
Committee on the Elimination of
Discrimination against Women
Sixth session

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Concluding comments of the Committee on the Elimination of
Discrimination against Women: Colombia

Initial report

452. The Committee considered the initial report of Colombia (CEDAW/C/5/Add.32) at its 94th and 98th meetings, held on 6 and 8 April 1987 (CEDAW/C/SR.94 and 98).

453. In her introduction, the representative of Colombia said that, although women had made good progress in her country, major obstacles remained in achieving the objectives of the United Nations Decade for Women in areas such as communications, co-ordination with voluntary organizations and problems connected with housing and food. Consequently, concrete special measures were called for to strengthen the integration of women in the development process. She also said that the obstacles should serve as a stimulus to make even greater efforts to achieve the goals set for the year 2000.

454. The representative drew attention to the supplementary report, which had been submitted during the session, and made specific reference to the updated statistical data given therein. The report could not be considered as exhaustive, she said, because it was particularly difficult to obtain information and statistics about marginal sectors of society. The supplementary report also contained documents emanating from the Ministries of Justice, Agriculture and Education and the Institute of Family Welfare.

455. While introducing both reports, the representative went through the Convention article by article and highlighted the most important achievements made by her country. She said that politics were of great importance to Colombia, but that women had not yet been able to overcome the obstacles that prevented them from benefiting from the political rights they possessed. Their power was particularly severely limited in the trade unions. She underscored the legislative reforms with regard to equality before the law and explained that three types of matrimonial unions existed: the free union, the Catholic marriage and the civil marriage. She was prepared to provide more information if the Committee so decided.

456. Members of the Committee commended the representative of Colombia on her excellent presentation and expressed satisfaction at the frankness of the report. The report was praised for being very detailed, and it was stated that, for a developing country, the relatively advanced legislation showed the political will of the Government to eliminate discrimination. It was found, however, that some of the information provided was not entirely relevant and that the original report did not comply with the requirements set out in the general guidelines. It was felt, however, that the legislative information provided was not sufficient, that the implementation of the laws seemed rather slow and that traditional stereotypes seemed to persist in the country. The report did not make it clear which measures

had actually been implemented. Experts found the late submission of a supplementary report a bit confusing and suggested that the setting of a deadline for the submission of addenda by a State party should be discussed in Working Group I.

457. In the course of the general comments, it was asked what was meant by the "geographical position" of women. There was a contradiction in assertions that women were "an important half of the national work-force" and yet that an increase in maternity leave might force women out of the work-force. No reference could be found in the two reports to the demographic problem of the country and to the situation of abandoned children. Whereas one expert regretted the lack of detailed information on women in rural areas, another one found the account given in the report on the problems faced by rural women truly moving. The presence of women in decision-making positions was welcome, but it was felt that those few were not representative of the status of women in the country in general.

458. Members of the Committee recalled the stipulation made in the Constitution that women should have the same political rights as men and asked how their civil, social and other rights were protected and whether the Government was contemplating any concrete measures to ensure the practical realization of the principle of equality between women and men. It was asked whether rights traditionally accorded to men had been extended to women through constitutional amendments, whether discrimination was prohibited by legislative measures or sanctions and which organ supervised the execution of laws against discrimination. Clarification was requested of the apparent contradiction between the assertion that Colombian legislation did not permit any discrimination and the reference in the Civil Code "with no distinctions as to sex, except as expressly stated ...". It was asked whether there was a clear distinction in the country between the legislative, judicial and administrative authorities.

459. It was asked whether there was a problem of drug abuse among women and particularly among school girls.

460. A certain discrepancy was noted between the importance given in the report to women in development and the recent curtailment of the activities of the Colombian Council for the Integration of Women into Development. It was asked which other body had taken over its functions and whether the regional councils had ever been operative, and information on any other similar bodies was requested. The importance of consciousness-raising efforts for women as well as for men was noted, and experts asked for more information on concrete steps taken in that direction.

