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**Republic of Colombia**  
**Stakeholder Report for the United Nations Universal Periodic Review**

**Submitted by The Advocates for Human Rights,**  
a non-governmental organization in special consultative status

and

**The Humphrey School of Public Affairs, University of Minnesota**  
Human Rights Research Project on Implementation of  
Colombia's Laws on Violence Against Women

for the 30th Session of the Working Group on the Universal Periodic Review

April-May 2018

Submitted October 4, 2017

Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States.

**The Humphrey School of Public Affairs** at the **University of Minnesota** is one of the United States’ top ranked professional public policy and planning schools widely recognized for its success in advancing the common good. Since 2015, Humphrey School Associate Professor Greta Friedemann-Sánchez, Ph.D. and researcher Margaret M. Grieve, J.D., M.A., have undertaken research in Colombia, funded in part by a Human Rights Grant from the University of Minnesota, to evaluate the implementation of Colombia’s laws on violence against women from the perspective of judicial service providers who are at the frontline, charged with protecting the fundamental human right of women to live a life free from domestic violence. The project evaluates barriers, facilitators, innovations and needs from the perspective of Family Commissioners, the institution charged with issuing provisional and permanent civil protective orders that include protective measures as well as orders for provision of shelter and special psychological and medical services, and the other institutions charged with administering those laws on a daily basis including judges, prosecutors, and police. A report summarizing findings and recommendations of the project will be published in 2018.

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## I. EXECUTIVE SUMMARY

1. **For Colombia's women, the likelihood of experiencing violence at the hands of a partner or ex-partner remains high.** Prevalence rates of intimate partner violence are some of the highest in the world: the 2015 Demographic Health Survey reports that 64.1% of Colombian partnered women have experienced emotional violence and 31.9% have experienced physical violence during their lives.<sup>1</sup> According to this nationally representative survey, only 20% of women victims of violence reported the events to a state authority.<sup>2</sup> Colombia's National Institute of Legal and Forensic Medicine's surveillance data from 2016 reports that 86% of all cases of violence receiving forensic attention are against women and girls.<sup>3</sup> Of these, 72.9% of violence took place within the privacy of the home and by partners. Similarly, surveillance data reports that kin perpetrate the majority of sexual violence against Colombian women: 9.19% by an intimate partner or ex-partner, only in 6.48% is the perpetrator a stranger.<sup>4</sup> Further, most cases of sexual violence occur within the privacy of women's homes (76.06%) and not in "public venues," which includes the armed conflict.<sup>5</sup>
2. **Since 2013, circumstances in Colombia have changed materially.** Most notable is the State's achievement in reaching the landmark peace accord with the Revolutionary Armed Forces of Colombia ("FARC"), which ended more than half a century of armed conflict and, with it, the use of sexual violence as a war tactic in that conflict.<sup>6</sup> Colombia also has taken actions to fulfill the supported recommendations on violence against women ("VAW"). It adopted a national policy on gender equity, CONPES 161,<sup>7</sup> which includes an action plan through 2016 on elimination of violence against women, created a national domestic violence hotline (155),<sup>8</sup> and promulgated Law 1761 of July 2015 on femicide<sup>9</sup> among other measures. **Efforts need to continue, strengthen, and adapt to reflect the current post-conflict reality and gaps identified over the last five years in implementation of Colombia's laws on VAW.** Colombia also needs to respond positively to the Special Rapporteur on Violence Against Women's ("Special Rapporteur on VAW") 2015 request to undertake an official mission.<sup>10</sup>
3. **Understanding and addressing implementation gaps in Colombia's laws on VAW has never been more critical. Post-conflict societies, like Colombia, typically see a surge in domestic violence.**<sup>11</sup> Family Commissioners ("FCs") report that with the 2005 demobilization of paramilitaries, they saw violence in the family, particularly against women, and its intensity spike among those reintegrated into society. FCs express concern that the current demobilization will mean more domestic violence of greater severity—particularly because many of Colombia's combatants, both male and female, have never known a time without conflict and violence as their normalized dispute resolution tactic.<sup>12</sup>
4. **Societal norms and stereotypes associated with patriarchal roles and machismo remain dominant:** the Presidential Advisor on Gender Equity's (Consejería Presidencial para la Equidad de la Mujer "CPEM") 2015 survey of 3,241 individuals (1,938 females, 1,303 males) in 10 cities assessing attitudes towards VAW found progress in some areas, but still found persistent stereotypes and misconceptions about women and domestic

violence.<sup>13</sup> FCs report that violence is so normalized that the women they see often are unaware that the abuse they suffer is not the accepted social or legal norm.<sup>14</sup>

5. **Colombia's response to VAW also is highly dependent upon the institution of the Family Commissioner office** (Comisarías de Familia), which is overburdened, underfunded, and so flawed in its institutional design that it cannot possibly adequately fulfill its critical role to provide domestic violence victims access to justice, protection, and services despite having many highly committed and hardworking FCs supported by government officials dedicating to combatting VAW. First, FCs are overburdened by too many and overly diverse responsibilities. Legal requirements associated with FC creation and funding discourage adding the additional FCs needed to meet the domestic violence workload, and mean FCs are understaffed and under-resourced. FCs also are excluded from setting national policy and priorities on VAW and are not even part of the judicial branch of government. Yet, FCs are tasked with important judicial responsibilities related to victim protection and services, including the issuance of temporary and permanent civil orders of protection to victims that can include a range of security and protective measures, health services, admission to a shelter (in the few cases where they exist), and support, custody, and visitation rights.<sup>15</sup> FCs further are a conduit to criminal prosecution: they must refer domestic violence complaints to prosecutors.<sup>16</sup> FC offices are headed by a FC, who must be a lawyer with special training, and are to be staffed by an interdisciplinary team consisting of a psychologist, social worker, and a secretary.<sup>17</sup>
6. **A further major implementation gap is Colombia's failure to provide, through its Ministry of Health and Social Protection ("Ministry of Health"), fundamental health services and shelters to victims of domestic violence** that are guaranteed under Colombia's Constitution and Law 1257 of 2008.<sup>18</sup> FCs report that the services mandated by law are not, and never have been available:<sup>19</sup> the only shelters are those created, funded, and run by local municipalities in four Colombian cities.<sup>20</sup>
7. This stakeholder submission assesses the implementation of recommendations in the context of violence against women and special procedures and sets forth further recommendations to take into account advances and challenges that Colombia currently faces in fulfilling its national and international obligations to assure women physical security and integrity, access to health care, access to the justice system, and the right to live a life free of violence. Information included in this submission is gathered from data published by Colombian and UN officials and research in Colombia conducted by Dr. Friedemann-Sánchez and Ms. Grieve during 2015-2017. The research design sought information from judicial service providers and other officials charged with providing access to justice and services to Colombian woman experiencing domestic violence. A total of 128 interviews were conducted, 54 with FCs and the remainder with their interdisciplinary teams, prosecutors, police, family court judges, advocates, and victims.
8. The overall sampling captures a variety of implementation experiences in cities and municipalities with different levels of institutional capacity. Much of the research was in Bogotá (43 interviews) and Medellín (48 interviews), the two cities with the greatest level of resources and strongest institutions and therefore likely to present the "best case" scenario in the laws' implementation. The research also was conducted in a number of rural, urban, and former conflict areas in different sized municipalities in the department

of Boyacá (14 interviews), which has both rural areas and urban zones, some of them former conflict zones. Additionally, interviews (23) were held with FCs from smaller, rural, and remote municipalities scattered throughout the country, including some located in former conflict zones under FARC control or influence and areas with criminal band (BACRIM) presence.

