

WOMEN AND PEACE IN COLOMBIA: IN SEARCH OF FULL RIGHTS

*SHADOW REPORT OF THE MONITORING GROUP FOR THE
IMPLEMENTATION OF CEDAW IN COLOMBIA*

*COMMITTEE FOR THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN - CEDAW*



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- Comisión Colombiana de Juristas
- Comisión Intereclesial de Justicia y Paz
- Corporación Casa de la Mujer
- Corporación Colectiva Justicia Mujer
- Corporación Humanas
- Corporación Sisma Mujer
- Cladem-Colombia
- FIAN Colombia
- Iniciativa Pro Equidad de Género
- Instituto Latinoamericano para una Sociedad y un Derecho Alternativos (ILSA)
- La Mesa por la Vida y la Salud de las Mujeres
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Acronyms and abbreviations

- CCC:** Constitutional Court of Colombia
- CEDAW:** Convention for the Elimination of All Forms of Discrimination against Women
- CNOA:** Conferencia Nacional de Organizaciones Afrocolombianas (National Conference of Afro-Colombian Organizations)
- CONPES:** Consejo Nacional de Política Económica y Social (Economic and Political National Council)
- HEI:** Higher education institutions
- HR:** Human rights
- HT:** Human trafficking
- ICBF:** Instituto Colombiano de Bienestar Familiar (Colombian Family Welfare Institute)
- IFP:** Implementation Framework Plan
- INML:** Instituto Nacional de Medicina Legal y Ciencias Forenses (National Institute of Legal Medicine and Forensic Sciences)
- LBT:** Lesbian, bisexual and trans women
- LGBT:** Lesbian, gay, bisexual and trans people
- LGBTI:** Lesbian, gay, bisexual, trans and intersexual people
- ME:** Ministry of Education
- MHSP:** Ministry of Health and Social Protection
- NDP:** National Development Plan
- SNCE:** Sistema Nacional de Convivencia Escolar (National System for Coexistence in Schools)
- OAG:** Office of the Attorney General
- OHCHR:** Office of the United Nations High Commissioner for Human Rights
- PCOEW:** Presidential Counseling Office for the Equity of Women
- PGO:** Procurator General's Office
- PSPP:** Programa Ser Pilo Paga
- SE:** Sexual exploitation
- SELE:** Sello de Equidad Laboral Equipares (Equipares Employment Equality Seal)
- SEWG:** Sexual exploitation of women and girls
- SJP:** Special Jurisdiction for Peace
- SOGI:** Sexual orientation or gender identity
- SRR:** Sexual and reproductive rights
- SV:** Sexual violence
- TOP:** Territorial Ordering Plans
- UN:** United Nations Organization
- UNODC:** United Nations Office on Drugs and Crime
- VTP:** Voluntary termination of pregnancy

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Annex 2. Proposal delivered to Congress, Red Nacional de Mujeres.

Annex 3. Officials accredited by the Colombian State in embassies, consulates and diplomatic representation in embassies.

Annex 4. Letter from the Red de Educación Popular entre Mujeres-REPEM, Colombia, to the Ministry of Education and responses to it.

All the annexes are in Spanish.

Introduction

The reality of the lives of women and girls in Colombia is marked by the persistence of discrimination in all areas in which the CEDAW Committee draws attention to States for the effective achievement of equality.

The Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace (hereinafter FPA) signed between the Colombian State and the FARC in 2016 foresaw a series of measures in relation to the gender approach and proposed institutional and regulatory adjustments whose greater or lesser implementation has impacted women in the country in different ways.

Additionally, there are old and emerging problems such as a generalized insecurity environment, especially in rural and peripheral areas of the country, related to the presence of illegal armed groups: paramilitaries, organized crime actors, FARC dissidences, armed groups at the service of people or groups developing illegal economic activities such as harvesting plants to produce illicit drugs, and the presence of the Ejército Nacional de Liberación (ELN, National Liberation Army guerrilla) in various areas of the national territory. The development of extractive and agro-industrial megaprojects and tourism linked to sexual exploitation and prostitution are also generating adverse impacts on the guarantee of women's human rights. All these factors generate differential impacts on women according to their ethnicity, life cycle, rural or urban origin, social class, situations of disability and other conditions, thus leading to greater violations of their rights.

This shadow report focuses on two areas: the situation of women's human rights related to peace building and the attacks against human rights defenders.

Due to the current situation, the fulfillment of CEDAW's recommendations by the Colombian State faces serious dangers. In an international context where the human rights of women and the LGBTI population are besieged by anti-rights groups, attention to cultural, communicational and educational aspects foreseen by the Convention as obligations of the Colombian State is an imperative that must be accompanied by public policy measures to guarantee women their constitutional right to equality and non-discrimination.

2

Political measures to eliminate discrimination

In accordance with CEDAW's provisions, in the formal sphere, the principle of equality between women and men holds a constitutional status. There is legislation to guarantee it and to advance towards it, and regulations adequately criminalize several types of violence against women, including femicide. However, as pointed out in previous opportunities, the gap between regulations and women's reality persists, both in terms of discrimination and in the permanent violations of their human rights which remain unpunished.

In Bogotá, the local administration has so far established five Shelter Homes (Casas Refugio) for women victims of domestic violence (hereinafter DV). In Cali there is also a Shelter Home. However, in municipalities and departments where the majority of reported cases of DV occurred in 2016,¹ there are no Shelter Homes and their development plans for the period 2015-2018 had a lack of programs for the prevention and eradication of all forms of violence against women and for the care and protection of victims. Additionally, the development plans of the most affected departments and municipalities propose training programs and campaigns as a strategy for the prevention of VTP, but they don't define impact and result indicators to measure their scope, and there is no further research on the impact of these pedagogical initiatives. Accountability reports only register the number of trained individuals and there is no data on their real incidence or on the reduction of cases of violence against women. In Bogotá, the annual budget allocated to the System for the Integral Protection of Women Victims of Violence (Sistema de Protección Integral a Mujeres Víctimas de Violencias, SOFIA),² the district program integrating the Shelter Homes

1 Barranca de Upía, Meta; Yopal, Casanare; Soraca and Sogamoso, Boyacá and Arauca, Arauca. Taken from: Instituto Nacional de Medicina Legal (2017). Forensis 2016.

2 Program created by the City Council, through Agreement 421/2009, seeking to guarantee women's right to a life free of violence in the Capital District.

Project, has decreased considerably since 2017.³ Therefore, the program, which is also meant to promote access to justice and psychosocial support and to implement Local Security Plans and the Violence Monitoring System, cannot be strengthened nor can it provide effective care and protection to the victims.

Regarding the strengthening of the Family Welfare Service (Comisarías de Familia, CF hereinafter) existing in all of the country's municipalities, most haven't got the adequate staff or resources to carry out their duties. The Procurator General's Office (hereinafter PGO) recommended to include this point in all territorial plans, but then said this recommendation was only implemented in 50% of the municipalities and in 47% of the departments, with strategies focused on training public officials on gender issues and rights.⁴ It also stated that these results demonstrate the persistence of non-compliance of State obligations regarding the protection of the rights of DV victims, in particular those of girls and women.⁵ In addition, CFs and their officials lack strategies, protocols and knowledge on the laws protecting the lives of women and girls, and guidelines to address the differential forms of domestic violence suffered by women, thus exposing lesbian, bisexual and transgender women (LBT hereinafter) to prejudicial actions on the part of public officials who therefore re-victimize them. This type of violence is manifested in their families of origin and/or by their partners when they express a different sexual orientation or gender identity (hereinafter SOGI).⁶

The impact of the different norms with which the Colombian State seeks to guarantee the right of women to a life free of discrimination reported to the CEDAW Committee remains residual and its effects are even less visible in the case of women facing different kinds of discrimination.

Sexual violence (SV hereinafter) affects women in different ways according to their age. While adolescents and youngsters between 15 and 24 are mainly affected by events related to the regulation of their social life, sexual harassment and forced pregnancy, women between 25 and 34 are more affected by forced abortion, sexual exploitation for prostitution and rape.⁷

The Congress has carried out follow-up actions to the implementation of the measures established by the legal system. Particularly in 2017, there was a political control debate in the Senate about Law 1257/2008, and in 2018 there was another one on femicides and a public hearing on violence against women in the Colombian Caribbean region. These actions evidence the challenges the State faces regarding ineffective, untimely and limited measures in remote rural areas and scattered rural areas, to end up with persisting inequalities and the discrimination girls and women in Colombia face in their everyday life.

3 In 2017 the program was assigned eleven thousand two hundred million pesos (\$ 11,200,000,000), while in 2016, twenty-one thousand seven hundred eight million pesos (\$ 21,708,000,000) were assigned to its operation. Subsequently, in 2018, the amount fell to ten thousand six hundred million pesos (\$ 10,600,000,000). Reviewed at: www.integracionsocial.gov.co.

4 Consultation system for information reported by all the territorial entities during years 2012-2015.

5 Procurator General's Office, Circular 20 (Bogotá, 2017).

6 Although underreporting is high, the INML reported 20 cases of domestic violence against LBT women, girls and adolescents, and 47 cases of partner violence against LGBT women in 2017. Instituto Nacional de Medicina Legal y Ciencias Forenses, *Forensis 2017. Datos para la vida*, p. 179, 220 and 265.

7 Campaña violaciones y otras violencias: Saquen mi cuerpo de la guerra, 2017, pág. 29.

Regarding LBT women, the Colombian legal system sanctions gender-based violence through provisions such as Law 1257/2008,⁸ which protects them from interrelated forms of violence. Additionally, both Law 1448/2011,⁹ on the integral reparation to the victims of the armed conflict, and Law 1482/2011,¹⁰ known as the Antidiscrimination Law, include gender or sex and sexual orientation in their protection scope. Due to the indistinct use of the “sexual orientation” and “gender identity” categories, they have been interpreted in a comprehensive and rights-based way in order to include transgender people. In addition, Law 1761/2015,¹¹ which typified femicide, recognized sexual orientation and gender identity as part of the criteria to identify whether a woman was a victim of this crime.

Different measures to investigate and punish violence against LGBT people have been implemented. In 2015, the Office of the Attorney General (hereinafter OAG) implemented a program to promote criminal investigations from a differential approach into crimes against lesbian, gay, bisexual, trans and intersex people (Lgbti) and, in 2016, the National Institute of Legal Medicine (Instituto Nacional de Medicina Legal, hereinafter INML) issued a guide on “recommendations for judicial investigation, care and prevention of murders where femicide is suspected.”

Nevertheless, the lack of allocation of resources for the development of these right-based policies and regulations and the low priority that the Colombian State gives to these provisions hinders their possibilities of reducing gender gaps. Additionally, between 2016 and 2018, an anti-rights agenda was consolidated using the concept of “gender ideology” to oppose the guarantee of the sexual and reproductive rights of women and Lgbti people. Those promoting the agenda seek to, among others, criminalize abortion on all grounds, nullify family protection to same-sex couples and their families, repeal the decree that allows the correction of the sex component in civil registries, stop initiatives to develop sexual education and non-discrimination programs under the responsibility of the Ministry of Education (hereinafter ME) and to exclude LBT victims from the implementation of the FPA. In 2016, the government suspended programs against different types of homophobic harassment in schools and the prioritization of the gender approach in the ME,¹² which had initiated in compliance with a judgement originated by the suicide of a student who was harassed by the school principal and other members of the educational community because of his sexual orientation. By assuming a passive attitude towards this discourse and giving in to some of their claims, the State, de facto, opposes the promoted political measures and fails to comply with its obligation towards Article 2 of the CEDAW.

Regarding indigenous women, although the CEDAW Committee highlights Colombia as a country that legally guarantees their rights, in the practice, what is written in the norm is not applied when the time comes for them to enjoy their rights. Physical, psychological, economic and sexual violence, among others, are part of the daily life of indigenous women, and the

8 https://www.mintic.gov.co/portal/604/articles-3657_documento.pdf.

9 <https://www.unidadvictimas.gov.co/sites/default/files/documentosbiblioteca/ley-1448-de-2011.pdf>.

10 <http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/ley148230112011.pdf>.