461. Clarification was sought on the existence and use of temporary special measures to permit equality. The introductory statement and the report seemed to contradict each other in that respect. It was asked whether the fact that in Colombia the mother was responsible for the care of her children was not in contradiction with the shared responsibility for child rearing, as stipulated in the Convention. An inquiry was made about concrete actions regarding family planning and sex education, about the practice of co-education and about measures to protect women from being utilized as sex objects in the mass media.

462. Information was requested on the functions and working methods of the Institute for Family Welfare, and experts asked whether it had taken over the tasks of the Institute of Women's Affairs. They asked whether it was concerned only with women who had children or whether it dealt with non-mothers too. They also

inquired about programmes to change the patriarchal structure of society and about the role played in that context by the Council for the Integration of Women. Other questions referred to the distribution of household tasks in the family and to the percentage of families that could afford domestic servants. It was noted that the heading of the Institute of Women's Affairs by the President's wife merely reinforced the stereotyped image of first ladies' involvement in social activities.

463. It was asked whether any policies existed and programmes were set up to deal with the problems of domestic violence and sexual harassment.

464. Addressing the issue of prostitution, it was asked which body was responsible for combating prostitution, for dealing with associated problems and for integrating prostitutes in social life. It was asked what the related penalties were, whether they applied to the prostitutes themselves, and whether there was a law that excused rape in cases of prostitution.

465. It was noted that the participation of women in political life seemed to be confined to their right to vote, but no reference was made to their participation in everyday political life. It was also noted that the performance of Colombian women in the political arena had not been outstanding. They needed to present a common front in order to acquire their own place in political life.

466. Data on the number of women ambassadors and the number of women in the foreign service were requested.

467. Experts asked whether the Government undertook any measures to combat the high rate of illiteracy and whether they included also women in rural areas; what the "variety of reasons" for the high drop-out rate of girls was and what they did after leaving school; and whether that part of the rural population that wished to receive secondary education had to move to the cities. As the statistics on education did not give any data on law and political sciences, it was asked whether any women studied those subjects. Other questions referred to the reasons for the lack of women in adult education and to the number and fields of women teachers.

468. Clarification was sought concerning discrimination in admission to medical and engineering schools and the school fees for private and public universities and as to whether there were adequate provisions for women in State universities.

469. Many questions addressed employment issues. It was asked whether any measures had been adopted to eliminate wage discrimination, whether a married woman needed her husband's consent to enter an employment contract, what the retirement age for women and men was, whether working women received maternity benefits, what the rates of unemployment in urban and in rural areas were, whether unemployment insurance existed, why the female work-force had decreased between 1973 and 1983 and whether the same had applied to men and whether housework had been given monetary value.

470. Experts inquired about paid domestic work. They asked what the percentage of women in domestic service was, whether they were entitled to social security benefits and employment protection and whether they were protected against exploitation. Experts also asked when the law referring to the improvement of the conditions of work of domestic servants would be enacted and whether women's organizations were trying to speed up its enactment, whether the new law would give

domestic servants a recourse possibility against employers that did not comply with it and whether it would limit the hours of work per day.

471. A question referred to the system of "learning contracts"; it was asked whether the practice was restrictive and whether it was accepted by women.

472. It was asked whether the proposals and strategies prepared by the Ministry of Labour and Social Security had shown any results. Experts inquired about the special provisions governing the employment of women and the reasons for the job segregation in the technical and managerial fields. It was asked whether any job evaluation systems were in use and what the role of trade unions was in that area.

473. Comments were made on the legislation in force that banned women from certain types of work. As it had adverse effects on women, experts inquired about plans to amend that legislation. It was also asked whether the performance of night work, which was actually forbidden for women but in practice was being done, was placed under legal sanctions.

474. It was asked whether the proposed Office of Labour Affairs and Social Security for Women and the advisory committees had actually been established.

475. Experts asked whether abortion was permitted, what the frequency rate was, how many women died in the process, whether the Colombian Family Welfare Association had achieved any positive results, whether it was subsidized by the State, what the percentage of women was who took advantage of family planning services and what the extent of those services were, as many of them were provided by hospitals run by the Catholic Church.

