



ISSUES OF DISCRIMINATION IN WIDOWHOOD IN COLOMBIA

THAT REQUIRE ADDRESSING IN THE CONTEXT OF THE CEDAW

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WPD hopes that this report will assist the Committee in its examination of the Government of Colombia's report on its implementation and compliance with the articles of the Convention.

***As in many countries,** especially those in conflict and post conflict situations, the status of their widows – and wives of those forcibly disappeared or missing – is often ignored. Yet it is widows and their children, particularly their daughters, who so often suffer the most discrimination, direct and indirect, and this discrimination, resulting in extreme poverty, marginalisation, and exposure to violence, requires visibility so that it can be addressed by governments.*

After more than four decades of civil conflict, Colombia is now home to huge numbers of widows and wives of the disappeared, who face multiple disadvantages and deprivations, and violation of human rights and freedoms.

The Government has so far inadequately addressed this situation in its policies, has not attempted to gather statistics on the numbers of these women, or information on their life-styles, ages, needs and roles. It has failed to give it an appropriate regard in its previous and current reports to the CEDAW Committee. WPD hopes that this brief submission will assist the Committee in its consideration of Colombia's State Report during its 56th Session.

1. As a result of the conflict affecting the country, the numbers of Colombian widows of all ages are many. According to a report recently published by the National Centre for Historical Memory, at least 220.000 Colombians, 80% of whom civilians, have been killed since 1958; 25.000 have gone missing and more than 5 million have been uprooted or displaced.¹ Considering that the vast majority of direct victims of killings and kidnappings is represented by men, it is clear that the numbers of widows and wives of the must be considerable.

→ The Government should be required to take all available means, including working with women's and widows' NGOs, to fill this gap, providing official and reliable statistics to be used as a basis to design and implement effective policies.

→ Failure of the Government to attempt to identify this huge category of Colombian women in all sections of society, or to instigate any systematic research and analysis of their needs and roles, is itself a form of discrimination which requires attention according to Article 2 of the CEDAW.

2. Despite the existence of an advanced legal framework for the protection and support of victims (we can particularly mention: Article 2 of the Constitution, law 418 and law 1448)², the challenge is to get the law effectively enforced, as pointed out also by Margarita Bueso, the National Coordinator of UN Women in Colombia.³

- **Access to justice** is often problematic: NGOs report cases in which police and authorities not only fail in helping widows to find out the truth about the fate

¹ *¡Basta Ya!*, Centro Nacional de Memoria Histórica.

² Law 418 (1997) established the Programa de Prevención y Protección and the Unidad Nacional de Protección. According to Law 1448 (2011), the definition of victim of killings and disappearances includes also the partner – man, woman, or partner of the same gender –, the parents and the children – biological or adopted – of the killed or disappeared. <http://www.unidadvictimas.gov.co/index.php/en/conozca-sus-derechos/faq>

³ www.unwomen.org/en/news/stories/2012/9/truth-justice-and-reparation-for-women-survivors-of-colombia-s-battles/

of their relatives and obtain justice, but also impede them when they try to locate their bodies.⁴

→ The Government should be asked to report on the level of adequacy of the measures undertaken so far to comply with Article 15 of the CEDAW by facilitating access to justice, especially for widows who particularly lack of legal support, economical resources and education.

- Widows and their families (and especially widows of journalists and other activists who are murdered after reporting injustice, corruption, narcotraffic, illegal land occupations and crimes against the civil population) are often forced to migrate to other locations because of threats of violence, **lack of support and protection** against violence and attacks on their property and homesteads.⁵

→ The Government should be called to explain which measures it has undertaken to protect widows against threats of violence that preclude them and their families the enjoyment of rights and freedoms (as required by Article 3 of the CEDAW); particular attention must be dedicated to measures addressing the needs of indigenous, afrocolombian and rural widows (Article 14 of the CEDAW), who are the ones who more has suffered and still suffer the consequences of the conflict.

- Adequate support should be provided to widows and their children (e.g. **economical support, access to healthcare and education**), as mandated under Law 1448.⁶ Despite the economic efforts of the Government, the bureaucracy that widows have to face to obtain support is massive (including the procedure to be included in the Registro Unico de las Victimas); widows

⁴ An emblematic example of a report of a case about the difficulties that widows experience when trying to obtain justice, truth and support from the authorities is given by colombialand.org/ruiz_eng/

⁵ For more information, see the report "*Impunidad. El Periodismo en la Mira. Capitulo II: Colombia. Viudas de la Prensa*", released by La Sociedad Interamericana de Prensa and VJMovement (<http://www.youtube.com/watch?v=wRZVExVqPC8>). Also the Consitutional Court has highlighted the fact that the proportion of widows among the internal displaced population is higher than in the rest of the Colombian population (Auto 092-2008, III.1.7)

⁶ "*La reparación integral a las víctimas implica no sólo una indemnización monetaria o la restitución de unos bienes, sino un acompañamiento del Estado en materia de educación, salud, vivienda, programas de empleo y generación de ingresos, entre otros, así como acciones para devolverles su dignidad, su memoria, recuperar la verdad y crear las condiciones para que hechos como los que sufrieron no vuelvan a repetirse.*" <http://www.unidadvictimas.gov.co>

often face difficulties in the enjoyment of their right to property and the contingency plans put in action seem to be not adequate, due also to the lack of a proper cooperation between the Unidad Nacional de Protección (UNP) and the Victims Unit.⁷

→ The Government should be asked to explain its strategies to improve the rapidity and accessibility – so far insufficient - of the measures to support widows and their children in all the fields covered by Part III of the CEDAW.

3. In Colombian society, which is traditionally *machista* and patriarchal, the main income on which many families rely is given by men. Informal labour, on which widows rely for economic survival, lacks social insurance (pensions, health, life insurance), and therefore does not alleviate the distress suffered by widows and their families, who are not materially and psychologically prepared to face their situation.⁸ Moreover, Colombian social attitudes tend to stigmatise widows, but also do not approve of widows remarrying. The consequences of these social and cultural patterns, both for widows and their children, are marginalization and the involvement in narcotraffic, prostitution and crime as **coping strategies**.⁹ This represents a personal, familiar and social tragedy which still affects Colombia.

→ The Government should be asked to clarify what its efforts are, in conformity with Article 5 of the CEDAW, to prevent widows from being victim of stereotypes and social pressures that impede the full enjoyment of their rights and freedoms.

→ According to Article 6 of the CEDAW, the Government should be held responsible to undertake all efforts possible in order to impede that widow's coping strategies lead them and their families towards illegality, exploitation, marginalization and extreme poverty; both material and psychological support strategies are to be taken into account.

WPD thanks the Committee for inviting it to submit this report. Please contact us if you require any further information.

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⁷ colombialand.org/ruiz_eng/

⁸ The extent of this distress has been well identified by the Colombian Constitutional Court in its Auto 092 (2008) (see in particular Parts III.1.7 and IV.B.1.4)

⁹ www.fundacion-favihu-colombia.org/qui%C3%A9nes-somos/la-fundaci%C3%B3n/