of the Division of Social Studies was to correct the GDP figures, taking into account within that indicator the value produced by domestic work and measuring the real working days of individuals in order to assist in guiding the process of development towards collective welfare and in some way to close the gap between the economic and social spheres.

The basic information for the study was provided by the national census of urban households, stage G1 - applied in eight cities - in September 1988 and by the census of rural households carried out in four regions in November 1988.

Domestic work is considered to comprise those activities that, if interchange is possible, can be carried out by another person and against payment: preparation of food, child care, house cleaning, washing of clothes, payment of accounts, purchases, guarding the house, etc.

The results for the urban area were as follows: The sum of 55,281,569,949 pesos was calculated as income from domestic work in the 2,083,969 urban households without paid domestic servants. The average monthly income calculated was 26,527 pesos; that is consistent with the 25,637 pesos paid as a minimum wage in 1988. The annual income calculated for urban households was therefore 666,337,839,398 current 1988 pesos, that is to say, 5.70 per cent of the GDP for that year.

Valuation of domestic work brought the following results: a figure of 31,682.7 million pesos per month (1988 pesos) was calculated; that gave a calculated average income per household of 13,070 pesos and a calculated total of 380,191,785,036 pesos. A possible explanation of the low significance of this figure is that the survey did not compile information regarding wages paid in kind, only monetary income being considered.

Combining the two results and adjusting them to 100 per cent of the population - urban and rural - for comparison of these figures with those of national accounts yielded the factor corresponding to the necessary adjustment of the GDP; if it were decided to include domestic work in national accounts, the result would be 111,196,975,102 pesos, representing 11.47 per cent of the 1988 GDP at current prices for that year.

Prohibited work

Resolution 2400/79 of the Ministry of Labour and Social Security contains Title XIII concerning "work by women and children". Article 702 as the relevant regulation provides that "working conditions must take into account the fact that women are smaller than men and that their physical strength is less than that of men."

Article 696: This Article prohibits the employment of children under 18 and women of any age whatsoever on work and operations in which they are exposed to contact with:

- a) Lead and lead compounds;
- b) Inorganic substances considered in general as dangerous and harmful such as: mercury, arsenic, antimony, thallium, manganese (a long list follows);
- c) Toxic organic compounds such as "berenzal and other dangerous aromatic hydrocarbons which are constituents of insecticides or pesticides, etc.";
- d) Radioactive substances or ionizing radiation ... operations and processes involving ultraviolet radiation, infrared radiation and radio-frequency emissions;
- e) Active skin irritants.

Article 698: This prohibits in general males under 18 and women of any age from engaging in transporting, pushing or dragging loads that represent a greater effort than movement of weights on level ground, including the weight of the vehicle.

ARTICLE 12 - HEALTH

In the "Outline for a Comprehensive Policy for Colombian Women" of March 1991, it was stated that the basic problems detected with regard to health were related to early pregnancy and the puerperal period, mental health among women and the entire area of reproductive health. In family planning, it was recognized that information and the coverage of the official family planning programmes were incomplete.

The concrete actions and programmes proposed are campaigns for the prevention of cancer of the cervix, prevention of early pregnancies, special care for adolescent mothers, the implementation of programmes for sex education and women's health, the preparation and dissemination of educational material on health and sexuality, the protection of motherhood and maternal and child care, the comprehensive training of midwives in the rural sector, the design of occupational health programmes for women and women's mental health. All of these are carried out by non-governmental bodies.

The "Social Policy for Young People and Women" provides that the Ministry of Health is to implement the "Health for Women, Women for health" programme, in which among other things the following activities are to be undertaken: care of women and children who are victims of violence; strengthening maternal health programmes (lactation, gynaecological and obstetric care, birth control and nutrition) and support for the national strategy of education for sexuality. Programmes for prevention of the main diseases of women with emphasis on the early detection of cancer, diabetes and cardiovascular diseases and the coverage of existing services should be expanded.

To support these activities, the Presidential Programme for Youth, Women and the Family will communicate to the Ministry the methodologies and experience that have been accumulated by the NGOs or the universities with regard to the specific care of women and will foster initiatives presented by the latter. It will also develop criteria for decision-making on policies regarding abortion and the mental health of women.

12.1 THE PRESENT SITUATION OF WOMEN

Historically, women's health has been defined as focusing on the biological functions of pregnancy, birth and lactation, that is to say that attention has been directed towards women's reproductive role and their role as mothers, ignoring among other things their role as women, their sexuality and social and family violence against them.

Life expectancy

It is important to distinguish between the life expectancy of men and women, in both urban and rural areas. Thus, at the beginning of the 1980s, life expectancy in urban zones was 65 for men and 69 for women. In 1985 it was 65.8 for men and 69.8 for women. In rural areas, the average life expectancy at the beginning of the 1980s was 60.6 among men and 64.4 among women. The 1985 figures were 62.7 for men and 66.6 for women. (SOURCE: "Outside the fence, ELSY BONILLA, 1992.")

At the beginning of the 1990s the average figures were:

Women: 72.3 years
Men: 66.4 years

(SOURCE: MINISTRY OF HEALTH, Information Subsystem)

The main causes of mortality in women

Bearing in mind on the one hand the fact that only local studies of maternal deaths have been made in Colombia and on the other hand the high rate of under-registration of mortality in general and the difficulties in the classification of deaths for the same reasons, the following conclusions can be drawn, subject to those provisos:

At present, maternal mortality is the negative indicator of health that has changed least in Colombia during the last 10 years: in 1981, 117 deaths were registered per 100,000 live births, and in 1990 and 1991, 110 deaths per 100,000 live births, so that this indicator remained stable (Source: Ministry of Health, Information Subsystem).

Among women from the age of adolescence (15) to the age of 49, the main causes of feminine mortality are directly related to the reproductive role of women: pregnancy, the puerperal period and the reproductive organs.

The complications derived from pregnancy among adolescents have to be considered in the context of early and unwanted pregnancy as the result of factors of ignorance and the absence of knowledge on family planning methods, the result of aggressive and violent sexual acts and above all of the lack of appropriate sex education, which would enable adolescent girls to take a responsible attitude to their sexuality and to decide on matters related to their body, their life and ultimately, therefore, of their reproductive health.

Women between the ages of 30 and 39 have been considered as having a high index of fecundity, but in the years immediately following the age of 40 there is a high percentage of risk in pregnancy, which implies the need for more care with regard to nutritional and physiological aspects. That explains why pregnancy among women at that period of life is the principal cause of female deaths and why the percentage of deaths among women due to malignant tumours of the uterus is highest among women over 40.

Abortion is considered legal in Colombia when it is performed as a result of complications of a natural order that occur during pregnancy. In these cases, pregnancy may be incomplete, complete, ongoing or retained and cases are registered not only according to the causes of maternal mortality but also according to discharges from hospital. Illegal abortion does not result from natural organic problems but is caused by manipulation that unnaturally induces and interrupts pregnancy. This is not legally accepted by the Colombian Government.

Thus, according to the national list of discharges from hospital among women between 15 and 19, the termination of pregnancy by abortion is the fourth-highest cause, with a rate of 6.12 per cent; among women of 20 to 24 years it is the fifth-highest with 7.23 per cent and in the rest it is the third-highest cause with an average of 5.92 per cent. On the whole, pregnancy terminated by abortion is the third-highest

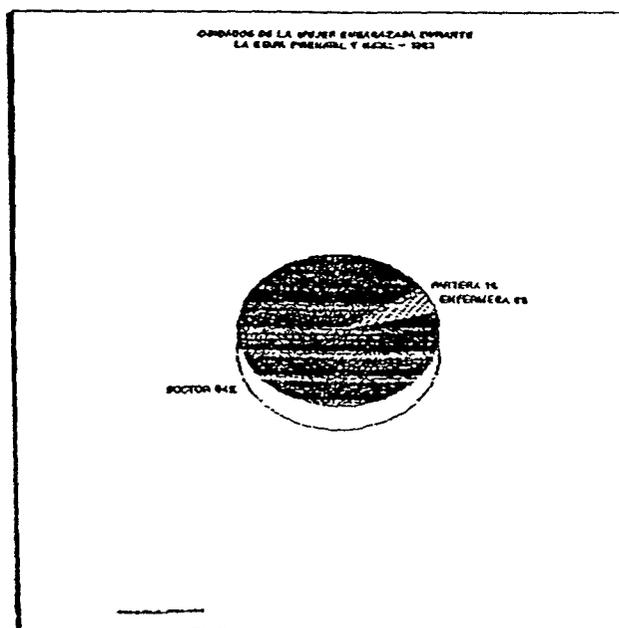
cause of discharge from hospital, involving a total of 53,242 women in 1990, equivalent to a percentage of 5.60 per cent of total hospital discharges; in 1991 the figure rose to 77,673 women. With regard to maternal mortality, as has already been said above, 19.97 per cent of deaths are due to registered abortions, that is to say that abortion is the third-highest cause of maternal mortality in Colombia (Source: Archive of deaths, DANE. Ministry of Health, Information Subsystem.)

MATERNAL MORTALITY RELATED TO PREGNANCY
1990

Mortality derived from other obstetric complications during pregnancy and childbirth	31.24%
Maternal mortality derived from toxæmia during pregnancy	28.47%
Maternal mortality derived from abortions	19.97%
Maternal mortality derived from complications during the puerperal period	10.54%
Maternal mortality derived from hæmorrhages during pregnancy or childbirth	6.28%
Maternal mortality derived from induced obstetric complications	1.66%
Maternal mortality derived from G-U infections during pregnancy	1.11%
Maternal mortality derived from obstetric births	0.74%

Source: DANE

WOMEN RECEIVING PRENATAL CARE
AND CARE DURING CHILDBIRTH



Medical attention during childbirth in the official and mixed sector of health institutions: in 1988, attendance was given at 581,944 births, equivalent to 71 per cent of total births in the country. Of these 16 per cent were by caesarean section, 17.3 per cent were complicated births and the rest uncomplicated. The rate of attendance was 76 per cent in 1990 and 77 per cent in 1991.

CARE FOR PREGNANT WOMEN IN STATE HEALTH INSTITUTIONS

DIAGNOSIS	1987	1988	1989	1990
* Prenatal check-ups and complications related principally to pregnancy (External consultations)	107,472	117,334	119,570	129,370
* Normal births	404,404	407,767	434,775	452,748
* Pregnancy terminating with abortion	69,610	71,893	73,992	77,673
* Complications occurring principally in the course of labour and childbirth	65,191	70,769	71,375	74,937
* Other indications in the course of care for pregnancy, labour and childbirth	60,771	66,276	74,099	81,937
* Complications related principally to pregnancy	59,666	60,660	66,339	70,418

Source: Ministry of Health, Information Subsystem.
In addition, the Institute of Social Security provides services to working mothers, with 18% coverage, while the coverage in private care is 5%.

Principal causes of female mortality and morbidity

FEMALE MORTALITY

AGE-GROUP	CAUSES	# CASES	%
15-19	1. Homicide and injuries inflicted intentionally by other persons	250	22.22
	2. Complications related principally to pregnancy	448	39.82
	3. Automobile accidents	91	8.09
	4. Signs, symptoms, morbid conditions	55	4.89
	5. Suicide and self-inflicted injuries	51	4.53

AGE- GROUP	CAUSES	# CASES	%
20-29	1. Acute infarct of the myocardium	1,201	43.91
	2. Homicide and inflicted injuries	624	22.22
	3. Automobile accidents	203	7.42
	4. Ill-defined signs, symptoms and morbid conditions	100	3.66
	5. Other accidents	99	3.62
30-39	1. Complications related principally to pregnancy	1,306	44.94
	2. Homicide and injuries inflicted intentionally by other persons	419	14.42
	3. Cerebro-vascular diseases	177	6.09
	4. Other diseases of the heart and pulmonary circulation	159	5.47
	5. Acute infarct of the myocardium	133	4.58
40-49	1. Other malignant tumours of the uterus	1,506	41.6
	2. Cerebro-vascular diseases	326	9.01
	3. Acute infarct of the myocardium	318	8.73
	4. Malignant tumours, other localizations, and non-specific malignant tumours	272	7.51
	5. Other diseases of the heart and pulmonary circulation	223	6.16
50-59	1. Ill-defined signs, symptoms and morbid conditions	2,103	34.81
	2. Acute infarct of the myocardium	749	12.40
	3. Cerebro-vascular diseases	592	9.80
	4. Malignant tumours, other localizations, and non-specific malignant tumours	533	8.82
	5. Other diseases of the heart and pulmonary circulation	455	7.53
60 and over	1. Ischaemic heart disease	10,937	30.04
	2. Acute infarct of the myocardium	5,067	13.92
	3. Other diseases of the heart and pulmonary circulation	4,613	12.67
	4. Cerebro-vascular diseases	4,141	11.37
	5. Hypertension	2,177	5.98

Source: DANE Archive of deaths. Ministry of Health, Informatics Office

FEMALE MORTALITY

AGE-GROUP	CAUSES	# CASES	%
15-19	1. Other diseases of the digestive apparatus	12,028	10.76
	2. Complications related principally to pregnancy	9,045	8.09
	3. Pregnancy terminated with abortion	6,836	6.12
	4. Other diseases of the genital organs	533	8.82
	5. Appendicitis	1,663	1.49
20-24	1. Complications related directly to pregnancy	1,390	1.24
	2. Pregnancy terminated with abortion	15,875	7.69
	3. Other diseases of the genital organs	14,924	7.23
	4. Complications in the puerperal period	3,410	1.65
	5. Ill-defined morbid signs, symptoms and conditions	1,906	0.92
24 and older	1. Pregnancy terminated with abortion	1,356	0.66
	2. Complications related principally to pregnancy	31,276	5.92
	3. Other diseases of the genital organs	25,070	4.74
	4. Gall-stones and other diseases of the gall-bladder	23,461	4.44
	5. Benign tumour of the uterus	15,012	2.84
	6. Utero-vaginal prolapse	20,669	2.02
	7. Other diseases of the heart and pulmonary circulation	10,433	1.97
	8. Ill-defined morbid signs, symptoms and conditions	10,433	1.97
	9. Other diseases of the digestive apparatus	15,012	2.84
	10. Hernia of the abdominal cavity	8,683	1.64
		8,395	1.59
		7,931	1.50

Source: DANE Archive of deaths - Ministry of Health, Informatics Office

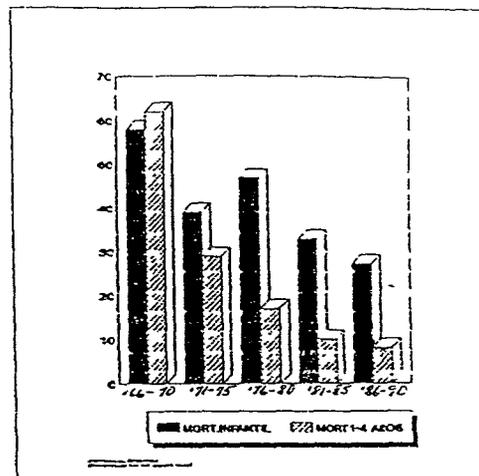
It clearly follows from all these figures that a plan of action for attention to the reproductive health of women is necessary; this will be mentioned below in the context of changes for the benefit of health care for women, in terms of State policies and governmental and non-governmental programmes.

THE PRINCIPAL CAUSES OF MORTALITY AND MORBIDITY IN CHILDREN

BIO-DEMOGRAPHIC DIFFERENCES
IN INFANTILE MORTALITY



DEVELOPMENT OF INFANTILE AND
CHILD MORTALITY RATES

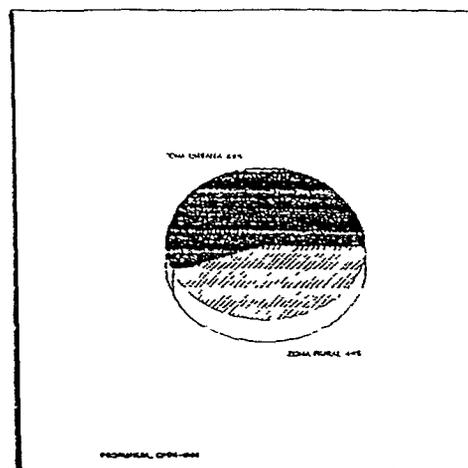


According to the figures provided by the Ministry of Health - Information Subsystem - these causes were identified taking into account the gestation or perinatal period, infancy or childhood and the 10-14 age-group.

