COLOMBIA

1. Discriminatory family code

The minimum legal age of marriage for both women and men is 18 without consent and 12 with parental consent.¹ In practice, however, legal marriage practices seem to be on the decline, according to the official website of the Colombian Civil Registry.² De facto unions are recognised by the Civil Code.³

Article 42 of the Constitution states that family relationships are based on equality of rights and mutual respect of partners. In Colombian families, parental authority is shared by the mother and father.⁴ Not only are women recognised as the head of the household, but they are provided with special support according to Resolution 049 (2002) of the Office of the Procurator General (Office of the Procurator for Children and the Family).⁵

There is no evidence of discrimination against Colombian women in regard to inheritance.⁶ Women and men are given equal status under laws of inheritance. However, under Colombian Civil Code, the surviving spouse is counted among the children in the hereditary order.⁷

In Colombia, legal provisions regarding divorce apply equally to women and men.⁸ In addition, during the divorce procedures, both spouses must provide for the common needs of the household.⁹

2. Restricted physical integrity

Colombia has recently taken steps to enhance the protection of women’s physical integrity, including a 2008 law that increases the penalty for violent sex crimes, but violence against women remains a major, though underreported, problem.¹⁰

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³ Act 54 of 1990 and Law 979 of 2005
⁴ Decree-Law 2820 of 1974; CEDAW (2005), p. 15
⁵ CEDAW (2005)
⁶ Act 28 of 1932 established a woman’s equal right to acquire, manage, and dispose of property; Article 42 of the Constitution enshrines equal rights in handling property between men and women in the family; CEDAW (2005), pp. 89, 91
⁷ Articles 1008, 1045, 1230 and 1236; FAO (n.d.)
⁸ CEDAW (2005) p. 93
⁹ CEDAW (2005) p. 91
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Domestic violence is widespread in Colombia. In 2002, the Institute of Forensic Medicine reported that about one-third of domestic violence cases involved married couples and 23% involved other family members. More than 66% of married or cohabitating Colombian women reported that their husband tried to exert some form of control over them (control over where they are and who they can meet, and false accusations of adultery), while 40% reported experiencing physical violence at the hands of their spouse or partner. Of these women, 76% have never reported this violence or sought help of any kind. According to data reported by the National Institute for Medicine and Forensic Sciences, between the years 2005 and 2011, almost 42,000 forensic exams were conducted on victims of intra-familiar violence. Among displaced women, the rate of intra-familiar violence is particularly high, with 48% of women who were or had been married reporting violence at the hands of intimate partners in a 2010 survey. In contrast to these figures, a 2006 survey found that over 90% of respondents thought that it was never justifiable for a man to beat his wife.

The legal framework for domestic violence is provided in Article 42 of the Constitution, which states that “any form of violence in the family is considered destructive to the family’s harmony and unity, and should be sanctioned in conformity to the law.” This framework was bolstered and expanded by the 2008 Violence against Women Law, which defines gender-based violence as “any action or omission that cases death, or physical, sexual, psychological, economic, or proprietary injury or suffering to a woman because of her status as a woman, including threats of such acts, coercion, or the arbitrary deprivation of liberty, whether these occur in the public or private sphere” (Article 2). This law reformed the norms for the prevention, punishment, and remediation of intra-familial violence previously set out in 1996. Under the 2008 Violence against Women Law, women also have the right to health care, legal services, information regarding rights to press charges, confidentiality when receiving services, specialised assistance for themselves and their children, justice and the guarantee of non-repetition of the crime.

It is unclear how the 2008 Violence against Women Law is being implemented in practice. However, according to the government’s report to the Organization of American States on its obligations under the Belem do Para Convention, the Integral Programme against Gender Based Violence conducted a study in order to evaluate the effectiveness and relevance of the Integral Programme.

The 2008 Violence against Women Law was then amended, added to and strengthened by the 2011 *Seguridad Ciudadana* (Public Safety) Law. In Article 108 of the 2011 law, domestic violence was listed under crimes that require a formal complaint by the victim in order for the judiciary to initiate the legal procedures. This provision, which put women in a vulnerable position as they were obligated to initiate the legal procedures against their abusive partners, was then annulled by the 2012 Violence against Women Law, making it mandatory for judicial officials to initiate investigations and procedures in cases of domestic violence.