## II. BACKGROUND AND FRAMEWORK

### A. 2013 Universal Periodic Review

9. During the 2013 UPR, Colombia supported thirteen recommendations classified thematically as violence against women, noted two recommendations tied to sexual violence, and supported two recommendations tied to special procedures.<sup>21</sup>

#### **Status of Implementation: Thirteen Recommendations Supported, Partially Implemented**

10. Of the fifteen recommendations, Colombia accepted and partially implemented the following:
  - Two recommendations relating to addressing sexual violence against women arising in the context of the conflict;<sup>22</sup>
  - One recommendation relating to combatting sexual violence;<sup>23</sup>
  - Three recommendations addressing sexual violence in the context of other measures to combat violence against women, particularly to continue to work to implement laws, and to prioritize women's rights;<sup>24</sup> and
  - Seven recommendations relating principally to the creation and implementation of an effective, comprehensive and interdisciplinary plan to combat violence against women.<sup>25</sup>

#### **Status of Implementation: Supported, Not Implemented**

11. Colombia also accepted two recommendations tied to Special Procedures to invite the Special Rapporteur on VAW for a country visit.<sup>26</sup> It has not yet implemented this recommendation.

### B. Domestic Legal Framework

12. **Article 42 of Colombia's 1991 social rights constitution guarantees fundamental rights to women.**<sup>27</sup> Article 93 provides that international treaties ratified by Congress enjoy the force of law domestically.<sup>28</sup> Colombia also ratified the Convención Interamericana para Prevenir, Sancionar y Eradicar La Violencia Contra la Mujer,<sup>29</sup> the Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW"),<sup>30</sup> and other UN conventions, treaties, and protocols.
13. In 1996, Colombia adopted Law 294 on domestic violence, which criminalizes domestic violence, provides for provisional and permanent civil protective orders, and requires officials issuing protection orders to refer domestic violence reports to prosecutors.<sup>31</sup> In 2000, the responsibility for issuing civil protective orders was transferred from civil court judges to FCs,<sup>32</sup> which had been created in 1989 as part of Colombia's national child protection and family welfare scheme.<sup>33</sup> Criminal court judges still retain authority to

issue such orders ancillary to a domestic violence criminal prosecution.<sup>34</sup> In 2008, Colombia adopted Law 1257,<sup>35</sup> which amends Law 294, establishes a woman's right to live a life free of violence, requires provision of health and social services to victims of domestic violence, and requires the State to take actions to prevent, sanction, and restore the fundamental rights of women that are violated due to violence. Effective implementation of Law 1257 was hindered as the relevant Ministries delayed issuing the regulations necessary to effect Law 1257's provisions for three (and in some cases four) years.<sup>36</sup> Subsequent changes to criminal procedures increased penalties for domestic violence (effectively eliminating the possibility of convicted aggressors to serve their sentences outside of prison), required prosecution of the crime of domestic violence regardless of the victim's wishes or testimony, and eliminated mandatory pre-trial arbitration in domestic violence cases.<sup>37</sup>

### III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

#### Discrimination against Women (also relevant to Gender-based Violence)

14. **Societal norms and harmful misperceptions continue to reinforce normalization of VAW.** The CPEM's 2015 survey of attitudes on violence against women found that 45% of the individuals surveyed (1,138 females, 1,303 males) believe that women who stay with men who hit them liked the abuse.<sup>38</sup> While there is some progress in attitudes, victim blaming stereotypes persist – with 37% believing that women who dress provocatively ask to be assaulted.<sup>39</sup> More than half of those surveyed view domestic violence as a private matter: 54% believe that “dirty laundry should be washed at home”, and victims should not seek help from the State.<sup>40</sup> Attitudes have worsened in some regards compared to those in an earlier 2009 survey: today more people believe that a man is justified in hitting a woman who has been unfaithful, most women exaggerate acts of violence against them, and a woman should endure violence from her husband in order to maintain family unity.<sup>41</sup>

#### Institutions and Policies (also relevant to Gender-based Violence)

15. **FCs are Colombia's designated frontline judicial responder in delivering access to justice to women experiencing domestic violence, but the outdated institutional design of the FC office virtually guarantees failure and leads to serious implementation gaps in Colombia's laws on VAW.** The institutional design reflects the 1989 realities when the FCs were created as part of Colombia's child protection and family welfare scheme and domestic violence was a private matter outside of State involvement—long before the Convention of Belem, Colombia's 1996 law criminalizing domestic violence, and FC involvement with VAW access to justice and services. FCs were created and remain part of the local executive even though in 2000 FCs were given the demanding *administrative judicial role* of issuing civil protective orders, including physical security measures for victims, psychological and physical health care services, and access to a shelter.<sup>42</sup> Requirements for FC protective order hearings generally reflect international best practices.<sup>43</sup> Decisions are subject to appeal to Family Court judges, and FC imposition of penalties for noncompliance with a protective order is subject to judicial review (if a fine is involved) and approval (if incarceration is ordered).<sup>44</sup> The outdated institutional design leaves FCs as part of the local executive (each individual

mayor) which means that FCs operate without direct judicial oversight or management and with negative consequences to victims of violence.

16. **FC responsibilities are too numerous, time-consuming, and diverse, which prevents them from fulfilling their assigned role to combat VAW.** Many legally assigned responsibilities involve police powers, judicial administrative powers, judicial police powers, and social work and preventive responsibilities that in other country contexts are usually reserved for social service organizations.<sup>45</sup> FCs must re-establish rights of children and adolescents where violence from a family member is involved, including taking children under protective custody and finding State-sponsored housing even when such housing is limited or non-existent.<sup>46</sup> FCs also conciliate matters related principally to custody, support, visitations, and separations under Law 640.<sup>47</sup> They manage traffic court for minors who violate transit laws,<sup>48</sup> they take youth who bring weapons or alcohol to a sporting event into custody, hold hearings and mete out sanctions,<sup>49</sup> and “rescue” children and adolescents from dangerous situations,<sup>50</sup> accompanying heavily armed forces on early morning drug raids because children may be present. FCs also must accompany police on “busts” to bars, adult entertainment venues, and shops where there are under-aged patrons in violation of law.<sup>51</sup> They have responsibilities under the law on school violence.<sup>52</sup> In municipalities where the Colombian institution charged with child welfare services has no presence (a significant portion of the country’s small, rural municipalities), the FC must assume *all* responsibilities of a Defensor de Familia (child protection) under Colombian law in addition to the duties as a FC.<sup>53</sup> Finally, FCs have any other responsibility assigned by their local mayor, such as the drafting and supervision of school cafeteria contracts, serving as traffic police, managing the municipal jail, and creating and implementing public policy on a variety of family and youth topics.<sup>54</sup> Colombia’s own Departamento Nacional de Planeación and the Escuela Superior de Administración Pública evaluative report (“DNP Study”) on FCs recommends materially decreasing FC responsibilities to allow them to improve effectiveness.<sup>55</sup>
17. **The number of FCs per municipality is inadequate to meet actual victim needs and does not reflect local contexts.** National requirements setting the mandatory number of FCs per municipality are based solely on population.<sup>56</sup> These standards fail to consider important population characteristics that affect VAW prevalence, intensity, sociocultural, and legal complexities. Without exception, FCs interviewed report that the workload of the FC and the number of requests for domestic violence protective orders, as well as the severity and intensity of the physical violence, is highly dependent on population characteristics.<sup>57</sup> FCs identified population characteristics related to the conflict – e.g., displaced persons, ex-combatants be they from the paramilitaries, guerilla groups, or the military, FARC controlled or influenced rural areas, and presence of the criminal bands, BACRIM, that surged in the aftermath of the 2005 demobilization- as particularly salient.<sup>58</sup> (See endnote 58 for a chart of the particular manifestations of VAW based on population characteristic).
18. **Although national standards do not reflect local contexts, one city incorporates local factors in FC creation, location and operation.** Of the cities reviewed, Bogotá responded to the importance of population characteristics in determining provision of FC services. Many Bogotá sectors (localidades) have multiple FC offices. Many FCs are