11 <http://wp.presidencia.gov.co/sitios/normativa/leyes/Documents/LEY%201761%20DEL%2006%20DE%20JULIO%20DE%202015.pdf>.

12 El Espectador, “Nueva ministra de educación dice no tener como prioridad la equidad de género”, 11 de noviembre de 2016, available at <http://www.elespectador.com/noticias/nacional/nueva-ministra-de-educacion-dice-no-tener-prioridad-equ-articulo-665131>.

situation is aggravated by gaps in access to justice, health and education systems, making it impossible for them to transform their contexts.

Regarding women in the process of reincorporation, who were part of the Revolutionary Armed Forces of Colombia (hereinafter FARC), the Office of the United Nations High Commissioner for Human Rights (Oacnudh) states that “the current reincorporation initiatives lack a gender perspective and it is necessary to develop comprehensive initiatives, adapted to the needs of ex-combatant women of the FARC-EP, to guarantee their full participation and leadership.”¹³

Regarding children detached from the FARC, it is important to highlight that, according to data reported by the Presidential Council for Human Rights, cited in the report of the Verification Mission,¹⁴ out of a total of 135 demobilized children, there is a higher number of girls (75) than of boys (60). As of December 31, 2017:

Those who have decided to return to their family, which has been the most recurrent option, face a lack of access to health and education, a frequent situation in Colombia’s rural areas. Therefore, it is necessary to guarantee the full implementation of the Agreement to improve the situation and guarantee respect for children’s rights when they return to their families. Those who remained in special demobilization centers have better access to health and education but are often far from their families and communities.¹⁵

We request the Committee to recommend to the Colombian State to:

- Resume anti-bullying programs against all forms of homophobic harassment in the education sector and apply a differential approach.
- Strengthen the Shelter Homes Program in different regions of the country.
- Comply with the provisions of Article 19/Law 1257, guaranteeing women victims of violence and their families access to free housing, food and transportation services.
- Allocate resources to comply with rights-based norms for LBT women.
- Include the gender approach in the programs and initiatives for the reincorporation of ex-combatants of the FARC, with a differential focus on age and ethnicity.
- Review the barriers and provide solutions so that women can access Voluntary Termination of Pregnancy (VTP herinafter) in cases where it is decriminalized in Colombia.

13 UN Security Council. Report to the Secretary General on the United Nations Verification Mission in Colombia. S/2018/279. Paragraph 33.

14 Quoted in the report on the Verification Mission. (S/2018/279) Paragraph 31.

15 Idem. Paragraph 32.

3

Guarantee of women's human rights

The INML's Report on Violence against Women¹⁶ ratifies a continuous growth of violence against women which, in many cases, ends up with their death. Between 2016 and 2017, 1,489 necropsies were carried out for homicides of women throughout the national territory. Of these homicides, 54% were caused by firearms, 23% by short stabbing weapons and 9% by asphyxia.¹⁷ In 48% of the cases (714) the aggressor was unknown, in 27% (205) the aggressor was the partner or ex-partner, and in 3.5% (52), a relative. This means that in more than 30% of the murders the aggressor was a person with whom the victim had an affective and/or filial relationship. In this regard, the OAG revealed that between 2015 and 2017, 781 femicide criminal complaints were registered. Of these, 183 have been penalized and 16 are in process for early termination. Impunity in the majority of cases (582) is preoccupying.

Between 2014 and 2016, gender based physical violence increased 23%, with 18,972 cases of victimization of girls and adolescents, with a greater concentration in the female group of adolescents between 15 and 17 years of age.

Regarding SV, although the rate of imputations for this crime increased by 46% in 2016 compared to the previous five years, there isn't a significant decrease in sexual assaults against women. In 2016, 74% of the medical-legal examinations for alleged sexual offenses were carried out on women, and in 2015, 85% of these offenses. Of the total information on criminal acts received

16 INML. Violencia contra las mujeres. Colombia, comparativo año 2016 y 2017.

17 Although the 1991 Constitution establishes a state monopoly on the purchase, use and sale of weapons in the country, State entities and the rise of private surveillance, common crime and the criminal structures of armed groups and drug traffickers have intensified the legal and illegal traffic of weapons. Additionally, the Treaty on Arms Trade was declared unconstitutional by the Colombian Constitutional Court (Judgment C-047/2017), despite the fact that the Committee emphasizes that all State parties must ratify international instruments allowing the protection of women's rights and contribute to peace (CEDAW/C/GC/30, paragraph 87).

by the National Police in the first semester of 2018 (17/01/2018 to 06/2018), 72% of the SV crimes were committed against children under 14 years old. 85% of these were girls.¹⁸

Despite an estimated underreporting of 30%, SV against children is increasing and affects mostly girls. According to Fundación Plan-Colombia, based on INML's data, between 2010 and 2016, 129,905 cases of medico-legal examinations were reported for presumed sexual offenses against minors, of which 83.4% corresponded to girls and adolescents. In 2016, SV affected especially girls between 10 and 13 years old, with 6,188 cases. In this regard, impunity reaches more than 90%, showing the ineffectiveness and inefficiency of the judicial system in this field.¹⁹ However, underreporting of sexual violence against adult women is presumed, because it is highly naturalized, especially in the case of victims of human trafficking and sexual exploitation in prostitution.

Between 2013 and 2017, 194 LBT women were murdered and at least 80 of these crimes were presumably motivated by their SOGI. Although different strategies have been implemented to investigate and sanction this type of violence, access to justice remains precarious and permeated by gender stereotypes: when they come to denounce, these women are often re-victimized by State officials, only a few (17) investigations are on trial (17) and more cases have been filed (15) than those that have concluded with the conviction of the criminal (10).²⁰ Up to date, femicide of transgender women has only been indicted two times and only one criminal has been convicted. Additionally, LBT people are also harassed by State officials and people in society. In 2017, 57% of LGBT people who were victims of this kind of violence were women. This kind of violence is not sanctioned or investigated, and it's mostly motivated by gender stereotypes. In many cases, the victims were ridiculed and insulted for their SOGI.²¹

These figures are just a sample of all the reported and denounced data, but underreporting can by far exceed these already preoccupying evidences which, besides, are part of a greater impunity spiral that adds on to the State's and social indifference regarding violence and crimes against women which could be addressed through comprehensive public policies and from a real commitment, involving all social, political, economic and cultural institutions to contribute to recognize and dignify the lives and rights of women and girls in Colombia. It is also important for the Colombian State to declare which legislative measures it is implementing to ratify international instruments, especially the Arms Trade Treaty, and what measures it is taking to strengthen controls on legal and illegal trade in firearms. As can be seen from the information provided, more than half of women's murders in Colombia are carried out with firearms, thus showing that the proliferation and legal and illegal trade in small arms and light weapons perpetuates conflict situations and denies women's access to integral development and a life free of violence. It is also important to know if it is complying with Decree 1581/2017 through the development of

18 Information provided during the audience: "Mujeres de cara a la ley 1257 de 2008: una década de luchas por erradicar la violencia y la discriminación", carried out in the Procurator General's Office. Bogotá, November 22, 2018.

19 Alianza por la niñez colombiana: "Niñez víctima de un conflicto armado que aún persiste". Bogotá, 2017. Available at: <https://www.alianzaporaninez.org.co/ninez-victima-en-un-conflicto-armado-que-aun-persiste/>.

20 Colombia Diversa, Caribe Afirmativo y Santamaría Fundación, Sistema de información de violaciones de derechos humanos de personas LGBT en Colombia, September, 2017.

21 Colombia Diversa y Caribe Afirmativo, La discriminación, una guerra que no termina. Informe de derechos humanos de personas lesbianas, bisexuales y trans en Colombia 2017, p. 53.

dissemination, reception and complaint processing initiatives to increase control and restriction of the bearing, possession and trafficking of small arms and light weapons.

According to the National Indigenous Organization of Colombia (Organización Nacional Indígena de Colombia, ONIC),²² indigenous women are victims of all forms of gender violence. Sexual violence is the most frequent of them, with approximately 75% of its victims being indigenous girls under 14 years old. Although it mainly happens in the domestic environment, it is also serious in the context of the armed conflict, in which 25% of indigenous women victims of sexual violence are, at the same time, victims of forced displacement, torture, sexual slavery, pregnancies and forced abortions, among others.

It is important to highlight the lack of information regarding the many different situations where the violation of rights of indigenous women occurs. Because in many of these indigenous communities, when a woman denounces a violent act, she is blamed, judged and even punished, the majority of the cases are not denounced. The lack of data is also attributed to the persistence of gender stereotypes within their peoples and the strong discrimination exercised by public entities.

Despite the FPA having been signed, in large areas of the country forced recruitment of children continues to happen: "In 2017, the Ohchr received information, from its members doing fieldwork, indicating that the recruitment and the use of children persists in areas where ex-members of the FARC-EP operate. Additionally, the ELN and different criminal groups keep on recruiting and using children." (Paragraph 33).

We request the Committee to recommend to the Colombian State to:

- Design and implement a comprehensive public policy, with a differential approach based on ethnicity and age, involving the commitment of all institutions having to do with the attention to violence against LBT women.
- Ratify the Arms Trade Treaty.
- Implement measures to control the use of firearms.
- Incorporate the differential approach by ethnicity in all policies aimed at addressing violence against women.

22 Organización Indígena de Colombia (July, 2015). *Violencia contra mujeres indígenas: Realidades y retos, mandato y acciones de la ONIC*. Taken from: <http://www.onic.org.co/m/noticias/784-violencia-contra-mujeres-indigenas-realidades-y-retos-mandato-y-acciones-de-la-onic>.

5

Gender roles and stereotypes

In response to recommendation 14(b), the IX Report of the Colombian State refers to the preparation, together with women's organizations, of the "second measurement of the study on social and institutional tolerance of violence against women"²³ and of training processes on sexual and reproductive rights (hereinafter SRR) issues addressed to public officials. Anyway, there is no information on the results and impacts that these processes had when disseminating the principles of non-discrimination and gender equality.

In response to CEDAW's Committee recommendation 14 (a), on stereotypes and harmful practices, the Colombian State Report mentions having developed initiatives for the transformation of social norms that validate and justify violence against women and reproduce sexist stereotypes both in the education and health sectors.

Regarding the education sector, the report presents the National System for Coexistence in Schools (Sistema Nacional de Convivencia Escolar, hereinafter SNCE), created through Law 1620/2013, to prevent and mitigate situations affecting coexistence in schools and the exercise of SRR at pre-school, primary and secondary levels. However, after its enactment, the State has been inoperative in its application and violent acts in relation to discrimination for SOGI continue to happen at schools,²⁴ as was the case that led to the suicide of a gay student²⁵ who was a victim

23 State Report, pages 68 and 57.

24 A survey conducted by Colombia Diversa and Sentiido revealed that sexual orientation and gender expression are among the main reasons for discrimination against students in basic education institutions. Colombia Diversa and Sentiido, *Mi voz cuenta...* p. 24 - 39.

25 Case of Sergio Urrego, a 16-year-old gay kid, who committed suicide in August 2014 after being discriminated by the directives of his school. In August 2015 the Constitutional Court confirmed that he had effectively been discriminated by the school directives, ordered them to graduate him posthumously and to carry out a public redress act (Sentence T-478/15).

of discrimination based on gender stereotypes.²⁶ Prejudiced behaviors have been identified in many public officials and members of the educational community, and there is a lack of effective prevention, protection and denunciation mechanisms which, in turn, translates into access and permanence barriers in formal education for LBT women. The Colombian Constitutional Court (hereinafter CCC) recognized a “structural deficit of protection against phenomena linked to sexual identity” and ordered the ME to review the norms for the formulation of all school’s Coexistence Manuals in order for them to be respectful of the students’ sexual orientation and gender identity and to promote the guarantee of their human, sexual and reproductive rights. However, in 2016, contrary to the commitments assumed by the State for the guarantee of sexual and reproductive rights of women and LGBT people, the government backed the demands of conservative sectors who were denouncing the existence of a “gender ideology” threatening families and children. Despite its issuance in 2014 and its regulation the following year, Law 1732/2014, which establishes the obligation to develop a Chair on Peace, and its regulatory Decree 1038/2015, there are no evaluations on its approach in all school grades and levels.