Act 599 (2000) of the Colombian Penal Code, which criminalises rape under Title IV, was reformed in July 2008 with Act 1236, setting the punishment for rape at 12 to 20 years of imprisonment. Also, Article 211 of the Act 1236 outlines the criteria for aggravation of the crime: if the victim is a subordinate to the perpetrator, if the victim contracts a sexually transmitted disease or becomes pregnant as a result of the sexual assault, if the perpetrator is the current or former partner or cohabitant of the victim, and if the victim is younger than 14, an elderly person, or a person with a disability. The sexual violence issue was revisited in December 2008 with the Violence against Women Law (1257), which includes sexual violence in the definition of violence against women under Articles 2 and 3. In addition, Article 8.d of Law 1257 establishes the rights of the victims regarding medical examination after sexual assault. Also, Article 9.4 requires the government to create awareness-raising programmes for preventing sexual violence. Marital rape was also criminalised in 1996.

Despite the recent reforms, conviction rates remain low, and impunity for rape, especially among women who have been displaced due to conflict in Colombia, remains high leading to a consensus among victims, government officials, and civil society representatives that, “while the laws are good, implementation is failing.” In a recent seminar organised by the Norwegian Refugee Council and the journal *El Tiempo*, it was reported that impunity for sexual violence has reached 98%. While 90,000 cases of sexual violence against women have been reported during the 50-year armed conflict, less than 10% of the perpetrators of the crimes have been sentenced.

**Sexual harassment** is addressed by the Colombian Penal Code under Article 210.A, later reformed by the 2008 Violence against Women Law. The 2006 Employment Anti-discrimination Law defines discrimination as “any different treatment on the basis of race, gender, family or national origin, religious creed, political preference, social status, or other factors not pertinent to employment.”

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23 Law 1453  
25 Law 1542  
29 Human Rights Watch (2012), p. 38  
31 Law 1257  
32 Law 1010  
33 UN Women (2012)
law, which applies to both public and private sectors, requires employers to put mechanisms in place to prevent workplace harassment, and to resolve incidences of harassment confidentially. If not resolved internally, the harasser, or the employer that tolerated or did not address the harassment, is subject to a fine amounting to two to ten months of the salary of the person who filed the charges.  

In order to move forward with implementing the 2008 Violence against Women Law, in November 2011 the Ministry of Labour passed Ordinance 4463. This ordinance marked the creation of the Programa de Equidad Laboral con Enfoque Diferencial y de Género para las Mujeres (Programme for Labour Equality with a Differential and Gender Approach) meant to raise awareness within the public and private sectors about national and international standards for the protection of women in the workplace. In addition, this ordinance seeks to promote research on the subject of sexual harassment in collaboration with the Observatorio de Asuntos de Género de la Alta Consejería Presidencial para la Equidad de la Mujer (Observatory for Gender Affairs of the Presidential Office for Equality for Women), the National Administrative Department of Statistics and the National Department of Planning. 

In terms of perceptions and attitudes, a 2013 study by USAID and SISMAMUJER revealed that 85% of Colombian women consider sexual harassment to be very present in the workplace.

More

In addition to the above legislation, the Victims and Land Restitution Law, passed by Congress in 2011, specifically recognises that women “have the right to a life without violence and for victims of violence to make claims for compensation.” However, there have been serious concerns about conflict-related sexual violence in Colombia. A 2011 report by Oxfam found that between 2001 and 2009, “almost half a million women living in municipalities where armed groups were present were victims of sexual violence.”

Although the Constitutional Court has issued a ruling (2004) and Directive (2008) protecting displaced women and girls, whose rates of intra-familiar and other forms of sex-based violence are particularly high, human rights organisations have documented continued impediments to displaced women’s access to health and legal services. Despite the initiation of peace talks between the Government of Colombia and the rebel groups in October 2012, millions of women and girls remain internally displaced, and civil society organisations are concerned about the continued vulnerability of women and girls to sexual violence and about the climate of impunity that has prevented justice for these crimes.