INFANTILE MORTALITY,
BY ZONE

- At the perinatal stage, infantile morbidity is due to:

- Retardation of intrauterine growth;
- Short duration of gestation;
- Intrauterine hypoxia;
- Asphyxiation at birth;
- Hyaline and other membranes of the foetus, including malformations.



These causes are related *inter alia* to unwanted pregnancies, low birth weight and premature births, which to a large extent depend on the condition of the mother.

- Infantile mortality among children under 10 is due to:

- Pneumonia;
- Enteritis and other diarrhoeal diseases;
- Accidents (drowning and suffocation);
- Proteocaloric malnutrition;
- Automobile accidents.

- The principal causes of mortality among children between 10 and 14 are:
 - Accidents;
 - Violence;
 - Chronic and degenerative diseases such as leukaemia and other forms of cancer;
 - Heart diseases;
 - Diseases of the digestive apparatus and the pulmonary, circulatory and nervous systems.

INFANTILE MORBIDITY

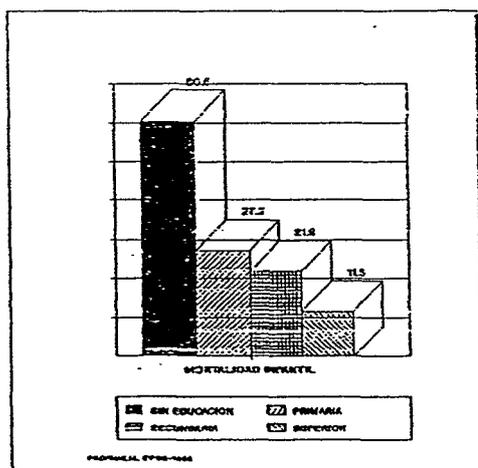
In general terms infantile morbidity has the same the structure as infantile mortality. However, there are some interesting differences:

- Pneumonia accounts for 20 per cent of the hospitalization cases among children under 10, followed by enteritis and other diarrhoeal diseases, which account for 13 per cent. Then follow respiratory diseases and infections.
- In the 10-14 age-group, the causes of morbidity are related to chronic and degenerative diseases, heart diseases, infectious diseases, traumatism and accidents.

AVERAGE NUMBER OF LIVE BIRTHS PER WOMAN

There is a marked decrease in the overall fertility rate, which follows the socio-economic development of the country itself, the degree of urbanization, the spread of family planning programmes, including the cultural conditions of the Colombian population.

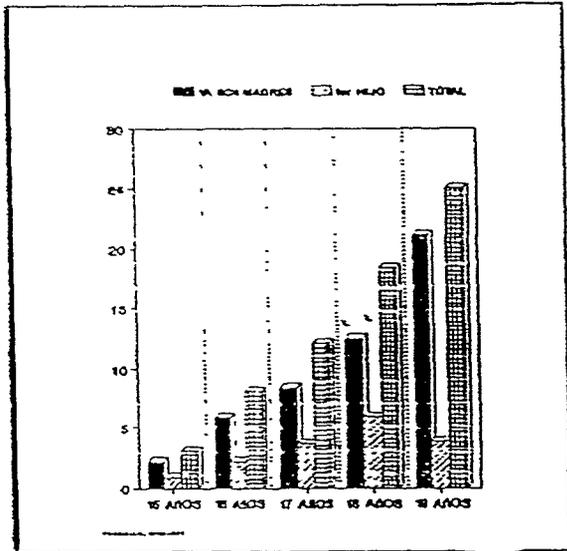
INFANTILE MORTALITY AND EDUCATIONAL LEVEL OF MOTHER



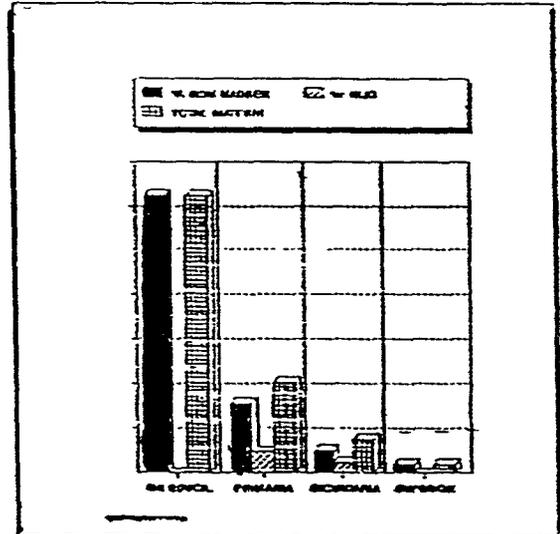
From 1984 to 1985 and 1987 to 1990, fertility dropped more rapidly in rural areas. The total fertility rate fell in urban zones from 2.7 to 2.5 children, while that in rural areas dropped from 4.5 to 3.8, a 27 per cent decrease over the period. The educational level still produces differences in fertility that are more important than the subregion of residence. With the present levels of fertility by age, women without any education will have had on the average almost five children by the end of their reproductive period, whereas women with higher education would have had only 1.6 children on the average (EPDS - 90 Profamilia).

For 1992 it was calculated that there were 9,193,270 women of childbearing age (15 - 49) and of these 53 per cent were living in some type of union. This year it is expected that there will be 1,091,613 pregnant women (Source, Ministry of Health, Information).

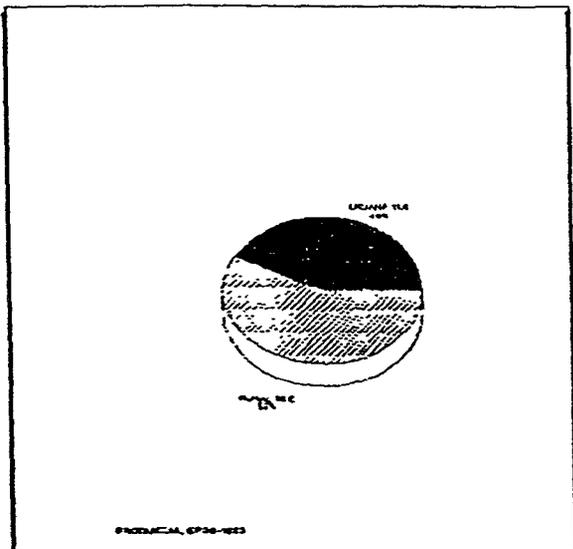
PERCENTAGE OF ADOLESCENT MOTHERS, BY AGE



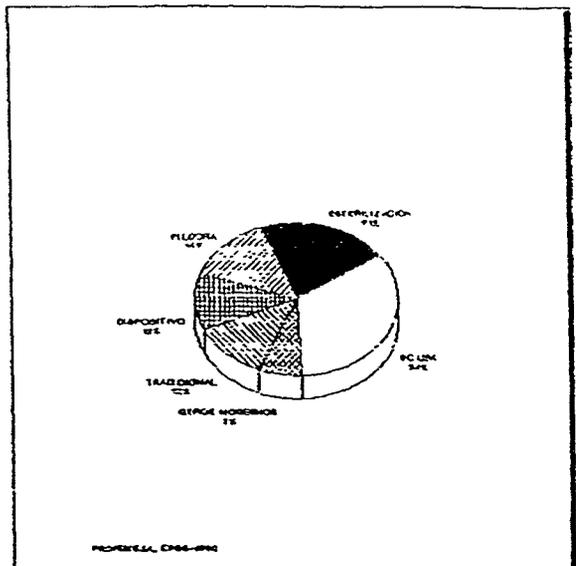
PERCENTAGE OF PREGNANCY IN ADOLESCENTS, BY EDUCATIONAL LEVEL



COMMENCEMENT OF MATERNITY AMONG ADOLESCENTS, BY ZONE

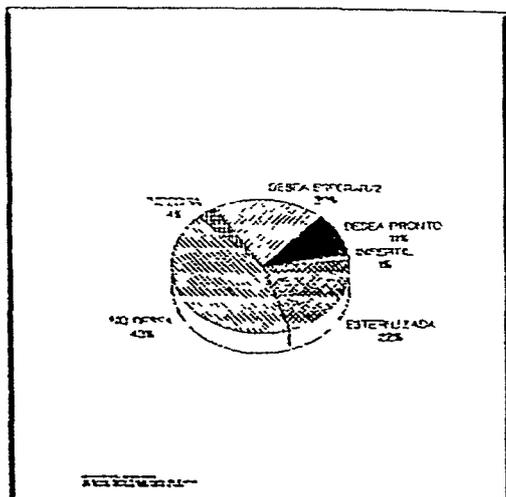


CURRENT USE OF CONTRACEPTIVE METHODS AMONG WOMEN LIVING IN UNIONS



The survey on Prevalence, Demography and Health carried out in 1990 by Profamilia with the support of national and international institutions covered 13 subregions, 8,615 households, 9,715 women and a total of 120 municipalities in the country. It was found that knowledge of contraceptive methods is almost "universal", both among the total female population and among those who are living in some kind of union; also over 90 per cent know where information on methods can be obtained. 40 per cent of all urban users of the methods take less than 15 minutes to reach the place where they can obtain supplies; 19 per cent take between a quarter of an hour and half an hour; one in five take between half an hour and one hour and only 17 per cent take more than one hour. The times are naturally greater in rural areas, where 42 per cent take more than an hour; nevertheless 29 per cent of users have almost immediate access, being less than half an hour from sources of supply.

PERCENTAGE DISTRIBUTION OF WOMEN AT PRESENT LIVING IN UNIONS AND WISHING TO HAVE CHILDREN



Users of contraceptive methods at the time of the survey were asked where they had obtained facilities for the method used. The sources of supply of the most commonly used modern methods are, in order of magnitude, Profamilia with 32 per cent, pharmacies with 29 per cent, hospitals and official health centres with 19 per cent. While pharmacies are the most important sources of supply for injections, the pill, vaginal devices and condoms, Profamilia carries out 60 per cent of the voluntary female sterilizations and 70 per cent of vasectomies.

The insertion of an IUD is primarily carried out in public hospitals (39 per cent),

Profamilia being second with 31 per cent while private doctors come third with 15 per cent.

It is important to emphasize that Profamilia distributes 65 per cent of the contraceptives sold in pharmacies and other sales outlets and that many public hospitals have contracts with the institution for carrying out sterilization.

Out of the total number of women interviewed, it was found that 58 per cent of all women and 86 per cent of married women had at some time or other used a family planning method. It can be concluded that the rates of prevalence of the use of methods among married women increased slightly from 64.8 per cent in 1986 to 66.1 per cent in 1990.

THE ELDERLY

In Colombia, 6 per cent of the population are elderly. In addition, analysing the overall situation of the elderly, the following facts have been discovered:

- * 87.5 per cent of the elderly do not enjoy Social Security benefits;
- * 42 per cent do not receive income;
- * 0.7 per cent are looking for work;
- * 41.93 per cent are living in situations of poverty in marginal urban areas;
- * 11 per cent are living in slums;
- * 32.5 per cent are illiterate;
- * 0.85 per cent live in State homes;
- * 8.7 per cent are pensioners;
- * 30.8 per cent are paid workers;
- * 39 per cent are engaged in household work;
- * 72 per cent are in urban areas;
- * 50 per cent of the total deaths among women are among the elderly.

12.2 LEGISLATIVE OR OTHER MEASURES TO GUARANTEE EQUALITY IN ACCESS TO HEALTH SERVICES FOR MEN AND WOMEN

National Constitution of 1991

Article 42 of the National Constitution defines the right of the couple to decide freely and responsibly on the number of their children; Article 43 establishes the obligation on the part of the State to protect women during the period of pregnancy and birth and to grant food subsidies to unemployed or unprotected women. Article 46 guarantees social security services and food subsidies for the elderly, consequently imposing the obligation on the State to promote action to foster their integration in community life and also to guarantee social security services and food subsidies in cases of absolute poverty. Articles 48 and 49 require the State to ensure access to social security on a mandatory basis and free of charge. It also establishes that health care is a public service.

Finally, the Ministry of Health, echoing constitutional requirements, adopted Resolution No. 1531 of March 1992, which sets forth the content of women's rights with regard to health. Thus, women are regarded not only as users but also as active participants in taking decisions on all aspects that affect their life, their body, their sexuality, their participation in community life, motherhood and their role in protecting family health.

Resolution No. 1531 of 1992

Resolution No. 1531 of 1992 of the Ministry of Health, which was part of the celebration of International Women's Day, considers that women have the following rights:

- The right to an active part in decisions on aspects that affect their health, life, body and their sexuality, at the individual, community and institutional level;
- The right to happy motherhood, that is to say, motherhood accompanied by the husband or cohabitee, desired, free, intentional and risk-free pregnancy;
- The right to humanized medical care, dignified and respectful treatment of their bodies, their fears, their needs for intimacy and privacy;
- The right to be treated and cared for by the health services as integral beings and not exclusively in respect of their biological reproductive function;
- The right to comprehensive health services and programmes meeting their specific needs, according to their age, activity, social class, race and place of origin;
- The right to education that will promote self-care and knowledge of their bodies, benefiting their self-esteem and reaffirming their personality;
- The right to information and guidance for the exercise of free, gratifying and responsible sexuality, not conditioned by pregnancy;
- The right to information, sufficient and appropriate guidance, and access to safe and modern family planning methods;
- The right to a work environment and living conditions that affect neither their fertility nor their health;
- The right not to be rejected in work or any educational institution on grounds of pregnancy, having children or not being married;
- The right that menstruation, pregnancy, childbirth, the menopause and old age are treated as natural physical events and not as diseases;
- The right that their knowledge and cultural practices, relative to health which experience has proved to be reliable are taken into account, valued and respected;
- The right to play an active role in community participation in health matters and in the various spheres for decision-making in the health system;
- The right to health services that provide comprehensive care for the problem of ill-treated women and women who are victims of all forms of violence.

Law 10 of 1990

Law 10 of 1990 reorganizes the National Health System, establishing health as a public service that is to be the responsibility of the nation and is to be provided free of charge through State institutions.

The same law clearly introduces the need to promote, organize and establish spheres of community participation in the provision of health services, through the community participation committees.

12.3 STATE POLICIES AND GOVERNMENTAL PROGRAMMES

Health for Women, Women for Health

The present Government assumed as a priority task the incorporation and recognition of women as active subjects in health plans and policies. Thus, the Ministry of Health was aware of the changes that have been operating in the lives of women - changes in customs, attitudes, life styles, aspirations and expectations. It was also concerned at the manner in which inequality between men and women has generated problems in all spheres of life, with regard to women's reproductive health, sexuality, nutrition, etc., and has caused high risks of maternal mortality, occupational diseases and diseases of mental health. It therefore considered it necessary to reorganize its programmes and introduce the "Health for Women, Women for Health" policy in May 1992.

"Health for Women, Women for Health" is a strategy through which it is intended to contribute to reducing the existing disadvantages between men and women as a way of improving women's quality of life and for providing a comprehensive answer to their problems. It is an instrument that must strengthen the active involvement of women in the health system through their participation as subjects of decisions that affect their life, body, sexuality and health.

Among the objectives defined by this policy is that of contributing to the construction of a democratic culture that will guarantee the full enjoyment of human rights by women and will raise their quality of life. Other concepts are also included such as that of women as subjects of health rights; democracy as a platform for women; respect of difference and recognition of diversity; humanized care; social participation; and a comprehensive approach in the health care for women and the conceptual approach to health care. Furthermore, the policy defines priority groups for health care for women, namely, women who are heads of families, women in the 15-49 age-group, working women, and women of advanced age. It also establishes health promotion and self-care, comprehensive care for reproductive health and sexuality, the prevention of ill-treatment and care for women and children who are victims of rape, and for the promotion of mental health and occupational health as well as programmes that will permit the development of the policy.

Since the introduction of the policy at national level on 28 May 1992, the women's programme of the Ministry of Health has carried out the following activities:

- Regional launching of the policy in a number of cities in the country such as Barranquilla, Bucaramanga, Cali and Medellín and seminars and training workshops in Cali and Barranquilla for health officials and local health system participants;
- A meeting for 300 adolescent girls in Bogotá, also attended and coordinated by the women's organizations that carry on programmes with adolescents, at which subjects related to premature maternity were discussed;

- The National Workshop on Women and AIDS, attended by women from various regions of the country on 22 and 23 October 1992.