476. Several questions were raised about women working in rural areas, who constituted a very high percentage of the labour-force. Hope was expressed that women rural workers could benefit from social security and training programmes and had access to land ownership and credit. It was asked whether the reference to skilled work performed by men and unskilled labour mostly performed by women implied discrimination and whether women were mainly employed in seasonal work. More information was sought on the National Federation of Coffee Growers and its legal standing as well as its programmes and their accessibility to women. It was asked whether the lower salaries received by women were justified, whether new technologies were also available to women and whether women had access to multilateral or bilateral international assistance. Experts asked whether any projects similar to the floriculture project in Bogota existed; they expressed concern over the inherent health hazards to women and asked whether the women working under that project received minimum wages.

477. It was asked whether women and men had equal rights to conclude contracts and administer property and who chose the family domicile. Experts wanted to know whether there was a reduced penalty for a man who had murdered his wife for having committed adultery. Members of the Committee welcomed the fact that it was no longer permitted to kill a woman taken in adultery and asked about the current penal provisions applicable to cases of adultery.

478. The three different types of matrimonial unions were discussed. It was hoped that free cohabitation that had lasted for many years could be legalized to the benefit of both the partners and the offspring, and information was sought on the provisions of property adjustments within such de facto unions. Considering that

the canonic law had precedence over civil law and that the Civil Code applied only to registered marriages, it was asked what the legal status of a marriage between non-Catholics was. It was asked whether the separation of a Catholic marriage could be transferred into divorce and whether anything was being done to harmonize procedures of separation of marriage under canonic and civil law.

479. It was asked whether the impact of the Catholic Church in society had reinforced traditional gender stereotypes, and more information was requested on the 1.5 per cent birth rate.

480. Information was requested on the number of Colombian babies that left the country per year to be adopted abroad and on whether any support mechanisms were being considered for destitute mothers who saw no other solution but to give up their babies.

481. The representative of Colombia introduced her replies by saying that one should bear in mind that Colombia was a developing country in Latin America. Big strides forward had been made, but social and regional differences still persisted. As to the apparent confusion over the two reports presented by her Government, she stated that both reports were official documents and both should be considered.

482. The representative explained that the 75 per cent of the female work-force referred to in the report concerned only workers in the floriculture industry. The term "geographical position" meant that the status of women was different, depending on the geographical part of the country where they lived. The principles of "public morality" meant that improper behaviour was not tolerated and the showing of obscene films and the sale of pornographic material were not allowed. Vulgar forms of publicity, which denigrated women, were illegal. Abandoned children constituted only a small portion of the society. They could mainly be found in the over-populated capital and were covered by governmental measures and institutions to eradicate poverty and to protect the family.

483. She also said that in Colombia, as in any other country, there were social differences owing to economic factors and that any situation of marginalization was a handicap to equality.

484. The Colombian Council for the Integration of Women into Development had been in function since 1978. With the change of Government in 1982, that office had not disappeared, but the new Government was currently investigating how the Council's work could best be co-ordinated with that of the Institute for Family Welfare. Governmental and non-governmental organizations were encouraged to develop programmes beneficial to women.

485. Among the laws concerning a betterment of the rights of women enacted in the past were: a law liberalizing the patrimonial property system, a law on the recognition of illegitimate children, a law that gave women the right to vote, a law on equal parental rights and women's entitlement to maintenance, a law under which women were no longer obliged to bear their husband's name, a law giving women equal civil rights and obligations, a law legalizing divorce in civil marriages and a law giving children born within and outside wedlock equal inheritance rights.

486. The representative explained that the indigenous tribes had formed a matriarchal society and that in Colombia women were very much aware of their own

value. In rural areas, most of the important family decisions were made by women. Only in the cities, the Spanish tradition of male superiority prevailed. The idea of discrimination tended to disappear among young people, although deep-rooted prejudices remained.

487. She said that the Constitution guaranteed the equality of political rights. The equality of civil, economic and social rights were dealt with in other legal instruments. The Constitution was monitored by the Supreme Court of Justice and the Office of the Procurator-General, which included a Bureau of Human Rights and a section to monitor the implementation of the Convention. Women had a right to take their cases to court.

