



# Congregation of Our Lady of Charity of the Good Shepherd

Individual NGO report

In Relation to CEDAW Session 56<sup>th</sup>

30 September - 18 October 2013

The submission can be posted on the CEDAW website

## **Colombia**

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**Keywords:**

The Situation of Woman in Colombia, Employment, Internally Displaced People, Gender Based Violence, Prostitution in Colombia, Recommendations

**The Organization**

The Congregation of Our Lady of Charity of the Good Shepherd works to combat discrimination against women in 73 countries around the world. The organization has been present in Colombia for 123 years and runs a number of different programmes across the country.

1) Since 1975, the organization has developed a number of projects focused on the accompaniment, support and the realization of rights of women in situations of prostitution. The organization's approach gives preference to women in what is locally considered lower levels of prostitution: those in the bars, brothels or engaged in street prostitution. The organization is inserted in slums where many of the women involved in prostitution live.

2) Since 1985, the organization also operates an outreach prevention project in bus stations in Pereira, Medellin and Cali offering reception, orientation and referral services for migrants, training to the staff working in the terminal, assistance to passers-by in a situation of social vulnerability, particularly women, children and adolescents in situations of forced displacement, victims of sexual or physical abuse or human trafficking or suffering from drug addiction.

3) The organization also runs various promotion programmes for women in the cities of Popayan (29 women), Medellin (159), La Ceja (27), Bogota (100), Manizales (50), Barranquilla (70). Most of the women in these programmes are in situation of socio-economic vulnerability, marginalization and social exclusion, without sustainable development opportunities; the organization aims to contribute towards their empowerment through a rights, duties and gender mainstreaming approach. In some centers we offer training in various areas such as industrial clothing fabrication, cosmetology, crafts, and gastronomy. In total these programmes involve 435 women as direct beneficiaries. 230 of these are women who are or involved in prostitution, all of whom desire to find a way out through finding another source of income.

4) The Program for Development for childhood and adolescence is present in the cities of Barranquilla (60 girls), Popayan (36), Palmira (53), Medellin (50), La Ceja (36), Manizales (45), Cucuta (60). The organization provides nutrition, legal advice, psychological and spiritual support, training in rights, and family accompaniment. The girls belong to social strata 1 and 2 with high levels of vulnerability and social risk.

5) The work of the organization is strengthened by the active participation of the beneficiaries in the planning and implementation of the programmes and the joint work that is done with government networks and NGOs that support women and have programmes that promote their rights and provide job opportunities.

### **The Situation of Woman in Colombia**

6) Colombia is a Social Constitutional State which should protect and ensure fundamental civil and political rights and also economic, cultural and social rights including the rights of everyone to be free from the scourge of malnutrition, to achieve a level of education and training sufficient to allow for the exercise of economic activity that dignifies and enriches, to health care and social security, in order to be able to live in dignity without discrimination on grounds of gender, sexual orientation, ethnicity, social class etc.

### **Employment**

7) Colombia, with 47 million inhabitants, ended 2012 with an unemployment rate of 10.4 percent, among the highest in the Latin American region. In the first three months of 2013, the rate of unemployment in Colombia came to 11, 4%. The rate for women is 14, 9%, higher by 6.1% in comparison to that of men (8, 8%) (The Bulletin of DANE, Labor Market by Sex. Quarter January-March 2013. Bogota, D.C. May 14<sup>th</sup> 2013. Page 1). In total, the employed population reached 20.4 million in March, while the under-employed people totaled 9.3 million and 2.3 million unemployed. (National Administrative Department of statistics, Dane)

8) It is worth highlighting that in the category of underemployed it is classified who do not have a job according to their level of training, experience and professional training, who sometimes reach earnings of less than the monthly minimum wage and many times are not affiliated to the social security, health or pension system, given that they pursue their activities independently

and in conditions of informality, moved by the need to get some support to meet the most basic needs of their families. However, media reports and the national Government concentrate on unemployment figures, ignoring the serious situation for many underemployed people.