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34 UN Women (2012)
36 http://www.sismamujer.org/quienes-somos/
38 Law 1448
39 Human Rights Watch (2012), p. 36
40 CEDAW (2013a), p. 20
41 Human Rights Watch (2012), p. 38
42 CEDAW (2013a)
Colombia is also a major source and transit country for the trafficking of women and girls for sexual exploitation purposes.\textsuperscript{43}

According to the most recent data collected by the United Nations (2013), abortion is illegal in Colombia except in situations where the woman’s life is in danger, to preserve a woman’s physical or mental health, in cases of rape or incest, or for cases of foetal impairment.\textsuperscript{44} Disabled women, however, are not accorded the same rights; a letter sent by a group of NGOs in preparation for Colombia’s October 2013 report to the Commission on the Status of Women expressed concern regarding the forced sterilisation of women with disabilities, which violates Articles 1-3, 5, 10, 12, 15 and 16 of the Convention on the Elimination of All Forms of Discrimination Against Women.\textsuperscript{45} Human rights organisations have also reported cases of forced, clandestine abortions on women serving in illegal armed groups in conflict areas.\textsuperscript{46}

3. Son bias

The male-to-female sex ratio at birth in 2013 is 1.06 and for the working age population (15-64 years old) is 0.98.\textsuperscript{47}

There is no evidence to suggest that Colombia is a country of concern in relation to missing women.

More

In general, there are more male children out of school than females. In 2012, the ratio of female to male primary school enrolment was 96.5% and 108.8% for secondary education. Females graduate more often from secondary school than males. Moreover, in 2011 the literacy rate for females aged 15-24 was slightly higher than males.\textsuperscript{48}

In terms of child labour, male children are two times more likely to be involved than females.\textsuperscript{49}

According to a 2005 survey, girls contributed more than boys to household chores.\textsuperscript{50} Also, according to 2012 data, females are almost three times more likely to be contributing family workers than males, that is, to hold "self-employment jobs" as own-account workers in a market-oriented establishment operated by a related person living in the same household. Moreover, in 2012, the labour force participation rate for males aged 15-24 is higher than that of women.\textsuperscript{51}

\textsuperscript{43} Bastick, M. et al. (2007)
\textsuperscript{44} UN DESA (2013)
\textsuperscript{45} Cited in CEDAW (2013a), p. 20
\textsuperscript{46} CEDAW (2013a)
\textsuperscript{47} CIA (2013)
\textsuperscript{49} UNICEF. http://www.unicef.org/infobycountry/chile_statistics.html (accessed 31/03/2014)
Nutrition data from 2010 for children younger than five indicates a slight gender gap in detriment of boys.  

4. Restricted resources and assets

In 1932, the supreme authority of the husband over his wife was revoked, married women acquired the civil capacity to acquire, administer and dispose of property.

Following the 1988 Agrarian Reform, there have been several government initiatives to increase women’s land ownership, including Decree 2998/03, which provides benefits to rural women for land ownership, and the Estatuto de Desarrollo Rural (Rural Development Statute), which gives priority to women in the development of rural land and agriculture projects. Moreover, legislation was passed in 2011 providing compensation and reparations for victims of the armed conflict. The Victims and Land Restitution Law allows victims to “file for judicial, administrative, social and economic, individual, and collective measures to restore or repair their rights,” which in some cases can mean the restoration of land. Articles 6 and 13 of this law also emphasise non-discrimination within the implementation of the law and the need to address women victims’ needs specifically.

Act 28 of 1932 established a woman’s equal right to acquire, manage, and dispose of non-land assets, and Article 42 of the Constitution enshrines equal rights in handling property between men and women in the family.

Concerning access to financial services, women and men are able to open bank accounts and sign contracts in the same way. Although there is no information on women experiencing discrimination in accessing credit, only 25.4% of women, compared to 35.9% of men, have an account at a formal financial institution. In 2011, women were also less likely (10.6%) to have received a loan from a financial institution than men (13.4%) within the past year.