In the course of 1992 and for 1993 it is proposed to create a series of radio programmes at national level that would deal with such topics as unwanted pregnancy, family planning, prevention of cancer, violence and maternity in which the woman is assisted by her spouse or cohabitee, and the design of educational material in support of the strategy of self-care in health for adults and children. In November, workshops for study of violence against women will be held in the cities of Cali, Medellín, Barranquilla and Bogotá, with the aim of organizing and setting up care programmes, on the occasion of the celebration of the International Day for Non-violence against Women. With the support of the O.P.S. it is proposed to organize a workshop in which the protocol for a new research project concerning occupational health of women workers in the health sector would be designed. Further aims are to consolidate policy in the municipalities of the country and to coordinate and integrate activities under the Ministry of Health in its human development, human behaviour, reproductive health and occupational health divisions.

By means of other programmes which are related to the general activities in which users are both men and women, without distinction as to sex, the Ministry of Health indirectly promotes the coordination of action for the health of women. For example, health promotion activities are carried out in occupational health and environmental sanitation, directed towards educating the community on health care and in particular on the risks to which workers are exposed by or in relation with work.

The Ministry of Health also carries out programmes directed towards the elderly, both men and women, generally.

In the National Survey conducted by the Ministry of Health between 1986 and 1989 on the demand for and utilization of health services in the population aged 60 and over, it was found among other things that 3.8 per cent of the elderly population had never used medical services; 11.6 per cent had received care in the two weeks preceding the survey; 45.2 per cent had not received medical care during the previous two weeks and 39 per cent had not received any for more than one year. The country had only seven (7) care centres for the elderly, a very low number bearing in mind the high index of the elderly population and projections for its increase by the beginning of the year 2000.

The origin of the problems is the non-existence of pension funds, public assistance and sources of finance. Particularly with regard to elderly women it is an urgent requirement to create and carry out a programme related to their specific health needs, bearing in mind that half of the women who die in Colombia are in that population group and that in general such deaths can be avoided by means of prevention and promotion activities.

In general terms and through the municipal health departments, health promotion activities for women are being carried out especially in aspects related to maternity, such as programmes for the prevention and control of maternal and perinatal morbidity and mortality; programmes for lactation; for prevention and control of cervix cancer; family planning; immunization, nutritional and oral health care for pregnant women. Also, the participation by women is promoted in programmes for primary care and community participation.

The Presidential Programme for Youth, Women and the Family

The Presidential Programme assisted by the United Nations is also carrying out action for the benefit of women's health, such as discussion and study of the quality of health services, the modification of the risk factors associated with maternal morbidity and mortality, and the humanization of the service itself. For that purpose, pilot projects were carried out in the cities of Cali (SILO No. 5) and Aguablanca. Those programmes not only made proposals concerning the reorganization of the service but also identified the need to strengthen the involvement of women in the Community Participation Committees and in the management boards of the hospitals. It is intended to extend this experiment to the cities of Cúcuta, Cartagena, Pereira and Bogotá.

Also it is intended to promote health culture. For that purpose a diagnosis will be made of health knowledge among women in the light of cultural realities. The primary emphasis will be on comprehension by women that, though their participation as education agents in health is important, it is equally necessary for them to be aware of and take care of their own health. Especially work will be done with peasant women in central Magdalena, Barrancabermeja and the Atlantic Coast - a total of six municipalities in the country. The educational components of this programme are related to self-esteem, knowledge of the female and male bodies, life cycles, etc. 5,000 women will take part and the programme will be carried out with the collaboration of FUDESCO, a non-governmental organization that is capable of reaching rural sectors.

In turn, this effort is intended to promote a programme for the training of multiplier agents for health education in the cities of Pereira, Ibagué and Cartagena. Officers at the operational level of the National Apprenticeship Service (SENA) will participate in those cities, as well as staff from the Colombian Institute of Family Welfare (ICBF), the health departments, and the Institutes for Popular Education (I.P.C.) and community leaders from the Community Participation Committees, Communal Action Boards and Local Management Boards. Educational support will be given in the form of a series of videos on women's health from *Cine-Mujer*, and the Workshop of Resources for Women will be responsible for carrying out the programme. Both are non-governmental organizations recognized as women's groups.

Finally, a process is also being pursued for the training of multiplier agents in reproductive health, basically in sex education, in the cities of Riohacha, Valledupar, Santa Marta, Sincelejo, Montería and Barranquilla. The non-governmental women's organizations responsible for carrying out the programme are *Promujer* and *Casa de la Mujer*.

As the Government is aware of the existing gaps in research regarding women's health in the country, a series of research projects on occupational health, nutritional aspects related to women, abortion and the mental health of women are being promoted.

Finally, a special programme for adolescents is in hand, in coordination with the United Nations Population Fund, which aims to prevent pregnancy in adolescence and to assist adolescents in pregnancy and childbirth. The programme is being carried out in six medium-sized cities in the country and in 20 municipalities registered with the National Rehabilitation Programme where there is greater prevalence of

adolescent pregnancy; the programme will be carried out with the support of private bodies such as Cresalc, Profamilia and FUDESCO.

Simultaneously, research will be carried out to determine factors associated with pregnancy among adolescence.

Network for Reproductive Rights - Colombia

The work that has been done by various women's organizations in the country has made it possible to set up the Network for Reproductive Rights in Colombia, which was established on 4 April 1992 in the city of Cali, initially with the participation of 14 organizations. The specific objectives of the Network are to serve as a first point of reference to enable women's organizations working in the health sector to exchange experience, promote meetings for study of the Government's health policy, reproductive rights and the National Plan for Sex Education. It also aims to serve as an interlocutor of the State in discussion on programmes of reproductive rights. On 20 and 21 November 1992, the first National meeting of the Network was held in Bogotá.

12.4 OBSTACLES

In the "Social Policy for Young People and Women" the fact that the fertility rate is still very high among women without any education was identified as an obstacle to progress in the area of health. At the end of the century, if the present trend continues, such women will have almost five children each, whereas women with higher education will only have 1.6 children on the average.

It is also estimated that abortion is responsible for 17 per cent of deaths, producing the highest proportion of deaths among women in the poor strata of the population, owing to the difficulty of access to appropriate health services.

The rate of maternal mortality is higher than that observed in countries at a similar stage of development. The figure is 110 for every 100,000 live births, as compared with 47 in Chile and 36 in Costa Rica. The causes are the low coverage of care for pregnant women and for childbirth. In addition, the health services lack facilities for psychological care in cases of rape or incomplete abortion.

Other obstacles identified by other State bodies and non-governmental organizations are related to the protection of women's health at the workplace and to the risks to the reproductive health of women caused by or related to work.

An immense fringe group of women is still left outside the social security system, without any possibility of access to health services; owing to conditions of poverty they are obliged to accept work "contracts" under conditions imposed by the "employer", consequently having to engage in tasks that harm their health.

Health services in rural areas are deficient and rather backward as compared with growth in urban areas; access is difficult owing to geographical factors and the violence afflicting the country.

Also, the coastal zones of Colombia suffer from "institutional oblivion" with the aggravating factor that these are the regions in

which there is high population density compared with other parts of the country.

Urban growth, which originated to a large extent through the migration of peasants to the city, has created migration sectors or "pirate slums" in the main cities of the country, with a lack of public services, risk of contamination, and problems related to drinking water and the environment, etc.

Health care is provided at the basic level through the State university hospitals or the general hospitals. These bodies offer the population the easiest access to facilities for the prevention and cure of diseases. However, recent years have been marked by recurrent hospital crises which in general terms have been caused by lack of resources, bad management, political factors and university strikes. These crises of the hospitals have harmed the people in the sectors of the population for whom they offered the only possibility of access, who were turned away *inter alia* owing to the inability to provide services as the result of strikes, the lack of beds or inadequate supplies of drugs or the lack of doctors, etc.

Finally, there are obstacles of a cultural nature that condition the access of women to services for health care and family planning. They are related to prejudices and attitudes regarding the health of women and children, customs that are socialized and are still being handed down from generation to generation, such as the nutritional disorders associated with the image of women's bodies, attitudes in the post-natal period (do not take baths, do not eat acids, etc.), malnutrition among girls owing to the greater share of food given to boys because they need it more, lack of health care on the part of women because other matters are always regarded as more important; the obligation on the part of the woman to regulate fertility, which later produces collateral effects that can be prejudicial and above all frees men of this responsibility.

ARTICLE 13 - SOCIAL AND ECONOMIC BENEFITS

Comprehensive policies specifically oriented towards women are being established in the "Social Policy for Young People and Women" approved by the National Council for Economic and Social Policy" within the development of production and the process of economic openness that the country is undergoing and through the creation of mechanisms for their modern and efficient integration in all processes of economic development in both urban and rural areas.

That document recognizes that State policy must be directed towards changing the cultural aspects that have traditionally been reflected in discrimination and inequity between the sexes, seeking to raise and improve the living conditions of women, and incorporating in the State and its institutions a vision of gender according to which women are regarded as fundamental factors for development and are assured of access to services and programmes concentrating on rural women and marginal urban women.

13.1 THE PRESENT SITUATION OF WOMEN

In view of the constitutional and legal principles of equality between men and women, women are no longer subject to any legal limitations in obtaining credit and social benefits.

13.2 LEGISLATIVE OR OTHER MEASURES TO GUARANTEE EQUALITY OF ACCESS TO ECONOMIC AND SOCIAL BENEFITS

Chapter 2 of Title II of the National Constitution establishes the social, cultural and economic rights of all persons, without any kind of discrimination.

13.3 PROGRAMMES AND POLICIES AIMED AT ENSURING EQUALITY

In 1989, the National Inventory of Projects for Women was carried out by the National Planning Department and UNICEF. 437 projects for women were identified with the following characteristics:

- Main activities of projects:

- a. Directed toward economic activities (54 per cent) predominantly projects for rural women and their families;
- b. Training, with a total of 16.5 per cent, 45 per cent of projects being directed towards urban zones and being related to forms of participation in the community, thus being directed towards imparting knowledge, skills and aptitudes related to the roles of mothers, wives and daughters or possible contributions to family income by activities in which they can engage with minimum resources and without abandoning their domestic responsibilities. Principal areas are in health, nutrition, recreation or handicrafts, textiles, dressmaking, baking, keeping small animals or cultivating vegetables and fruit and marketing semi-processed and processed food.
- c. Organization, with a total of 7.32 per cent mostly of a community or general nature and/or related to women's associations.
- d. Health 5.5 per cent
- e. Research 3.2 per cent
- f. Support in Services 2.3 per cent
- g. Legal advice 1.1 per cent

h. Social Security	1.1 per cent
i. Welfare	2.0 per cent
j. Nutrition	1.6 per cent
k. Culture	0.7 per cent
l. Other	2.7 per cent

The projects with the largest numbers of beneficiaries are those for the dissemination of information, while economic projects have the smallest number.

- According to the body coordinating them:

a. Governmental organizations	231 projects
b. Non-governmental organizations	101 projects
c. Women's organizations	62 projects
d. Religious organizations	15 projects
e. Others	28 projects

Most of the urban projects are financed by NGOs because State policy has been oriented towards channelling greater resources to rural women.

This is corroborated by the results of the research project "The participation of women in the Colombian cooperative movement" conducted in 1992 by the *Grupo Superación* and the *Asociación Colombiana de Cooperativas*, under the sponsorship of the Canadian Association of Cooperatives. 1,800 women aged between 18 and 60 from all social strata were interviewed (with emphasis on the middle-class group) from Santa Fe de Bogotá, Cali, Bucaramanga and Medellín. It was concluded that the principal cause for women's membership in the cooperative movement is to obtain lines of credit and savings facilities, housing being one of their basic needs. Savings and credit represent 72 per cent of the reasons for membership, followed by education with 17.9 per cent and work and services with 16.4 per cent.

According to the evaluation carried out in 1992 by the SER Research Institute, under the COMPARTIR foundation's PRODEM Programme for the Development of Mini-Enterprises, a study of 30 cases revealed that 11 women requested loans, which were granted to 7 of them, while 3 of the rest withdrew their applications and one did not meet the requirement of presenting a sponsor.

The National Institute of Social Housing and Urban Reform INURBE is not at the moment carrying out a specific programme for women, although it participates and has a dominating presence in the area of housing as an organization for the support of the family.

The National Administrative Department of Cooperatives, DANCOOP, has been carrying out three specific programmes for women since 1991:

- The first supports the process of organizing cooperatives and entrepreneurial technical assistance of the group of women involved in artisanal fishing, with the aim of identifying women who are involved in one way or another with artisanal fishing, either directly in fishing operations themselves, or in marketing, street vending, or as wives or cohabitees of artisanal fishers.

- The aim of the second is to constitute a marketing body to identify communities that have been covered by the agreement existing with *Artesanías de Colombia*. They are cooperatives, mostly consisting

of women, whose central activity is the production of craft goods: baskets, hats, hammocks, etc. The central difficulty is the presence of innumerable middlemen who make the product more expensive and retain most of the value accumulated. This programme covers approximately 200 women, grouped in 10 cooperatives in the departments of Nariño, Boyacá, Huila, Bolívar and Atlántico.

- The purpose of the third project is to identify and organize entrepreneurially in the form of cooperatives women who have been widowed as the result of violence. The innumerable violent conflicts in various zones of the country have struck family groups hard, leading to the break-up of the family and destruction of its cohesion. Under these circumstances, women have had to take on a leadership role with the purpose of preserving their families.

Obviously, in order to subsist, it is necessary to appeal to the organization for support in new efforts. Hence it has been the aim of DANCOOP, through this programme, to offer entrepreneurial alternatives to these women, who have been widowed as the result of violence, so that they can organize themselves and launch productive activity that will enable them to generate income and thereby provide subsistence for their families.

Through the Office of the Procurator for Human Rights, an initial population has been identified for launching this programme, consisting of a group of 300 women, most of whom are located in the departments of Santander, Antioquia, Córdoba and others.

The Division for Planning and Development is responsible for the programmes for women, through the Promotion and Programming Section of DANCOOP.

The Colombian Government introduced the factor of gender as from 1984 through projects directed towards peasant women under an agreement between UNICEF and the Ministry of Agriculture and National Planning, which is still in force.

At present an agreement on regional models for services to rural women is being carried out in five departments: Bolívar, Valle, Antioquia, Santander and Boyacá.

13.4 OBSTACLES

On the one hand, the economic programmes financed by the State do not have sufficient structure and scope to relieve women of domestic responsibilities. On the other hand, owing to their coverage, resources and the low competitiveness of the types of products in question, they are not sufficient to enable women to accumulate substantial capital so that they could gain access to credit on a rational basis. Owing to the low coverage of those programmes, women must apply to various types of organizations, such as cooperatives, savings and loan associations, banks, and savings funds, in order to obtain finance and to satisfy their economic needs.

However, they are burdened not only by existing socio-cultural patterns but also by the fact that the situation is more serious when women are not in regular work. Those who work in the informal sector of the population lack benefits of this type and must obtain them by their own devices.

It is a matter of urgency to regulate the special support provided by Article 43 of the National Constitution for women who are heads of families, in order to determine what type of benefits the State will provide for them.

On the other hand, it should not be ignored that the weight of women's double workload limits their access to recreational and cultural activities. Marginalized women spend all their time on domestic work, dedicated to the care of their children, for the benefit of their families, the community and their own work outside the household.

Children's allowances and housing subsidies and access to social security are open only to women in regular work; those who are not in regular work do not receive such allowances or receive them only indirectly if their husband or cohabitee is in regular employment.

ARTICLE 14 - RURAL WOMEN

The "Outline for a Comprehensive Policy for Colombian Women" of March 1991 notes an almost zero level of land tenure by women in the rural sector, the scattered nature of the population, the lack of infrastructure, difficulties for access to credit, deterioration of the environment, illicit crops and violence.

The recent "Social Policy for Young People and Women" established that in order to support peasant women the Presidential Programme for Youth, Women and the Family will promote activities that would facilitate better access to production resources such as land, adaptation measures, credit and technology. Owing to its importance and specific nature, a policy is now being formulated for peasant women that basically covers the production aspect and is incorporated in the framework of the general principles of the present policy for the peasant economy.

