



REFERENCE: DB/follow-up/Colombia/65

6 December 2016

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined seventh and eight periodic report of the Republic of Colombia at the Committee's fifty-sixth session, held in October 2013. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/COL/CO/7-8). You may recall that in the concluding observations, the Committee requested the Republic of Colombia to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 24 and 30 of the concluding observations.

The Committee welcomes the follow-up report received with a 2-months delay in April 2016 (CEDAW/C/COL/CO/7-8/Add.1) under the CEDAW follow-up procedure. At its sixty-fifth session, held in November 2016 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 24** of the concluding observations, reiterating that the State party "Ensure the full implementation of Security Council resolution 1325 (2000) through the formulation of the State party's action plan; ensure the effective and meaningful participation of women in the first line of negotiations within the peace process, as well as their participation in decision-making processes relating to post-conflict policies and strategies": The State party mentioned that, in 2015, it enacted a law on the prevention, punishment and reparation of violence against women and girls and care for victims (Law No. 61-2015/CNT). The State party mentioned that national institutions are implementing Security Council resolution 1325 (2000), in accordance with that resolution and the resolutions that complement it, through four action areas: preventing violence, increasing participation and representation, promoting and protecting rights, and meeting needs and priorities in terms of relief and recovery. In terms of national frameworks for action, the State party reported the actions undertaken are broadly set out in the National Public Policy on Gender Equity and a comprehensive plan aiming to guarantee women a life free of violence. The State party also indicated the policy comprises a participatory, an institutional and a sector-strategic component.

Her Excellency
Ms. Beatriz Londoño Soto
Permanent Representative of the Republic of Colombia
to the United Nations Office at Geneva
Chemin du Champ-d'Anier 17-19
1209 Geneva

E-mail: mission.colombia@ties.itu.int

The State party moreover reported that women have been a key part of the peace process as members of the round table with the FARC-EP, as alternate and plenipotentiary negotiators and as employees of the Office of the High Commissioner for Peace. This office supports the design and development of peace policies, leads dialogues and signs peace agreements. The State party also reported the creation of a sub-commission on gender to the round table, with the objective to ensure the integration of a gender perspective in the final peace agreement. And finally, the State party reported that there are plans to launch a technical working group on security involving the Ministry of National Defense and civil society, pursuant to Security Council resolution 1325 (2000).

The Committee welcomes the efforts the State party has undertaken to implement the Security Council resolution 1325 (2000) through constitutional guarantees, laws, policies, action plans and institutional arrangements. It notes that women have been key part of the peace process as members of the round table with the FARC-EP. Efforts for mainstreaming gender across institutional agendas and planning processes are equally noted. The Committee however notes the lack of strategic measures to ensure meaningful participation of women in the peace process, as well as in decision-making processes in relation to transitional justice and post-conflict policies and strategies. The Committee also notes the absence of a National Action Plan for the implementation of the resolution, but welcomes the plans to launch a technical working group on security, pursuant to the resolution 1325 (2000). The Committee recognizes that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

In regards to the recommendation that the State party “Establish a protection programme for women rights defenders and leaders which takes into consideration their needs and realities from a gender- differentiated perspective; and allocate adequate financial and human resources for its implementation”: The State party reported that a public policy and a programme to safeguard the work of women human rights leaders and defenders was launched in a forum of dialogue between government and women’s organizations in 2015. The State party also mentioned that concurrently, a draft decree was formulated to establish a cross-sectoral commission with the mandate of overseeing the coordination among institutions for the effective implementation of the programme and safeguarding the rights of women human rights leaders and defenders. In regards to the policy document, the State party indicated that a chapter with an ethnic focus is being integrated and that adoption is planned for 2016. The State party also mentioned the development of a safeguards programme for women, which takes into account the issue of displaced women leaders and human rights defenders. The Committee welcomes the initiative to develop a public policy and programme to safeguard women human rights leaders and defenders, taking into consideration their needs and realities, and to establish a commission in charge of coordinating its implementation. The Committee notes however that the corresponding policy has not yet been adopted. The Committee also notes the development of a safeguards programme for women, displaced women leaders and human rights defenders. However, it considers that the State party did not provide sufficient information on the allocation of adequate human and financial resources for the implementation of the developed programmes. The Committee concludes that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

The Committee recommends that, in relation to paragraph 24 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to

1) Ensure the full implementation of Security Council resolution 1325 (2000) through the formulation of the State party’s action plan; ensure the effective and meaningful participation of women in the first line of negotiations within the peace process, as well as their participation in decision-making processes relating to post-conflict policies and strategies;

2) Allocate adequate financial and human resources for the implementation of a protection programme for women rights defenders and leaders which takes into consideration their needs and realities from a gender- differentiated perspective.