According to the latest data collected by Microfinance Information Exchange (2013), women make up approximately 60% of borrowers (58.47%).

5. Restricted civil liberties

Regarding access to public space, the Colombian Constitution guarantees the civil liberties of all citizens, regardless of sex. However, due to the years of ongoing conflict between the Colombian government...
and rebel groups, the women’s movement has been restricted by threat of violence. Many women and children have been displaced and are vulnerable to human trafficking.\(^{64}\) It is estimated that approximately 50% of the displaced households are female-headed.\(^{65}\)

The 2008 Violence against Women Law\(^ {66}\) protects women against discrimination on the grounds of sexual orientation; however, according to a joint NGO report in preparation for Colombia’s October 2013 report to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), transgender women’s access to public space is limited, as they are discriminated against by both state and private actors when accessing health, education, and other government services. Although the Colombian government has not compiled statistics on this discrimination, human rights organisations reported that these and other acts of discrimination are sometimes severe, resulting in violence and even death.\(^ {67}\)

The constitution guarantees freedom of expression and religion, although the crime and conflict context make it difficult for journalists to conduct their work – for example, numerous journalists have been murdered for reporting on drug trafficking and corruption – and armed groups are present even in university campuses to generate political support and intimidate opponents. Freedom of association and assembly are restricted in practice by violence.\(^ {68}\)

There have been recent legislative efforts to promote women’s representation in the political realm at both the national and sub-national levels. According to 2013 data gathered by the Inter-Parliamentary Union, women held 12.1% of seats in Colombia’s bicameral Congress.\(^ {69}\) Moreover, Colombians profess strong support for gender equity in public polls. According to a 2006 survey, more than 70% of Colombians either disagreed or disagreed strongly with the statement “Men make better political leaders than women do.”\(^ {70}\)

Under Law 1495 (passed in 2011), electoral lists in which five or more candidates are chosen must include 30% of each gender. As an incentive, the law (under Article 17) provides for funding to political parties by the proportion with which they elect women to national institutions.\(^ {71}\) Article 28 of the same law also stipulates a quota at sub-national level: the lists submitted for elections of five or more seats must include at least 30% of candidates of each gender.\(^ {72}\)

In addition to Article 13 of the Constitution, which sets out equality of men and women under the law, Article 43 guarantees equal rights and opportunities for women and men, gives women special protection during pregnancy and after delivery, and provides special support to women heads of

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\(^{64}\) Human Rights Watch (2012); CEDAW (2013a)  
\(^{65}\) Human Rights Watch (2012), p. 24  
\(^{66}\) Law 1257  
\(^{67}\) CEDAW (2013a)  
\(^{68}\) Freedom House (2010)  
\(^{70}\) WVS 2005, Question V61  
household, while Article 53 includes equal opportunities for workers.\textsuperscript{73} Women are protected from \textit{workplace} discrimination under the 2006 Employment anti-discrimination law,\textsuperscript{74} which defines discrimination as “any different treatment on the basis of race, gender, family or national origin, religious creed, political preference, social status, or other factors not pertinent to employment.”\textsuperscript{75}

Under the Labour Code (Section 236-239), women in both the private and public sectors are provided maternity leave. The total duration of leave is 14 weeks (extended for two weeks in the case of multiple births, e.g. twins), and salary is covered at 100\% of wages, provided through a general Social Security system that covers all public and private employees.\textsuperscript{76} In addition, the spouse or partner is entitled to eight working days of paid paternity leave.\textsuperscript{77}

\textsuperscript{73} FAO (n.d.) (accessed 08/07/2013)
\textsuperscript{74} Law 1010
\textsuperscript{75} UN Women (2012); http://www.secretariasenado.gov.co/senado/basedoc/ley/2006/ley_1010_2006.html (accessed 31/01/2014)
\textsuperscript{76} International Labour Organization (2011)
\textsuperscript{77} International Labour Organization (2011)
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