staffed by two separate FCs each with their own interdisciplinary team, in effect using the same physical office for two shifts that results in service to the public from 7 am to 11 pm (i.e., one FC and team works from 7 am to 4 pm and the other from 4 pm to 11 pm), thereby allowing working women experiencing domestic violence access to justice and accommodating evening emergencies<sup>59</sup> Greater attention to population characteristics, particularly in the post-conflict era, is critical to protecting the fundamental rights of women and effectively implementing Colombia's domestic and international obligations.

19. **FCs have been systematically excluded from participation in the development of national public policy regarding VAW and access to justice** even though they are the country's designated "frontline" for women experiencing domestic violence and who need protection from the judicial system and services from the social and health sectors. National public policy is set by centralized national institutions. FCs, which are neither centralized nor national because each FC is under the authority of his/her local mayor, are excluded. The FCs, who are experts in the day-to-day reality of violence against women throughout Colombia, have a valuable contribution to make in informing public policy and setting priorities to combat VAW. Colombia society presents many different complicated realities and the voices of FCs serving these diverse communities – e.g., formerly FARC controlled or influenced rural areas, displaced persons, former combatants in the countryside, former combatants in urban centers, involvement of BACRIM and drug and illegal arms trafficking - can provide valuable insights to formulating national policies and programs on combatting VAW.
20. **In securing appropriate FC participation needed to better serve victims, Colombia faces a challenge created by the institutional structure it designed for FCs.** Because FCs are neither national nor centralized and representation reflecting the diverse community contexts in Colombia is needed, participation by a representative group of FCs is critical, including those from small municipalities. Getting a representative group may not be easy because local mayors must authorize FC travel, whether reimbursed or not, - something that FCs say often is an impediment to their being able to attend trainings and conferences.<sup>60</sup>
21. **Meaningful FC participation is missing from the creation of training, model policies, intake procedures, and risk assessment tools intended to benefit them and lead to better outcomes for victims.** Dedicated national government officials who wish to strengthen FCs and effectively address violence against women have prepared various tools for FCs, but the experts employed in these tasks often have little, if any, familiarity with the on-the-ground reality of FCs. A great resource that depends on Internet access is of little utility if there is only one municipal computer available for all town officials and the FC must stand in line to use it. Tools are rolled out with little or no testing on a trial basis within FC offices to assess utility. The result is un-adopted policies, procedures and other tools.
22. **Some mayors ignore FC civil service requirements and improperly treat FCs as political patronage positions which can result in unqualified individuals acting as FCs, high turnover every four years when municipal elections are held and a new mayor forces the FC out, and discouraging qualified individuals from becoming FCs.** Since 2004, Colombian law provides that the position of FC is a national civil

service position enjoying certain labor protections and requiring passage of a national test.<sup>61</sup> The National Ombudsman reported that in 2010-2011 66% of the country's FCs lacked civil service classification and ordered mayors to remedy this deficiency.<sup>62</sup> This has not happened. Apart from Bogotá and Medellín, almost all interviewed FCs lacked civil service classification because local mayors fail to inscribe them for testing. Some FCs from smaller municipalities report that local mayors, incorrectly, assert that the FC position is political and they have unfettered rights to hire and fire FCs and their teams at will and without cause. When mayors learn this is not the case, they improperly pressure and harass FCs, trying to force them to resign.<sup>63</sup> Lack of adherence to civil service requirements for FCs directly and negatively impacts that availability and quality of victims' access to justice.

### **Gender-based Violence (also relevant to Administration of Justice and Fair Trial and Effective Remedy and Impunity)**

23. **FCs are unable to meet mandated protection order hearing timeframes, leaving women at risk.** In smaller municipalities, where the FCs do not have an interdisciplinary team or only a full or part time psychologist or social worker and also are assigned tasks by their local mayor, it is not surprising that there are delays.<sup>64</sup> At the same time, victims also face barriers to securing protection through the corollary criminal systems. Prosecutors report that, although criminal court judges can issue protection orders, they send victims to FCs because criminal court judges delay three or four months before scheduling a protective order hearing and do not tailor orders to meet victim needs.<sup>65</sup> Facing delays in the issuance of protective orders from both the civil and criminal realms effectively denies victims of domestic violence an effective remedy.
24. **By law, temporary protective orders are to be issued within four hours of a woman making a complaint involving domestic violence in a FC office.**<sup>66</sup> FCs report that they will stay, on an uncompensated basis, after hours to serve women in need of a temporary protective order.<sup>67</sup> Sometimes, however, they are forced to ask women to return the following day even if they need an immediate provisional protective order: if FCs receive a case under 1098 where a child is at risk, by law, they are required to drop everything else, attend to the child, remove the child from the dangerous circumstance and find alternative shelter.<sup>68</sup>
25. **A hearing on a permanent protection order is to take place within 5-10 days after issuance of a provisional protection order, but this requirement is often unsatisfied.**<sup>69</sup> Many Medellín FC offices routinely report that the hearings for permanent protective orders are scheduled three to four months in the future instead of within the legally mandated 10-day period.<sup>70</sup> In Bogotá, where FCs are more numerous, have larger staffs, and significant administrative support, all FCs strive to hold hearings on permanent protective orders within 10 days, but sometimes, due to the level of demand and the complexity of cases because of population characteristics, are unable to do so.<sup>71</sup>
26. **Excessive workload makes it impossible for FCs to adequately monitor protection orders, leaving women at risk.** The law requires the FC office to monitor implementation of the FC's protective orders for victims.<sup>72</sup> Many FCs reported their workload makes monitoring impossible or will allow for only a follow-up telephone



call.<sup>73</sup> Failure to monitor protection orders creates a huge gap in the effectiveness of Colombia's most basic measure to protect victims and provide them with services.

27. **FCs reported that they cannot appropriately engage in prevention efforts.** While the appropriateness of assigning a FC who performs the role of a judge issuing civil protection orders a role in prevention for VAW is highly questionable, many FCs report they simply cannot attend to prevention.<sup>74</sup> Time spent on prevention is time away from women who need emergency provisional protection orders and hearings to secure permanent protection orders.