9) In the first quarter of 2013, the rate of *subjective underemployment* (it refers to the simple desire by workers to improve their incomes, the number of hours worked or their desire to have a job more in line with to their skills) for men was 30.1%, while for women it was 30.7%. *Objective underemployment* rate (includes those who have the desire, but are also working towards achieving it) for men was 11.6% and for women 11.9%.<sup>1</sup>

10) According to figures published by the national government itself through the DANE, in late 2011, 15 million people were in poverty and four million in extreme poverty. This report defines the poverty line as a monthly income of 187,079 Colombian pesos (equivalent to 103.73 US dollars at the currently exchange tax)

11) A survey, made by the National Consulting Center to 800 women over 18 years of age in more than 20 municipalities, found that 55% of women consider there to be very high levels of gender discrimination in Colombia. And although most of them considered that it occurs at all areas of life, the perception of discrimination is especially marked in the area of work (92%), followed by sexual freedom (83%), policy (81%), family life and access to justice (78%) and in the social media (62%). The largest numbers of women who feel much discriminated against are those living in rural areas or belonging to the lowliest urban economic group.<sup>2</sup>

12) It should be noted that from 2010 reductions in the rates of extreme poverty rates and income inequality have been recorded by government agencies with great satisfaction and these figures widely disseminated nationally and internationally. But the disappointing truth is than in that year a number of changes were made in how these measurements were made which in fact distorts the actual situation and the reality that more than 5 million Colombians continue to live in poverty. The progress that the government claims in terms of employment levels id equally distorted by the introduction of the new measurements.

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<sup>1</sup> Taken from DANE. PRESS NEWSLETTER. Labour Market by Sex. Quarter January - March 2013. Bogota, D. C. May 14th 2013. Page 4

<sup>2</sup> Taken from: <http://www.eltiempo.com/archivo/documento/CMS-7368567>.

## **Internally Displaced People**

13) The internal armed conflict which has been ongoing for more than six decades and the countries problems with drug trafficking significantly affect women, They have been forced to assume the role of heads of households and forced to migrate in search of safety for themselves and their families are the men are lost to the family as a result of these two problems. They have to move to big cities, where they find very few opportunities for employment, income generation and social inclusion. The Register of Displaced People (RUPD) points to 3.6 million people displaced in Colombia, and Consultation for Human Rights and Forced Displacement (CODHES) (*Newsletter 77, February 15, 2011*), estimates that 5.2 million, have moved in the 25 years between 1985 and 2010. According to El Tiempo news there are 1.6 million women alone currently displaced by war in Colombia.<sup>3</sup>

## **Gender Based Violence**

14) The Presidential Agency for Social action has registered more than 1.950.000 displaced women: 30 per cent were forced from home due to sexual violence and 25 percent of these suffered repeated abuse in places of refuge. Every 6 hours, a Colombian woman is a victim of violence. Between 2001 and 2009, more than 26,000 women became pregnant through rape, and in the last decade nearly 400 thousand women were raped. Very few cases are prosecuted.<sup>4</sup>

15) In 2011 1,490 women were killed and between January and October of this year and the number reached 932 murders, but in many cases the attackers managed to flee or they were not identified. In Bogota alone, in the first 10 months of 2011 the police had received 4,800 complaints from women victims of violence, including 12 cases of acid attacks. These reports are not included in figures of cases receiving Legal Aid for victims of partner violence, which numbered 51,092 women in 2011. The National Network of Women, in its most recent report monitoring of compliance with Resolution 1325 states that: *"The most alarming theme in the situation of women in the context of the conflict is impunity, despite legal achievements in the defense of the rights of women, the inefficiency of the laws is obvious and distressing"*. According to the report, presented by Gloria Tobón Coordinator of the Group of 1325, gender

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<sup>3</sup> <http://www.eltiempo.com/archivo/documento/CMS-7368567>

<sup>4</sup> Profession: Women, Nor one more abuse ', Published in the newspaper, Not Violence Campaign, <http://www.eltiempo.com/violencia-contra-las-mujeres/>

inequality remains latent, especially in spaces *"where important decisions are taken, necessary to overcome the conflict and violence"*.<sup>5</sup>

16) With regard to the above and based in our experience we can say that women are still subject to stigmatization and marginalization, treated like sex objects, manipulated, abused and silenced. "Sandra" (fictitious name) was a leader of the women in situation of prostitution in the city of Manizales. In March of this year she was killed by a "client". There was an article in a newspaper and then her death appears to have been forgotten lost among many of many cases of impunity in relation to the murder of women in our country.

### **Prostitution in Colombia**

17) Prostitution in Colombia is not an activity that is prohibited legally. For most of the women the organization engages with it hasn't been a life style that women enter into freely. It is engaged in as a last resort so as to be able to meet a woman's basic needs of food and shelter, for herself and for her dependents. It is simply a means of survival.

18) Article 308 of the Criminal Code prohibits any kind of pimping :

*"With a spirit of profit or to satisfy the wishes of another, induce carnal trade or prostitution to another person, shall be subject to the penalty of two (2) to four (4) years of imprisonment and a fine equivalent to multiplication by a number of fifty (50) to five hundred eighty-nine thousand five hundred pesos (\$589.500), the value of the current monthly legal minimum wage"*.

