



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

Distr.: General
8 February 2002

Original: English

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

Summary record of the 423rd meeting

Held at Headquarters, New York, on Wednesday, 3 February 1999, at 3 p.m.

Chairperson: Ms. González
later: Ms. Ouedraogo (Vice-Chairperson)
later: Ms. González (Chairperson)

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fourth periodic report of Colombia
(CEDAW/C/COL/4; CEDAW/C/1999/I/CRP.1/
Add.2) *(continued)*

1. *At the invitation of the Chairperson, Mr. Bonilla, Ms. Linares, Ms. Montaña and Mr. Valdivieso (Colombia) took places at the Committee table.*

2. **Ms. Montaña** (Colombia), speaking in reply to a question on article 7 of the Convention, said that there were slightly fewer women than men in the judiciary and that men consistently held higher posts.

3. Under article 8, she said that, although Colombia had had a woman Minister for Foreign Affairs during the past administration, the proportion of women in high-level diplomatic posts remained low. Women currently accounted for 444 of the 773 foreign service posts (58 per cent) and 39 of the 138 posts of ambassador or consul (28 per cent). Some diplomatic posts were filled by government officials appointed by the President and the Minister for Foreign Affairs, while others were filled by career diplomats recruited through a competitive examination open to both men and women. In order to increase the number of women in the diplomatic service, it would be necessary to encourage more women to take that examination.

4. With respect to article 9, she said that men and women had the same rights with regard to the nationality of their foreign spouses.

5. Replying to the questions raised under article 10, she said that discrimination against women in the educational sector was part of a broader cultural pattern of discrimination. The Ministry of Education, in cooperation with the National Office for Equality for Women, had taken steps to eliminate sexist stereotypes from textbooks and curricula. The Government was endeavouring to introduce a gender perspective into the educational system. In order to combat gender-stereotyping in career choice, a programme on women and business had been developed by the National Office for Equality for Women and the National Planning Department with funding from the Inter-American Development Bank; the aim of the

programme was to develop strategies for reducing barriers to women's entry into the workforce.

6. The Government endeavoured to ensure that all young people had access to basic education up to grade 9, but there were no specific programmes to prevent girls from dropping out of school. Because education was not State-funded, the primary schools charged a small tuition fee, which was waived for poor children. Families had to cover such costs as teaching materials and transportation.

7. Turning to article 11, she said that, although more women than men had entered the job market during the past four years, the number of women job-seekers far exceeded that of men. The main reason for that situation was that women's average level of education had increased. Many women worked in the service sector, which was particularly vulnerable during periods of crisis. Unemployment was lowest among women with very low or very high levels of education, and highest among young and older women with an average level of education. Since the number of job opportunities for highly qualified workers had increased in recent years, it was important to encourage girls to remain in school. Neither men nor women received unemployment benefits; however, the Government was currently developing a training and retraining programme for unemployed workers.

8. The Government was committed to the progressive eradication of child labour and the protection of young workers, and it was working with the United Nations Children's Fund and the International Labour Organization to develop a national policy to prevent the employment of minors, enable child workers under the age of 14 to leave their jobs and return to school, and discourage the employment of young people between the ages of 14 and 18 in hazardous activities. In addition to its national plan of action in that area, Colombia had established the Inter-Agency Committee for the Eradication of Child Labour and the Protection of Young Workers.

9. **Ms. Linares** said that there had been no proposals to eliminate wage disparity or to enforce the law establishing equal pay for women and men and remuneration proportionate to the quality and quantity of work done. The Government considered that the solution lay in promoting higher education for women,

since the jobs traditionally held by women were less well-paid than those held by men.

10. Most women workers with no income worked in family-owned enterprises and received no wages or social security benefits. A Constitutional Court ruling had established that such work should be placed on an equal footing with any other type of employment and that, with regard to benefits, married women in such arrangements should be considered to have contributed as much as their husbands. Under Law 11 of 1988, employers were obligated to pay social security contributions for women domestic workers.