As an instrument to measure the impact of Law 1620 in educational institutions, the government mentions Saber.²⁷ The results of these tests show that students do have information on norms and provisions sanctioning gender based discrimination, but don’t account for behavioral changes and the transformation of gender stereotypes and harmful practices. Additionally, questions in the test don’t include issues such as gender identities, diverse sexual orientations and interrelated forms of violence suffered by different groups of women.

The impact of stereotypes on women with disabilities in the legal system is also preoccupying. Measures such as interdiction²⁸ limit the possibility of Colombian women and girls with disabilities to develop their own skills, undertake a professional career or make decisions about their life plans.²⁹ Thus, to promote the effective equality of women and girls with disabilities, it is necessary not only to recognize that there are harmful practices and prejudices against them due to their gender and disability, but to confront them and implement actions to eradicate them.

We celebrate the issuance of the National Public Policy on Gender Equity for Women in 2013, established in the Consejo Nacional de Política Económica y Social (Economic and Political National Council, hereinafter Conpes) Document No.161. In the same sense, the draft of the Basis for the National Development Plan (hereinafter NDP) 2018-2022, recently published, may turn out to be helpful, particularly Strategy B/Section E, on SSR, which refers to the adjustment of the SNCE, and Strategy A/Section F, on violence against women, which refers to the prevention of gender based violence in schools.³⁰ However, everything stated in this plan will not be reliable

26 In the school setting, LGBT students reported having frequently heard negative comments on gender identities not corresponding to what is considered “appropriate”. 54.1% of them heard comments on the behavior of students who were not “sufficiently feminine” and 664% of them heard comments on the behavior of students who were not “sufficiently masculine”. Also, 34.7% of them said they had heard transphobic comments.

27 Standardized tests, applied on an annual basis to students in 5th, 9th and 11th grades in all formal and middle school education institutions, to measure their academic performance.

28 Comité CDPD. Observación general sobre el artículo 12: igual reconocimiento como persona ante la ley. 2014.

29 Comité CDPD. General observation No. 3 (2016), on women and girls with disabilities. CRPD/C/GC/3. November 25, 2016; UN, General Assembly. Report of the Special Rapporteur on Violence against Women, its Causes and Consequences. A/67/227. 3 August, 2012; ONU, Convención sobre los derechos de las personas con discapacidad, Artículo 8. December, 2006; Constitutional Court, judgement T-573 de 2016. M.P. Luis Ernesto Vargas Silva.

30 Bases del PND 2018-2022 - XVI. Pacto por la equidad de la mujer, pp. 777-788.

unless it is applied through specific strategies with result indicators, resources and appropriate mechanisms for their implementation.

It is preoccupying that initiatives carried out aren't part of a broad strategy, as has been recommended by the Committee, and aren't part of an inter-sector response either. The IX State Report only reports actions in two administrative sectors (education and health) out of the 24 administrative sectors comprising the Colombian State.

We request the Committee to recommend to the Colombian State to:

- Report on the results and impact of SRR training programs developed with public officials, especially with members of the educational community.
- Review the norms on School Coexistence Manuals, to guarantee they are respectful of sexual orientations and diverse gender identities, in compliance with what was established by the CCC ruling.
- Incorporate resources, indicators and implementation mechanisms into the NDP to adjust and put into practice the SNCE.
- Include in the Chair on Peace, which is based on respect for diversity and related to the gender approach, systems to measure not only knowledge but also behavior and language used by the educational community.

6

Women trafficking and prostitution

Although the IX Report refers to human trafficking in its paragraph No. 84, it doesn't specify or highlight cases of trafficking for sexual exploitation or sexual exploitation in prostitution.³¹ The number of victims of trafficking rescued by the government is not reported, nor are its purposes specified, nor whether it happens at an internal or external level, nor ages, gender, ethnicity, socioeconomic status, origin, other victimizations or perpetrators. There is also no information on the number of people victim of sexual exploitation in prostitution in the country.³²

According to the estimates of the latest Global Report on Trafficking in Persons of the United Nations Office on Drugs and Crime (Undoc) 2016, approximately 1 of every 4 trafficking victims in the world are girls, children and adolescents. Likewise, the report indicates that because of the large proportion of victims for the purpose of sexual exploitation, it is girls and adolescents who have a greater risk of suffering this scourge.

In comparison to advances made by other countries in the region, pacts reported by the State and Undoc, and bilateral memoranda of understanding with other nations (cited in numerals 85-88, 92-93 of the IX Report), although valuable, have ended up being just formal acts with no effective results in the protection of victims,³³ nor in the significant increase of rescued victims,

31 According to the Undoc report of 2016, for 2015 the Ministry of the Interior indicates that 86% of the victims are women or girls.

32 In Bogotá alone, the last three administrations registered 23,500 women prostitutes. In addition, several studies reveal that in Bogotá and other cities of the country, 90% and 96% of the women and girls prostitutes, respectively, are victims of commercial sexual exploitation from ages 14-17, have very low schooling (20% with studies in primary and 37% with incomplete secondary studies) and belong to traditionally discriminated populations.

33 The Anne Frank Corporation reports, in response to the OAG in 2016, that only one person received protection and several had to go into exile to protect their lives.

prosecution of traffickers and exploiters.³⁴ There is also no evidence of a political will to discourage demand³⁵ and the industry profiting from it.

The National Strategy to Combat Trafficking 2014-2018 (quoted in numerals 87-88 of the IX Report) has not reached most of the national territories nor does it respond to the different contexts where, in relation to extractive industries³⁶ and tourism,³⁷ vulnerable girls and women³⁸ are captured and exploited. They are mainly victims of SV in the armed conflict,³⁹ victims of forced displacement,⁴⁰ of abandonment, abuse and poverty⁴¹ and of forced migration, especially women from Venezuela,⁴² who are victims of sexual exploitation, a phenomenon that has been widely proven to increase in post-conflict contexts.⁴³ Most cities in the country haven't got a designed and budgeted public policy in this field.

Attention guidelines for children and adolescents victims of trafficking and commercial sexual exploitation given by the Colombian Family Welfare Institute (Instituto Colombiano de Bienestar Familiar, hereinafter ICBF), cited in paragraph 89 of the Colombian State Report, are only being effectively applied in a few cities of the country, thus forcing victims to be transferred and eliminating the possibility of working with the foster family, whenever there is one. At the global level, and Colombia isn't the exception, State welfare systems are stalked by pimps who, once the restitution of rights processes are completed, capture the victims to exploit them, taking

34 Between 2010 and 2014, the OAG reports an average of 168 cases per year in Colombia, while countries such as Peru report an average of 720 cases per year and Argentina 1,450. See: Denuncias de trata de personas, presuntas víctimas y presuntos imputados 2010-16, Instituto de Nacional de Estadística e Informática, Perú, https://www.inei.gob.pe/media/MenuRecursivo/boletines/boletin_trata_de_personas.pdf y en 2016 hubo más de tres mil denuncias por trata de personas, *Ámbito*, febrero 2017

<http://www.ambito.com/873394-en-2016-hubo-mas-de-tres-mil-denuncias-por-trata-de-personas>

35 <http://www.ambito.com/873394-en-2016-hubo-mas-de-tres-mil-denuncias-por-trata-de-personas>
Article 9.5 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 2000 United Nations Convention against Transnational Organized Crime (Palermo Protocol).

36 <http://www.equidadmujer.gov.co/oag/Documents/Caracterizacion-violencia-sexual-mineria-buenaventura.pdf>.

37 For example, sex resorts, parties with women prostitutes, and "rape tours" in Cali and Cartagena at escucha/archivo_de_audio/resort-en-cali-ofrece-prostitutas-junto-a-dias-de-spa-y-cabalgatas/20170623/oir/3501271.aspx; <http://ggirls.co/shopping-process-2.php>; <http://www.worldstarhiphop.com/videos/video.php?v=wshh5DLR51p70UwJkhI3>; <https://www.rcnradio.com/colombia/caribe/solicitaran-que-fiscalia-abra-investigacion-por-tour-de-la-violacion-en-cartagena>.

38 <http://www.aldia.co/mundo-serio/gracias-una-madre-desesperada-pudieron-desmantelar-una-red-de-prostitucion-infantil>.

39 See: Post-demobilization groups would be exploiting children. <http://www.vanguardia.com/colombia/371593-grupos-post-desmobilizacion-estarian-explotando-ninos>.

40 Out of 341 women who registered between January and August 2017 to the program for women in prostitution in the city of Medellín, 47% are victims of forced displacement. <http://www.eltiempo.com/colombia/medellin/en-medellin-buscan-mejorar-la-calidad-de-vida-de-las-personas-en-prostitucion-1390188>.

41 See <http://www.elespectador.com/noticias/nacional/ninas-de-colegio-estarian-siendo-reclutadas-para-explotacion-sexual-articulo-705252>, <https://noticias.caracoltv.com/cali/cae-mujer-que-permitiria-la-prostitucion-de-menores-edad-en-cali>, <https://www.las2orillas.co/bronx-los-policias-se-acostaban-ninas/>.

42 La crisis de Venezuela alimenta la industria del sexo en Colombia: <http://news.trust.org/item/20170605110119-ybyo9/>.

43 See *Conflicto Armado y Tráfico de mujeres*, GTZ 2004 http://www.ungift.org/doc/knowledgehub/resource-centre/NGO_GTZ_Armed_conflict_and_trafficking_in_women.pdf.

advantage of the fact that States are not responsible after the person has reached 18 years of age.⁴⁴

Although human trafficking (hereinafter HT) and sexual exploitation (hereinafter SE) are adequately typified in Colombia, there are no visible results regarding the prosecution of traffickers and processes of extinction of ownership of their assets, businesses and facilities destined to the SE of women and girls. The legal antinomy generated by the chapter on “the practice of prostitution” in the National Police Code and the regulations for high impact areas in Territorial Ordering Plans (hereinafter TOP), results in confusion regarding the action of authorities and hamper the application of the block of constitutional rules on these crimes. They also culturally legitimize sexual exploitation for commercial purposes as a legal business.

Colombia bases its limited judicial investigation on the complaints of the victims and doesn't carry out a proactive investigation leading to their rescue, a fact demonstrated by the scant number of actions reported by the justice sector. Even worse, many of these brave victims have been re-victimized by high court rulings⁴⁵ that dismiss their testimony and make them responsible for their own exploitation, punish them with jail if they escape from their pimps⁴⁶ and indemnify networks of traffickers.⁴⁷ These judges use CCC⁴⁸ judgments as a basis to reduce the problem of prostitution to police violence and stigma, protect the “right to work” of pimps and urge the State to regulate prostitution as “sexual work”. These judgments not only ignore the irrelevance of consent in all forms of HT and SE, but they also omit forms of violence against women⁴⁹ and the serious human rights violations experienced by them.⁵⁰

44 Trata de niños y niñas para fines de explotación sexual y el Sistema de Bienestar Familiar <http://childwelfaresparc.org/wp-content/uploads/2014/07/Sex-Trafficking-and-the-Child-Welfare-System.pdf>.

45 Judgment to the case of Eugenio José Reyes, March, 2017 (Bogota, High Peace and Justice Court), DIANA Campos (Bogota, High Peace and Justice Court, penal decision), April, 2017 and direct reparation to José Antonio Neira and others (State Council) April, 2017.

46 Case MC-610-17, Jenny Pinilla, interposed to seek precautionary measures before the Inter-American Commission on Human Rights, represented by the Anne Frank Corporation.

47 Case of compensation to gang of traffickers in which the victim is blamed http://www.wradio.com.co/escucha/archivo_de_audio/como-la-prostitucion-aqui-no-esta-prohibida-tendremos-que-pagar-a-banda-de-proxenas/20170724/oir/3528518.aspx.

48 Judgments T-629-2010, T-736-2015, T 594-2016, T 073-2017 of the Colombian Constitutional Court.

49 Prostitución y tráfico de personas en nueve países (incluye Colombia): una actualización sobre violencia y desorden de estrés postraumático. Farley and other, <http://prostitutionresearch.com/wp-content/uploads/2003/03/Prostitucion-in-9-Paises.pdf>.