#### **Content, statistics, budget, cooperation with civil society (also relates to Gender-based Violence)**

28. **The current administrative and budgetary system discourages cities from appointing additional FCs.** For a city to receive preferential freedom to act in a number of matters, the city must satisfy certain ratios related to fiscal and management efficiency. This incentivizes cities to minimize overhead, which includes FC compensation and many of its operating expenses.<sup>75</sup> Even in cities where there might be sufficient resources to hire additional FCs, Municipal Councils may be reluctant to authorize those additional positions to avoid negatively impacting these ratios. The current calculation serves as a disincentive for municipalities to create additional FC positions, but easily could be addressed by eliminating FC costs from overhead for the purposes of government accounting ratios.
29. **Local municipalities may spend the national government funds intended to cover FC compensation and expenses for other purposes.** FC funds are included in an overall funds transfer that encompasses various municipal expenses, including the mayor's compensation. Transfers made by the national government to municipalities, such as those for health and education, are subject to earmarks to assure that funds are used for their intended purpose.<sup>76</sup> Funds intended for FCs are not similarly earmarked.
30. **Even if all national funds intended to support FC operation were used for this purpose, they remain insufficient to cover basic FC operations, with the consequence that victims cannot receive the access to justice and services as mandated by law.** The DNP Study demonstrates that funds transferred from the national government are insufficient to support adequately FC operation.<sup>77</sup> Large cities, like Bogotá and Medellín, report that their FC operations are supported mainly from municipal revenues: if they relied solely on the funds from the national government, they could not begin to meet the needs of women who are victims of domestic violence.<sup>78</sup>
31. **Many of the country's FCs lack essential infrastructure critical for their basic operation, hindering their ability to meet victim needs.** FCs outside of Bogotá and Medellín lacked some, and in a few cases all, of functioning printers, computers, paper, ink, a secretary, access to internet, storage space, office furniture, government insurance if they are injured or killed in the line of duty, and, at times, adequate bathroom facilities.<sup>79</sup> Even in Bogotá and Medellín, FCs reported lack of printer ink and paper towards the end of the month, difficulty in repairing broken equipment, and municipal systems upon which FC work depends repeatedly going offline, sometimes for days.<sup>80</sup>

32. **Low FC compensation leads to turnover to the detriment of the quality of judicial services provided to victims: FC compensation generally lags far behind comparable official positions, and varies significantly.** FCs report that law schools, even where FCs earn special degrees in family or administrative law, do not prepare lawyers to become FCs.<sup>81</sup> FCs must learn on the job, and high turnover and inexperience means that victims' access to justice suffers. As one FC noted, "*no matter how committed a FC, they often leave for better paying jobs to meet the needs of their family.*"<sup>82</sup> The Ombudsman's 2010-2011 survey of the country's FCs, found that 70.4% of Colombia's FCs, earned less than 2 million pesos (US\$ 681) per month and less than any other municipal official.<sup>83</sup> Interviewed FCs reported compensation ranging from a low of 1.5 million pesos (approximately US\$ 512) per month to a high, in rare instances in Bogotá, of 8.5 million pesos (US\$ 2,897) per month.<sup>84</sup> According to FCs, Family Defenders, whose job many FCs must discharge in addition to that of FC, earn substantially more than most FCs.<sup>85</sup> Moreover, Congress has been requested to increase Family Defender pay packages to equal that of a circuit court judge (9,069,607 pesos, US\$ 3,088 per month) since Family Defenders perform administrative judicial functions.<sup>86</sup> This argument is equally, if not more persuasive in the case of FCs as FC responsibility for issuing protection orders to victims initially was assigned to judges—as it still is in many other countries.

**Economic, Social and Cultural Rights- General Measures of Implementation (also relevant to Rights to Adequate Housing, Rights to Health and Gender-based Violence)**

33. **Colombia's law provides for victim services that the Ministry of Health has steadfastly refused to provide for the last nine years. UN bodies, in particular, CEDAW in its 2013 recommendations have noted these shortcomings.**<sup>87</sup> Mandated services consist of housing (shelter) and support for a woman and her children, their transportation costs, medical care, and psychological and psychiatric care and are called "medidas de atención."<sup>88</sup> Medidas de atención are available to at risk women, last for six months and are renewable for another six months.<sup>89</sup> For a victim to receive these services, a FC must order them in a protection order.<sup>90</sup>
34. **Shelters are unavailable to Colombia's women unless they live in one of the four cities that have created their own shelters for victims.**<sup>91</sup> And, as noted by the Special Rapporteur, shelters for women victims of violence are of critical importance and states need to fulfill their obligations to provide them.<sup>92</sup>

**Right to Health (also relevant to Gender-based Violence)**

35. **Of the 54 FCs interviewed, 53 reported that the basic victim services for at risk women as envisioned by the 2008 law, or medidas de atención, have never been accessible to violence victims - as one CF put it "the system is broken."**<sup>93</sup> When FCs order victim services, the woman is denied them when she takes the FC's order to the appropriate health institution.<sup>94</sup> A single FC said that he had been successful once in his career in securing medidas de atención for one woman. The woman was a victim of domestic violence. Among other things, her partner had almost severed her hand with a machete. She needed significant medical care, and operations as a consequence of his violence from which she had lost use of her hand. When the FC's pleading with the health officials failed to produce the medidas de atención, he appealed to his local

Secretary for Women who used political pressure to force delivery of the ordered medical services.<sup>95</sup>

36. **Notwithstanding the law's requirements, FCs report that psychological care ordered for victims of domestic violence is available only to the extent that psychological care is available to anyone under Colombia's universal healthcare system or if the specific municipality has created and funded its own program.**<sup>96</sup> FCs explained that the number of psychological visits varies by health provider and an individual's insurance affiliation, but sometimes consists of a total of no more of seven visits of twenty minutes duration. Appointments may take several weeks to secure and require significant travel. There is no guarantee that the psychologist who meets with a woman will be the same person at every meeting.<sup>97</sup> In rural Colombia, there may be no access at all to psychological support needed by victims of domestic violence.<sup>98</sup> **The services desperately needed by victims of domestic violence and mandated by law are effectively denied to them.**

#### **Cooperation with Special Procedures (also relevant to Gender-based Violence)**

37. Although the Government has extended a standing invitation to the Special Procedures, it has a pending 2015 request for a visit by the Special Rapporteur for VAW.<sup>99</sup>

#### **IV. RECOMMENDATIONS**

38. This stakeholder report suggests the following recommendations for the Government of Colombia:

##### *Concerning construction of peace in former conflict zones:*

- Keep present an awareness of the likelihood of an increase in domestic violence and look for opportunities to build measures in constructing peace that address stereotypes and foster change in societal norms that accept domestic violence as a normalized backdrop to everyday life. Target special populations where, post-conflict, violence is likely to surge.

##### *Concerning Family Commissioners and access to justice:*

- Recognize the importance of the position of FCs in Colombia's response to domestic violence, particularly by taking the following actions:
  - Materially reduce the number of legal responsibilities assigned to FCs, eliminating judicial and non-judicial administrative responsibilities except for those related to domestic violence within the family.
  - Legally mandate that population characteristics, as well as absolute population size, be employed as determinants for the number of required FCs.
  - Eliminate incentives that discourage creation of additional FCs by exempting FC overhead from fiscal ratio calculation.
  - Increase funding to FCs to provide parity in compensation to other officials who perform comparable roles: pay for essential infrastructure.