The Ministry of Agriculture, with the collaboration of the Presidential Programme for Youth, Women and the Family, will promote the organizational capacity of women.

In addition, programmes will be promoted in rural areas that integrate women in education and environmental conservation activities. Thereby it is intended to change patterns of the domestic consumption of food, energy, water and of waste management and to modify habits of dealing with natural resources.

14.1 THE PRESENT SITUATION

The rural population in 1990 was estimated at about 10 million inhabitants. The structure of the population shows the changes that have occurred as a result of the decrease in fertility: a relative decrease of the proportion of the population under 15 and a relative increase of those over 15, particularly persons over 65.

In 1973 it had been discovered that persons under 15 represented about 48 per cent of the total rural population, while in 1985 the figure was only 41 per cent, falling to 39 per cent in 1990. The population aged 15-64 was estimated to represent 48.6 per cent in 1973; in 1985 it was already 55 per cent and in 1990 56 per cent. The population of persons over 65 rose from 3 per cent in 1973 to 4 per cent in 1985 and 5 per cent in 1990.

In 1988, 17.1 per cent of rural households were headed by women, there being little difference in this respect between households that were poor and those that were not. Women act as heads of the household when they do not live with their spouses; a high percentage of those women have to assume the responsibility for households consisting only of their children (42.05 per cent) or of their children and other members (24.10 per cent). That is to say that in more than 60 per cent of the families headed by women the children live with their mother, whereas in households where there is no mother and which are headed by a male, only 3.21 per cent of children live at home. In the latter households, taking into account the patterns of the sexual division of labour, functions related to the care of children are frequently delegated by the head of the family to his mother or his sisters (Bonilla and Vélez, *Mujer y trabajo en el sector rural colombiano* - Women and work in the Colombian rural sector. Instituto SER).

- WORK

In 1988 the rural population totalled 13,049,877, of whom 50.4 per cent were men and 49.6 per cent women. Of that population 73.2 per cent were of working age and the economically active population numbered 5,183,180, consisting of 73.7 per cent men and 26.3 per cent women. The employed population accounted for 95.4 per cent of the economically active population, with 75 per cent men and 25 per cent women. The number of unemployed was 237,498, or 4.6 per cent of the economically active population, broken down into 46.2 per cent men and 53.8 per cent women.

According to the studies by Myriam Ordóñez *Transformaciones de la familia rural colombiana* (Changes in the Colombian rural family), the average wage of rural women in 1978 was 72 per cent of that of men; in 1988 the gap had been narrowed and women's wages represented 82 per cent of men's. In 1988, in the employed population (in rural areas) there was a clear differentiation between men and women in the breakdown by branch of activity: while only 27.2 per cent of women in remunerated employment were engaged in agricultural work, 70.8 per cent of men were in that category. According to the rural household survey of 1988, 31 per cent of rural women were engaged in agriculture, 26 per cent in services, 24 per cent in other commerce and the hotel trade and 15 per cent in manufacturing industry.

There is a higher proportion of women than of men in the service category, 25.2 per cent compared with 3 per cent; non-agricultural operatives were 18.7 per cent compared with 16.5 per cent; administrative personnel 4.2 per cent as compared with 1.4 per cent and professionals 6.1 per cent and 1.7 per cent. It should be pointed out that there are no women in the category of managers and senior public officials in rural areas.

There is a higher proportion of women office workers, namely, 17.8 per cent as compared with 9.4 per cent men, 10.1 per cent domestic servants as compared with 0.1 per cent men; female unpaid family workers account for 22.6 per cent as compared with 12.1 per cent men. The most representative category among employed women is that of women working on their own account, namely, 36.5 per cent as against 31.8 per cent men.

The 1988 rural survey on social security among rural workers established that of the total number of workers only 11.4 per cent had social security. Of those, 53 per cent were white-collar workers and 12.4 per cent blue-collar workers, but more than 90 per cent of the rest had no social security.

A study presented by the Colombian Social Insurance Institute on "The health situation of the rural population - present problems and future prospects" of February 1990 analyses the difficulties encountered in providing social security in the rural sector.

The problems that restrict coverage by a social security system in the rural sector are of three types:

- * Those related to the establishment and operational start-up of health services in that environment;

- * Those related to the administrative and financial aspects of social security for that sector;
- * Those related to the nature of the social security system.

In 1988 the population classified as inactive (persons over 10 not employed and not seeking paid work) in rural areas was 4,380,119. Attention should be drawn to the great difference in the percentages of men and women classified as inactive: the former make up 20.3 per cent and the latter 71.3 per cent of the total number of inactive persons, a situation which again reflects the difference in the employment situation of men and women, the manner in which it is measured and the existence or non-existence of remuneration.

Persons engaged in household work, namely, women, represent the largest percentage of persons classified as inactive: 72 per cent of inactive women (2,450,378) are found in this category whereas among men only 1.8 per cent of inactive persons are engaged in such work. On the other hand, the majority of inactive men (67.8 per cent) are classified as students. That is to say that the majority of men in rural areas are either in paid employment or, if they are not, are looking for work; only 18,537 men occupied on household tasks and persons living on investments, pensioners or disabled persons are classified as inactive.

- HEALTH

LIFE EXPECTANCY AT BIRTH
(Females)

	AREA OF RESIDENCE	
	URBAN	RURAL
■ 1965	61.2	56.0
■ 1970	63.8	59.2
■ 1975	66.0	61.9
■ 1980	69.0	64.4
■ 1985	69.8	66.6

Source: EPDS, 1990

The life expectancy of women rose by 3.5 years during the period 1973-1985 and it is projected that at present it may be as high as 71 (DNP 1991. Mimeo).

The death rate for the rural population is difficult to obtain directly owing to low registration coverage. Therefore, it is necessary to use indirect methods to obtain estimates (Ordóñez. *Determinantes sociodemográficos de la salud femenina - Socio-demographic determinants of women's health*).

In recent years, that is to say between 1984 and 1989, the existing situation of violence in the country has been reflected in deaths of women of reproductive age.

Up to 1984 it was observed that malignant tumours took first place among the causes of death of women of childbearing age, having risen from 12 per cent in 1977 to 17 per cent in 1984. The second cause was "other accidents" and the third cerebrovascular diseases, which caused 6 per cent of deaths among this group of women.

According to DANE statistics, the chief cause of death in 1989 was still malignant tumours, with 19.1 per cent; the second was heart diseases with 13.7 per cent and the third homicides with 11 per cent of deaths, whereas in 1984 the latter represented only 6 per cent of deaths and took fourth place among all causes of deaths.

Of the 19.1 per cent of deaths from malignant tumours, 8.9 per cent were due to tumours of the breast, the cervix and body of the uterus, the placenta and the ovaries and 10.2 per cent to other types of cancer. Malignant tumours were the first or second cause of death among women of childbearing age in all subregions of the country.

The second-largest cause of death in 1989 was heart diseases with 13.7 per cent.

The third cause was homicide, which rose from 6.2 per cent in 1984 to 11 per cent in 1989.

Cerebrovascular diseases, which had the same relative weight in 1989 as in 1984, namely 6.4 per cent, dropped from third to fourth place.

In fifth place were other accidents apart from those caused by automobiles, with 5.6 per cent. In Bogotá, they represented 11.8 per cent of total deaths of women aged between 15 and 49.

Sixth place was held by abortions and obstetric causes with 5.4 per cent. These affect the less developed departments, representing 9.3 per cent in Tolima-Huila-Caquetá, 8.6 per cent in Chocó-Cauca-Nariño, 7.1 per cent in Boyacá-Cundanimarca-Meta, 6.2 per cent in Guajira-Cesar-Magdalena and 5.2 per cent in the rest of the Atlantic region. By contrast, in Valle they represented only 3.3 per cent, in Old Caldas 2.8 per cent and in Antioquia and the Santanders 4.1 per cent.

Seventh among the causes were transport accidents with 4.7 per cent.

The eighth cause was diseases of the respiratory apparatus with 4.3 per cent.

Violence has produced an imbalance between the sexes and has affected the young adult population more. It is estimated that for every women murdered there were 5.2 men who died a violent death; more than 70 per cent of the latter were between 25 and 44 years old.

Both the EPDS of 1986 and that of 1990 also obtained low rates: in 1986 the figure was the same in both urban and rural zones, namely, 38 per 1,000; in 1990 the rural rate was 23 per 1,000, lower than the urban rate of 29 per 1,000. Up to 1980 the rural rate was approximately 30 per cent higher than the urban rate. Preserving this differential and using the indirect method it can be stated that the infantile mortality rate in the rural zone in 1990 was possibly 36 per 1,000 whereas the urban rate was 28 per 1,000, with a rate of 31 per 1,000 for the whole country.

The health indicators show substantial improvements since 1986. According to the results of the survey of Prevalence, Demography and Health of 1990 (EPDS 90) 83 per cent of mothers had received prenatal care while 25 per cent in the rural areas and 11 per cent in urban areas had not received care. Whereas 86 per cent of mothers in the urban areas were attended by doctors, only 68 per cent of mothers in rural areas received such medical attention.

57.7 per cent of rural women were vaccinated against tetanus during pregnancy and 41.4 per cent received no dose of that vaccine. Rural women were better covered than urban women: 52.9 per cent received vaccination and 46.1 per cent did not.

The proportion of children aged 12 to 23 months who received BCG vaccination according to the vaccination certificate or the report of the mother (93.8 per cent) was similar to that in the urban zone (93 per cent); the number of those vaccinated against measles (87 per cent) was greater than in the urban zone (78.3 per cent) but less children than in the urban zone received the third DTP (74.3 as compared with 84.4 per cent) or polio vaccination (74.8 as compared with 85.9 per cent).

NEONATAL, POST-NEONATAL, INFANTILE AND CHILD MORTALITY, BY RESIDENCE
1980-1990

	AREA OF RESIDENCE		
	URBAN	RURAL	TOTAL
Neonatal	16.3	13.0	15.2
Post-neonatal	12.8	9.8	11.8
Infantile	29.1	22.8	26.9
Child	7.1	10.5	8.2
< 5 years	36.0	33.0	34.9

Source: EDPS, PROFAMILIA. 1990

At present, the rural population is covered by agencies basically providing out-patient care that are located in rural zones and in settlements with less than 2,500 inhabitants.

HEALTH AGENCIES PROVIDING EXCLUSIVELY OUT-PATIENT CARE
COLOMBIA 1987

Health centres	765
Health posts	2,466
Mobile units and others	30

Source: Ministry of Health, Health Information Subsystem

AVAILABILITY, UTILIZATION AND PERFORMANCE
OF INSTITUTIONAL FACILITIES FOR HOSPITAL CARE
AT THE LOCAL LEVEL 1987

No. of institutions	523.0
No. of beds available	11,070.0
Total hospital discharges	462,677.0
Discharges per bed	41.8
Average stay	3.5
Rate of occupancy	40.8
No. of local medical consultations	5,796,884.0
Medical consultations per discharge from hospital	12.5
No. of dental consultations	842,467

Note: The figures specify neither how many agencies are located in settlements with less than 2,500 inhabitants nor the distribution of the services rendered to the urban and rural population. The hospital agencies at the local level cover and assist the out-patient services in the rural area. Figures for the regional, university and specialized agencies have not been included. (Rodriguez, Mora *La situación de la salud de la población rural - The health situation of the rural population*, ISS 1990)

The rate of rural fertility in the period 1987-1990 was estimated at 3.8 children per woman (EDPS 1990) as compared with an urban rate of 2.5. The rural rate was half of the figure for the period 1960-1964 when it had been estimated at 7.9 children (Elkins: 1973). In 1976, the number of children was 5.8 (Hobcraft: 1980), in 1980 5.1 (Ochoa, 1981) and in 1985 4.5 children (PROFAMILIA, 1990). The greatest decreases occurred among women over 25, but the reduction in rates among women under 20 was also substantial (Ordóñez).

The crude birth rate is now 27 births per 1,000 rural inhabitants and the general fertility rate is 136 births per 1,000 women of childbearing age.

The decrease in fertility in rural zones has been attributed to the greater participation of women in the labour force and to greater acceptance of family planning programmes (Ordóñez. Id.).

The most important determining factor in the decrease in fertility has been the use of contraceptive methods among the rural population. Between 1969 and 1990, knowledge of such methods in this zone increased from 36 to 100 per cent and use by women at present living in unions

rose from 10 to 60 per cent. Female sterilization is now the first method used, with 21 per cent, followed by 13 per cent on the pill, 8 per cent with intra-uterine devices, 6 per cent [other] devices, 5 per cent abstinence, 2.7 per cent condom, 2.2 per cent injection and 1.1 per cent vaginal methods. The lowest rates of use are in the Atlantic Coast (Ordóñez. Id.).

CONTRACEPTIVE METHOD USED

	AREA OF RESIDENCE		
	URBAN	RURAL	TOTAL
■ Any method	69.1	59.1	66.1
■ Any modern method	57.6	47.5	54.6
■ Pill	14.7	12.8	14.1
■ IUD	14.1	8.2	12.4
■ Injection	2.6	1.4	2.2
■ Vaginal	1.9	1.1	1.7
■ Condom	2.9	2.7	2.9
■ Female sterilization	20.9	20.9	20.9
■ Male sterilization	0.6	0.3	0.5

Source: EDPS, PROFAMILIA. 1990

With regard to the availability of family planning services, the survey on Prevalence, Demography and Health, EPDS 1990, investigated the time taken to reach source of supply for family planning facilities: over 90 per cent knew where information on methods can be obtained. 40 per cent of all urban users of the methods took less than 15 minutes to reach the place where they can obtain supplies; 19 per cent took between a quarter of an hour and half an hour; one in five took between half an hour and one hour and only 17 per cent took more than one hour. The times were naturally greater in rural areas, where 42 per cent took more than an hour; nevertheless 29 per cent of users had almost immediate access, being less than half an hour from sources of supply.

- EDUCATION

The average educational level of women in the rural sector is similar to that of men, but in general is still very low. Recently (1990) it was found that there is a somewhat better educational level among women than men owing to the great incidence of drop-outs for work reasons.

The educational level of the rural population has improved in recent years. The population over 5 years old without any education dropped from almost 50 per cent in 1964 to 39 per cent in 1973, 27 per cent in 1985, 22 per cent in 1988 and 15 per cent in 1990.

Persons with secondary education, who accounted for only 1.3 per cent in 1984, already represented 8.8 per cent in 1985 and 12 per cent in 1990. In the latter year, however, the average time spent in education was scarcely 3.2 years, as against 5.8 years in urban areas.

The female rural population (over 5) had in 1990 an average of 3.2 years of education, as against 5.8 in urban areas. Among rural women there were 13.9 per cent without education as compared with 6.3 per

cent of the female urban population. 60 per cent had some primary education as compared with 40.2 per cent of the female urban population. 12.9 per cent had some secondary education (35 per cent for urban women) and 0.5 per cent higher education, as compared with 7.5 per cent at this educational level among urban women (EDPS. 1990, p. 22).

PERCENTAGE DISTRIBUTION OF THE FEMALE POPULATION
OLDER THAN 5 YEARS IN HOUSEHOLDS BY EDUCATIONAL LEVEL
AND BY ZONE OF RESIDENCE

	URBAN	RURAL	TOTAL
■ No education	6.3	13.9	8.6
■ Primary	40.2	60.0	46.1
■ Secondary	35.4	12.9	28.8
■ Higher or more	7.5	0.5	5.4
■ No reply/ Don't know	10.5	12.7	11.1
■ Intermediate education	5.8	3.2	5.3

Source: EDPS, PROFAMILIA. 1990

In 1990, 16 per cent of men and 14 per cent of women had no education. (Ordóñez. Id.)

— LAND TENURE

With regard to land tenure, only after the adoption of Law 30 of 1988 on agrarian reform was it permissible to award land to women on an independent basis. The Colombian Institute of Agrarian Reform (INCORA) registered that 20,102 hectares had been awarded to 2,573 female beneficiaries at the national level by the end of 1988. In 1991, women were included on the basis of equal rights to apply for and be awarded plots of land (Article 1, Agreement 11). In addition, 10 points are granted to peasant mothers who are heads of households, have no land and are victims of violence. Women are also included in the Selection Committee and are given third place in the priority for awards.