50 Human rights violations include rapes, torture, femicide, disappearances, among others, documented in 30 cases sent by the Iniciativa Pro Equidad de Género in 2017 to the UN Women's Legal and Social Commission. It is also worth noting that from 2011 onwards, the number of women disappearing in the country increases year by year, which coincides with a general increase in violence against women, in Boletín Epidemiológico INMLCF, Violencia de género en Colombia, Análisis Comparativo 2014-16.

We request the Committee to recommend to the Colombian State to:

- In the framework of discussions currently being held by the CCC in relation to the NDP and TOPs, interpret CEDAW's 6th article, using United Nations (hereinafter UN) instruments which develop the concept of exploitation of the prostitution of others: the Convention for the Suppression of Trafficking in Persons and the Exploitation of the Prostitution of Others (1949) and the Protocol of Palermo (2000). Likewise, CEDAW's 35th general recommendation (2017) clearly defines the multiple and interrelated forms of discrimination (including prostitution), its aggravating effects on women, and recommends to repeal all provisions that allow, tolerate or condone any form of gender based violence against women. The implementation of these conventions would reduce the confusion that may exist regarding the application of crimes contemplated in the Colombian Criminal Code when dealing with adult victims.
- Take urgent measures regarding the increase of sexual exploitation of the prostitution of others and internal and external trafficking for the purpose of sexual exploitation, as a consequence of the armed conflict and post-conflict, as well as the massive migratory flow of Venezuelan women and girls to the country. These measures should be included as part of line 6 (Promotion of the right of women to a life free of violence) of the current NDP and be transversal to line 8 (Gender equity for the construction of peace). Also, an adequate budget and work team need to be assigned.
- Considering the connection this kind of violence has with drug trafficking and organized crime, these measures and public policies should include prevention actions, the protection of victims, prosecution of traffickers and strategies to discourage demand.

7

Political and public life (general recommendation 23)

As demonstrated by the last elections to Congress in 2018, of 107 seats, only 23 are occupied by women (21%) and 84 by men (79%) (See Annex 1, Infographics 2018 - 2022 and Table of Elections to Congress, Red Nacional de Mujeres).⁵¹ Out of 308 women who were running for Senate, only 23 managed to get a seat. Although this means two more seats than in 2014, and eight more than in 2010, it is important to bear in mind that the number of senators and representatives increased by five in each chamber due to the FPA, so the total figure is still very low.

For the House of Representatives, there were 637 women candidates. For the 171 available places, only 31 women managed to get a seat (18%). They achieved the same number as in 2014 and only 11 more than in 2010.

There wasn't even one woman among the ten most voted senators and out of 16 parties and political movements participating in the 2018 elections, only three had a woman candidate as head of their list. This means that both for Senate and for the House of Representatives only 54 women occupied a seat, this is 20.1% of a total of 278.⁵²

In compliance with Law 5817/2000, approved 18 years ago, which establishes there should be at least 30% of women in decision-making positions, in 2016, in the highest level decision-making

51 Red Nacional de Mujeres. Infographics "Congreso de la República 2018" (see annex 1).

52 According to information from Congreso Visible, there are 278 seats at Congress. The Senate has 107 senators: 100 are elected by popular vote throughout the national territory, 2 on behalf of the indigenous communities through special circumscriptions and 5 seats belong to members of the FARC political party. The House of Representatives has 171 representatives: 161 are elected on a territorial basis (by departments and by the Capital District), 2 seats are for Afro-descendant communities, 1 is for indigenous communities, 2 on behalf of Colombians living abroad and 5 are for the members of the FARC political party.

positions, only 40 women (16%) occupied a seat in all the 25 entities and organs of public power. For other decision-making levels, 22 entities didn't comply with the law; this is equivalent to 9%.⁵³

What happened with the political reform presented by the national government, which at the time of writing this report is under discussion in Congress, is an example of discrimination in political and public life. Closed lists are an important tool in the political reform because, among other reasons, they allow to guarantee effective parity and alternation. Nevertheless, in spite of having had a favorable concept in the debates of the first commission of the House of Representatives and Senate, as well as in the plenary of Senate, they were rejected in the first legislature. In the debate that took place in the House, obstacles came from all sides, underestimating the importance of parity and alternation as democratic expressions that guarantee equality in representation and political participation of women, with statements such as women not wanting to participate in politics and that "they cannot be helped so much". This kind of facts ignore international instruments that the Colombian State has signed, as well as the provisions of the constitutional reform of 2015, established through Legislative Act No. 2/2015.

Thus, the plenary of the House blocked the closed lists initiative and, therefore, hindered the possibility of guaranteeing alternation to reach parity. However, in the second term, which will begin in March 2019, in accordance with Article 226 of Law 5/1992, considering that the initiative was debated in the first round, closed lists may be debated again. The discussion of the second legislature will continue in 2019, but if the current trend is maintained, there will be no significant progress for women's political equality. Find attached the proposal with which the Red Nacional de Mujeres lobbied in Congress. (See annex 2, Proposal from the RNM to Congress).

According to the National Conference of Afro-Colombian Organizations (Conferencia Nacional de Organizaciones Afrocolombianas, hereinafter CNOA),⁵⁴ the possibilities of political participation of Afro-Colombian women are even more scarce. In the 2016-2019 legislative period, only one of the 52 women members is Afro-descendant. The cited document highlights that "in all its history, only 6 Afro women have been part of the legislative branch". At the regional level, of the 418 seats for Departmental Assemblies there is only one Afro-descendant representative, in San Andrés y Providencia. Of the 1,101 mayors, only 11 are Afro.

In the Afro-United Declaration for Peace of April 28, 2017, Afro women demand political parties for an effective openness towards the inclusion and recognition of the political leaderships of Afro-Colombian women, black raizal women and *palenqueras*, and to include data on ethnicity in their registration systems.⁵⁵

Regarding the political participation of indigenous women, there is a total bias in terms of representativeness in public offices. A clear example of this can be found in the past elections for House of Representatives and Senate, where none of the 31 elected women was indigenous. Regarding special indigenous constituency, 16 candidates were presented, of which 5 were

53 Informe de participación de la mujer en los niveles decisorios de las diferentes ramas y órganos del poder público colombiano en la vigencia 2016. <http://www.equidadmujer.gov.co/oag/Documents/Informe-Ley-Cuotas-2016.pdf>.

54 Conferencia Nacional de Organizaciones Afrocolombianas – CNOA- "Representatividad política de las mujeres afrocolombianas". Bogotá SF. <https://convergenciagnoa.org/wp-content/uploads/2017/07/cnoa-representatividad.pdf>.

55 Declaration made by Afro Unidas por la Paz, Bogotá, April, 2017. Jockey Club - Universidad del Rosario.

women, but none of them were elected. The same happened with local elections for mayors and governors.

The 2019 elections are fundamental for political exercise in the regions. Participation at the local level in conditions of equality for women is very important, as well as the guarantee of effective parity, especially in this post-agreement scenario and for democracy and peace building from the local level.

We request the Committee to recommend to the Colombian State to:

- Comply with their commitment to parity in the debate of the political reform currently discussed in Congress, incorporating closed lists with alternation.
- Advance in a greater representation of indigenous and Afro women in all decision-making spaces.

8

Participation at the international level

In terms of women's representativeness, Colombia has a Vice Minister of Foreign Affairs and a Vice Minister of Multilateral Affairs.

Until 2017, Colombia's permanent missions before the UN in New York were led by women. In 2018 they were led by men. As of December 2, 2018, of the total number of officials accredited by the Colombian State in the 183 diplomatic missions in embassies and consulates, 36 are women (20%) and 59 are men (32%). Additionally, 88 of the diplomatic representations are not designated (48%) (See annex 3, Officials accredited by the Colombian State in embassies, consulates and diplomatic representation in embassies).

On the other hand, regarding the preparation and socialization of the IX Report, it is important to highlight that the participation of civil society was not foreseen and neither was it presented to the organizations.

We request the Committee to recommend to the Colombian State to:

- Incorporate the parity criterion in the conformation of diplomatic representations not yet designated.

10

Equality in education

Along with the cultural and communications sectors, the education sector has a greater responsibility in eliminating discrimination against women and girls. However, in the country, this sector shows the least commitment in this respect. The National Report is prolific, but evidently it doesn't respond to the observations and recommendations of the Committee. In general terms, important actions were developed but they don't address in any way equality between women and men. As an example, the IX Report presents the results of the "Ser Pilo Paga" program (hereinafter PSPP) as one of its main achievements, without the program having developed any action to eliminate discrimination. Similarly, the evaluation made by the Presidential Council for the Equity of Women (Consejería Presidencial para la Equidad de la Mujer, hereinafter CPEM) to the implementation of Conpes 161/2013 by the education sector evidences the lack of a policy in the matter (See annex 4, Letter from Red de Educación Popular entre Mujeres-REPEM Colombia to the Ministry of Education and responses).

The Committee recommends, in Article 26 (a), "to try to reduce the dropout rates of women from higher education institutions". In response, the IX Report highlights several actions, including the PSPP, created in 2014 to support outstanding high school graduates with limited financial resources to access accredited higher education institutions (hereinafter referred to as HEI). It also details statistical data for 2015 reflecting a higher permanence of women in higher education, a lower dropout rate for women and a higher number of women among graduating students.

Without ignoring that these measures may have helped to alleviate inequalities with women in higher education, they do not show an increase in the retention of women in HEI or the development of incentives for young women to choose fields of study and non-traditional professions as a result of government policies. To do it, baselines should have been established to be able to corroborate the effect of the aforementioned programs with reliable data.

The PSPP, emblematic of the previous government, actually deepened inequality of women. Analyzing data from the 2015 cohort, the only for which disaggregated by sex data have been

published, out of the 12,505 “pilos”, 7,187 were men and 5,318 women,⁵⁶ while at that time the total enrollment in eleventh grade registered 266,422 women and 223,385 men; in education by cycles,⁵⁷ 85,419 women and 71,941 men; and total enrollment data for middle and high school education in 2015 and 2016 reported 51% of women and 49% of men. Therefore, there are more women with the right to access the benefits of this program, but it is men who have mostly accessed it. This is corroborated by the diagnosis developed in the NDP 2018-2022 (page 762),⁵⁸ which confirms the existence of gender inequality in school desertion and in the access to quality education, with data obtained from the Saber 11 Assessment, on which the PSPP is based. Actually, this program has generated strong debates on the financing of education in the country which, very unfortunately, haven’t addressed gender inequality.

The Committee also recommends, in Article 2-26(b), “the adoption of a policy for readmission of pregnant girls and young mothers in school, and strategies for them to stay in school”. The IX Report records actions that allowed reducing the percentage of pregnancies among young people from 15 to 19 years old.⁵⁹ This contrasts with the 2013 Conpes 161 evaluation, according to which adolescent pregnancy occurred in 72.87% of official educational establishments and 40.66% of private ones during the second semester of 2016. The incidence of adolescent pregnancy (58.65%) and bullying (67.57%) are therefore the situations against girls and adolescents that mostly happen in educational institutions.⁶⁰ This also contrasts with the diagnosis in the NDP 2018-2022 (pp. 778-779).⁶¹

Regarding the reasons for dropping out from school, according to the 2017 Quality of Life Survey, 18.5% of adolescents aged 15 to 19 do not attend an education institution because they must work at home and 16.5% of them because they are pregnant. The fact is that Colombia hasn’t implemented a policy for readmitting pregnant girls and young mothers in school formulating strategies to retain them. Maybe, actions to “reduce harmful practices related to child marriage or early unions” included in the current NDP might bring progress in this regard.

SV against women in educational environments, another important cause for dropout, led to a public hearing in which students from public and private universities throughout the country exposed the situation of sexual violence in their communities and made explicit demands to the ME, the OAG and the Ministry of Labor, because although it mostly happens among students, teachers and workers are not alien to this problem as was established in Judgment T-239/2018.

56 Report presented by the Education Minister to the Senate on August 3, 2016. See: http://www.mineducacion.gov.co/1759/articles-356123_archivo_pdf.pdf.

57 Basic and middle education training program for adult people.

58 NDP 2018-2022. Chapter XVI. Pact for equality for women, section B “Educational and economic empowerment for the elimination of gender gaps in the labor market”.

59 Guidelines for the development of a strategy for the prevention of pregnancy in adolescents and the promotion of life projects for children, adolescents and young people between 6 and 19 years old.