- Create an explicit earmark for funding transferred from the national government to municipalities so that funds can be used solely for FCs and their offices.
  - Ensure the participation of a cross-section of FCs who serve different types of populations on governmental inter-institutional committees considering implementation of domestic violence laws and setting national public policy on domestic violence and priorities.
  - Include FC participation in the design of trainings, procedures, policies or systems to benefit or be used by them so precious resources are well-spent in developing measures that will advance the elimination of violence against women. Pilot test proposed procedures and tools with FCs in diverse population settings.
  - Provide resources to FCs necessary to meaningfully monitor implementation of protective orders to hold aggressors accountable and protect women and their children.
- Longer-term, consider placing FCs under the judicial branch of government.

*Concerning shelters and other health care services to be provided by the Ministry of Health under Law 1257:*

- Provide the funding and the political will to require its Ministry of Health to fulfill Colombia's legal obligations under Law 1257 to provide medical and related services to at risk women due to domestic violence and, most importantly, to immediately create long overdue and critically needed shelters for victims.

*Concerning international mechanisms:*

- Accept the Special Rapporteur for Violence against Women's request to undertake an official mission at the earliest possible opportunity and extend all reasonable cooperation and assistance to facilitate a timely and effective country mission.

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- <sup>1</sup> Profamilia, *Resumen Ejecutivo Encuesta Nacional de Demografía y Salud ENDS Colombia 2015*. (Bogotá: Colombia, Profamilia 2015) 64, 78. Also available online at <http://profamilia.org.co/docs/Libro%20RESUMEN%20EJECUTIVO.pdf> (accessed October 2, 2017).
- <sup>2</sup> Profamilia, *Resumen Ejecutivo Encuesta Nacional de Demografía y Salud ENDS Colombia 2015*. (Bogotá: Colombia, Profamilia 2015), 68. Also available online at <http://profamilia.org.co/docs/Libro%20RESUMEN%20EJECUTIVO.pdf> (accessed October 2, 2017).
- <sup>3</sup> Instituto Nacional de Medicina Legal y Ciencias Forenses, *Forensis 2016: Datos para la Vida*. (Bogotá: Colombia, Instituto Nacional De Medicina Legal y Ciencias Forenses, June 2017), 307. Also available online at <http://www.medicinalegal.gov.co/documents/88730/4023454/Forensis+2016+--+Datos+para+la+Vida.pdf/af636ef3-0e84-46d4-bc1b-a5ec71ac9fc1> (accessed October 2, 2017).
- <sup>4</sup> Instituto Nacional de Medicina Legal y Ciencias Forenses, *Forensis 2016: Datos para la Vida*. (Bogotá: Columbia, Instituto Nacional De Medicina Legal y Ciencias Forenses, June 2017), 362. Also available online at <http://www.medicinalegal.gov.co/documents/88730/4023454/Forensis+2016+--+Datos+para+la+Vida.pdf/af636ef3-0e84-46d4-bc1b-a5ec71ac9fc1> (accessed October 2, 2017).
- <sup>5</sup> Instituto Nacional de Medicina Legal y Ciencias Forenses, *Forensis 2016: Datos para la Vida*. (Bogotá: Columbia, Instituto Nacional De Medicina Legal y Ciencias Forenses, June 2017), 363. Also available online at <http://www.medicinalegal.gov.co/documents/88730/4023454/Forensis+2016+--+Datos+para+la+Vida.pdf/af636ef3-0e84-46d4-bc1b-a5ec71ac9fc1> (accessed October 2, 2017).
- <sup>6</sup> Republic of Colombia, *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace* (Bogotá, President of the Republic, November 24, 2017). Also available online at <http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf> (accessed on October 2, 2017).
- <sup>7</sup> Consejo Nacional de Política Económica y Social República de Colombia Departamento Nacional de Planeación, CONPES 161 de 2013, *Equidad de Género para las Mujeres* (March 12, 2013). Also available online at [http://oig.cepal.org/sites/default/files/colombia\\_2013-2016.pdf](http://oig.cepal.org/sites/default/files/colombia_2013-2016.pdf) (accessed on October 2, 2017).
- <sup>8</sup> Policía Nacional de la Republica de Colombia, *Línea de atención a la mujer 155*, Junio 5, 2017, <https://www.policia.gov.co/noticia/linea-atencion-mujer-155> (accessed on October 1, 2017).
- <sup>9</sup> Ley 1761 de 2015 “Por la Cual se Crea el Tipo Penal de Femicidio como Delito Autónomo y se Dictan Otras Disposiciones” (Rosa Elvira Cely), July 6, 2015. Also available online at <http://wp.presidencia.gov.co/sitios/normativa/leyes/Documents/LEY%201761%20DEL%2006%20DE%20JULIO%20DE%202015.pdf> (accessed October 1, 2017).
- <sup>10</sup> United Nations Human Rights Office of the High Commissioner, “Standing Invitations,” accessed Oct. 3, 2017, <http://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/StandingInvitations.aspx>; United Nations Human Rights Office of the High Commissioner, “View Country Visits of Special Procedures of the Human Rights Council since 1998,” accessed Oct. 3, 2017. <http://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en>
- <sup>11</sup> Manjoo, R. and McRaith, C., *Gender-Based Violence and Justice in Conflict and Post-Conflict Areas*, 44 Cornell International Law Journal 1, 11-32 (2011) Also available online at <http://www.lawschool.cornell.edu/research/ILJ/upload/Manjoo-McRaith-final.pdf> (accessed on October 2, 2017); La Mattia, G., *Civil Conflict, Domestic Violence and Intra-Household Bargaining in Post-Genocide Rwanda*. 124 Journal of Development Economics issue C, 168-198(2017). Also available online at <http://www.sciencedirect.com/science/article/pii/S0304387816300591?via%3DiHub>(accessed on October 2, 2017).
- <sup>12</sup> Friedemann-Sánchez, Greta and Grieve, Margaret, *Research on the Implementation of Colombia’s Laws on Violence against Women: Comisarías de Familia, the Frontline Judicial Provider*. 2015-2017, Interview Data (from various interviews with Family Commissioners and others from a number of cities and towns throughout Colombia) (referred to as “Interview Data”). Interview Data FCs.
- <sup>13</sup> Consejería Presidencial Para la Equidad de la Mujer, Observatorio de Equidad de Género, *Avances de la tolerancia social e institucional de las violencias contra las mujeres en Colombia*, (“Summary Tolerance Survey”). Boletín P.7, 12 (Bogotá, March 2015). Also available online at [http://www.equidadmujer.gov.co/oag/Documents/oag\\_boletin-19-marzo2015.pdf](http://www.equidadmujer.gov.co/oag/Documents/oag_boletin-19-marzo2015.pdf) (accessed on October 2, 2017) See

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also Consejería Presidencial para La Equidad de las Mujeres, *Segunda medición sobre la tolerancia social e institucional de las violencias contra las Mujeres: Informe Final* (“Social and Institutional Tolerance of Violence against Women in Colombia Survey”) (Bogotá, March 8, 2015) 14, 28 (Supported by ONU Mujeres, Embajada de Noriega, Cooperación Española, Humanas Colombia). Also available online at <http://www.equidadmujer.gov.co/ejes/Documents/Segunda-medicion-estudio-tolerancia-violencias-contra-mujeres.pdf> (accessed on October 2, 2017).

<sup>14</sup> Interview Data CFs.

<sup>15</sup> Ley 294 de 1996 (“Ley 294”), Artículos 4,5, Diario Oficial No. 42.836, de 22 de Julio de 1996. Also available online at <http://historico.equidadmujer.gov.co/Normativa/LeyesFavorables/Nacionales/Ley294-16jul1996.pdf> (accessed on October 2, 2017).