It was established that title deeds made out in the name of the man can be extended to the spouse or permanent cohabitee with whom the man shares responsibility for children.

The rural development policy for peasant women provides that the Ministry of Agriculture and INCORA shall implement Law 30 of 1989 to guarantee fully that peasant women should share title deeds with their partners, even in *de facto* unions. Women who are heads of household and live alone must also enjoy this guarantee. INCORA will have to present an annual report on land distributed among women on a joint or additional basis.

INCORA guarantees the participation of organizations of rural women and/or representatives of the Women's Committees or Secretariats of the principal peasant organizations, where they exist, in Consultative Committees on Agrarian Reform and similar committees that are set up, as additional representation for peasant organizations.

PARTICIPATION OF RURAL WOMEN IN THE UTILIZATION OF
AGRARIAN BANK CREDIT ACCORDING TO THE RESULTS OF THE
20-YEAR SURVEY OF CREDIT USERS (1970-1989)

REGION 1/	% bureaux surveyed	% participation by rural women
CENTRAL	61.5	15.5
NORTH-WESTERN	77.6	22.3
NORTH	61.2	7.5
EASTERN	85.1	12.7
SOUTHERN ANDEAN	77.9	10.4
SOUTH-WESTERN	61.9	12.1
NATIONAL	85.0	14.3

Scope of the survey: 750 bureaux, representing 85 per cent of the national total. The Agrarian Bank covers 87 per cent of the municipalities in the country.

1/ In no cases were bureaux in the capital cities included.

Source: Agrarian Bank, 20-year survey of credit users (1970-1989).

The draft law creating the National System of Agrarian Reform and enacting other provisions on the subject is adjusted to the constitutional provisions that recognize the natural family as having equal status with the family based on marriage, thus establishing the legal conditions for elimination of discrimination against women based on civil status. With regard to land tenure, the benefits of the law were extended to the permanent female cohabitee (Article 68 and 70). Furthermore, the law provides for participation by the National Association of Peasant and Indigenous Women (ANMUCIC) in the National Consultative Committee, which is the organization for participation by the peasant and indigenous community that will assist the Board of Management and the General Manager of the Colombian Institute of Agrarian Reform, INCORA. Other organizations with a substantial feminine component such as the National United Agricultural Trade Union Federation, FENSUAGRO, and the National Association of Peasant Users, ANUC, will also participate in the National Consultative Committee.

- COMMUNITY PARTICIPATION

The peasant organizations that take the lead in the process of demand for action by the State are traditionally masculine in their design and in the composition of their management organs.

In view of their day-to-day responsibilities and the intensity of their workload, women lack the time for appropriate and systematic institutional management action. That means that it is urgently necessary to revise the sexual division of domestic work and to make work by women more efficient in order to give them the time that they need in order to organize themselves and participate in a society that is increasingly decentralized and based on co-management.

There are four types of organizations, depending on the type of demands: agrarian trade unions, which basically concern themselves with labour conditions; the agrarian cooperative movement, which is directed towards the improvement of productivity and profitability;

and the peasant associations whose objective is comprehensive agrarian reform and the improvement of living conditions. A fourth type would be related to objectives of identity: ONIC, for example, is directed towards indigenous identity whereas ANMUCIC is devoted to pressing the claims of peasant and indigenous women. Rural women who represent these organizations are working jointly with the State bodies in processes of study and the formulation of proposals, which have not always been appreciated by the officials of the State.

It is estimated that ANMUCIC has 18,000 members and 20 departmental associations. The Training Fund, the Review Boards of INCORA, the HIMAT-INCORA agreement, the Rehabilitation Councils of PNR and the National Advisory Committee of Peasant Organizations of SENA participate directly in the Consultative Committees.

In reality, The Association is a "pluralist organization largely made up of women from other agrarian organizations such as ANDRI, FANAL, ACC, FENSUAGRO and various political groups. It carries out organizational, training, institutional coordination and communication activities. It is characterized by support for the specific organizational needs of women and has a strong training component oriented towards identifying the social framework of feminine subordination and to recognizing women's participation in the family, the community and the country. In this context, it has promoted training events on topics such as administrative decentralization, group leadership, agrarian policy, project formulation and community participation." (Bonilla and Rodriguez. Outside the fence, 1992).

"... The very process that the Association has followed has led it to radicalization and confrontation with other rural organizations that do not support the creation of specifically feminine organizations, because they consider them to be a potential divisive element in the family. However, at the moment, the association is present in 7 zones and 16 departments of the country, and 18,000 women are members of departmental and municipal organizations. The Association has achieved important results, for example:

- Achieving representation of ANMUCIC on the National and Regional Consultative Committees, in which decisions are taken on matters of agrarian policy; and
- Contributing to the definition of regulations related to the award of plots of land and the assignment of common land to women (Law 30 of 1988 on Agrarian Reform)." (Bonilla and Rodríguez, Outside the fence 1992.)

Rural women in the settlement zones, like all the other members of the population groups there, experience the most severe levels of poverty and the almost total absence of State services; these circumstances have been aggravated in recent years by political violence, the breakdown caused by the active presence of drug traffic - involving thousands of men and women in the cultivation and processing of illicit products - and owing to the difficulties of survival in tropical rain forest ecosystems, which are fragile and little understood in point of agricultural development (the Office of the Presidency "Outline for a Comprehensive Policy for Colombian Women").

The intervention of cooperatives is important in agricultural production, especially for coffee and other products.

NATIONAL TOTALS AND TOTAL AGRICULTURAL COOPERATIVES		
COFFEE:	National total	778,440
	Cooperatives	511,672
SORGHUM:	National total	171,700
	Cooperatives	153,797
COTTON:	National total	304,830
	Cooperatives	159,756
SOYA:	National total	130,800
	Cooperatives	44,121

Source: FINANCIACOOP

14.2 LEGISLATIVE OR OTHER MEASURES TO GUARANTEE EQUALITY OF OPPORTUNITY FOR RURAL WOMEN

Policy for peasant and indigenous women

The purpose of this policy, which was commenced in 1984, was to alter the conditions for the economic and social participation of peasant women in order to improve efficiency in production work, increase the supply of food and improve the quality of life of women and their families.

For the execution of the policy, strategies were used such as guaranteeing women access to land, credit, technical assistance and training; ensuring their participation in individual and associative production projects and promoting grass-roots organizations of peasant and indigenous women.

The National Policy for Peasant Women

This policy, which was approved by the National Council of Economic and Social Policy in May 1984, is intended to change the conditions for the participation of peasant women in production work by means of access to land, credit, technical assistance and training, adapting for that purpose the mechanisms by which the State bodies in the agricultural sector must provide their services.

The plan of action was implemented in two stages, the first in 1985, with the promotion and establishment of the Association of Peasant and Indigenous Women of Colombia - ANMUCIC - and the second with promotion of participation by women at decision-making levels. At present, support for territorial models for implementation of the policy for rural women is being promoted in three departments, Valle del Cauca, Bolívar and Antioquia, and the policy is being adapted in the departments of Boyacá and Santander.

THE NEW POLICY FOR THE EQUITABLE PARTICIPATION OF PEASANT AND INDIGENOUS WOMEN

This new policy, which is now under discussion, presents the outline of rural development policies for peasant and indigenous women in the framework of the Plan of the Peaceful Revolution, within the new content of economic openness and decentralization.

The 1984 policy focused its attention on peasant women in their capacity as producers of food and with regard to the effect that their contribution could have on food security in the country. At present, the Colombian rural sector has new characteristics; the new model of development whose central elements are economic openness and integration in the international market on conditions of free competition has the effect that the subject of rural women in development is being looked at from new conceptual viewpoints.

For example, the new general objective of the policy under discussion is to guarantee rural women, particularly peasants and indigenous women, the conditions and opportunities for equitable participation in the plans, programmes and projects defined in the macroeconomic and sectoral policies of the State, thereby promoting the coordination necessary for the improvement of their welfare and their effective involvement in the development of the peasant economy.

Project for the Organization and Training of Indigenous, Rural and Peasant Women

The Office for Peasant Affairs of the Ministry of Agriculture deals with special programmes for women, although this task is not clearly specified in its functions (Article 10, Decree 501). In relation to special projects for women, the Office for Peasant Affairs is in charge of coordinating the institutional committee for the adjustment of policy for women in the rural sector to environmental conditions, created by means of Resolution No. 06242 of 10 April 1992. The responsibility of this committee is the general direction of projects for the organization and training of indigenous, rural and peasant women.

The Women's Programme of the Colombian Agricultural Institute (ICA)

The Women's Programme of the Colombian Agricultural Institute (a body attached to the Ministry of Agriculture) has since 1986 promoted organized groups of women interested in improving family income, within the framework of the "Strategy for sub-regional rural development projects with emphasis on peasant women". The ICA was set up as one of the most important bodies for executing the National Policy for Rural Women formulated in 1984 and carries out projects to increase the participation of women in income-generating production projects.

The principal efforts of ICA have been concentrated from 1987 onwards on promoting production projects for peasant women, some of which are related to processes for the utilization and adaptation of technology, the improvement of housing and the strengthening of the organization and use of production technology.

At present ICA is carrying out projects co-financed by the DRI (Integral Rural Development Fund) to provide technical assistance and advice to about 290 groups of women in order to involve them in the production process, improve their participation in decision-making and strengthen their participation in the economic and social development of their communities.

In the framework of the decentralized process, ICA now has new functions and intends to operate the programme for peasant women through the Division of Technical Communication, Research and Communications Section. Efforts are made to guarantee the provision of technical training and advice to the personnel of the UMATAS (Municipal Technical Assistance Units) and other intermediary users executing production projects with peasant women and to develop methodologies for work by the execution of research projects in four cultural regions of the country.

Integrated Rural Development Fund (DRI)

This includes the peasant woman component which is aimed at promoting the participation of women in the utilization of all the services offered by the body. Traditionally, it will be directed to the greater linkage of supplementary services, such as credits, technical training and agro-industry, marketing and support for forms of organization by women, to their production activity. One of PDIC's specific responsibilities for women is to facilitate access by groups to support services for production and organization, such as credit, technical assistance and organizational and socio-entrepreneurial training, in order to increase the efficiency of production and guarantee the participation of women in the community development process. By means of direct contracting and free competition, help is now being given to approximately 425 associative groups with an average membership of 11.

The Colombian Institute of Agrarian Reform (INCORA)

Under Law 30 of 1988 on Agrarian Reform, INCORA recognized the National Association of Peasant and Indigenous women of Colombia -- ANMUCIC -- as a grass-roots organization on the same conditions as other peasant organizations, thus enabling it to gain access to the Consultative Committees of the body.

From 1989, the participation of women in production and marketing was strengthened, programmes for training and technical assistance were defined, credit was facilitated and action was coordinated with ANMUCIC.

At present the INCORA women's project is active in 17 municipalities and 6 departments in which the household improvement officers provide services to approximately 45 groups.

The Institutional Committee for Services to Rural Women has been set up; it is a management Committee including sub-managers supported in a technical committee for the definition of plans and programmes. In the agreement setting it up the conditions for services by INCORA to peasant women are formalized and all levels of the body -- legal, administrative and programme -- are made responsible for the inclusion of women as the target population.

Women are included with equality of rights to compete for and be awarded plots of land (Article 1, Agreement 11 of 1991). In addition 10 points are granted to peasant women who are mothers and heads of households, are without land and are victims of violence. Also, women are included as members of the Selection Committee and are granted third priority in awards.

It has been established that the title deeds awarded in the name of the man can be extended to the wife or permanent cohabitee with whom he shares responsibility for their children.

Natural Resources Development Institute (INDERENA)

A project has now been proposed for "Technical Assistance to Community Organizations for the Protection of the Environment in Colombia", which is intended to include groups of women's organizations involved in activities for the protection and proper management of renewable natural resources.

One of the specific objectives that should be stressed is the linkage of the project to policy for rural women, since it proposes strengthening action directed towards unprotected population groups with a low level of participation, special support being given to environmental groups involved in women's organizations and to women who are members of existing organizations.

This project will be in force for three years (1992, 1993 and 1994) and will be financed out of national resources contributed by that institution and other bodies on a shared basis.

The Presidential Programme for Youth, Women and the Family

Work is now being done on the "Comprehensive Policy for Women in Development" for priority services "to the poorest women in rural zones and to women who are heads of households."

This general framework and the Policy for Rural Development and the Peasant Economy, which is also under discussion, are the basis for the policy for rural women and the related plan of operation.

The Programme can not only support and convene meetings with the State bodies, the NGOs, the universities and research centres and peasant organizations, but also directly finances the following activities:

- Training and advice for family enterprises;
- Training for personal development;
- Support for access to services for housing and health care of children;
- People's kitchens and laundries;
- Agricultural production projects for rural women;
- Training for the exercise of democratic life.

In Colombia, the recognition of the gender dimension in the institutional framework is still at an early stage, although the country was a pioneer in Latin America in introducing the subject of women into policies for the agricultural sector, through the elaboration of the "Policy on the role of peasant women in agricultural development" of 1984.

In general there is a low level of participation by official bodies in the sector for improving the living conditions of peasant women. However, the awareness and degree of receptivity that already exist among some officials regarding this subject are significant, perhaps as a result of the efforts of the Office of the President of the Republic and the Ministry of Agriculture to open up areas for action for rural women. Before 1984, when the first policy for peasant women was

promulgated, the institutions operated almost exclusively with male users and, when women were included, they were not considered from the point of view of their productive work for the market or for own consumption but were regarded as housewives. Thereafter, it was a long time before the problem of peasant women permeated the operating structures of the bodies, which considered that they were complying with regulations for promoting peasant women and enhancing their efficiency. Finally, this process developed until policies were proposed, explicitly aimed at changing the cultural aspects that have additionally been reflected in discrimination and inequality between men and women.

The policy for the equitable participation of peasant and indigenous women provides for programmes of socio-economic improvement. This programme, which is coordinated by the Presidential Programme for Youth, Women and the Family, will include the following aspects:

- One aim of the programme "Health for Women, Women for Health", which will be executed by the Ministry of Health, will be to ensure that peasant and indigenous women should benefit from all the activities carried out in the framework of the plan.

- The programme of housing, water supply and sewage: The programme of subsidies for rural housing, associated with the water supply and sewage programmes of the DRI Fund and PNR and the municipalities, will provide special support for projects presented by groups of peasant women.

- The DRI Fund, INCORA and PNR will support projects for the construction or improvement of rural housing for households headed by women, for which purpose they will advise women on the submission of projects.

- The ICBF will promote and adapt its programme for Community Welfare Centres in the rural sector.

14.3 OBSTACLES

Specific information on women's programmes of agencies in the agricultural sector is in general meagre, scattered, incomplete and of low quality since in the majority of cases no analytical studies have been made that systematically set forth their own achievements and limitations.

Between 1978 and 1988 the rate of male participation in the rural economy increased very little, rising from 78.3 per cent to 79.6 per cent, as distinct from that of women, which rose from 17.9 per cent to 28.6 per cent, or about 5 per cent yearly. However, very great differences are still observed in participation by the two sexes, especially because women do not report that they have been working unless they have been earning wages. When a little investigation is carried out and the secondary and tertiary occupations are identified, this participation can be seen to increase. In any case, the traditional instruments for investigating rural work have many limitations, since they do not take into account the agricultural cycles that cause underemployment.

The data also underestimate the intensity of the use of women's time, because they cover only obliquely activities for the market and do not

make any reference to domestic work; the implication is that a very important part of the working time of women is not registered. This situation chiefly affects one out of every four women who are members of the labour market and are also housewives.

Domestic work demands more time and effort in the rural sector, especially in regions with developing economies and in backward regions, owing to housing conditions and the uncertain nature of public services, particularly with scattered populations. Furthermore, as has already been mentioned, domestic work also includes a number of activities the output of which is intended for the market or for the own consumption of food that otherwise would have to be purchased in the market.

Although the increase in the responsibilities of women outside the household is evident, the sex division of domestic labour has not changed appreciably, so that there is little cause to wonder at the intensive use made by peasant women of their available time.