60 Proyectamos Colombia SAS. Evaluación institucional y de resultados con enfoque participativo de la Política de Equidad de Género para las Mujeres, de acuerdo con lo previsto en el CONPES 161 de 2013, pág. 322.

61 NDP 2018-2022. Chapter XVI. Section E. “Sexual and reproductive rights: promoting the well-being and health of women”, which reports that in Colombia 13.3% of adolescents between 15 and 19 years old are already married or conjugally united. In rural areas this amount rises to 21.5%. Between 2016 and 2017 there were 470 marriages with or among minors. Additionally, women marry or couple at a younger age than men. It also reports that the number of live births given by girls between 10 and 14 years old increased by more than 4 percentage points compared to 2016 (4.5%), from 5,551 to 5,804 live births. It is important to highlight that sexual intercourse with children under the age of 14 is illegal.

The Committee also recommends, in article 26(c), to design protocols to collect data on basic indicators on an annual basis, disaggregated by sex, age and ethnicity. The IX Report states that the ME has implemented audit and follow-up strategies to have increasingly reliable and detailed information on educational enrollment disaggregated by sex and ethnic group, but these strategies have not generated disaggregated data or constitute a national articulated protocol. This is ratified by the diagnosis in the draft of the NDP 2018-2022, Chapter II, Pact for equity, Section C, “Quality education for a future with opportunities for all”, where there is relevant information (pp. 53-56), but none of it is disaggregated by sex.

According to the National Department of Statistics (Departamento Nacional de Estadística, DANE),⁶² 12.8% of women living in rural areas are illiterate. La Guajira (41%), Cesar (24%) and Chocó (25%), departments with a high presence of indigenous and Afro-Colombian population, have the highest illiteracy rates, while sectors such as Bogotá (4.5%) hold the lowest rates. However, there is no information indicating exactly how many indigenous women manage to enter higher education, the only relevant fact being that only 2.7% of the indigenous population in general attains this level of education.⁶³

We can highlight the issuance of the Policy Guidelines for Inclusive Higher Education, for whose implementation a legal regulation is required to oblige its compliance, since the autonomy granted by Law 30/1994 to universities allows for such guidelines to not have the expected effect. The strategies on education for women included in the NDP 2018-2022⁶⁴ are encouraging too, especially those aimed at women entering non-traditional professions and fields of study. We hope they are correctly implemented.

62 Departamento Administrativo Nacional de Estadística. Tercer Censo Nacional Agropecuario. Colombia: Ministerio de Agricultura y Desarrollo Rural. Bogotá, 2016.

63 Departamento Administrativo Nacional de Estadística DANE. (2005). Censo General. Colombia.

64 NDP 2018-2022, pp. 766.

We request the Committee to recommend to the Colombian State to:

- Support reports with statistical data that corroborate the effect of developed actions and, in the case of the PSPP, information disaggregated by sex, age and ethnicity for each year of its implementation as well as global information on it.
- Undertake measures to induce educational institutions to eliminate practices that lead students to disinterest and abandonment of educational programs and to increase retention and encouragement for the successful completion of studies.
- Generate spaces to strengthen the capacities in the directives, teachers and administrative staff to include gender issues not only in their action plans but in their implementation and evaluation.
- Formulate policies and programs to influence educational institutions to adopt efficient, measurable and sustainable measures to encourage girls and young women to choose fields of study and professions that are not of female tradition.
- Establish a national system of prevention, care and punishment of sexual violence in educational institutions, considering the duty of due diligence, based on international instruments such as CEDAW and the Convention of Belem Do Pará.

11

Employment

According to DANE's data, during the August-October quarter, the economically active population was composed of 56.7% men and 43.3% women. Men represented 58.0% of employed persons and women represented 42.0%. The unemployed population was composed of 43.8% men and 56.2% women.⁶⁵ The unemployment rate is 12% for women, while for men it is 7.1% and in young people it is 21.6% for women and 11.9% for men. On average, men's wages were 1,051,359 COL\$ and women's wages were 854,328 COL\$, despite the higher level of training of women who, for the same year, registered an average of 9.6 years of training and men only 8.5. By 2017, there were 6,152,000 salaried men and 4,713,000 women. This means that for every 100 salaried men there were 80 salaried women.⁶⁶

Within the population group of women, there are important differences. According to UN Women:

In 2017, the poorest women with the least access to education faced an unemployment rate of 22.2%, for men it was 10.3%, lower by more than 11 percentage points compared to that registered by women. Age also represents a determining factor in the differences in relation to unemployment. For young women (14 to 28 years of age), in 2017 unemployment was 20.8%, a high rate compared to that registered for all women. (...)

Two groups of women have suffered in a very negative way the transformations and changes in the Colombian and Latin American reality. Peasant women and women from areas affected by the armed conflict (more than 4,000,000 women were victims of forced displacement in Colombia), and the approximately

65 DANE. Data available at: <https://www.dane.gov.co/index.php/estadisticas-por-tema/mercado-laboral/segun-sexo>.

66 <http://ail.ens.org.co/informe-especial/discriminacion-y-violencia-contra-la-mujer-en-el-mundo-del-trabajo/>.

637,000 Venezuelan women who formally entered Colombia in 2017 seeking for better opportunities.⁶⁷

Regarding discrimination in access to formal employment, the State hasn't adopted effective measures to reduce the wage gap which, for 2016, reached 19 points, nor has it complied with the recommendation to amend Law 1496/2011. In this regard, it has issued specific legislation such as Law 1429/2010, regulated in 2011, which establishes tax benefits to companies for hiring women over 40 years old. According to the information provided by DIAN, in the years of application of the regulation (2012 to 2016), the tax benefits amount to 1,089 million COL\$, with a fiscal cost of 289 million COL\$ for the State. The number of female workers benefited is unknown, but the annual average number of companies that made use of the benefit is 24.4.⁶⁸ Regarding the tax benefits established in article 23 of Law 1257/2008, to promote the employment of women victims of gender violence, regulated in Decree 2733/2015, according to DIAN reports, in 2015 only one company reported the use by a worker of the mentioned benefit. The same happened in 2016.⁶⁹

The State doesn't quantify the percentage of women whose jobs have been formalized in several sectors where they are a majority, for example, in domestic service or as manicurists, nor does it identify the proportion of the total number of women working in the informal sector. The Report doesn't refer to how the Constitutional Court C-211/2017 judgement is being applied on work involving occupation of public space, disaggregated by sex, considering the measures that authorities must take when people who work as street vendors in the public space belong to a vulnerable population or to groups requiring special protection, such as women (Article 43 of the Political Constitution). The government hasn't identified either women's real participation in economic sectors promoted by free trade agreements such as mining, road infrastructure construction, sugar cane or African palm crops. It hasn't, therefore, complied with CEDAW's general recommendation. The State hasn't either evaluated the adverse effects of these treaties on women's employment in the textile industry or on the sustainability of small and medium enterprises owned by them. Because of this, it hasn't developed compensatory policies either.

The Sello de Equidad Laboral Equipares (Equipares Employment Equality Seal, hereinafter SELE) doesn't contemplate the participation of women's organizations or unions who might accompany and/or monitor the progress of associated companies. Neither does it evaluate labor stability through the duration of work contracts nor does it monitor subcontracting or labor outsourcing, factors affecting the quality of employment and the respect to the rights of women workers.

The Subcommittee on Gender in the Permanent Commission of Labor Wage Policies of the Ministry of Labor (Resolution 758/2016) hasn't had a relevant participation in strategic discussions such as the definition of the legal monthly minimum wage. This instance should have greater action since, during the government of the current president, proposals on the value for the

67 UN Women Colombia. El progreso de las mujeres en Colombia 2018: Transformar la economía para realizar los derechos: <http://www2.unwomen.org//media/field%20office%20colombia/documentos/publicaciones/2018/10/onu%20mujeres%20-%20resumen%20progress.pdf?la=es&vs=1752>.

68 DIAN. Answer to a legal demand. PQRS No. 201882140100026132, May 11, 2018, presented by Justicia Tributaria en Colombia.

69 DIAN. Answer to a legal demand. Register No. 000E2018014606, May 30, 2018, presented by Justicia Tributaria en Colombia.

minimum wage, a legal mechanism for its definition and a pension reform are expected to be discussed and all these could have harmful effects on women's interests.

Despite important advances regarding the recognition and quantification of unpaid work carried out by women at their homes, developed in compliance of Law 1413/2010, the information obtained is not being considered when planning strategic policies for Colombian girls and women, such as budget allocation to the ICBF or the recognition of the labor rights of women who have participated in community mothers program during the last forty years. The contribution of this type of work to the GDP is not taken into account by the State when it comes to providing support to free women from the burden culturally assigned to them and which, in many cases, implies limitations for the development of their life projects and the effective enjoyment of their rights.

Regarding working children, in Colombia, according to official figures reported by the Ministry of Labor in December 2018, 796,000 children and adolescents are victims of child labor.⁷⁰ Because of their social role as providers, the estimated probability of a male child or adolescent to be exclusively engaged in work is greater than in the case of female girls or adolescents, which leads male children and adolescents to enter the labor market earlier.⁷¹ On the contrary, girls and adolescent women are encouraged to work at home, reinforcing their role as mothers and caregivers. In fact, there is a 49% probability that a girl or adolescent of female sex with a permanent partner doesn't work or study at all.

In conclusion, the normative advances regarding women's right to work are insufficient, as they are not generating effective changes to improve their participation in the labor market, nor in the respect and guarantee of their labor rights.

70 Ministry of Labor. Bulletin available at: <http://www.mintrabajo.gov.co/web/guest/prensa/comunicados/2018/diciembre/ministra-del-trabajo-alicia-arango-lanza-es-trategia-para-prevenir-y-erradicar-el-trabajo-infantil-en-colombia>.

71 ICBF (Bulletin #10, October 2013, Observatorio del bienestar de la niñez del ICBF. Available at: <https://www.icbf.gov.co/sites/default/files/publicacion-40.pdf>.

We request the Committee to recommend to the Colombian State to:

- Evaluate the implementation of tax measures designed to promote the employment of women to identify why they are being inoperable and, in any case, identify the amount of benefited women.
- Complement the SELE with standards to diagnose and correct, if applicable, hiring practices that undermine women's labor rights stability and enforceability.
- Define policies for the public recognition of care economy with budget allocation, for society to assume its responsibility in this type of activities.
- Evaluate the international trade policy and adapt it to its real capacity in order to link women to formal employment.
- Incorporate a gender perspective in the formulation, implementation and evaluation of policies related to child labor.

12

Health care and family planning (general recommendation 24)

Within the framework of recommendation 30, literal a) of the CEDAW Committee, regarding guaranteeing access to legal abortion in compliance with Judgement C-355/2016, and as reported by the Colombian State, we insist, as we did in the 2013 shadow report, that the interposition of access barriers to VTP services persists and is systematic, and expresses discrimination against women and their reproductive autonomy. The situation is even worse in rural areas, as demonstrated by the document “Access Barriers to Voluntary Termination of Pregnancy in Colombia”.⁷² Between 2006 and 2018 La Mesa por la Vida y la Salud de las Mujeres (Bureau for Women’s Health and Life, hereinafter LMVSM) has monitored more than 1,122 cases of women who requested accompaniment on the route to access VTP but found access barriers such as: (i) ignorance of the current regulatory framework; (ii) restrictive interpretation of the legal framework, such as the request for additional requirements or the improper use of conscientious objection by obstructing providers; (iii) failures in the provision of health services, with unjustified delay being generalized and, therefore, a lack of attention during the third trimester of pregnancy, which is only provided, and without a regular basis, in three cities of the national territory. Additionally, in contrast to what was reported in the IX Report, monitoring and control entities haven’t carried out effective monitoring and evaluation actions.⁷³ As a result, there isn’t yet an information system that efficiently consolidates the information on the provision of VTP services, which makes it impossible to accurately report the amount of legal abortions, as

72 González Vélez, Ana Cristina and Castro, Laura. “Barreras de acceso a la Interrupción Voluntaria del Embarazo en Colombia”. La Mesa por la Vida y la Salud de las Mujeres (Colombia), 2017. Available at: http://www.despenalizaciondelaborto.org.co/wp-content/uploads/2017/05/Barreras_IVE_vf_WEB.pdf.