In the same way the article 309:

*Constraint to prostitution. Modified Law 360 of 1997, article 10. Constrict with mood of profit or to satisfy the desires of another person to the carnal trade or prostitution shall be three (3) to nine (9) years of imprisonment and a fine equivalent to multiplication by a number of fifty (50) five hundred eighty-nine thousand five hundred pesos (589.500), the value of the current legal monthly minimum wage.*

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<sup>5</sup> [www.eltiempo.com/Multimedia/especiales/violenciacontramujer/articulo-web-nota\\_multimedia-12398074.htm](http://www.eltiempo.com/Multimedia/especiales/violenciacontramujer/articulo-web-nota_multimedia-12398074.htm)  
. Writing justice. November 23, 2012

*If they constraint pursues on under eighteen (18) years, the penalty will increase by a third party". (Penal Code Art.308. 309)*

19) The law thus penalizes people inducing others into prostitution, but in reality men on the outskirts of brothels actively seek women to enter the trade, through flyers, megaphones, and even advertise in national newspapers without restrictions.

20) The realities of the open advertising for women to become involved in the selling of sex and the acceptance of the men who engage both the running of brothels and in the purchase of sex goes hand in hand with the abuse experienced by women engaged in prostitution.

21) The following story testifies to the previous analysis: *"I have suffered physical and verbal abuse by police officers and customers. Sometimes policemen yell and threaten to take us to the jail, they demand our documents, but the customers they leave alone and they have money.* (María Victoria, 31 years).

22) Therefore in Colombia, alleged respect for the free development of the personality of women in situation of prostitution conceals a non-respect and violation of their fundamental human rights. The indices of poverty, violence, inequality, and displacement that we have pointed out, together with high levels of unemployment and underemployment, lack of opportunities to access a quality education geared towards the exercise of professions, arts or practical trades, inequality and gender-based violence, allow us to understand why the exercise of prostitution is seen as the only possibility that remains for many people, pressured by adverse family, social, cultural or economic circumstances.

23) As one woman says: *"if I had a job I would not stand here, this is so hard, people say that this is an easy life, that is not true." What I want is to change my life, not to be here".* (Lucy, 30 years).

24) Or again another *"I would like to have a house and a good job, where I can go out without fear of others seeing me, where I can keep my children and give them what they need"* (Angie, 24).

25) That so many women are left with no alternative to prostitution in a country like Colombia is contradictory to the country's constitution which states that:

Article 43: *"the women and men have equal rights and opportunities. Women may not be subjected to any kind of discrimination... The State will support the female head of the household"*.

Article 366: *"general well-being and improvement of the quality of life of the population are social purposes of the State. Fundamental objective of his activity will be the solution of unmet needs in health, education, sanitation and drinking water. For this purpose, in the plans and budgets of the nation and the territorial entities, social public spending has priority over any other allowance"*.

26) In capitalist and consumerist societies like ours, prostitution is presented as an "economic activity". Yet, According to survey conducted in 2011 by The Local Monitoring of Bogotá, the majority of women in situation of prostitution in Bogota have been active from a very early age: 46 percent began as minors another 45 percent between the ages of 19 and 25. 500 women who answered a survey indicate that to remain in prostitution allows them to have just the sufficient income to satisfy their basic needs, while recognizing that they are victims of physical, sexual and psychological violence. "The future is not very encouraging, because most of them they see themselves in this situation of prostitution for at least the next six months and just a small percentage believes that they will be able to improve their situation" <sup>6</sup>

27) According to the report "Talk about prostitution in Bogota" made by the District Secretariat for Social integration in 2009, in Bogotá there are more than 460 establishments in which prostitution is exercised and 71% of the activity is concentrated in the towns of Kennedy, Santa Fe and Chapinero, Mártires and Barrios Unidos. Of the 460 establishments, 252 opened since 2000 which reflects an increase of close to 58% in 13 years. Of the 870 people interviewed in this study, 360 consider that women in a situation of prostitution have no right to complain of sexual abuse or rape, since they believe that this is her work and therefore rape is not possible.

28) Moreover the report acknowledges that statistics are not updated and that calculating the number of women who are in this situation is almost impossible, given that it is a group with considerable rates of mobility. According to the councilman Luis Bernardo Vélez, Medellín, there is a 'hidden' prostitution that occurs in the parks, five star hotels and clubs, and nothing

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<sup>6</sup> <http://www.semana.com/enfoque/articulo/prostitucion-bogota/240909-3>, accessed 04-01-2013.

has been done to document this reality. The only statistics on sexual labor in the city are those of a census carried out in 1963, where it was presumed that there were about 150,000 women prostituted in the country.