More than half of the female population aged 10 and over engaged in household and other productive work that is not registered are classified as inactive. These women have longer working days because they rise earlier and go to bed later than their male cohabitants, in order to do domestic work and carry out their remunerated activities; a large proportion of them get no rest or rest only for a short time during the weekend.

Access by women to the factors of production is very limited:

- Only 11.2 per cent of the total of persons awarded land have been women and only 30 per cent of the owners of plots in the peasant economy are women. (Ministry of Agriculture, data from the Plan of Operations 1990/1992).
- Access to credit and technical assistance is also very limited, since women generally lack the necessary collateral (title deeds, rental contracts; land belonging to the male companion, etc.); also, very little technological research has been done on the branches of production in which women have recently become active.

ARTICLE 15 - EQUALITY BEFORE THE LAW

In the legal sphere, the "Outline for a Comprehensive Policy for Colombian Women", March 1991, drew attention to violence within the family, the lack of mechanisms and bodies for the reception of reports and the protection of women, discrimination against women in certain areas in some chapters of legislation - despite some great progress - to the lack of regulations and to deficiencies in the application of legal precepts. It stated that Assistance Officers for Women and the Family would be appointed and that the dissemination and issuance of regulations on Laws 51 of 1981, 11 of 1989 and all other necessary instruments would be expedited - including ratification of international conventions, basically originating from ILO, and the revision of the Civil, Labour and Penal Codes - with the participation of the Office of the President of the Republic, the Ministries of Labour and Justice, ICBF, the Municipalities, the Attorney-General and the NGOs.

The recent "Social Policy for Young People and Women" intends to promote the institution of the Family Assistance Officers as part of the essential strategy for dealing with problems of violence within the family and for supporting the generation of a culture of tolerance. The Presidential Programme for Youth, Women and the Family will train officials in specialized and comprehensive care for the victims of violence within the family and for children who are in any type of irregular situation.

15.1 THE PRESENT SITUATION

According to the Constitution and the laws, women in Colombia have free access to the administration of justice; they can institute lawsuits in any matter in their own name or through attorneys, when so required by law, because of the amounts or matters involved. In November 1992 the Ministry of Justice reported that there were 62,182 lawyers in the country, of whom 24,378 were women (39.20 per cent); women can serve on juries; their testimony has the same weight as that of men; they can have access on the same conditions as men to legal services and can obtain free assistance where this is available; they can conclude any type of civil, commercial, administrative and labour contracts; they may freely administer their property, including such items as are part of the communal community and appear in their name. There is no discrimination against them or any legal inequality on grounds of sex; they can be executrices of wills; they can move freely inside and outside the national territory; they choose the conjugal domicile by agreement with their spouses; and, finally, they can carry out all legal acts or engage in any activities that they wish, without legal limitations.

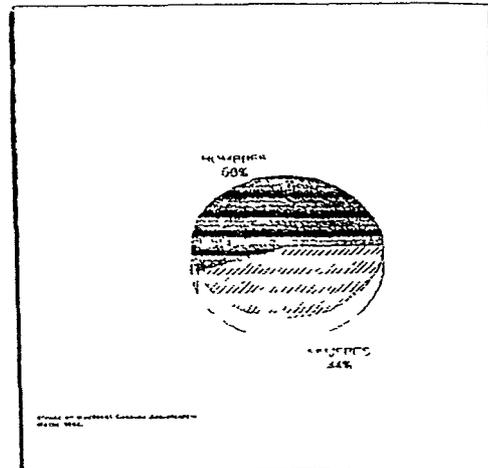
In view of the high level of participation by women in the justice system, basically as judges, and as there are no women in the Constitutional Court, the Supreme Court of Justice or the Supreme Council of the Judicature, and since there is only one in the Council of State, it is worth pointing out what happened in December 1991, when the last of the seven provisional judges of the Constitutional Court was appointed.

Under a transitional provision, the election took place in the following manner. The President of the Republic nominated three judges and the Supreme Court of Justice and the Council of State one each;

those five judges elected the other two. The six judges elected the seventh, who was also a man. Some judges, a minority, distanced themselves from this decision and individually went on the record as protesting against the exclusion of women. That was the first time that such type of declaration was made.

"In the event of equality of votes between a man and a women candidate - it was then stated - the tendency must be to elect the woman because she is in a situation of inferior opportunity." (Constitutional Court, Document No. 1, December 1991, quoted by Nestor Raúl Correa in the article "Democratic winds in the new methodology of the Constitutional Court of Colombia." Magazine *El otro derecho* No. 11 ILSA Bogotá 1992).

BREAKDOWN OF JUDICIAL BRANCH OFFICIALS - JUDGES OF THE REPUBLIC



Finally, with regard to the rights of women prisoners, Resolution 619 of 3 October 1989 of the Director-General of Prisons authorized for the first time visits by spouses to women's prisons in the country. However, women are subjected to a series of discriminatory legal requirements. For instance, this privilege is granted only to women serving a confirmed sentence who can also prove their civil status as married women; alternatively, the declarations of two witnesses are required who certify that the visitor is the permanent cohabitee. This requirement is not made for male prisoners.

15.2 LEGISLATIVE OR OTHER MEASURES TO GUARANTEE EQUALITY

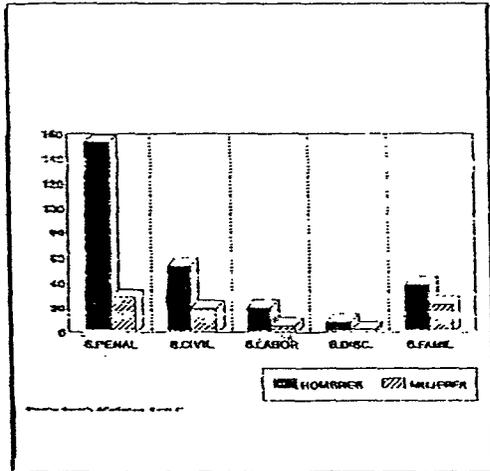
The Political Constitution of Colombia

The Political Constitution of Colombia expressly declares in Article 40 the legal equality of women and of women before the law and rejects any type of discrimination against women.

Article 43 states: "Women and men have equal rights and opportunities. Women may not be subjected to any type of discrimination. During pregnancy and after childbirth women shall enjoy special assistance and protection from the State and shall receive food subsidies from the latter if they are then unemployed or unprotected. The State shall give special support to women who are heads of families."

Article 13 states: "All persons are born free and equal before the law and shall receive the same protection and treatment from the authorities and shall enjoy the same rights, liberties and opportunities without any discrimination on grounds of sex, race, national or family origin, language, religion, political or philosophical opinion. The State shall promote conditions to ensure real and effective equality and shall adopt measures for the benefit of groups that are discriminated against or marginalized."

BREAKDOWN OF JUDICIAL BRANCH OFFICIALS, BY SEX COURT MAGISTRATES



Article 40 establishes the equality of all citizens in the exercise of political power, providing in the final paragraph that "the authorities shall guarantee the appropriate and effective participation of women at decision-making levels of the public administration"; that is a ratification of the constitutional reform of 1936, which provided in one of its Articles: "The authorities shall guarantee the appropriate and effective participation of women at the decision-making levels of the public administration."

Article 42 provides that the family is established by the free will of a man and a woman to contract marriage or their

responsible will to set up a family.

Article 53 speaks of the equality of rights for workers and enunciates the fundamental minimum principles within which the final part of Paragraph 20 specifically establishes special protection for women.

Legal mechanisms

In general terms, Colombian women have acquired equality before the law in all aspects. It is worth while to analyse the mechanisms available to them for asserting these rights.

The Code of Civil Procedure establishes the general principle that the civil justice services provided by the State are free, without any discrimination. This principle has been extended to labour, penal and administrative justice.

The Code of Penal Procedure, in Article 10, in accordance with Article 29 of the National Constitution, establishes the right of defence during the investigation and trial of any person accused of an offence, by means of an attorney chosen by that person or *ex officio*.

Indigent persons can have access to the legal consultants of the universities, as regulated by Article 30 of Decree 196 of 1971, but the latter's sphere of competence is very restricted.

Such consultants can act in the following cases: a) Penal actions tried by municipal judges and police authorities; b) Labour actions in courts from which there is no appeal and administrative conciliation action in labour matters; c) Civil suits tried by municipal judges in courts from which there is no appeal; and c) *Ex officio* in any penal action as attorney or defence counsel in hearings.

Decree 2272 of 1989 reformed civil procedure creating family jurisdiction, with family judges and family divisions in the higher courts.

By Decree 2737 of 1989, the Procurator Delegate for Children and the Family and Permanent Family Assistance Officers were appointed as part of the National System for Family Welfare, with the function of protecting children in irregular situations and in cases of family conflicts. The functions of the former so-called Children's Defenders have been expanded and as from the entry into force of the decree they have been renamed Family Defenders. They have *inter alia* the following functions: 1) Intervention on behalf of the family as an institution and of children in judicial and extrajudicial matters; 2) Assistance to juvenile offenders in proceedings before the competent judge and the submission of petitions that they consider conducive to their rehabilitation; 3) Citation of the putative father in order to secure the voluntary recognition of children born outside of marriage; 4) When there is no judicial process, approval with binding effect of conciliation between spouses, parents and other family members with the capacity to take provisional measures if conciliation breaks down in cases of fixing separate residences, fixing security deposits to be paid by spouses, alimony between spouses when there are children, custody and care of children, parents or grandparents and alimony between them, regulation of visits, upbringing and protection of children; 5) Hearing and deciding on cases related to children in irregular situations; 6) Granting of permits to enable children to leave the country; 7) Presentation of criminal charges related to the commission of offences against minors; 8) Authorization of the adoption of minors; 9) Requests for the civil registration of minors in irregular situations; 10) Requests for examinations for proof of paternity; 11) Requests for information from private and public institutions for the better exercise of its functions; 12) Authorization of the sale of real estate; and, in general, intervention for the defence of the rights of minors.

Family Assistance Officers

The functions of the Family Assistance Officers are indicated in Articles 295-299 of Decree 2737/89; they operate in the sphere of police work. They can receive complaints or reports on any aspects related to family conflicts, for the purposes of prevention, can deal with requests for the protection of children, especially in cases of maltreatment and exploitation, and can deal with cases of family violence, taking the urgent measures necessary, while referring the matter to the competent authority.

There is a project for regulation of their operations, specifying their intervention, particularly with regard to the support that they must render in cases of violence within the family.

At present 59 Family Assistance Officers are in service, 20 of them in capitals of departments and 39 in other municipalities (Colombia has 1,110 municipalities); of these 35 officials are women, and 24 are men. There are no statistics regarding their activities, but many complaints have been dealt with. Their budget depends on the municipal offices, which have not given them due support. The Presidential Programme for Youth, Women and the Family has organized awareness workshops with Family Assistance personnel.

The Public Defender

The Office of the Public Defender was also created by the Constitution of 1991 in Articles 118, 178 #1, 281 and 282, for the promotion, dissemination and exercise of human rights. It is an institution that is responsible to the Attorney-General's Office but has administrative autonomy and its own resources. The Public Defender is elected by the Chamber of Representatives and at regional level the Regional Defenders can delegate functions to municipal legal officers. The Public Defender is responsible for the practical application of all the judicial mechanisms for the protection of rights such as protective action by the court, people's actions, action for compliance with or invocation of the right of habeas corpus. He can present draft legislation for promoting rights for progressive development such as social, economic and cultural rights and rights of communities, because such rights are so novel that special promotion measures are needed.

The Defender can require information from the authorities on the fulfilment of their functions and can suggest to the administration that it change practices or carry out reforms and can compel private organizations to abstain from denying rights. He can also monitor the protection of rights in relations between private individuals.

He is also responsible for constructing a culture of tolerance and mutual respect by means of educational work.

His office is non-political and independent of the traditional power structure. The Office of the Defender is an open and informal institution that grants legal support free of charge to the most vulnerable and needy sectors of the population.

This institution began operations at the beginning of 1992 but at present there are no statistics on the work carried out.

15.3 LEGAL AND PRACTICAL OBSTACLES IN ACHIEVING THE AIMS OF THE CONVENTION:

The progress of Colombian legislation with regard to equal rights for women is well known. The laws declare general principles but deficiencies remain with regard to their implementation. There is no doubt of the equal rights of women before the law, but the adoption of measures that would assure women the equality of opportunities that is enshrined in the Constitution and the full exercise of their rights is still outstanding. It is also necessary to revise Decree 1389 of 1990, which regulates the law approving the Convention, since it lacks mechanisms to make it operative.

Free facilities are available in Colombia to enable women to exercise their rights but, unfortunately, not all women can make use of them owing to the inadequate coverage of such facilities and because the primary aspect at the institutional level of the family is the needs of children.

Though women have the same rights as men in Colombia there are factors militating against them that prevent the full exercise of those rights, such as socio-cultural patterns, according to which women are considered in their reproductive role, their principal function being to bring up children and look after the household, while their rights as an independent human beings, with needs and projections of their own personality are ignored and they are related directly to the concept of the family.

Furthermore, the situation of economic inferiority of many women prevents them from the full exercise of their rights by means of paid legal representation, so that they have to use free services, which are not sufficient to cover the entire population that requires them, in addition to the fact that there are limitations regarding the amounts and matters for which legal consultants are competent or the difficulties of State agencies such as ICFE, which limit their action to cases in which children are involved.

ARTICLE 16 - MARRIAGE AND FAMILY LAW

The "Outline for a Comprehensive Policy for Colombian Women" of March 1991 drew attention in the context of care for the family to the multiple working day of women, the inadequacy and unsuitability of housing, services and space for domestic work; the lack of property titles and ignorance regarding housing tenure; the low level of technology and the length of the working day in domestic work and the inadequacy of water and fuel supplies.

16.1 THE PRESENT SITUATION OF WOMEN

Laws and administrative provisions still exist that are openly discriminatory, such as Article 63 and 64 of Law 153/1887.

Article 63 says: "It is the responsibility of the mother to care personally for children under 5 without distinction of sex and for children of all ages. Nevertheless, women shall not be entrusted with the care of children of whatever age or sex when the depravity of the mother gives reason to fear that they will become perverted. In that case or if the woman is incapacitated for another reason, the personal care of all the children may be entrusted to the father who has legally acknowledged paternity."

Article 64 of the same Law 153 provides: "The father shall be responsible for the personal care of boys over five years old whom he has acknowledged in conformity with the law unless, owing to the depravity of the father or for other causes of disability, the judge should prefer to entrust them to the mother." These regulations have not been expressly repealed.

For their part, the technical and administrative regulations of the Colombian Family Welfare Institute, draft law on adoption, of December 1983 established the criteria for selection of adoptive parents in the following terms: "Although it was previously stated that a couple must be preferred, there has been excellent experience with single women, emotionally, when older children or physically disabled children are assigned to them. In the choice between not having a home or having a home with only a mother, the latter is preferable."

In the same regulations, the employment of the adoptive mother is a criterion for selection, which ultimately is a discriminatory criterion *vis-à-vis* men, since it is not applied to the latter: "In the social study (of the couple) the employment of the adoptive mother and her working day should always be clarified. In the case of adolescent children it is necessary to specify who will take care of them when the mother is at work. Small children should not be assigned to working mothers who do not have the time to look after babies."

With regard to adoptions, it is worth while to quote the figures for 1989, in which the adoption of 1,860 boys and 1,830 girls was authorized. 838 children were entrusted to Colombian parents and 2,116 to foreigners; 51.8 per cent left for Europe, 18.9 per cent for the United States and 27.7 per cent remained in Colombia.

The researchers Lucero Zamudio and Norma Rubiano in their study "Conjugal separation in Colombia - External University of Colombia", Bogotá 1991, consider that the institution of the family in Colombia is undergoing important changes as a result of the increase and frequency

of conjugal separations and the decreasing number of unions between couples. They state that these changes are occurring in all regions and socio-economic strata of the country.

They say that Catholic marriage subjected to family, social and religious control had difficulty in meeting the social reaction of separation. However, as a result of later openness, especially as from the 1960s, Catholic marriages went through a crisis, so much so that at the moment they show a slightly greater tendency to instability than free unions. The rate of separation of such marriages has grown from 8.2 per cent in the generation now aged between 70 and 74 to 20 per cent in the generation now aged between 25 and 30, which implies an annual growth rate of 3.6 per cent.