11. Turning to article 12, she said that women who were not students and were not earning a wage, or were earning less than the minimum wage, had access to health insurance through municipal and regional administrations or, if they were very poor, under the subsidized scheme. The only health-care programmes for teenagers were provided by such non-governmental organizations as PROFAMILIA. However, a the national plan for sexual and reproductive health had been established in 1998, and the city of Bogotá would soon launch a special programme for the sexual and reproductive health of girls and adolescents. Public and private schools must provide sex education up to grade 11. While a number of local projects had targeted young people who were not enrolled in school, there was no comprehensive State policy in that regard and the Ministry of Education was considering the need to launch sex-education programmes for that group.

12. Since mortality statistics were available only up to 1995, it was impossible to determine the number of women who had died as a result of abortions. Abortion was illegal under all circumstances; draft legislation legalizing abortion, at least in cases of rape, foetal abnormality or danger to the mother's life, had been proposed on five occasions but had been shelved by Congress. The fact that female sterilization was the most widely used contraceptive method was a result of the previous Government's policies on sexual and reproductive rights. Efforts were being made to encourage men to consider sterilization. Although women no longer needed their husbands' or partners' consent for sterilization, some private clinics still required such authorization.

13. Under to article 13, she said that Government agencies monitored health-care providers; in addition,

services provided under the subsidized scheme would soon be supervised by community inspectorates.

14. With regard to article 14, she said that, since the preparation of the report, there had been no significant change in the Government's policy for the development of rural women. However, progress had been made in the area of programme implementation. Since most cases of violence against rural women occurred during armed conflicts, the Government had assumed that the problem was one of ignorance and that soldiers needed to be educated about women's rights. Other Government initiatives included the issuing of some 25,000 identity documents to rural women and children, the promotion of literacy projects and of campaigns to prevent illnesses that affected primarily women, and the dissemination of information on existing programmes. Although the officials of the Agrarian Bank were responsible for providing information and training to rural women, they appeared to have no desire to do so. Even where legislation existed, it was rarely implemented, and the gender perspective had not been incorporated into activities to provide assistance to rural women. However, the National Office for Equality for Women had included in its development plan programmes to provide rural women with training in financial matters.

15. Indigenous women were unable to exercise fully their economic, political, social and cultural rights. They were subject to the rules and traditions of their own communities and had little interest in the developments of the modern world. The Office for Indigenous Affairs of the Ministry of the Interior was developing programmes to educate indigenous women and increase their self-esteem.

16. The National Council for Health and Social Welfare gave priority to the provision of health care to the poor, displaced victims of violence, indigenous peoples, female heads of household, adolescents, children under the age of five, rural populations and inhabitants of depressed urban areas. Action to address public health problems, including sexual and reproductive health, was required by law.

17. In 1997, the Government had sponsored a study to identify obstacles to the granting of Agrarian Bank loans to women. Rural women did not hold title deeds to the land that was the joint estate of their families, and few of them had any knowledge of the Agrarian Credit Fund, which insured up to 80 per cent of such

loans. No use was made of alternative guarantees, such as property or the signature of a joint debtor. Lenders had little confidence in grass-roots organizations, which were organizationally and economically weak and, in many cases, had been established solely in compliance with the requirements of a particular government lending programme and had subsequently disappeared. Agrarian Bank officials considered project proposals submitted by women to be non-viable. They believed that rural women were unfamiliar with the financial world, and that women would be ineffective in implementing projects. Moreover, women's project proposals did not meet the requirements of the lending institutions. The Rural Women's Office had included in its action plan a strategy to eliminate the social barriers to rural women's access to credit and to promote their participation in social, economic and political affairs.

18. With respect to article 15, there were no plans to undertake a study to determine whether unequal treatment impaired women's legal capacity, or their freedom of movement and freedom to choose their domicile.