<sup>16</sup> Ley 294, Artículo 6.

<sup>17</sup> Ley 1098 de 2006, Código de la Infancia y la Adolescencia (“Ley 1098”), Artículo 84, Diario Oficial No. 46.446 de 8 de noviembre de 2006. Available online at [http://icbf.gov.co/cargues/avance/docs/ley\\_1098\\_2006.htm](http://icbf.gov.co/cargues/avance/docs/ley_1098_2006.htm) (accessed on October 2, 2017). Article 84 further provides that FC offices in cities with medium and high population density are to be staffed by a doctor. The requirement for a doctor is universally ignored. Instead, women are sent to Colombia’s Instituto Nacional de Medicina Legal y Ciencias Forenses and, in its absence, to local hospitals.

<sup>18</sup> Constitución de la Republica de Colombia (“1991 Constitution”), Artículo 44 (1991); Ley 1257, Artículo 19.

<sup>19</sup> Interview Data FCs.

<sup>20</sup> *Más de 2.000 mujeres agredidas buscaron refugio en hogares de paso*, El Tiempo. August 21, 2016. Also available online at

<http://www.eltiempo.com/justicia/cortes/casas-de-refugio-para-mujeres-victimas-de-agresiones-52489> (accessed on October 3, 2017).

<sup>21</sup> *Report of the Working Group on the Universal Periodic Review: Colombia* (July 4, 2013), U.N. Doc. A/HRC/24/6 ¶ 116.49. Develop a comprehensive plan of action to address violence against women on the basis of the repeated recommendations made by the United Nations and the Inter-American human rights system (Kyrgyzstan); ¶ 115.1. Implement the recommendations made by the United Nations Special Representative of the Secretary General on Sexual Violence in Conflict, during her visit to Colombia in May 2012 (Sweden); ¶ 115.3. Follow-up and implement effectively the recommendations of the Special Representative of the Secretary-General on Sexual Violence in Conflict (Austria); ¶ 117.6. Ensure the effective implementation of Order 092 of the Constitutional Court, which referred 183 cases of sexual violence against women to the Attorney-General’s Office, the incorporation of Law 1257 on violence against women into the Criminal Code, and create an inter-institutional system for monitoring of the implementation of Security Council resolution 1325 (Ireland); ¶ 116.55. Elaborate and apply in an effective manner an exhaustive and interdisciplinary action plan to address violence against women (Spain); ¶ 116.57. Guarantee access to justice for victims of sexual violence by ensuring the effective implementation of laws on the protection of women (France); ¶ 117.5. In order to combat impunity, support the bill before Congress “to guarantee access to justice for victims of sexual violence, especially sexual violence in the context of armed conflict” (Finland); ¶ 116.54. Increase efforts in addressing violence against women, including a provision of access to justice and medical care for victims as well as their social reintegration, in particular, within the context of the armed conflict (Slovakia); ¶ 116.50. Continue to prioritize policies aimed at promoting the enjoyment of women’s rights and prevention of sexual violence (South Africa); ¶ 116.51. Consider developing and implementing a comprehensive plan of action to further women’s rights, including measures to combat violence against women (Indonesia); ¶ 116.42. Intensify efforts to guarantee gender equality and to empower women, including by developing its national policy on gender equality and by continuing the work currently underway in the Intersectoral Commission to Eradicate Violence against women and the Legal Commission on Equity for Women in Congress (Nigeria); ¶ 115.2. Develop and implement a comprehensive and interdisciplinary action plan aimed at combating violence against women, in consultation with victims and women organizations, and based on the recommendations made by the United Nations and the Inter-American human rights system (Belgium); ¶ 116.56. Continue to work constructively to implement the laws, decrees and resolutions that have been approved to combat violence against women and girls and to guarantee access to justice for victims of sexual violence (Canada); 116.53. Strengthen its efforts in the fight to eliminate violence against women and children (Senegal); 116.52. Step up efforts to prevent

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sexual violence against women and children and strengthen measures for the rehabilitation of boys and girls affected by armed conflicts (Paraguay); ¶116.39. Invite the Special Rapporteur on violence against women, and develop, in consultation with civil society, a comprehensive plan of action to address sexual violence (Hungary); ¶116.38. Extend an invitation to the Special Rapporteur on violence against women, its causes and consequences (Brazil). Also available online at [https://www.upr-info.org/sites/default/files/document/colombia/session\\_16\\_-\\_april\\_2013/ahrc246e.pdf](https://www.upr-info.org/sites/default/files/document/colombia/session_16_-_april_2013/ahrc246e.pdf) (accessed October 1, 2017); *UPR Information 2013 Recommendations and Pledges Colombia and NGO Submission Matrix Colombia*. Also available online at <https://www.upr-info.org/en/review/Colombia/Session-16---April-2013/Responses-to-Recommendations#top> (accessed on October 2, 2017).

<sup>22</sup> *Report of the Working Group on the Universal Periodic Review: Colombia* (July 4, 2013), U.N. Doc. A/HRC/24/6 ¶115.1. Implement the recommendations made by the United Nations Special Representative of the Secretary General on Sexual Violence in Conflict, during her visit to Colombia in May 2012 (Sweden); ¶115.3. Follow-up and implement effectively the recommendations of the Special Representative of the Secretary-General on Sexual Violence in Conflict (Austria). Also available online at [https://www.upr-info.org/sites/default/files/document/colombia/session\\_16\\_-\\_april\\_2013/ahrc246e.pdf](https://www.upr-info.org/sites/default/files/document/colombia/session_16_-_april_2013/ahrc246e.pdf) (accessed October 1, 2017).

<sup>23</sup> *Report of the Working Group on the Universal Periodic Review: Colombia* (July 4, 2013), U.N. Doc. A/HRC/24/6 ¶116.57. Guarantee access to justice for victims of sexual violence by ensuring the effective implementation of laws on the protection of women (France). Also available online at [https://www.upr-info.org/sites/default/files/document/colombia/session\\_16\\_-\\_april\\_2013/ahrc246e.pdf](https://www.upr-info.org/sites/default/files/document/colombia/session_16_-_april_2013/ahrc246e.pdf) (accessed October 1, 2017).

<sup>24</sup> *Report of the Working Group on the Universal Periodic Review: Colombia* (July 4, 2013), U.N. Doc. A/HRC/24/6 ¶116.50. Continue to prioritize policies aimed at promoting the enjoyment of women's rights and prevention of sexual violence (South Africa); ¶116.56. Continue to work constructively to implement the laws, decrees and resolutions that have been approved to combat violence against women and girls and to guarantee access to justice for victims of sexual violence (Canada); ¶116.52. Step up efforts to prevent sexual violence against women and children and strengthen measures for the rehabilitation of boys and girls affected by armed conflicts (Paraguay). Also available online at [https://www.upr-info.org/sites/default/files/document/colombia/session\\_16\\_-\\_april\\_2013/ahrc246e.pdf](https://www.upr-info.org/sites/default/files/document/colombia/session_16_-_april_2013/ahrc246e.pdf) (accessed October 1, 2017).