INCIDENCE OF SEPARATION A MENSA ET THORO 1987-1990
IN ALL JURISDICTIONS

	DIVORCE	SEPARATION A MENSA	SEPARATION A THORO	LIQUIDATION OF CONJUGAL COMMUNITY FOR CAUSES OTHER THAN DEATH
1984	2,035	13,964	6,794	2,650
1985	2,195	14,986	7,635	2,635
1987	2,433	16,986	8,976	2,684
1988	2,855	17,448	10,027	2,693
1989	3,202	18,448	11,114	2,737

Source: *Colombia Estadística* 1989 (p. 523) DANE

These data were provided for the beginning of the year.

CASES INITIATED OR REINITIATED
IN THE COURTS FOR MINORS *

			TOTAL	%
C	INVESTIGATION	Demand	3,690	12.0
	OF PATERNITY	Minors	4,074	9.0
I	IMPUGNATION OF	Demand	801	2.4
	PRESUMED	Minors	1,025	2.4
V	PATERNITY	Demand	20,273	6.5
	ALIMONY	Minors	30,505	67.4
I	EXECUTION FOR	Demand	775	2.4
	ALIMONY	Minors	1,026	2.4
L	SUSPENSION OF	Demand	2,083	6.6
	PARENTAL	Minors	3,084	6.8
	AUTHORITY OR	Demand	797	2.5
	GUARDIANSHIP	Minors	1,125	2.4
	RESTORATION OF	Demand	2,954	9.4
	PARENTAL	Minors	4,365	9.6
	AUTHORITY OR	Demand	31,373	
	GUARDIANSHIP	Minors	45,204	
	PROVISION OF			
	GUARDIANS			
	TOTAL CIVIL			
	CASES			

* Now Family Courts

Source: ICBF Planning Office, Statistics Section
Development in Courts for Minors, Bogota, August 1990

DECISIONS ADOPTED

(JUDGMENTS AND PROVISIONAL MEASURES)
IN CIVIL COURTS FOR MINORS *

DECISIONS	TOTAL	%
Alimony order	8,586	36.5
Not required to pay alimony	850	3.5
Increase of alimony	2,815	11.5
Decrease of alimony	946	3.5
Declaration of paternity made	1,481	6.0
Declaration of paternity denied	425	1.8
Custody granted to the father	343	1.5
Custody granted to the mother	301	1.5
Custody granted to family members	404	1.6
Custody granted to other persons	178	0.7
Suspension of father's parental authority	210	0.8
Suspension of mother's parental authority	237	0.9
Adoptions decreed	2,382	9.8
Adoptions refused	224	0.9
Other decisions and provisional measures	4,729	19.5

Now Family Courts

Source: Preparation of statistics "Developments in Courts for Minors 1989". Bogota, June 1990.

16.2 LEGISLATIVE OR OTHER MEASURES TO GUARANTEE EQUALITY IN THE FAMILY

Article 6 of Decree 999 of 1988, which replaced Article 94 of Decree 1260/70, provided: "Married women can by public written statement add or remove the surname of the husband preceded by the preposition 'de' in cases in which they have adopted it or it has been established by law".

Law 54 of 1990 defined *de facto* marital unions and the regime of property among permanent cohabitants. That law came into effect from the date of its promulgation (31 December 1990) was not retro-active in effect and regulated only *de facto* marital unions that came about as from 31 December 1990. With regard to previous marital unions, it would be necessary to demonstrate their existence in an ordinary action based on the practice of the Supreme Court regarding a *de facto* community between concubines, in which it is necessary to demonstrate the existence of a *de facto* commercial company or of a labour contract or to prove that the property of the male cohabitant is increased at the expense of the woman (enrichment without just cause).

According to the law in force the conditions required for the existence of a *de facto* marital union are that the following requirements be met: a marital union between a man and a woman; that the said man and woman are not married to others or that if they have been married they have liquidated the conjugal community; that they maintain a permanent and monogamous community of life; and that the persons who make up the union refer to themselves as permanent cohabitants (*compañero* and *compañera*).

The community of property between permanent cohabitants consists of all the goods acquired against valuable consideration during the existence

of the *de facto* marital union, including the product of work, and mutual aid and assistance.

The regulation of the property regime of *de facto* marital unions was necessary because the existing situation was in practice highly prejudicial to the woman, who lacked any legal protection in claiming half of the property which she had helped to establish. It was intended to remedy an injustice since a large proportion of the population lives in *de facto* unions and it was unjust to continue ignoring that social reality.

A draft law is now under consideration for the amendment of Law 54 of 1990, improving its content and remedying some of the gaps both of substance and of a practical nature that were contained in that law. The proposed reform assimilates the property regime of the *de facto* union to that of marriages, referring expressly to the existing laws on the establishment, dissolution and liquidation of the conjugal community. It establishes for example a presumption of this union for purposes of property matters since it will be possible to make such a declaration judicially merely on grounds of stable and monogamous cohabitation of the permanent cohabitantes for two years continuously and since it expressly covers unions established before the entry into force of Law 54/90.

On this subject, the protective action decided on by the Constitutional Court on 12 August 1992 is most important; that decision recognized that domestic work constitutes a contribution to the conjugal community and deserves recognition. The court took the view that, however invisible they may seem, the tasks of washing clothes, ironing, tidying the house and even care of the cohabitee have great significance in the so-called market economy. Up to that date the high courts and judicial corporations had scarcely regarded the community formed by husband and wife, the money and other goods considered relevant in the market as a contribution.

On calling this approach in question, the Constitutional Court considered that this restrictive vision of the contribution of women "aggravates and deepens the inequality and injustice in social relations, makes economic development inequitable and fundamental rights vulnerable."

This judgment recognized for a female cohabitee the temporary possession of a dwelling erected and cared for thanks to her joint work with her cohabitee.

In granting protection, the Constitutional Court ordered the suspension of the delivery of the dwelling to the heir (the sister of the plaintiff), taking the view that the woman had contributed at least her domestic work throughout 24 years of marital life.

Disregarding this joint effort would imply a clear violation of the rights to equality and non-discrimination, in the words of the court.

The substantive part of the judgment ordered: "The constitutional doctrine pronounced in this judgment shall be mandatory in nature for the authorities in the terms of Article 23 of Decree 2591 of 1991 (Regulating protective action by the court) in all cases similar in facts and circumstances to the present one, provided that domestic work really exists in the relations between man and woman."

The existing discrimination, which prevented women from granting power to contract marriage, was abolished with the adoption of Law 57 of 1990. This law provides: "Marriage can be contracted not only when both contracting parties are present but also by means of special power of attorney established before a notary public by the absent contracting party, and the power of attorney must mention the name of the man or the woman with whom marriage is to be contracted. The power is revocable, but revocation will not take effect if it is not notified to the other contracting party before the marriage is contracted."

Law 25 of 17 December 1992, the Divorce Law, covers matters similar to civil marriage and regulates Article 42 of the National Constitution.

Thus, the civil effects of any marriage are regulated, therefore including those of Catholic marriages. Accordingly, persons who obtain a divorce can again contract marriage, but only a civil marriage.

Until the new Constitution was adopted, the Colombian State recognized only the civil effects of Catholic religious marriages, in accordance with the Concordat. At present, the civil effects of unions contracted under other rites are also recognized if the respective religious groups or confessions are duly registered with the State.

The grounds of divorce are: extra-marital sexual relations, provided they have not been agreed to, facilitated or forgiven by the plaintiff; serious and unjustified non-fulfilment by either of the spouses; outrage and cruel treatment; the habitual use of hallucinogens, except on medical prescription; serious and incurable physical or psychic disease or abnormality of one of the spouses which exposes the other to danger and the impossibility of maintaining the matrimonial community; any conduct by one of the spouses tending to corrupt or pervert the other or a descendant or persons under their care and living under the same roof; judicial or *de facto* separation *a thoro* which has lasted for more than two years; the consent of both spouses manifested before a judge and recognized by the latter through a judgment.

16.3 PROGRAMMES OR POLICIES AIMED AT ENSURING EQUALITY

At present three drafts are being discussed in Congress concerning the family: the reform of Law 54/90, which regulates the regime of property between permanent cohabitantes, already mentioned, and the law for support to women who are heads of families, which develops Article 43 of the National Constitution.

16.4 OBSTACLES

Despite the provisions of the law, as Ana Rico states: "The obstacles that prevent women from making effective the equality granted to them by law with regard to marriage and the family are of many kinds. On the one hand, ignorance among women concerning many aspects of the external world leads to their failure to recognize their rights concerning goods, wages, property and even authority over their children." She adds: "The collective construction of culture identifies reason and authority with the man and emotion and permissiveness with the woman, as a consequence of the roles played within the family. *De facto*, the most repressive and even most dangerous figures in society are men. The functions of vigilance and repression are exercised in the majority of cases by men. On the male side there is force, control, brutality. Feminine figures are

associated with motherhood, protection and tenderness. At the internal level of family relations there is a nominal exercise of authority along those lines: The father is in effect the personification of power, the sphere of important decisions, the imposition of drastic and extraordinary punishment. The mother takes care of the day-to-day decisions, day-to-day punishments and what society, the family and they themselves consider as unimportant." (Taken from the article *Democracia, Familia y Mujer* - Democracy the Family and Women - published in the Profamilia Review No. 16, Bogotá, June 1990).

Owing to the prevailing system of the free administration of the goods in the conjugal community and as a relic of the marital authority that existed up to 1932, goods acquired during marriage are often registered in the name of the spouses, who can each dispose of them and administer them freely without the consent of the other spouse, without there being any law to prohibit them from doing so.

In not a few cases the result is that the woman is unprotected in property matters since this liberty of disposition on the part of each of the spouses makes it possible for the conjugal goods to be dispersed or absolutely disposed of without the consent of the other party.

The performance of ill-paid work and instability of employment, unemployment and the sharp sexual division concerning domestic work and care of the children, the high separation rates, unstable unions, single mothers and widowhood contribute to the pauperization of these family nuclei and to the reproduction of the vicious circle of poverty from generation to generation. Minimum attendance in the educational system, lack of family solidarity networks and of alternatives for participation in various spheres of social life explain why sexual unions are entered into at a very early age: sexual subordination to men and the low rate of use of contraceptives result in large numbers of children, fragmenting even more the scarce economic resources which are in many cases generated only by the work of the mother.

Irresponsible fatherhood, legal and bureaucratic incapacity in the application of the law for protection of the family and even ignorance on the part of the mother of her rights and those of her children contribute to increasing the already heavy burdens of survival that are borne by the poorest families.

ARTICLE 17 - VIOLENCE AGAINST WOMEN

In the legal sphere, the "Outline for a Comprehensive Policy for Colombian Women", March 1991, drew attention to violence within the family, the lack of mechanisms and bodies for the reception of reports and the protection of women, discrimination against women in certain areas in some chapters of legislation - despite some great progress - the lack of regulations and deficiencies in the application of legal precepts. It stated that Assistance Officers for Women and the Family would be appointed and that the dissemination and issuance of regulations on Laws 51 of 1981, 11 of 1989 and all other necessary instruments would be expedited - including ratification of international conventions, basically originating from ILO, and the revision of the Civil, Labour and Penal Codes - with the participation of the Office of the President of the Republic, the Ministries of Labour and Justice, ICBF, the Municipalities, the Attorney-General and the NGOs.

The recent "Social Policy for Young People and Women" intends to promote the institution of the Family Assistance Officers as part of the essential strategy for dealing with problems of violence within the family and for supporting the generation of a culture of tolerance. The Presidential Programme for Youth, Women and the Family will train officials in specialized and comprehensive care for the victims of violence within the family and for children who are in any type of irregular situation.

The document "Health for Women, Women for Health", which contains the policy of the Ministry of Health proposed in May 1992, states with reference to violence and the ill-treatment of women: "This phenomenon of unprecedented gravity has remained unnoticed as a problem of the State and public health. Social and family violence against women becomes invisible, particularly owing to the emphasis on 'maternalist' public health policies which reduce attention to women to her reproductive dimension."

17.1 THE PRESENT SITUATION

Violence and its many forms permeates the various spheres of social life. Nothing and nobody escapes its impact. A single social phenomenon combines the manifold forms of violence, its perpetrators and victims: political violence, common delinquency, State violence, drug traffickers, among others. The most graphic indicator of violence is violent death, which affects the entire population of Colombia without discrimination of sex, age, ethnic group, social group or political allegiance. In effect, murders and injuries inflicted intentionally constitute the largest general cause of death in the country. The rates of death due to violence are higher among men than among women, but violence is the chief cause of death in the group of women between 15 and 44 and the eleventh cause of death among women of all ages. The impact of violence on the family group is reflected in the notable increase in the proportion of women widowed and children, particularly at the youngest ages, orphaned as the result of violence. Increasingly, the group of women is affected directly. (Taken from the Ministry of Health. "Women for Health, Health for Women", May 1992, p. 18).

THE NATURE OF AND ATTITUDES TO VIOLENCE AGAINST WOMEN

The Family Legal Consultancy Service of PROFAMILIA in Bogotá carried out a study covering the period from January 1987 to December 1990 that was commenced on 15 March 1989 and concluded on 30 March 1990. In all, 180 persons were interviewed (178 women and 2 men) and all had been referred to the criminal prosecutor for reasons of problems of violence in their households, after consulting the specialized attorney for family law.

The summary of the results is as follows:

With regard to the civil status of the ill-treated women surveyed, 60.7 per cent were married under civil or church law; 24.7 per cent lived in free unions. Hence 85.4 per cent were living in a conjugal relationship based on marriage or a free union. The single women, accounting for 3.4 per cent, were living with their families of origin and had been the victims of maltreatment within that family or on the part of their fiancés, with whom they were living in a relationship that could be classified as "potentially conjugal".

Most of the women interviewed who were victims of violence in the family and who sought legal advice from the PROFAMILIA Legal Service were between 20 and 39 years of age (73 per cent), the age at which women began to enter conjugal relations based on marriage or on *de facto* unions; this coincides with the results obtained by the survey on Prevalence, Demography and Health carried out by PROFAMILIA in 1990. The second-largest group was that of women between 40 and 59 years, that is to say, the age at which a relationship with a partner is normally maintained (20.8 per cent).

The commonest educational level encountered among the 178 ill-treated women interviewed was incomplete secondary education (29.2 per cent). The next-largest groups were complete primary (21.9 per cent) and incomplete primary (20.8).

The majority of women subjected to aggression (70.8 per cent) had between one and three children. The percentage of maltreated women with four and more children was noticeably lower. It should be pointed out that the fact of having children definitely has an effect on the levels of violence against women in the household: of the 178 women interviewed, only 5 per cent had no children.

Of the 178 women who were victims of ill-treatment, 99 were in paid employment (55.6 per cent) and 71 (39.9 per cent) were engaged exclusively in domestic work.

It can be assumed that the group of women engaged exclusively in household work (39.9 per cent) were living in a relationship of economic dependence, either with their household of origin or in their own household with their partner, which largely explains their ill-treatment. The paid employment of the remaining 55.6 per cent of women, even when it has an effect on their responses to aggression, does not free them from economic dependence, as can be deduced from the statistics on their income and that of their aggressors, which is analysed below.

21.4 per cent of women did not work because they could not: some for reasons of illness, others because they had nobody to look after their

children or because they were still studying or because they were too young. 12.9 per cent did not work because they considered that "it was the husband's duty to maintain them". 5.6 per cent of the women did not work because "the husband did not let them", a factor that constitutes one of the forms of violence against women that is little studied.

The largest group of ill-treated women interviewed numbered 75 (42.1 per cent), and received less than the prevailing legal minimum wage; they were underemployed women and women with incomes that can be classified as uncertain. Women with income above the minimum but below 123,000 pesos, equivalent to the minimum cost of the family basket of commodities, accounted for 12.3 per cent.

Only 2.2 per cent of the group of women had incomes above 123,100 pesos, so that they could adequately provide for their children. They were the only ones who could break the relationship of violence with their husbands without subjecting their children to serious deprivation.

In the case of 55.9 per cent of the maltreated women interviewed, the "history of violence" had commenced in infancy. Of these, 66.1 per cent had been victims or witnesses of physical violence, 36.6 per cent had been subjected to or had witnessed verbal violence and 4.9 per cent had been the victims of sexual abuse.