19. Turning to article 16, she said that all assets acquired during marriage were divided equally in the event of dissolution of the marriage, and that the signature of both husband and wife was required for the sale of property or real estate. The law established a similar regime for the dissolution of common-law marriages. While that requirement sometimes meant that women abandoned by their husbands could not take decisions concerning ownership of the family home, such women could institute divorce proceedings on grounds of abandonment and request the court to grant them full ownership of the property.

20. **Ms. Cifuentes** said that the National Office for Equality for Women had sponsored a programme to involve women in reconstruction following the recent earthquake. The programme would generate employment opportunities for women and would include the provision of interest-free lines of credit for women wishing to reactivate their small coffee businesses or launch new microenterprises.

21. In November 1998, the Government had observed the International Day to Stop Violence against Women by holding decentralized forums in each department in cooperation with the United Nations Development Programme.

22. **Ms. Ferrer** expressed the Committee's solidarity with the Colombian people following the recent earthquake. The delegation's presence at a particularly difficult time proved that the Government and the National Office for Equality for Women were committed to the advancement of women. The task of making real progress and implementing the Convention would nevertheless be a tremendous challenge. Widespread poverty remained a major problem, especially for women, many of whom were living below the poverty line as a result of liberal economic policies. The situation of street children and rural women was particularly worrisome. She hoped that the National Development Plan would pay special attention to the education and health systems as Colombia attempted to achieve its development objectives.

23. She was concerned at the high levels of violence in Colombian society, which created large numbers of displaced persons. Over 50 per cent of displaced persons were women, including many widows, and their needs must be addressed on a priority basis. Incidence of domestic violence was also alarmingly high and most Colombian women had experienced some form of such violence. She was disturbed by the tendency to reduce the severity of punishment for crimes against women when such crimes were committed by a spouse, and to reform the penal code to allow sex crimes to be dealt with without recourse to the courts. She questioned the effectiveness of the family commissions, which lacked sufficient material and human resources and were not systematically monitored. The commissions also had an enormous backlog of cases. Nevertheless, the adoption of the Constitution of 1991 had contributed to progress in women's rights. She regretted that the report did not provide statistics on follow-up and monitoring of the implementation of existing laws, and noted that Colombia did not seem to have the political will to create affirmative-action programmes for women.

24. She was concerned that abortion was available only in cases of rape or when the woman's health was in danger. She believed that the high maternal mortality rate could be the result of doctors' reluctance to perform abortions. Women should be given control of their bodies, and she therefore hoped that measures would be taken to that effect.

25. While she commended the work of the National Office for Equality for Women, she wondered what

authority the Office really had. As long as it remained an advisory body, the National Office for Equality for Women would not have sufficient influence to transform Colombian society.

26. *Ms. Ouedraogo (Burkina Faso), Vice-Chairperson, took the Chair.*

27. **Ms. Corti** thanked the delegation for its exhaustive report, which had included gender-disaggregated data. She was impressed by the holistic approach to the advancement of women's rights and by the number of organizations that were involved in helping the Government protect the population's human rights. While she welcomed the Government's apparent willingness to ensure implementation of the Convention, she was concerned that Colombia had not formulated plans or specific measures to address the difficult situation faced by its population, particularly the problems of growing poverty and widespread violence.

28. There seemed to be insufficient respect for existing laws and for the Constitution, which must be strictly applied. For example, although the Constitution provided for the possibility of specific legislation in the area of affirmative action, none of the bills to ensure women's rights had been approved by the Congress and other laws that would benefit women had been shelved.

29. The armed conflict and widespread violence had a serious effect on the functioning of the administration and the level of security in the country in general, and legislation must be enacted to deal with that problem. The Government must also have the political will to adopt legislation to end sexual and domestic violence. While the *tutela* system had been a positive measure, it was not used frequently enough and did not seem to meet with the approval of the Constitutional Court.