29) The before mentioned Councilor also says that the fact of having no clear figures on the population engaged in prostitution means that social policies, education and health of the Municipal Administration may not have the desired impact on this group. Social policies have responded to the needs of these groups in large cities with programs of citizen participation, through this programs women can express their needs, difficulties and expectations in relation to Bills that seek to promote their rights including education and job training.

30) The gaps that we can mention are:

- The lack of statistics on the number of women in situation of prostitution creating certain invisibility in relation to this social group.
- As a result there are no programs that address the particular issues of women in situation of prostitution throughout the country. Those programs which do exist are only present in the large cities where the issue is more visible.
- There is also a major lack of effective programs that promote and ensure the employment for women who have completed occupational training or micro-enterprises schemes to support women who have completed these programs.

Despite the investment of more than 6,800 million pesos between 2004 and 2009.

31) Equally *"it is not only a problem of the women and men, who engage in prostitution, must investigate and evaluate all modalities that are being offered: bars, massage, saunas, luxury hotel, tourist plans, among others"*.

32) Clarity on the boundary between the legal and illegal of the phenomenon of prostitution is required so that those engaged in prostitution can be ensured protection and not subjected to harassment.

33) Prostitution has become a prosperous economic market, which is estimated at billions of dollars. It is a globalized activity controlled by organized crime, as well the annual report of the Fondation Scelles based in Paris denounced, which fears "that the situation could aggravate".

34) The report "Sexual exploitation: prostitution and organized crime", which makes a balance of prostitution in 54 countries, says that the pimps have been organized in base to an exemplary capitalist model, which assumes them benefits that rise to billions of dollars. Prostitution is exercised mostly under physical, psychic and economic coercion, recalls the document. The prostitutes "are treated as goods", summarizes the report. (*Article about prostitution: prostitution business is estimated at billions of dollars.Portafolio.co*)

35) Of the of the UN Convention in the year 1949, in allusion to the Suppression of the traffic in persons and of the exploitation of the prostitution of others, considering that "prostitution is incompatible with the dignity and worth of the human person, and is jeopardizing the well-being of the individual, family and community...", our Congregation sees the prostitution of women and girls as a serious form of violence of gender and emphasizes that "prostitution is operating by nature and never is part of a comprehensive programme for decent work".<sup>7</sup> This statement is a call to the national Government to participate actively on behalf of people in situations of prostitution based on article 6 of the Convention on the Elimination of all forms of discrimination against women (CEDAW), concerning trafficking and prostitution, which reads: "*States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women*" (CEDAW 1981).

36) The Government has created opportunities for discussion with women who are in situation of prostitution in some cities in the country:

- In some municipalities there are programs that promote training in different areas such as health and rights, job training (hairdressing, sewing, cookery workshops) giving the appearance of an attempt to prepare them for other types of employment. There is also some small level of support for micro-enterprises.
- Some municipalities provide legal and psychological consulting, also medical care for women who are in prostitution.
- National prevention campaigns have been generated on issues such as human trafficking and prostitution.

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<sup>7</sup> NOLAN, Clare. Congregation of Our Lady of Charity of the Good Shepherd. Good Shepherd Position on the Prostitution of Women and Girls. Good Shepherd International Justice Peace Office. New York. 2011. P.10.

37) This organization calls on the state to more efforts to attack clandestine networks benefiting from the prostitution of others and to legislate for sanctions against the buyers of sex.

38) The state needs to recognize that it is failing to ensure the right of all to a life free from the scourge of malnutrition, the opportunity to achieve a level of education and training sufficient to opt for the exercise of an economic activity that dignifies and enriches the human being, to have health care and social security, in order to be able to live in dignity without discrimination of sex, ethnic, social or economic condition among others. The fact that so many Colombian women feel that they cannot survive any other way than through having to engage in prostitution, is an indictment of the state, which has the duty to ensure these rights.

### **39) RECOMMENDATIONS:**

- **Produce comprehensive statistics determining the number of persons in situation of prostitution at the national level, their social situation and conditions of work. .**
- **Explicit recognition to be given to the special situation of vulnerability of persons in situation of prostitution, and increased access to services such as: health, housing subsidies, credits for business, also quotas preference for job training in the Sena (Servicio Nacional de Aprendizaje), facilitated access to high school and public kindergartens for their children as part of a comprehensive social programme to assist those who wish to enter into the regular employment market.**
- **Those suitable micro-credit programmes be provided by the state or that NGOs be facilitated to provide such services without excessive red tape so that those who wish can start their own enterprises.**
- **That the Colombian Government introduces a law that penalizes the buyers of sexual services in line with the Nordic model.**
- **That the state introduce a comprehensive training programme for all law enforcement personnel in the areas of policing in areas of prostitution taking into account the human rights and the situation of vulnerability of those who are in situations of prostitution.**

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