<sup>25</sup> *Report of the Working Group on the Universal Periodic Review: Colombia* (July 4, 2013), U.N. Doc. A/HRC/24/6 ¶116.49. Develop a comprehensive plan of action to address violence against women on the basis of the repeated recommendations made by the United Nations and the Inter-American human rights system (Kyrgyzstan); ¶116.55. Elaborate and apply in an effective manner an exhaustive and interdisciplinary action plan to address violence against women (Spain); ¶116.51. Consider developing and implementing a comprehensive plan of action to further women's rights, including measures to combat violence against women (Indonesia); ¶116.42. Intensify efforts to guarantee gender equality and to empower women, including by developing its national policy on gender equality and by continuing the work currently underway in the Intersectoral Commission to Eradicate Violence against women and the Legal Commission on Equity for Women in Congress (Nigeria); ¶115.2. Develop and implement a comprehensive and interdisciplinary action plan aimed at combating violence against women, in consultation with victims and women organizations, and based on the recommendations made by the United Nations and the Inter-American human rights system (Belgium); ¶116.53. Strengthen its efforts in the fight to eliminate violence against women and children (Senegal); ¶116.54. Increase efforts in addressing violence against women, including a provision of access to justice and medical care for victims as well as their social reintegration, in particular, within the context of the armed conflict (Slovakia). Also available online at [https://www.upr-info.org/sites/default/files/document/colombia/session\\_16\\_-\\_april\\_2013/ahrc246e.pdf](https://www.upr-info.org/sites/default/files/document/colombia/session_16_-_april_2013/ahrc246e.pdf) (accessed October 1, 2017).

<sup>26</sup> *Report of the Working Group on the Universal Periodic Review: Colombia* (July 4, 2013), U.N. Doc. A/HRC/24/6 ¶116.39. Invite the Special Rapporteur on violence against women, and develop, in consultation with civil society, a comprehensive plan of action to address sexual violence (Hungary); ¶116.38. Extend an invitation to the Special Rapporteur on violence against women, its causes and consequences (Brazil). Also available online at [https://www.upr-info.org/sites/default/files/document/colombia/session\\_16\\_-\\_april\\_2013/ahrc246e.pdf](https://www.upr-info.org/sites/default/files/document/colombia/session_16_-_april_2013/ahrc246e.pdf) (accessed October 1, 2017).

<sup>27</sup> 1991 Constitution, Artículo 42 (1991) “Cualquier forma de violencia en la familia se considera destructiva de su armonía y unidad, y será sancionada conforme a la ley”.

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<sup>28</sup> 1991 Constitution, Artículo 93 “Los tratados y convenios internacionales ratificados por el Congreso, que reconocen los derechos humanos y que prohíben su limitación en los estados de excepción, prevalecen en el orden interno.”

<sup>29</sup> Organization of American States, Convención Interamericana para Prevenir, Sancionar y Erradicar La Violencia Contra la Mujer (Brazil, June 9, 1994) enacted into national domestic law by Ley 248 de 1995, Diario Oficial No. 42.171, de 29 de diciembre de 1995. Also available online at [http://www.meta.gov.co/web/sites/default/files/adjuntos/Ley\\_248\\_de\\_1995%20VIOLENCIA%20CONTRA%20LA%20MUJER.pdf](http://www.meta.gov.co/web/sites/default/files/adjuntos/Ley_248_de_1995%20VIOLENCIA%20CONTRA%20LA%20MUJER.pdf) (accessed on October 2, 2017).

<sup>30</sup> Ley 51 de 1981 approving the Convención sobre la eliminación de todas las formas de discriminación contra la mujer adoptada por la Asamblea General; de las Naciones Unidas el 18 de diciembre de 1979 y firmado en Copenhague el 17 de julio de 1980, Diario Oficial No. 35794, de julio de 1981. Available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=14153> (accessed on October 3, 2017); Ley 984 de 2005 approving the 1999 Protocolo Facultativo de la Convención sobre la Eliminación de todas las Forma de Discriminación contra la Mujer, Diario Oficial 46002 de agosto 16 de 2005 available at <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=17319> (accessed on October 2, 2017).

<sup>31</sup> Ley 294, Artículos 4, 5, 6.

<sup>32</sup> Ley 575 de 2000 (“Ley 575”), Diario Oficial No 43.889, de 11 de febrero de 2000. Also available online at <http://www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/BDL/2008/6494> (accessed on October 2, 2017).

<sup>33</sup> Decreto Ley 2737 de 1989, Código del Menor, Artículo 29. Also available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4829> (accessed on October 2, 2017); Ley 1098 de 2006, Código de la Infancia y la Adolescencia (“Ley 1098”), Artículo 83, Diario Oficial No. 46.446 de 8 de noviembre de 2006. Also available online at [http://icbf.gov.co/cargues/avance/docs/ley\\_1098\\_2006.htm](http://icbf.gov.co/cargues/avance/docs/ley_1098_2006.htm) (accessed on October 2, 2017).

<sup>34</sup> Ley 294, Artículo 6: Interview Data, Prosecutors and CFs.

<sup>35</sup> Ley 1257 de 2008 (“Ley 1257”), Diario Oficial 47193 de diciembre 4 de 2008. Also available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=340454> (accessed on October 2, 2017).

<sup>36</sup> Decreto 4463 de 2011, Diario Oficial de 48264 del 25 de noviembre de 2011 (Labor Ministry). Also available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4480540> (accessed on October 2, 2017); Decreto 4796 de 2011, Diario Oficial 48289 de diciembre 20 de 2011 (Ministry of Health). Also available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4507940> (accessed on October 2, 2017); Decreto 4798 de 2011, Diario Oficial 48289 del 20 de diciembre de 2011 (Ministry of Education). Also available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45066#0> (accessed on October 2, 2017); Decreto 4799 de 2011, Diario Oficial 48289 de diciembre 20 de 2011 (Ministry of Justice). Also available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=45077#0> (accessed on October 2, 2017); and Decreto 2734 de 2012, Diario Oficial 48857 de diciembre 28 de 2012 (Ministry of Health). Also available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=51083#0> (accessed on October 2, 2017).

<sup>37</sup> See, e.g., Ley 1542 de 2012, Diario Oficial 48482 de 5 de Julio de 2012. Also available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=48239> (accessed on October 2, 2017).

<sup>38</sup> Summary Tolerance Survey. 7, 17; Social and Institutional Tolerance of Violence against Women in Colombia Survey. 14, 28.

<sup>38</sup> Social and Institutional Tolerance of Violence against Women in Colombia Survey. 28, 29.

<sup>39</sup> Summary Tolerance Survey. 13.

<sup>40</sup> Summary Tolerance Survey. 13.

<sup>41</sup> Ley 294; Ley 575; Ley 1257; Decreto 4799; Decreto 2734.

<sup>42</sup> Ley 575.

<sup>43</sup> United Nations Department of Economic and Social Affairs, Division for the Advancement of Women, *Handbook for Legislation on Violence Against Women* (2010) U.N. Doc. ST/ESA/329. Also available online at <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf> (accessed on October 3, 2017); United Nations Department of Economic and Social Affairs,



Division for the Advancement of Women, Now Part of UN Women, *Supplement to the Handbook for Legislation on Violence against Women “Harmful Practices” Against Women* (2011) U.N. Doc. ST/ESA/329. Also available online at <http://www.un.org/womenwatch/daw/vaw/handbook/Supplement-to-Handbook-English.pdf> (accessed on October 3, 2017). For example, Law 297 provides due process rights exist for the accused and the victim, decisions must be supported by factual evidence, civil law standards of proof must be satisfied, and administrative judicial decisions must be sufficiently documented to demonstrate appropriate application of the law and facts to a woman’s circumstances. Ley 294, Artículos 11, 12, 13, 15, 16, 18.