30. Improving the welfare of women, children and the homeless remained a major challenge for the administration and the country's institutions, including women's organizations, which must convince Colombia's Congress to take effective measures. The Government should undertake a study of the relevant legislation in other countries, particularly legislation on abortion. On the whole, although the Colombian Government seemed to have good intentions, it lacked effective legislation to implement the Convention and bring about real change.

31. *Ms. González (Mexico), Chairperson, resumed the Chair.*

32. **Ms. Regazzoli** stressed that funding for the National Office for Equality for Women, and for women's issues in general, was inadequate. She wondered why none of the proposed quota systems, including constitutionally mandated parliamentary representation for indigenous peoples, had first been brought to the Office of the First Lady and why none had been approved by Congress. She would appreciate a description of the portfolios of the two women ministers in the Cabinet. Lastly, she stressed that the prevailing level of violence in Colombia seriously impeded development for both men and women.

33. **Ms. Abaka** expressed concern about Colombia's abortion policy. In cases of induced abortion, she wondered how doctors reconciled their moral duty to provide care with Colombia's legislation on abortion. The legal consequences of performing an abortion might lead doctors to delay treatment, thereby putting the life of the woman at risk. The Government must act to remedy that situation. No matter what the reason for induced abortion, women must simply be considered to be patients in need of medical assistance.

34. **Ms. Schöpp-Schilling** expressed concern at the high levels of domestic and political violence. Human rights groups were often the targets of political violence. She wondered how human rights could be strengthened and protected if government officials, the police and the armed forces — the people who were responsible for safeguarding such rights — were in danger. The Government should do its utmost to remedy that situation, and it must ensure that its representatives and the forces of law and order carried out their duties in the context of respect for human rights.

35. She noted that the National Office for Equality for Women and various ministries were preparing plans for the implementation of the Beijing Platform for Action. In that connection, she requested detailed information on what benchmarks would be used to measure progress, what time frame was envisaged and who would be responsible for monitoring programme implementation and follow-up.

36. While article 4 of the Convention provided for the adoption of special temporary measures to promote de facto equality for women, the relevant bills that had been introduced in Congress had not been adopted. She

asked whether the main reason for that state of affairs had been Colombia's difficult situation in general or deliberate opposition to those specific measures. She wondered whether the bills would be reintroduced and, if so, by whom. Legislation must be enacted to incorporate women's issues more consistently into national development plans.

37. With regard to article 14, she expressed surprise at the negative and condescending language that had been used by the delegation in its reply to the question concerning obstacles to the granting of long-term credits to rural women. If that attitude was typical of the authorities responsible for promoting rural women's rights, it was little wonder that progress was difficult. The Colombian Government must be aware of the successful credit programmes that had been carried out in other countries, even where rural women were illiterate or uneducated. The Colombian authorities should consider innovative credit programmes that were adapted to the needs of women, and should ensure that the attitude of those responsible for such programmes was not the greatest obstacle to success.

38. **Ms. Goonesekere** expressed concern at the violence to which women in Colombia were exposed. In situations of conflict, Governments had an even greater responsibility to protect the basic rights of ordinary citizens. That responsibility included holding law-enforcement authorities accountable for violations of the rights of women in their custody.

39. The abortion law, which dated back to the nineteenth century, should be revised with a view to protecting more effectively the health and reproductive rights of women. She would welcome information on programmes to prevent child labour. The Government could address that problem, which was common to many developing countries, by making education compulsory.

40. **Ms. Kim Yung-chung** welcomed the efforts being made to strengthen the national machinery for the promotion of gender equality in Colombia. In addition to public-awareness programmes, the State should also adopt temporary special measures to accelerate de facto equality between men and women. The high number of induced abortions among university students was alarming, and the Government should introduce sex-education programmes at all levels in both rural and urban areas.