73 Out of 271 complaints filed in the National Health System for barriers to access to VTP, only three have been sanctioned. Likewise, between 2016 and 2017, 33 complaints were filed and no administrative process has been opened against health service entities obstructing the right to VTP. Response to a right of petition filed by LMVSM, Registry number 2-2017-137767, December 11, 2017.

well as those denied or not performed in the health system. There is also no information on the socio-demographic characteristics of the women who access these services. The increasing prosecution of women due to abortions is highlighted. Although Recommendation 006/2016 from the OAG establishes guidelines for the investigation and prosecution of abortion, according to their data,⁷⁴ since Law 906/2004 - Code of Criminal Procedure was sanctioned, 5,304 women have been criminally investigated for having allegedly committed this crime. Figures show that the age ranges in which there is greater prosecution are from 15 to 19 years (24.4%) and from 20 to 24 years (19.5%). Regarding their educational level, most of the prosecuted women are in primary school (9%) and secondary school (26.6%), thus delving the situation of violation of rights of younger and less educated women. It is preoccupying that, in the provided data, there are 3 cases of girls of 11 and 12 years old and 38 cases of 14-year-old girls, which is contrary to the obligations of the State to guarantee the fundamental rights of girls, particularly those of girls under 14, for whom presumption of sexual violence operates. In addition, as confirmed by organizations accompanying women, there have been cases of prosecution even though the victims are within the framework of the exceptions. This is a behavior contrary to the legal framework protecting the right to VTP and it accounts for the stigma surrounding abortion and its persistence as a crime in the Colombian Penal Code, a situation before which the Colombian State must forcefully advance in order to stop the violations of women's human rights. It is important to take into account that, as shown by the findings of the National Survey of Demography and Health, according to which adolescents from 13 to 19 years old, with lower educational level and located in the lowest wealth quintile, who reside in the rural area or in less developed regions, constitute 20% of the adolescents who were once pregnant. On the contrary, the percentage of adolescents in the highest wealth quintile, who report having ever been pregnant, amounts to 4%.⁷⁵

Within the framework of CEDAW Committee's recommendation 30, Literal e) and in accordance with the information provided by the Colombian State regarding the issuance of Resolution 1904/2017 of the Ministry of Health and Social Protection (hereinafter MHSP), women's organizations in Colombia state that forced sterilization due to disability in minors persists and is systematic. Even though it seems that norms⁷⁶ and jurisprudence⁷⁷ on sterilization of persons with disabilities and minors in Colombia are neutral norms directed to both men and women, the fact is that they disproportionately affect the latter.⁷⁸ From 2009 to 2018, 6,679 women with disabilities and 1,058 men with disabilities were subjected to a sterilization procedure,⁷⁹ for a

74 Response from the OAG to a right of petition presented by La Mesa por la Vida y la Salud de las Mujeres on figures of investigations for the crime of abortion and the implementation of Recommendation 006/2016. Registry number 20176111013202. October 23, 2017.

75 MSPS Profamilia. Encuesta Nacional de Demografía y Salud ENDS 2015. Ministerio de Salud y Protección Social. Bogotá: CTP All solutions S.A.S.

76 Law 1412/2010. "By which free tubal ligation or vasectomy procedures are authorized to promote responsible parenthood and motherhood".

77 Judgments C-182/ April 13, 2016 and T-303 of 2016 allow sterilization of people with disabilities without their consent as a legal practice, ratified by Judgment C-131/2014, which establishes exceptions to Law 1412/2010 authorizing the sterilization of children with cognitive and psychosocial disabilities.

78 The possibility of reproduction of women with disabilities is constantly subjected to authorizations to oblige them to assume definitive contraception methods, through substitute consents, many times without complying them". Constitutional Court, Judgment T-665/2017. Defender: Gloria Stella Ortiz Delgado.

79 It is worth highlighting that these figures do not indicate whether the procedure was done with or without the consent of the person with a disability.

total of 7,737 people.⁸⁰ Thanks to the issuance of Resolution 1904, the amount of sterilizations was reduced in 2018.

Considering significant data such as the large number of girls under 14 years old who, for example, become mothers in Bogotá,⁸¹ and in the understanding that according to Colombian criminal legislation, in these cases it is not possible to claim consent from the victim, there are high levels of impunity because most of them are not reported. This issue reveals the lack of articulation of the different State entities. “82,000 girls under 14 years old gave birth in the hospital system during the last 2 decades. DANE has data related to these 82,000 violations because it has got all the birth certificates, and the hospital system has got the name registries, but they are not delivered to the OAG” and, therefore, no process is initiated to reduce impunity in this field.⁸²

The lack of guarantee for the sexual and reproductive health rights, especially of women, adolescents and girls with disabilities in Colombia, has been the subject of a complaint before several national and international entities.⁸³

80 On August 9, 2018, a response was received to the right of petition submitted to the Ministry of Health, indicating sterilization figures between 2009 and 2018.

81 DANE: Cada semana 6 niñas menores de 14 años se convierten en madres en Bogotá. DANE–EEVV, 2016, 2017.

82 Interview with the Delegate Prosecutor for Children and Adolescents, Mario Gómez, during the Symposium “For the right to grow as a family” on November 29, 2018.

83 “There is currently no public policy aimed at ensuring that people with disabilities have access to information and education about their sexual and reproductive rights (...).” Constitutional Court, Judgment T-573/2016. Defender: Luis Ernesto Vargas Silva.

We request the Committee to recommend to the Colombian State to:

- Guarantee universal and equitable access to affordable, acceptable and quality services, goods and establishments in the area of sexual and reproductive health, in particular for women, girls and adolescents with disabilities.
- Ensure that all women with disabilities have access to comprehensive education and information on impartial sexual and reproductive health on an empirical basis and without discriminatory elements.
- Guarantee the right of women, girls and adolescents with disabilities to receive information on all aspects of sexual and reproductive health.⁸⁴ Specifically, it is the obligation of the Colombian State to protect the consent of women, girls and adolescents in the access to this type of services, for which reason the realization or imposition of the same should be prohibited.⁸⁵ This practice, for reasons of disability in minors, especially in girls, seriously violates their right to physical integrity and has adverse consequences for the rest of their lives, both in their physical and mental health.⁸⁶
- Investigate rape in all cases known by health institutions, as well as other kinds of births to girls under 14 years old.

84 Maternal health, contraceptives and planning methods that may be temporary, emergency or definitive, family planning, sexually transmitted infections, HIV prevention, safe abortion and subsequent assistance in cases of abortion, infertility and fertility options, and cancer of the reproductive system.

85 Constitutional Court, Judgment T-665/2017. Defender: Gloria Stella Ortiz Delgado.

86 Comité de los Derechos del Niño, General Recommendation No. 9. 2007; Comité de Derechos Humanos, General Recommendation N° 28, 2000.

14

Rural woman

In points 1 and 4 of the FPA, the national government committed itself to the participatory construction of a comprehensive public policy for rural women. Two years after its signature, we know of no results in this regard and we don't know whether resources have been allocated for it. Exclusion of rural women remains and their access to justice remains precarious.

Rural women's organizations managed to include the creation of a Rural Women's Directorate and the formulation of the Comprehensive Public Policy for Rural Women in the Development Plan of the previous government. The Directorate was created, but the policy was not formulated, so there is no north to guide the transformational actions that rural women need. It is necessary to provide the Rural Women's Directorate with institutional power, including technical and financial support, to lead actions developed from different State entities to ensure women's access to productive assets such as land, financing, technical assistance and marketing, and to public goods such as real access to housing, education services, health, social security, infrastructure for care activities favorable for their health, and effective training and participation.

The needs of rural women continue to be analyzed through indicators designed for rural families. Thus, there is no clear and disaggregated information on the female rural population, which results in a lack of knowledge of the reality of women in the different territories of the country and so, despite the existence of routes, programs and measures created to meet the needs of women, rural women are not adequately cared for.

It is therefore necessary to develop an information system with data on the different territories, disaggregated by sex and ethnic-racial variables, as well as by sexual orientation and identity. Likewise, information should be provided on women's access to land, to other productive assets such as financing, and to justice in the face of agrarian conflicts and gender-based violence. Information on women's land tenure and use is very poor. Data from the Agricultural Census only provided a very partial and approximate view. We expect the Multipurpose Cadastre to include

more truthful indicators about the situation of women and their access to land, and the National Agricultural Survey to be intervened with gender indicators.

It is also necessary to improve the planning of programs and projects aiming at the autonomy of rural women by introducing quantitative and qualitative indicators as well as monitoring and impact indicators. Colombian rural institutions need to improve their dissemination systems on their institutional offers, making them more appropriate to the characteristics of the territories, to ensure both demand and effective participation.

Regarding the participation of rural women in community and public life, although based on points 1 and 4 of the FPA, different community spaces and territorial meetings for participatory construction were established; most of the participants in them were men.

The incorporation of women in the labor market and a transition to a higher educational level allow them to modify some gender stereotypes and cultural norms. In reaction, men who wish to perpetuate such roles resort to violence against them to maintain traditional power and control dynamics. Although the government recognizes this situation of vulnerability, there is no articulated institutional response to reduce this risk, which will be even greater because rural women are expected to integrate the community decision-making spaces envisaged in the FPA.

As of June 2015, 46% of the women deprived of liberty in the country, many of them from rural origin, young and in poverty, were accused or condemned for drug-related offenses, while the proportion for men was 17%. Likewise, despite the fact that women's work in this field hasn't been visible, and that their participation in drug production activities is less direct or marginal than that of men, female population in prisons due to crimes related to the chain of production and sale of narcotics has increased more rapidly than that of men.

The draft of Law 197/2018 on "differentiated penal treatment for small growers" notoriously omits the role of women in the cultivation and harvesting of coca leaves. On the other hand, this project doesn't include members of the family working in the crops as subjects of the law, nor does it foresee measures for women heads of household. This compromises the compliancy of Article 2 (g) of the CEDAW and General Recommendation 33, according to which Colombia must carry out an analysis of the consequences of regulations including a gender approach to evaluate their effect on rural women. Similarly, it violates the FPA's provisions regarding rural women.

Based on data from 2015,⁸⁷ 54.2% of rural households suffered from food insecurity and of these, 6 out of 10 had women as heads of household. In adults, excess weight was 57.5% for women and 52.7% for men,⁸⁸ with obesity being more frequent in women (22.4%) than in men (14.4%). Additionally, evidence of anemia was found in one out of every five pregnant women from 13 to 49 years of age, with iron deficiency as a cause in more than 50% of the cases and a greater

87 Cited in: Ministry of Labor. Estrategia Nacional para la Prevención y Control de las Deficiencias de Micronutrientes en Colombia 2014-2021. Pg. 11.

<https://www.minsalud.gov.co/sites/rid/Lists/BibliotecaDigital/RIDE/VS/PP/SNA/Estrategia-nacional-prevencion-control-deficiencia-micronutrientes.pdf> Consultado: 13/07/2018.

88 More information in: No comas más mentiras. <https://www.nocomasmentiras.org/wp-content/uploads/2017/12/Resultados-ENSIN-2015.pdf> Reviewed: 18/09/2018.

prevalence in the rural area.⁸⁹ Consequently, it is urgent to adopt effective measures in terms of public health, assuring they have a gender approach, regulating advertising of Ultra Processed Foods (UPF), their sexist approaches, aggressive advertising of food and nutritional substitutes, promoting adequate information in nutritional facts aimed at facing the obesity and overweight epidemic in women, as well as associated chronic non transmissible diseases.

Also, and in spite of CEDAW's final observations to Colombia's IX Report, the State doesn't mention measures to prevent the negative effects of megaprojects and extractive projects. The lives of peasant farmers are being affected by: i) monocultures using agro-toxins; ii) water pollution; iii) persistence of violence against women (political, sexual, patrimonial, physical and psychosocial)⁹⁰ and iv) the imposition of the consumption of UPF (junk food) as a replacement for nutritious food.

Unfortunately, the new government has proposed to structure a system that re-orders the functions and actions of the governmental entities.⁹¹ It has a limited approach to food security and, once again, takes a distance from a human rights approach, particularly the right to food,⁹² which, otherwise, would have incorporated women as central pieces of the process.