In the enormous majority of cases, there was a conjugal relationship between the victim and the aggressor (95 per cent) or a relation of potential conjugality (2.2 per cent). This leads one to consider that the origin of maltreatment against women in the household lies in the relationship of a heterosexual monogamous partnership oriented towards erotico-emotional satisfaction and procreation, which is basic in the Colombian family structure.

2.8 per cent of women suffered aggression at the hands of another member of the family: stepfather, uncle, brother, etc. Nevertheless, since other institutions deal with the matter in cases of the ill-treatment of children, it would be difficult to conclude from the data obtained in the service that girls are ill-treated less than women.

25.3 per cent of the aggressors, of both sexes, had completed primary education. The next-highest levels were incomplete primary (23 per cent) and incomplete secondary (20.8 per cent). In the same way as among women victims, the largest percentages, totalling 69.1 per cent, were at the levels of primary and incomplete secondary education (among women those totalled 71.1 per cent).

The number of aggressors in employment (91.6 per cent) was much higher than that of ill-treated women (55.6 per cent).

63.5 per cent of the aggressors had experienced violence in their infancy. Of these, 52.3 per cent were acquainted with physical ill-treatment, 35.3 per cent with insults, 2.6 per cent with sexual abuse and 9.8 per cent with cruel treatment, physical and moral abandonment and vagrancy.

Interviews with women showed that 17.3 per cent were victims of verbal abuse, 5.9 per cent of physical ill-treatment, 23.7 per cent of sexual violence and 4.2 per cent of other forms of ill-treatment.

It is striking that 136 women reported cruel treatment that could be physical, verbal or sexual or of another nature and which in general is a combination of several of these forms.

Another factor observed was the incidence of failure to provide maintenance as a form of violence against women in the family (15.3 per cent), constituting an offence in that the aggressor refuses to perform his legal obligation of giving economic support. This lack of material support implies physical privations for the children and high degrees of tension for the women.

The majority group consists of women with a genuinely "long history of violence": 142 of them (79.8 per cent) had suffered under the violent relationship "for years" (1 to 32 years).

10.1 per cent of the women reported relatively recent acts of violence (1 to 11 months' previously). These are the women who intend to put a stop to the aggressors' behaviour and are most inclined to break off the violent relationship by seeking the assistance of the law, even envisaging separation.

54 per cent of the 178 women interviewed said that they had been subjected to sexual violence. 46.1 per cent of them had been forced to have sexual relationships with their partner; even when they did not consider that as rape, they spoke of the humiliation that they felt in being obliged to have sexual relations. They all declared that they were victims of physical, verbal or economic ill-treatment or a combination of these if they resisted sexual relations with their partners. The high percentage of conjugal violence can easily be explained when it is remembered that, culturally and legally, the prevailing rule is that sexual relations are a conjugal duty, whose fulfilment can be "demanded" by force.

Fourteen women (7.9 per cent) were forced or seduced into having sexual relations with family members, stepfather, father, uncle, brothers or cousins. Sexual abuse of these women occurs at present or is part of their "history of violence", which began in infancy. Therefore the average age of women who are victims of this form of ill-treatment was 10 years. With regard to methods of subjection, the most frequent was physical ill-treatment followed by seduction.

On several occasions the women reported that the aggressor "did not say anything to them" or that he struck them, saying that he did so "because he wanted to". Possibly it is simply a case of venting frustration and aggressiveness on the part of men, who believe it unnecessary to justify the use of their corrective authority and their capricious and unquestionable right to give orders.

It is considered that ill-treated women who appealed to the PROFAMILIA Legal Service were seeking an appropriate response to their problem of violence in the home, trusting that the law and the authorities responsible for applying it can restrain the conduct of the aggressor. In those cases, women victims decided that "things could not go on like that" and recognized that their previous responses had been ineffective. The immediate reactions of the women to violence vary but basically it can be stated that there are two types: a passive reaction, one of disconcertedness in the face of the unjust physical or verbal attack, or an active, aggressive response of returning the blow or offensive word.

57.9 per cent of the women interviewed said that they had sought assistance from the authorities and had reported the violence of which they were victims. That is a low percentage, if it is remembered that reporting ill-treatment is the way to commit the State to defence of the human rights of women and to create social awareness of the gravity of the problem. However, this low level of complaints is comprehensible if one remembers the scant effectiveness shown by intervention by the courts and the authorities in problems of violence within the family.

40.6 per cent of the women interviewed had not approached the public authorities to defend themselves against their aggressors. Of these 23.4 per cent, however, thought that the authorities could help them and 17.2 per cent did not believe in the possibility of finding a solution for their concrete problem with the aid of the public authorities.

17.2 per cent of the women interviewed declared that they did not desire the assistance of the authorities because they did not believe that the authorities could help them in their cases. The majority of those (35.3 per cent) did not do so because they thought it was pointless. A further 14.7 per cent did not know that the conduct of which they were victims was an offence (bodily injury). 8.8 per cent did not do so for fear that the authorities would not heed them and 5.9 per cent said that they did not approach them because of the complicated nature of such action. These reasons indicate that to a large extent the women are deterred from making complaints owing to the defects in the mechanism of State repression of this type of conduct, and to bureaucracy and indifference to the maltreatment of women, strengthened by the lack of specific laws.

A second type of response reflects women's fear of possible reprisals on the part of the aggressor when intervention by the authorities has not succeeded in controlling him decisively (14.7 per cent), and "fear of being left alone" (2.9 per cent) *inter alia* because they have little or no ability to assume economic responsibility for the household.

The legal facts that were most widely known by women were: legal equality between men and women (84.3 per cent of women interviewed), the fact that ill-treatment of children is an offence (69.7 per cent of women) and that sex relations between close relations constitute the offence of incest.

The least-known legal facts were: that physical or verbal ill-treatment of children constitutes grounds for suspension or deprivation of parental authority and custody of children (47.7 per cent of women knew this); that physical or verbal ill-treatment is grounds for divorce and/or separation *a thoro* (53.4 per cent of women knew this) and that the fulfilment of conjugal duties cannot be demanded by force (59.5 per cent of women knew this). Ignorance of these two latter legal situations by a large number of ill-treated women is possibly related to the fact that many women maintain violent conjugal relations and in the high frequency of rape between the couple.

95.3 per cent of ill-treated women with children reported that the children were present when violence occurred between them and their partners. This high percentage can be understood since this type of violence takes place in the restricted space of the house, taking into account the living conditions of the marginalized sections of the

population. Only 7 women (4.1 per cent) declared that children were not present at episodes of violence. From the former results one can deduce the gravity of the problem of violence against women in the home, since it also involves children and ultimately has both short-term and long-term social repercussions.

97.8 per cent of the women who were asked whether they thought that their children were affected by the violence that they witnessed said they were certain that their children were indeed affected.

24.4 per cent of the women interviewed said that they spent their spare time with their partners. The vast majority (74.5 per cent) replied negatively to the question and then stated what use their aggressors made of their spare time and how they in turn spent their spare time after work.

The above-mentioned basic situation shows that women and men spend their free time differently. The woman "is at home" (56.5 per cent); "spends it with her children" (10.7 per cent); sews, knits or does housework (9.2 per cent). When she leaves the home it is to visit her family members (9.2 per cent) or to go to work (6.1 per cent) on additional employment. The free time of ill-treated women is devoted to the same household tasks but on Saturdays and Sundays in the long run they are also confined to the house.

The 131 aggressors - men - did not spend their free time with their partners, did not engage in household work but spent it - without any restrictions of a cultural nature, which indeed weighed down upon women - drinking alcoholic beverages (31.3 per cent), with their men friends (12.3 per cent), in the company of prostitutes or their lovers (9.9 per cent), at festivities and games (8.4 per cent), or simply "went out" (6.9 per cent), visited the family (3.8 per cent), while some engaged in sport (3.8 per cent). It was noted that when they remained at home, they went to sleep (2.3 per cent) and only two worked in their leisure time (the number of women doing so was 8). Hence the ill-treated women and their partners were in very unequal situations with regard to leisure time and recreations (taken from *La violencia y los derechos humanos de la mujer* (Violence and the human rights of women). Legal Service, Profamilia. 1992)

The survey of Prevalence, Demography and Health carried out by Profamilia in 1990 with the support of national and international institutions, covered 13 subregions, 8,615 households, 9,715 women and a total of 120 municipalities in the country. All the women who had at some time been in a conjugal union were asked a series of questions to ascertain the ill-treatment that they had received from their spouses or cohabitantes, the degree of knowledge that the women had on the right of access to the authorities when ill-treatment took place and the form in which these aggressive episodes affected the children. The results, as will be seen below, indicate that there are high levels of ill-treatment of women, which are reproduced in relations with the children. In general, women have very little knowledge of their rights before the law, and this is one of the reasons for which offences against women do not come to the knowledge of the authorities.

Out of the total number of women who had been at some time in a conjugal union, 65 per cent declared that they had at some time quarrelled with their husbands or cohabitantes; one in three had been insulted, one in five had been struck and one in ten had been forced to

have sexual relations by their partners. Out of the total of those who had quarrelled, 47 per cent had been insulted and 29 per cent had been struck.

Those who had been insulted stated that their husbands criticized them most about their housework (18 per cent), bringing up the children (12 per cent) and relations with their own families (9 per cent). Women were also reproached concerning their work outside the home (7 per cent), their sexual capacity (6 per cent) and their intellectual abilities (5 per cent). The chief causes of the beatings received by the women interviewed were drunkenness on the part of the husband (40 per cent) and bad temper (30 per cent). Other reasons mentioned included accusations of supposed infidelity (12 per cent) and failure to fulfil obligations (6 per cent), problems with the family (5 per cent) and ill-treatment of children (3 per cent). Older women and those with a larger number of children had been beaten for the first time longer ago than the others.

Out of the total number of women who had been beaten, a little more than half (51 per cent) had adopted a passive attitude to the aggression. Of the remaining 49 per cent, that is to say, those who had replied to the aggression, three out of five had not appealed to anybody and only 11 per cent had appealed to the authorities, 24 per cent had sought out a family member and 5 per cent a woman friend or neighbour. Of the 11 per cent who had gone to the authorities, only 15 per cent had approached the Colombian Institute of Family Welfare and 4 per cent had approached a court; 62 per cent had complained to a police station and 8 per cent to a police Immediate Attention Centre.

The problems of family violence are more urban than rural in nature. In the urban zone husbands are reported as complaining more about relations with the woman's family and work outside the house than in rural zones, whereas in the rural zones work in the household, bringing up children, sexual capacity, intellectual abilities and age or figure have more weight. 52 per cent of the women who are the victims of aggression in urban zones responded actively, as against only 36 per cent of those in rural zones; however, 59 per cent of the former and 63 per cent of the latter did not complain to anybody when they were beaten. It is very probable that women in urban zones appeal to the authorities more than residents of rural zones (12 and 8 per cent, respectively).

The age-group in which there are the largest proportions of women insulted or beaten is 17-18 followed by the 30-39 age-group. The proportion of women forced to have sexual relations is largest among the 17-year-olds. Those who react more passively are those of 18 and over 40. 68 per cent of the 16-year-olds, on the contrary, respond actively and appeal most to the authorities. But in general it is observed that all women under 20 primarily seek protection from their families rather than from the authorities. While it is observed that, the lower the level of education, the higher the proportion of women who are insulted, beaten or forced to have sexual relations, the proportion of women who only quarrel is slightly less among those who have higher education than among those with secondary or primary education. The form of reaction to aggression is also closely related to the educational level, those with least education being more passive than other women.

There is a definite relationship between ill-treatment of women and ill-treatment of children, which could be called the reproduction of violence at the inter-generational level. While one in two women who are ill-treated beat their children, only one in three of those who are not beaten strike their children. However, this relationship does not seem to exist in the eastern and central regions of the country.

17.2 LEGISLATIVE AND OTHER MEASURES CONCERNING VIOLENCE AGAINST WOMEN

Draft legislation

Aida Abella Esquivel, a member of the Special Commission (temporary) created by the Constituent Assembly to legislate while the new congress was being elected, because of the withdrawal of the mandate under the Constitution of July 1991, prepared a draft law on domestic violence in October 1991, which was not approved.

In August of the current year (1992) Piedad Córdoba, a representative to the Chamber, presented to Congress a draft law for regulation of Article 42 of the National Constitution. Paragraph 5 provided that "Any form of violence in the family shall be considered destructive of its harmony and unity and shall be punished in conformity with the law".

The drafting of that bill was not felicitous, so that it was again presented in October with amendments introduced by the Representative Yolima Espinosa. It has not yet been approved.

The draft presented by Córdoba included a series of definitions that were intended to state precisely the new interpretation of forms of violence in the family and dealt with the corresponding types of penalties, establishing immediate prevention measures and alternative measures. It provided for prevention campaigns and educational programmes as well as the creation of a National Council for the prevention of violence in the family.

The representative Espinosa removed all the definitions, arguing in the statement of grounds that: "... with these definitions we would venture on the interpretation in an authentic form of punishable acts that are described in Decree 100 of 1980, while no problems of interpretation have arisen in judicial practice, and there is in any case wide support in jurisprudence, and no uncertainty has been observed in legal doctrine concerning the classification of conduct that infringes the interests enshrined in this draft law.

"Bearing in mind that these definitions will be used to determine whether or not there has been violence within the family, I must refer particularly to subparagraph m) on violence: It is imprecise to include 'Conditions of discrimination, subordination and subjugation'. I think that the correct procedure is to take the definitions of violence that have been stated in law, since violence constitutes one of the generic forms (in addition to deceit and abuse) of the commission of illicit acts."

In conclusion, the draft currently under discussion confines itself to defining what is understood by family organization, in accordance with what is said on the subject in Article 42 of the National Constitution, to establishing measures for immediate protection and supplementary

measures and to establishing the National Council for the prevention of violence within the family.

These drafts represent a great effort on the part of the women's groups that have collaborated in their design, but it is still necessary that a team of professionals and experts in penal law, doctors and forensic psychiatrists, psychologists and sociologists, with an awareness of the gender problem again review the draft on the subject of the sanctioning, prevention and eradication of violence in the family.

Protective action

It is pertinent with regard to this point to take into account the view of the Constitutional Court in the decision of 18 September 1992 to grant the protection requested in Pereira by a woman who had been the victim of physical violence and inhuman and degrading treatment by her husband. The petitioner requested protection of her fundamental rights to life and personal integrity, family intimacy and domestic peace.

The court in Pereira denied her protection, arguing that the woman had other means to assert her rights such as preventive police action to protect the right to life and physical integrity. With regard to the request for an order that would prohibit her husband from living in her house, the court held: "... it is not considered that a measure of that type can be taken without infringing other rights, when in the same submission it is mentioned that Cárdenas (the husband) is the joint owner of the dwelling. So that the dispute as far as he is concerned would rather have to be dealt with under civil jurisdiction."

The Constitutional Court said "... that they cannot remain unprotected awaiting a judicial solution which confines itself to deciding in principle on the conflict within the family, on the reciprocal obligations of an economic and legal nature between the spouses and on what happens with regard to the children; the fact is that the family judge deals basically with other matters and not with the immediate protection of the right to life and physical integrity of persons imminently and seriously affected by violence, habitual and irresistible force on the part of another party within the domestic unit, which is traditionally marked by a number of undesirable sex-based differences and by the absurd subjection of one weak party to other stronger and abusive party, as in the case which is the basis for this action."

Further it adds: "Penal jurisdiction tries conduct involving bodily injury or attempted homicide, but not the specific inhuman and degrading treatment which in this case the husband inflicts on the wife within the domestic and family household and such jurisdiction does not lead to an immediate and direct guarantee, which is the effect of the protection order."

Subprogramme for the prevention of ill-treatment and care of victims of violence - Ministry of Health

The general objective of the programme is to outline policies and implement plans and actions directed towards the prevention of ill-treatment and towards care for women and children who are victims of violence in the family. The specific objectives include providing immediate care for women and children and offering specifically

targeted comprehensive services (medical, psychological, legal and socio-family), according to the needs raised by the users.

The programme will be carried out by establishing three interrelated areas of interdisciplinary work in order to guarantee a comprehensive approach in dealing with the problem. They are the areas of care, prevention and research.