<sup>44</sup> Ley 294, Artículo 18.

<sup>45</sup> Ley 1098, Artículo 86; Ley 640 de 2001 (“Ley 640”), Artículos 31, 32. Diario Oficial No.44303 del 24 de enero de 2001. Also available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Normal.jsp?i=6059> (accessed on October 2, 2017); Ley de Deporte; Interview Data CFs, CF Interdisciplinary Teams.

<sup>46</sup> Ley 1098, Artículos 40-50.

<sup>47</sup> Ley 640.

<sup>48</sup> Ley 1098, Artículo 109: Interview Data CFs.

<sup>49</sup> Ley 1098, Artículo 109: Interview Data CFs.

<sup>50</sup> Ley 1098, Artículos 86, 106; Interview Data CFs, CF Interdisciplinary Teams.

<sup>51</sup> Ley 1098, Artículo 109; Interview Data CFs.

<sup>52</sup> Ley 1620 de 2013, Artículo 31(4) (Violencia Escolar) Diario Oficial No.48733, de 15 de marzo 2013. Also available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Normal.jsp?i=52287> (accessed on October 3, 2017); Interview Data CFs.

<sup>53</sup> Ley 1098, Artículo 98; Interview Data CFs, Interdisciplinary Teams, FCs in Bogota or Medellin and other locations where there are Family Defenders do not also have to assume Family Defender responsibilities.

<sup>54</sup> Ley 1098, Artículo 83.

<sup>55</sup> DNP Study. 135.136.

<sup>56</sup> Decreto 4840. Sets the following population size requirements related to creation of FC offices.

<b>Municipality Size</b>	<b>Minimum Required Number of FCs</b>
Towns with 500,001 or more inhabitants (called special category and considered “large”)	At least 1 FC for every 250,000 inhabitants or fraction thereof greater than 100,000 inhabitants
Towns with 100,001 to 500,000 inhabitants (called 1 <sup>st</sup> category and considered “large”)	At least 1 FC for every 150,000 inhabitants or fraction thereof greater than 100,000 inhabitants
Towns with between 50,001-100,000 inhabitants (called 2 <sup>nd</sup> category and considered “medium” size)	At least 1 FC
Towns of up to 50,000 inhabitants (comprises 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> categories and considered “small”)	At least 1 FC, with the smallest towns able to band together and enter into an agreement to hire 1 CF to serve them all

<sup>57</sup> Interview Data FCs.

<sup>58</sup> Interview Data FCs, Interdisciplinary Teams, Municipal Officials Responsible for FC Management. Below chart identifies characteristics associated with different populations served by FCs, in particular those created by the conflict: displaced persons, demobilized paramilitares, ex-guerilla combatants, BACRIM, some other low level drug dealers, etc.

<b>Population Characteristics</b>	<b>Relevance to Domestic Violence Protective Orders</b>
Displaced Persons	Higher levels of domestic violence and child abuse; more demand for FC protective orders and reestablishment of children's rights, complex cases where minors are simultaneously victims and perpetrators of sexual violence.
Demobilized Paramilitares	Same plus high levels of domestic violence, intensity of physical violence greater, machetes & switchblades, prevalence of death threats, holding women as prisoners under lock and key, and threats to take children.
Ex guerilla combatants who have made their way to cities	Same, intensity of physical violence greater, machetes & switchblades.
Older parents, particularly mothers who own an asset such as an apartment or house or who receive a pension	Violence from children, particularly male sons who are economically inactive and seek to control parent's assets.
Returning low-level drug traffickers who have been working or imprisoned overseas and who return to their original homes	Higher levels of domestic violence, against partners, children, parents and siblings, particularly when money sent home for retirement post travel or incarceration seems to have been spent for purposes other than the intended ones.
Partners of members of Bandas Criminales (BACRIM) that engage in drug & illegal arms trafficking	Higher levels of domestic violence and child abuse, drug use and trafficking cut across the violence context systematically. FCs have told us that this group does not, in their opinions, experience a lesser degree of domestic violence, but given the magnitude of crimes that female partners of gang members witness that go unpunished, they have little faith in a protective order issued by the judicial system; gangs also provide alternative "justice" systems. FC security may be at risk when issuing protective orders.
Higher income, more educated populations	There may be fewer cases of domestic violence. While there may be physical violence, often the violence is psychological and economic. These matters are less numerous, but more time-consuming because parties frequently are represented and use every possible procedural tactic to avoid a judgment.
Rural populations with low levels of education	Violence is so normalized that it is often not reported, but when it is considerable time must be spent with the women to explain the structure of the law, her fundamental rights, what an order of protection is, and what it can and cannot do.
Rural populations with low levels of education located in terrains where access is difficult, distances are long and territory has been FARC controlled or surrounded by FARC	FARC provided alternative "justice" for domestic violence where it deemed appropriate. Population not only has the problems above of a rural population, but also is unfamiliar with the concept of state institutionality. Distances are quite long, police presence limited, making ongoing police support for an order of protection impossible.

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- <sup>59</sup> Interview Data FCs and Municipal Officials in Bogota responsible for management of FCs.
- <sup>60</sup> Interview Data FCs.
- <sup>61</sup> Ley 575, Artículo 30 ; Decreto de 2005, Diario Oficial No. 45866 de 19 de marzo de 2005. Also available online at <http://www.alcaldiabogota.gov.co/sisjur/normas/Normal.jsp?i=16127> (accessed October 3, 2017)/
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- <sup>64</sup> Interview Data FCs.
- <sup>65</sup> Interview Data Prosecutors.
- <sup>66</sup> Ley 294, Artículo 11.
- <sup>67</sup> Interview Data FCs.
- <sup>68</sup> Ley 1098; Interview Data FCs.
- <sup>69</sup> Ley 294, Artículo 12.
- <sup>70</sup> Interview Data FCs Medellin.
- <sup>71</sup> Interview Data FCs Bogotá.
- <sup>72</sup> Ley 1098, Artículo 86.
- <sup>73</sup> Interview Data FCs.
- <sup>74</sup> Interview Data FCs.
- <sup>75</sup> See footnote 24.
- <sup>76</sup> See footnote 24.
- <sup>77</sup> DNP Study, 117.
- <sup>78</sup> Interview Data, Municipal Officials in Bogota and Medellin.
- <sup>79</sup> Interview Data FCs outside of Bogota and Medellin.
- <sup>80</sup> Interview Data FCs in Bogota and Medellin.
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- <sup>85</sup> Interview Data FCs.
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- <sup>89</sup> Ley 1257, Artículo 19.

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<sup>90</sup> Ley 1257, Artículo 19.

<sup>91</sup> *Más de 2.000 mujeres agredidas buscaron refugio en hogares de paso*, El Tiempo. August 21. 2016. Also available online at

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<sup>93</sup> Interview Data FCs, FC Medellin 2017.

<sup>94</sup> Interview Data FCs.

<sup>95</sup> Interview Data FCs Medellin 2017.

<sup>96</sup> Interview Data FCs.

<sup>97</sup> Interview Data FCs.

<sup>98</sup> Interview Data FCs Rural Colombia.

<sup>99</sup> Human Rights Council, Standing Invitations by Country (for visits of Special Procedures of the Human Rights Council). Colombia issued a standing invitation on March 17, 2003. Available at

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