There are new armed groups and the measures taken to ensure the protection of threatened women are not enough. They are at risk because they are leaders and defenders of human rights, of the right to land, to territory, to the environment, to food and of the rights of victims, among others. Attacks and territorial control are strongly related to the continuity of the extractive model, mining, agro-industry and land possession.

An inequality gap persists in access to land for Colombian rural women. According to the Third National Agricultural and Livestock Census of 2014, of the total amount of Agricultural Production Units (APU) in Colombia, only in 26% of them decisions on production are made by one or more women, while women and men who share production decisions represent 12.6%, and in 61.4% decisions are made by men. In general, women's agricultural holdings tend to be smaller and, the greater the amount of land, their participation is reduced. Of the total amount of APU's belonging to women producers, 78% are less than 5 hectares big. Women have also less access to credit, machinery and technical assistance than men.

There are still many problems regarding the effective participation of women in the participation scenarios established in the FPA. The different instruments resulting from them such as the Action Plans for Regional Transformation (Planes de Acción para la Transformación Regional, PATR) and the Alternative Substitution and Development Plans (Planes Integrales de Sustitución y Desarrollo Alternativo, Pisda) have no specific measures for women. Restricted calls, schedules and the

89 Op. Cit, Pg. 11.

90 See: Crónicas de mujeres rurales y campesinas en Colombia. Informe sombra de mujeres rurales y campesinas al informe IX del Estado colombiano sobre la implementación de la Convención para la Eliminación de la Discriminación contra la Mujer. 2018.

91 Bases del Plan Nacional de Desarrollo 2018 – 2020. Resumen Ejecutivo. Pg. 21

92 See: Directrices voluntarias en apoyo de la realización progresiva del derecho a una alimentación adecuada en el contexto de la seguridad alimentaria nacional. Aprobadas por el Consejo de la FAO en su 127avo período de sesiones, noviembre de 2004 y el Sistema para la Garantía Progresiva del Derecho a la Alimentación en el marco del Punto 1 del Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera con las FARC-EP.

absence of care settings have not allowed women to participate and share their perspectives, needs and proposals for the transformation of their territories.

Finally, it is preoccupying that, recently, Colombia refrained from signing the UN's "Declaration on the Rights of Peasants and Other Persons Working in Rural Areas", in which peasant women are acknowledged. Peasant women's organizations have stated that this abstention sends a "very bad message, both to the country and to the world, especially when we consider Colombia is an agricultural country with a strong rural tradition".⁹³

We request the Committee to recommend to the Colombian State to:

- Promote the Comprehensive Public Policy for Rural Women by ensuring the political commitment of the government in the allocation of direct and national budget to strengthen capacities in gender issues and to guarantee women's rights throughout the national territory.
- Follow up on the measures established in the FPA regarding rural education for girls and women to promote and guarantee education in non-traditional disciplines, as well as measures for rural women to access higher education (technical, technological and university), established in the Implementation Framework Plan as a political bet to close gaps between urban and rural areas and to promote women's full exercise of their citizenship.
- Implement the System for the Progressive Guarantee of the Right to Food (numeral 1.3.4), with a focus on gender and women's human rights (access to seeds, water, and pan coger crops),⁹⁴ to women's economic circuits (their economic autonomy) and respecting their ancestral customs, by virtue of what was agreed in the FPA.
- Incorporate into the current NDP demands to materialize the laws and mandates on rural women related to general recommendation 34 of the CEDAW⁹⁵ and the call of the OECD in 2015, in accordance with the proposals of social organizations.⁹⁶
- Generate a specific work plan with government entities responsible for the implementation of the FPA, particularly the National Land Agency, the Rural Development Agency and the Territorial Renewal Agency to incorporate the gender approach and rural women's rights approach in the implementation of the FPA.
- Eliminate the multiple barriers women face in accessing land restitution within the framework of Law 1448/2011, such as institutional, procedural and social barriers, as well as the lack of sustainable solutions for women who have recovered their lands or who are claiming them, developing a specific plan with land allocation indicators for rural women through the Free Distribution Land Fund.

93 El Espectador. "Colombia no votó a favor de la declaración de los derechos campesinos en la ONU". Bogotá, 18 de diciembre de 2018. https://www.elespectador.com/economia/colombia-no-voto-favor-de-la-declaracion-de-los-derechos-campesinos-en-la-onu-articulo-829877?fbclid=IwAR04G5Ut-p1265kX8W8JLMfGIZLzVJjwBMrTBegW_tk8mmfaK5c_S1Zhpdg.

94 Term given to the tradition of collecting food for domestic use from orchards or gardens often located near the home.

95 Article 14 c), Chapter IV a) and f).

96 See: Plataforma de Incidencia Política de Mujeres Rurales Colombianas. Propuestas DNP-Mujeres Rurales- the demands were: i. The participative production of a Conpes document for the implementation of the Comprehensive Political Policy for Rural Women, ii. The inclusion of rural women's caregiving activities in the national budget system, iii. To implement an information system of rural women, iv. Institutional and technical strengthening of the Board of Rural Women and operation and regulation of the Fondo de Fomento para las Mujeres Rurales (Fommur).

- Promote the effective participation of women in territorial planning instruments such as Development Programs with a Territorial Approach (PDET) and in the definition of processes for the substitution of crops for illicit use, among others.
- Subscribe the UN's "Declaration on the Rights of Peasants and Other People Working in Rural Areas".

16

Inter-sex marriage and family life (general recommendation 21)

Prejudicial public officials impose access barriers to already recognized rights of same-sex couples and their families. When requesting public officials to apply the judgements issued by the CCC in their favor, couples often face unjustified delays, discriminatory interpretations of these judgements, lack of clarity regarding the application of the laws on the protection of families, additional requirements in order to be recognized and protected as a family, and discretion and arbitrariness when applying jurisprudential recognitions.⁹⁷ Additionally, during the period examined by this report, there was a serious opposition from the OAG, who systematically used its power as head of the public ministry to prevent the guarantee of the rights of same-sex couples and their families.⁹⁸

The Committee is asked to recommend to the Colombian government to implement programs, actions and strategies to combat prejudices from public officers and from society as a whole in order to eliminate access barriers to already recognized rights of same-sex couples and their families.

97 Colombia Diversa, Familias bajo sospecha. La batalla por la igualdad de las parejas del mismo sexo en Colombia.

98 Between 2013 and 2016, the former attorney general, Alejandro Ordóñez, demanded the annulment of seven judgements from the Constitutional Court and of Decree 1227/2015. He also ordered public officers to deny all civil marriage applications of same-sex couples (Communication 013/2013) and to collect sensitive data from same-sex couples who made such requests (Communications 001 and 002/2013 of the Delegate Procurator for Civil Affairs and Memorandum 008/2013 of the Delegate Procurator for the Defense of the Rights of Children, Adolescents and the Family). Additionally, he publicly stated that “notaries cannot and should not celebrate same-sex marriages” and threatened those who celebrated such unions with “disciplinary consequences”. In: El Tiempo, “Alejandro Ordóñez no aspirará a la Presidencia”, May 6, 2013. Available at: <http://www.eltiempo.com/archivo/documento/CMS-12781222>.

Special chapter on peace

For Colombian society, the FPA represents the end of violence that has negatively affected the entire country for generations, with differentiated and disproportionate effects on the lives of women in their ethnic diversity, sexual orientation, gender identity, age, urban or rural origin, economic situation, religion and political position. For this reason, women have demanded a negotiated solution to the armed conflict and, in the midst of war, they have prepared for peace. Consequently, they have insisted that negotiations and agreements and their implementation consider their needs and proposals. As a result of their tenacity, the FPA between the Colombian State and the FARC has a cross-gender approach all through its different points, specified in 122 measures aimed at achieving equality between women and men that will contribute to the construction of a stable and durable peace.

Thirteen of these measures correspond to the protocols for the “definitive and bilateral ceasefire and of hostilities” and the “abandonment of weapons”, which have already ended. Therefore, based on the report produced by Grupo de Trabajo Género en la Paz (Gender in Peace Working Group, GPAZ),⁹⁹ this analysis deals with the implementation of the 109 remaining measures. For each one of the measures, GPAZ’s report observed their regulatory and operational development. The progress in these two dimensions was represented with a traffic light. Red lights warn that there has been no progress, yellow indicates that there are advances but they are insufficient and green shows satisfactory advances.

In general terms, these measures have been ratified in the multiple norms regulating the FPA, among which, above all, the Implementation Framework Plan (hereinafter IFP) stands out. The Plan was adopted by the Colombian government through Conpes 3932/2018 to guide its actions during the next fifteen years in relation to the development of the FPA. This public policy appropriately responds to the gender approach in the FPA, so we urge the executive branch to include in the NDP 2018-2022 the commitments expressed in the 107 products and indicators of the IFP that materialize this approach.

Since the FPA was signed in November 24, 2016, until August 6, 2018, 70.64% of the measures have had a satisfactory regulatory development, but there has been no operational progress in 36.70% of them. This situation must be judged considering that the implementation of the FPA is a fifteen-year process which is not feasible without a solid legal framework.

Particularly for women, the implementation of the FPA is only effective if it is carried out with their participation. This was evidenced by GPAZ’s report when examining measures in which there are better results in each point, and also when evaluating the effectiveness of each measure according to their classification in five categories: (i) measures establishing the incorporation of

⁹⁹ Working group of feminist activists, LBT, academics, victims and defenders of human rights, for the implementation of the gender approach in the construction of peace. Available at: <https://www.sismamujer.org/informe-gpaz-observaciones-sobre-la-incorporacion-del-enfoque-de-genero-en-los-acuerdos-de-paz-octubre-de-2018/>.

the gender approach without defining specific actions, (ii) affirmative measures with concrete actions, (iii) measures addressing gender based violence, (iv) measures on participation, and (v) those on instances specialized in the gender approach. It is interesting to observe that the fourth and fifth categories have a good normative and operational development. In the fifth one, on specialized instances, there are satisfactory advances in 100% of the normative measures and in 50% of the operational measures. Measures related to the integration of the National Council for Reconciliation and Coexistence and the equal participation of men and women in the conformation of the Special Verification Commission (SVC), the Court and the Special Jurisdiction for Peace courts (hereinafter SJP) stand out. In measures related to participation, satisfactory progress reaches 67.74% in terms of normative development and 22.58% in terms of operative development. Two specific spaces are highlighted: the special instance for the monitoring of women's rights in the implementation of the FPA and the international verification component in charge of guaranteeing the differential and gender approach in its development. The good results in both categories can be acknowledged to women's advocacy to ensure their compliance in the framework of the mechanisms used by the nominating bodies, as was the case of the SVC and the SJP selection committee, or the establishment of quotas for different participation spaces such as, for example, the National Council for Reconciliation and Coexistence.

Affirmative measures are also highlighted because of their satisfactory normative development (69.7%). In terms of operative development, greater progress could be made in 54.55% of the measures, particularly regarding the adoption of important norms giving priority to women in relation to access and formalization of land.

The report establishes that the more specific a gender measure is, the easier to develop its normativity. But, on the other hand, its operational development turns difficult, since it requires specific actions involving time and budget, among others.

When analyzing the points of the FPA,¹⁰⁰ all of them have had a satisfactory regulatory development in more than 60% of the measures. The greatest advances are in point 3, on the end of conflict, with 85%, basically related to the gender approach in the reincorporation of the FARC members and the definition of instances and mechanisms to guarantee security and combat criminality against human rights defenders, social or political movements, as well as security guarantees for the exercise of politics and the defense of human rights. In point 6, on implementation, advances reach 83.33%. Instances related to follow up, monitoring and accompaniment in gender matters in the implementation of the FPA and the inclusion of indicators and gender goals in the IFP stand out. On the other hand, there has been no regulatory progress in 33.33% of the measures contemplated in point 4, on the solution to the problem of illicit drugs, regarding gender measures on the prevention of illicit drug use and public health. Nor has it occurred in 28% of the measures in point 1, on the Comprehensive Rural Reform, linked to the non-approval of the agrarian jurisdiction, the reform of the Land Law and the Multipurpose Cadastre, among others.