In regards to the recommendation made in **paragraph 30** of the concluding observations “To guarantee women’s access to legal abortion by ensuring compliance with Constitutional Court Ruling C-355 (2006), developing monitoring and accountability mechanisms, including sanctions, sensitizing the relevant authorities and professionals on health and sexual and reproductive rights; and expanding the availability of medically safe modern abortion methods”: The State party mentioned the elaboration of an intersectional coordination mechanism, aiming to strengthen women’s access to the guarantees covered by Ruling C-355 (2006), identify existing barriers and document them. Moreover, the State party indicated that in order to implement Ruling C-355 (2006), an educational and social mobilization campaign was carried out, promoting sexual and reproductive rights of women and men. The State party reports that this campaign included specific information on the right to voluntary termination of pregnancy (VTOP) and on the duty of health-care providers to effectively ensure the quality and timely delivery of these services. It was carried out with the participation of members of health, security and educational institutions. The State party also reported that media, sexual and reproductive health service managers and social leaders all over the country have been trained on the existing framework regulating health, sexual and reproductive rights, as well as on gender equity with an emphasis on the rights of women to abortion services. The State party further reported the implementation of a diploma in sexual and reproductive health and human rights, which was designed with an emphasis on the prevention of unsafe abortion and the implementation of technical and policy frameworks for VTOP. Finally, the State party reports having disseminated technical guidelines to regional directors of the Colombian Family Welfare Institute, family advocates and coordinators of different legal groups with a view to address the issue of consent to VTOP for girls and adolescents. The Committee welcomes the various initiatives taken by the State party to sensitize the relevant authorities and professionals on health and sexual and reproductive rights and the guarantees covered by Ruling C-355 (2006). However, it considers that the State party did not take sufficient measures to sensitize stakeholders on sanctions in relation with non-respect of legal provisions on abortion. Moreover, the Committee also notes the lack of a monitoring coordination mechanism to monitor implementation of Ruling C-355 (2006), as the corresponding mechanism has not yet been put in place. Moreover, the Committee finds insufficient the efforts of the State party to expand the availability of medically safe abortion measures, especially in regards to particularly vulnerable groups such as indigenous women, afro descendant women and women directly affected by conflict. The Committee recognizes that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented** only.

Regarding the recommendation “To ensure the provision of post-abortion health-care services for women who have undergone an unsafe abortion”: The State party reported on the design and approval of an on-line tool for post-abortion care and technical support for the prevention of unsafe abortion. The Committee notes the design and approval of an on-line tool for post-abortion care and the actions taken prevent unsafe abortion. However, it considers that the State party did not take sufficient measures to ensure the provision of post-abortion health-care services for women who have undergone an unsafe abortion. It considers that the recommendation **has not been implemented**.

In regards to the recommendation that the State party “Effectively implement the Policy on the Prevention of Teenage Pregnancies (2012) and ensure universal access to health services and information on sexual and reproductive health and rights and education, particularly of adolescent girls and boys”: The State party reported that in the framework of a strategy to prevent teenage pregnancy and promote healthy lifestyle choices for boys, girls, adolescents and youth between 6 and 19 years of age, several actions have been realized, such as training of local health directorates, as well as of administrative and care personnel on sexual and reproductive health and rights as well as on contraceptive methods. The State party also informed on the implementation