488. The representative explained that adultery was no longer a crime or a reason to deprive offenders of social and economic rights and of custody over their children.

489. She said that the country did have a drug problem, but national campaigns had been waged and a crop-substitution programme had been developed to fight the problem. Several official bodies were involved in setting up appropriate programmes for children and adults to prevent drug abuse and rehabilitate drug addicts.

490. She stated that parents had equal duties in caring for their children. As to the Institute of Family Welfare, she explained that its functions were to prevent families from disintegrating, to provide marriage guidance counselling, to help protect minors, to supervise school curricula and to combat malnutrition. Her country considered it to be very positive sign that the President's wife headed the Institute; her position did not have only ceremonial value.

491. Inducement to prostitution was a criminal offence, and the Government had organized rehabilitation programmes for prostitutes.

492. The representative said that the high rate of illiteracy in no way contradicted the large number of women in decision-making positions, because they were held by those who had the necessary professional qualifications. The Government had established programmes to reduce illiteracy in rural areas. They included also training programmes in agricultural techniques and special training programmes for women. As the national economy was mainly based on coffee and flower cultivation, both of which occupied many women, women contributed largely to the economy of the country.

493. Both public and private schools were co-educational and they had the same school programmes. Primary education lasted five years and it was planned to extend it to nine years. Both public primary and secondary education were free, and establishments existed in urban and rural areas. State universities were open to both sexes and entrance examinations were required at private and State universities. About 70 per cent of the students in political sciences and in law were females. Concerning supposed discrimination in the admission of women to medical and engineering schools, she stated that only two universities discouraged women from enrolling because their enrolment had exceeded normal levels. Forty-eight per cent of all university students were women. The drop-out rate was high for both sexes. Girls who left school got married or were engaged in professions that required less training. The country had over 30 universities, but only very few in rural areas.

494. Women in Colombia did not need their husbands' permission to do paid work, and they had a right to inherit and to take on any type of obligations. There was no discrimination between women and men with respect to skilled or unskilled labour. The retirement age was 55 years for women. The regulations that applied to women only were aimed at protecting pregnant women and women as mothers. No special legislation covered domestic work. Non-resident servants worked seven hours per day; resident servants participated in family life and worked more irregular hours. Their conditions of employment were closely watched by non-governmental organizations. She said that no statistics on the number of women employed in domestic work were available.

495. The representative explained that abortion was not permitted; however, women who aborted were not legally prosecuted. Abortions were carried out only in a few private institutions. Family planning advice was received by 60 per cent of all couples, and thus, the annual growth rate of the population could be reduced to 1.5 per cent.

496. Women in rural areas had access to credit, land ownership and also to new technology, although women used agricultural machinery very rarely. Women could also sign contracts, administer property and have recourse to the courts, freely and under the same conditions as men.

497. The National Federation of Coffee Growers was an association of growers and manufacturers and governed production, internal consumption and export and was, therefore, a very important organization that promoted programmes for rural areas. Of its programmes, 144 had already been implemented for women. The draft law concerning the setting up of the Federation foresaw equal opportunities for women and men and was being debated in Parliament.

498. As concerned occupational hazards in the flower growing industry of Colombia, she explained that only the universally accepted chemicals were used.

499. The representative said that 32.2 per cent of women worked in rural areas; no corresponding statistics were available for urban areas. In 1986, over 30 per cent of bank credits had gone to women.

500. As regards marital unions, she explained that the Catholic and the civil marriage were equally valid, as both had to be registered. In addition, there were many common-law unions. Since 1981, couples could choose between civil and religious marriage. Both types gave rise to civil rights and obligations. While in a civil marriage the partners could seek divorce, a religious marriage could only be separated. The division of property was decided by a civil court. There was complete religious freedom in the country. In some cases of common-law unions, the woman could benefit from maintenance, transfer of her companion's pensions and assistance from social security funds.

501. In 1986, some 3,700 children had been adopted, 50 per cent of whom by parents abroad.

502. The representative concluded by hoping that when the country's subsequent report was submitted some of the problems mentioned would have been solved.