41. **Ms. Shalev** said that abortion was a medical procedure that women required to protect their right to health and, sometimes, to life. Abortion was often necessary owing to the absence or failure of contraception. Laws that criminalized abortion were therefore a violation of article 12 of the Convention, under which States parties were required to ensure access by women to health-care services, including those related to family planning. The Government should therefore decriminalize abortion and strengthen its protection of the right of women to health and life.

42. **Ms. Linares** (Colombia), replying to the additional questions raised by the experts, said that the various branches of Government often had different approaches to the problem of discrimination against women in Colombia. For example, the Attorney-General's Office had recently introduced in the Congress draft legislation that would reduce penalties for sexual abuse and domestic violence and encourage victims of domestic violence to withdraw their complaint and agree to conciliation. The draft legislation was very troubling to those working on behalf of women's rights in Colombia, especially since the relationship between the parties involved in domestic violence was usually not one of equals. The Attorney-General's Office was also proposing to transfer jurisdiction over domestic violence cases from family court judges to police inspectors, who were untrained in the settlement of family disputes.

43. The groups and associations working to eliminate gender inequality faced formidable obstacles. Only 7 per cent of the members of Congress were women. Efforts to gain public support for the decriminalization of abortion were fiercely resisted by the Roman Catholic Church and even by some human rights activists, who believed that abortion was a violation of the human rights of the unborn child. Her Government would therefore welcome the Committee's suggestions and recommendations on how to protect more effectively the human rights of Colombian women.

44. **Ms. Cifuentes** (Colombia) said that the National Office for Equality for Women was attached to the Office of the President but had an independent structure and its own budget. It used its limited resources prudently and forged strategic alliances with other sectors concerned with the protection of women's rights. Her delegation had taken note of the Committee's concerns about the absence of machinery

to ensure compliance with judicial decisions in the field of women's rights.

45. The Government of Colombia did not support the draft legislation currently before Congress to decriminalize sexual violence against women, and it was making every effort to bring its policies and programmes in the field of equality for women into line with the provisions of the Convention and the Beijing Platform for Action.

46. **Ms. Montaña** (Colombia) said that the Government was encouraging the participation of non-governmental organizations in the formulation and implementation of its human rights policy, and had taken measures to protect the personal security of human rights defenders. A review of secret archives was currently under way to ensure that certain defenders were not listed as members of subversive groups.

47. **Mr. Bonilla** (Colombia), responding to the Committee's concerns about violence in Colombia, said that, in addition to pursuing negotiations with the armed groups involved, the Government was currently decentralizing a portion of the peace fund in order to improve social conditions.

48. **Ms. Cifuentes** (Colombia) said that women had been appointed to head two ministries: the Ministry of Foreign Trade and the Ministry of Communications. The necessary government machinery had been established to deal with women's issues in all geographical areas. Progress had been made in empowering rural women, inter alia through training schemes and improved access to loans and subsidies. Fewer rural women now lacked documents attesting to citizenship, a factor that had previously made them ineligible to obtain credit. The protection of female heads of rural households was a government priority.

49. **Mr. Valdivieso** (Colombia) stressed the commitment of the recently elected Government to furthering the human rights of women. The Colombian delegation had sought to describe the situation and aspirations of Colombian women and provide a frank portrayal of problems that must be addressed.

50. Over the past few years, Colombian society had witnessed a rising tide of violence and sexual abuse; and as a consequence, new legislation and other measures were currently being debated. Of the existing mechanisms for tackling crime, the Attorney-General's

Office, an autonomous agency set up under the Constitution of 1991, had proved capable of investigating the most difficult of cases. The systematic assaults on human rights activists were of particular concern to the Government.

51. He urged the international community to support the recent peace efforts undertaken by the President of Colombia, and to provide humanitarian assistance for the recent earthquake victims.

52. **The Chairperson** said that the delegation should bear in mind the Committee's comments on the issue of abortion. She stressed that the National Office for Equality for Women should be made autonomous in order to ensure that it survived changes of governments.

The meeting rose at 5.40 p.m.