of an edutainment strategy to promote social change in regards to sexual and reproductive rights, as well as of a mass communication strategy for the prevention of teenage pregnancies. The State party added the introduction and planned expansion of youth-friendly health services. It added that pre- and on post-HIV-test counselling, pregnancy tests and pre-conception care have been carried out. The State also mentioned that capacities of regional youth councils have been strengthened for the prevention of teenage pregnancies. Moreover, it reported the establishment of national and regional youth councils, as well as of an intersectional observatory for the prevention of teenage pregnancy. The Committee welcomes the information provided by the State party regarding education and awareness raising of health officials, youth councils and adolescent girls and boys on sexual and reproductive rights for the prevention of teenage pregnancies. However, it considers that the State party did not take sufficient measures to ensure universal access to health services for adolescent girls and boys. The Committee recognizes that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation “To take measures to decrease the use of sterilization as a family planning method by conducting awareness-raising campaigns on the use of modern reversible contraceptive methods and ensuring their availability for girls and women of childbearing age”: The State party reported that through the Ten Year Public Health Plan (2012-2021), progress in offering comprehensive sexual reproductive health care to women before, during and after pregnancy has been made. In fact, the State party indicated that access to counselling, contraception advice and delivery of contraceptive methods has improved. The State party added that this method also allowed strengthening of inspection, monitoring and control in regards to the use of contraception methods. The Committee takes note of the information provided by the State party on the introduction of a comprehensive approach to reproductive health and welcomes reported improvements in terms of access to modern reversible contraceptive methods and better monitoring and control of the use of them. It however considers that the State party did not take sufficient specifically targeted measures for the use of sterilization as a family planning method. The Committee recognizes that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation “To amend and develop the regulatory framework, as well as guidance provided to medical practitioners, to ensure that sterilization is carried out with the free and informed consent of women, including women with disabilities and those living with HIV/AIDS”: The State party reported that in current law, a women’s right to decide for herself on her reproduction prevails in any circumstances, and that choosing a modern temporary or permanent method of contraception shall be accompanied by advice from a health professional. The State party added that women living with HIV/AIDS are under the same regulatory framework as women without the virus. State party also informed that under current law, sterilization can be carried out at the request of the parents or of a legal representative of a person with a disability, with prior legal authorization and if the person concerned will in the future lack the capacity to give consent and to express the intention to create a family. State party also reported that following specifications of the Court, a woman with cognitive disabilities does not have the capacity to make decisions regarding individual autonomy. However, State party indicated that the Court has gradually established a number of conditions to allow a judge to determine such capacity. The State party added that after ratification of the Convention on the Rights of Persons with Disabilities and the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, changes in national legislation and in practices are being introduced. In fact, it informed that a working group has been set up to develop a judicial system facilitating the exercise of legal capacity and supported decision-making of persons with disabilities, in accordance with article 12 of the Convention on the Right of Persons with Disabilities. State party also informed that the National Council on Disability consistently monitors the issue of legal capacity of persons with disabilities. Moreover, the State party informed that guidelines aimed at promoting and guaranteeing sexual and reproductive rights for persons with greater social vulnerability, including women with disabilities, have been produced. It added that the capacities of health professionals, justice officials and community agents in the

promotion of sexual and reproductive rights of persons with disabilities, as well as in the right to access justice are being strengthened. The Committee welcomes efforts undertaken to update the regulatory framework in line with international disposition, ensuring that sterilization is carried out with the free and informed consent of women, especially of women with disabilities and of those living with HIV/AIDS. The Committee also recognizes consequent guidance of medical practitioners. However, the Committee notes that efforts in terms of updating the regulatory framework to ensure free and informed consent of women with disabilities are still underway. The Committee recognizes that the State party took significant steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

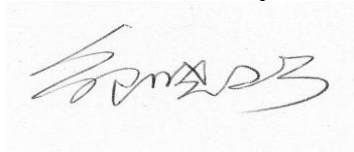
The Committee recommends that, in relation to paragraph 30 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Guarantee women's access to legal abortion by developing monitoring and accountability mechanisms in regards to compliance with Constitutional Court ruling C-355 (2006), including sanctions, and expand the availability of medically safe modern abortion methods;
- 2) Ensure the provision of post-abortion health-care services for women who have undergone an unsafe abortion;
- 3) Effectively ensure universal access to health services, particularly of adolescent girls and boys;
- 4) Take measures to decrease the use of sterilization as a family planning method;
- 5) Amend the regulatory framework, as well as guidance provided to medical practitioners, to ensure that sterilization is carried out with the free and informed consent of women, including women with disabilities.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the Republic of Colombia on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women