In terms of operative development, no point has had satisfactory advances in more than 50% of the measures. The greatest advances are in point 6, on implementation, with 50%. Gender measures on differentiated criminal treatment and the special harmonization program for the

100 The points in the agreement are the following: 1. Comprehensive Rural Reform; 2. Political participation; 3. End of the conflict; 4. Solution to the problem of illicit drugs; 5. Victims and 6. Implementation mechanisms.

reincorporation of demobilized actors belonging to ethnic communities, guarantor of the rights of women, ceased to be operationalized.

In points 3, on the end of conflict, and 5, on victims, both with 20%, no operational levels were reached, when considering gender measures regarding most of the instances and mechanisms of security included in the point, nor in the point on victims, given the measures related to the lack of public criteria for the integration of the special investigation team for cases of sexual violence of the Investigation and Accusation Unit of the SJP, and the orders for collective reparation and psychosocial rehabilitation by the Victims Unit.

Point 4, on the solution to the problem of illicit drugs, has the lowest operative development, with 83.3% of the measures without any achievement. Gender measures related to the Substitution of Illicit Crops Program (SICP), and the Program for the Prevention of Consumption and Public Health. Equally, point 2, on political participation, has the poorest operative development, with 42.31% of the measures without any progress. Gender measures on citizen participation and political participation show no operative development either.

Regarding LGBT people, the FPA has 41 relevant measures for this population, but 16 of them have not been included in the norms approved so far, and the 25 that have been included have not been implemented satisfactorily. These delays are due not only to the general obstacles faced by the FPA, but also to particular challenges for the inclusion of LGBT persons, including low technical capacity, lack of institutional articulation, low sensitivity on the part of State officials, the absence of political will and the conservative offensive that seeks to generate setbacks in the rights of this population. The lowest normative and operative developments correspond to points 1, on the Comprehensive Rural Reform, point 2, on political participation, and point 4, on the solution to the problem of illicit drugs.

Despite the context, there are some specific advances in this regard:

- A strategy to strengthen the participation of Lgbti people prior to the formal initiation of the Pdet process foreseen by the agreement for some of the territories most affected by the conflict.
- The issuance of Decrees 885/2017 and 660/2018 promoting the participation and non-stigmatization of Lgbti persons.
- The appointment of a woman as representative of the Lgbti movement in the National Council for Peace, Reconciliation and Coexistence, as well as several territorial councilors belonging to the Lgbti population.
- Conpes 3931/ 2018 on the National Policy for the Social and Economic Reintegration of Ex-members of the FARC includes 16 affirmative actions in favor of Lgbti ex-combatants.
- The IFP includes the measures of the FPA aimed at reducing gaps in access to health and reducing the stigmatization of consumers belonging to the Lgbti population.
- The institutional will of the Commission for the Clarification of Truth (CCT) and the Special Peace Jurisdiction to recognize the differential and disproportionate impact of the conflict on Lgbti victims and guarantee the satisfaction of their rights.

We request the Committee to recommend to the Colombian State to:

- Expand the mechanisms and guarantees for the equal participation of women in all the FPA plans and programs, as well as in all instances of peace building. It has been demonstrated that scenarios with the greatest number of women report greater advances in implementation.
- Design and execute an operational acceleration plan for gender measures that already have a normative development in order to complete their implementation.
- Adopt the gender indicators of the IFP in the National Development Plan 2018-2022 “Pact for Colombia, a pact for equity” and, in this way, comply with all the commitments regarding gender included in this document which is the main reference of the guidelines to carry out the FPA. It prioritizes the needs of women and promotes policies and programs that account for their specificities.

Special chapter on human rights defenders

Women leaders and defenders continue to be victims and face differentiated risks and disproportionate effects depending on the rights they defend, their sexual orientation and their gender identities, their ethnicity, their territorial location and, common to all of them, the fact of their belonging to a population victimized during the war, since they have nurtured the defenders movement in an important way.

Murders, torture, sexual violence, threats against journalists, community leaders and human rights defenders are growing alarmingly. According to data reported by Somos Defensores, from January to September 2017, approximately one leader or human rights defender was murdered every 4 days. For 2018, in the same period of time, the frequency increased to every 2.5 days. The percentage of murders of leaders and human rights defenders in recent years increased from 22.4% in 2016 to 2017, to 53.5% in 2017 to 2018. The total increase from January 2016 to September 2018 equaled 87.9%. From January to September 2017, a woman human rights leader or defender was murdered every 26.5 days. In 2018, in the same period of time, frequency increased to every 23 days. Percentage increase in murders of women leaders and human rights defenders in recent years was 66.7% from 2016 to 2017 and 20% from 2017 to 2018. From 2016 to 2018 the percentage grew up to 100%.¹⁰¹

During the last period of time, extreme violence and brutality against women defenders has importantly increased. This fact is evidenced in the corpses of murdered women presenting traces of sexual violence and torture. In an early warning on human rights defenders, the Ombudsman's Office expressed concern regarding sexual violence cases in which the corpses of murdered women leaders and human rights defenders evidence viciousness and torture prior to the murder. The warning states that "acts aimed at punishing the participation of women in the public sphere affect both the leader and her organization, and seek to inhibit the emergence of new leaderships and visible women's organizational processes".¹⁰²

On the other hand, and according to this same source, from January 2016 to December 2017, gender duplets conformed by the Delegates for Women Rights and for Gender Affairs accompanied and provided legal advice and/or psycho-legal assistance to 143 women human rights defenders. Of these, 24 were registered as victims of sexual violence (16.8%). In 2018, up to October 31, out of 61 defenders accompanied by these gender duplets, 45 reported being victims of threats,

101 Corporación Sisma Mujer. Available at: <https://www.sismamujer.org/boletin-no-16-informe-especial-corporacion-sisma-mujer-noviembre-25-de-2018/>.

102 Defensoría del Pueblo. Nota de Alerta Temprana No. 026-18: Sobre defensoras y defensores de derechos humanos del 28 de febrero de 2018, Pg. 56. Available at: <https://www.sismamujer.org/boletin-no-16-informe-especial-corporacion-sisma-mujer-noviembre-25-de-2018/>.

8 suffered some type of attack and 6 reported having been victims of sexual violence (9.8%). These attacks, of pretended exemplary character, seek to humiliate and send a message to their communities, organizations and other women who, faced with the multiple situations of risk, would expectedly renounce to play leadership roles in their territories.

Different causes converge to generate this disproportionate increase in aggressions against women's rights defenders: continuity of paramilitary forces, now grouped in Organized Armed Groups (OAG), and also the FARC's dissidence, also known as residual OAG, whose total dismantling has not been achieved, as well as guerrilla groups still operating in the national territory, the global failure of war against drugs and the lack of preparation the State has in order to be present in the territories left by the guerrillas. All these aggravate their situation and take more and more lives all the time.

Despite the current situation, there are some normative advances which address the disproportionate impact defenders face, and which include different measures for their protection that, if implemented, would guarantee the free and safe exercise of their leadership. We highlight the creation of the Guarantees Inter-sector Commission for Women Leaders and Human Rights Defenders (Decree 1314 of August 10, 2016) and the adoption of the Comprehensive Program of Guarantees for Women Leaders and Defenders, together with its action plan for 2018, as well as the commitment to the participatory construction of the four-year action plan 2019-2022 for this program (Resolution 0845 of June 14, 2018).

Although the Colombian State has begun to precariously recognize systematic attacks against leaders and human rights defenders, it is necessary to adapt the actions of the competent authorities to identify, investigate and prosecute those most responsible for these aggressions in order to overcome widespread impunity and guarantee measures of non-repetition because, up to now, investigations have only identified material actors.

It is also necessary to distinguish the differential nature of the aggressions against women leaders and defenders due to sociopolitical motivations in the defense of human rights, in intersection with gender dimensions associated to the fact of them being a woman in a society that discriminates women, just for the fact of being a woman. Elements which demonstrate the specificities of the aggressions against women leaders and defenders are not considered as hypothesis in investigations and judicial decisions.

Besides, the national and local governments still fail to effectively comply with providing adequate and differentiated protection measures to women leaders and defenders. The gender differential approach applied when conducting risk analysis is insufficient. For example, there are still cases in which the leaderships of women who have been forged in neighborhood and community processes are not recognized because they are not accredited or endorsed by some legally constituted organization. This prevents them from accessing in an agile, timely and differentiated way to protection measures.

Denunciations made by indigenous women are not taken into account by the authorities of their respective peoples and, in most cases, facts are associated to personal conflicts and not to their political work in the defense of human rights. Moreover, measures granted by the State are

insufficient and don't take into consideration their particular contexts and culture, thus becoming highly bureaucratic procedures in which women end up being totally unprotected.

Finally, due to the lack of political will from the new national government, it wasn't possible to guarantee the implementation of the prevention, protection and non-repetition measures established in the Action Plan 2018 of the Comprehensive Program of Guarantees for Women Leaders and Defenders, which included 84 specific actions and involved 29 State entities. Neither have participatory spaces been defined for the construction of the Quadrennial Plan 2019-2022 of the mentioned Guarantees Program.

We request the Committee to recommend to the Colombian State to:¹⁰³

- Request to the OAG to include in the investigations the differential gender approach when implementing Recommendation 002 of June 14, 2018, by means of which guidelines are established in relation to due diligence in investigations of human rights defenders.
- Consolidate, especially in the case of the OAG, a differential registry of the cases of human rights defenders, according to the type of crime, the state of the investigations, the presumed authorship and the discrimination patterns used by the perpetrators.
- Guarantee the legal representation of human rights defenders victims of all kinds of aggressions.
- Expeditiously implement the Guarantees Program for Defenders and Leaders, and include them in the National Development Plan 2018-2022.
- Immediately implement participation mechanisms established for the construction of the Quadrennial Action Plan 2019-2022 of the Comprehensive Guarantees Program for Women Leaders and Human Rights Defenders.
- Articulate new protection policies for defenders with the Comprehensive Guarantees Program for Women Leaders and Human Rights Defenders and other related instruments.
- Comply with the recommendations of the United Nations Special Rapporteur on the Situation of Human Rights Defenders during the visit to Colombia from November 20 to December 3, 2018, and, in particular, with the Optional Protocol to CEDAW, thus recognizing the communication procedure stipulated in articles 8 and 9, to provide human rights defenders with important tools to broaden accountability and guarantees for a world free of torture, as well as to realize the economic, social and cultural rights of women and people with disabilities.¹⁰⁴

103 Analysis and recommendations prepared by Corporación Humanas and Corporación Sisma Mujer, Balance and perspectives on the situation of women leaders and defenders, December 4, 2018; and Corporación Humanas, Corporación Sisma Mujer and Red Nacional de Mujeres, Hearing before the Inter-American Commission on Human Rights on human rights defenders in Colombia, December 6, 2018. The situation on access to justice and protection of human rights defenders.

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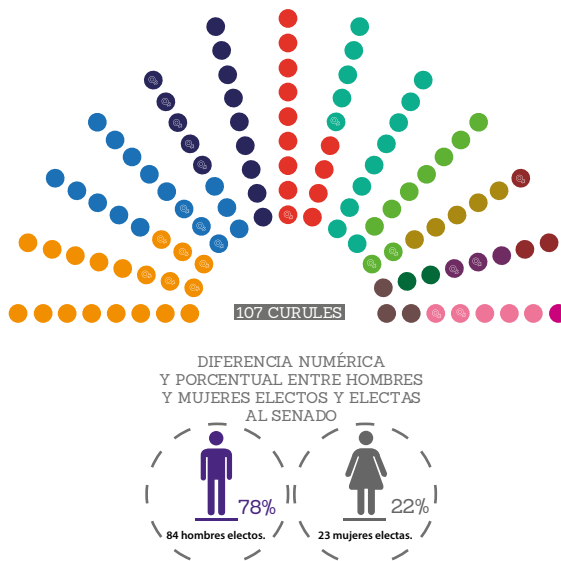
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Partido Coalición Alternativa Santandereana (CAS)	1
Partido Movimiento Colombia Justa Libres	1
Partido CC. Ancestral de Comunidades Negras Playa Renaciente (ACN)	1
Partido Consejo Comunitario la Mamuncia (CSM)	1
Partido Mira	1

