



Colombia's Compliance with the International Covenant on Economic, Social, and Cultural Rights

Suggested List of Issues Relating to Gender-based Violence

Submitted by The Advocates for Human Rights,
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The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

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. In 2022, Colombia’s National Institute of Legal and Forensic Medicine reported **47,771 cases of domestic violence/intimate partner violence.**¹
2. **Colombia must take further steps to prevent and protect women from violence and potential femicide.** Only in 2022, CSOs reported **619 femicides** in the country.²
3. **Colombia’s response to violence against women is highly dependent upon the institution of the Family Commissioners (*Comisarías de Familia*).** The country has aimed to legally amend the high responsibilities the Family Commissioners endured with The Law 2126 of 2021. However, the **Colombian Government must provide further resources and capacity to implement the structural changes placed by this norm,** especially as some municipalities do not have enough resources to provide sufficient funding and personnel to the offices of Family Commissioners.

II. Violence Against Women, Including Domestic Violence (Concluding Observations paragraph 45)

4. In its Concluding Observations, The Committee on Economic, Social and Cultural Rights (“The Committee”) emphasized that many women who are victims of violence, including victims of domestic violence, do not have timely access to health services and shelters, or to remedies such as means of reparation and compensation. The Committee recommended that all cases of femicide and violence against women should be investigated and that the perpetrators should be held accountable. The Committee also recommended Colombia continue to work to prevent acts of violence against women. Finally, The Committee encouraged the Colombian government to produce information campaigns to raise public awareness and provide law enforcement officials and judges with the training necessary to understand violence against women and domestic violence.³
5. In its State Report, Colombia stated, “Between 1 January 2016 and 31 December 2021, the Attorney General’s Office recorded a total of 465,792 individual prosecutions for the crime of domestic violence. The total number of individual women victims was 343,669.”⁴

¹ Procuraduría General de la Nación, Boletín 280-23: 3mujeres cada hora, 128 al día y 47 mil en el 2017, fueron víctimas de violencia intrafamiliar (6 March 2023), Also available online at <https://www.procuraduria.gov.co/Pages/3-mujeres-cada-hora-128-al-dia-y-47-mil-en-2022-fueron-victimas-de-violencia-intrafamiliar-procuraduria.aspx>

² Observatorio Femicidios Colombia. *Informe Annual 202: Vivas nos queremos*. Red Feminista Antimilitarista. (November 2022) p.1. Also available online at <https://observatoriofemicidioscolombia.org/attachments/article/512/Informe%202023-1.pdf>

³ Committee on Economic, Social and Cultural Rights, *Concluding Observations on the sixth periodic report of Colombia*, E/C.12/COL/CO/6, October 19, 2017, ¶46.

⁴ Committee on Economic, Social and Cultural Rights, *Seventh periodic report submitted by Colombia under articles 16 and 17 of the Covenant, due in 2022*, E/C.12/COL/7, December 16, 2022, ¶ 157.

6. The Colombian legal system, including the Law 2126 of 2022, assigns to the Family Commissioner offices the mandate to provide “specialized and interdisciplinary care to prevent, protect, restore, repair and guarantee the rights of those who are at risk, are or have been victims of gender-based violence in the family context [domestic violence] and/or victims of other violence in the family context.”⁵
7. Colombia still endures violence against women and based on gender. Domestic violence still systemically impacts women in Colombia. According to governmental data by Colombia’s National Institute of Legal and Forensic Medicine, in 2022, **47,771 domestic violence cases were reported**. The number of cases increased by 7,713 cases compared to 2021.⁶
8. Through its Ministry of Health and Social Protection, the Colombian Government has implemented the Integrated Information System on Gender-Based Violence (*Sistema Integrado de Información de Violencias de Género-SIVIGE*). In 2021, *SIVIGE* reported **58,614 cases of physical violence, 27,585 cases of sexual violence, and 10,021 cases of physiological violence**.⁷ Regarding gender-based violence, The National Ombudsman Office (*Defensoría del Pueblo*) in 2021 provided assistance in “3,646 cases of gender-based violence, that is, ten cases of this phenomenon per day. Most of these cases were psychological violence with 2,451 cases recorded. Physical violence follows in numbers with 1,597 cases. Records present economic violence with 1,001 reported cases, sexual violence with 693 reported cases and patrimonial violence with 678 reported cases. On several occasions, the reporting women were victims of various types of gender-based violence.”⁸
9. Regarding the crime of femicide, NGOs like the *Observatorio Femicidios Colombia* report that, in 2022, at least **619 femicides were committed in the country**.⁹ The

⁵ Colombian Congress, Law 2126 of 2021, *Por La Cual Se Regula La Creación, Conformación Y Funcionamiento De Las Comisarias De Familia, Se Establece El Órgano Rector Y Se Dictan Otras Disposiciones*, (August 4 2021), art. 2. Also available online at <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=168066>

⁶ Procuraduría General de la Nación, Boletín 280-23: 3mujeres cada hora, 128 al día y 47 mil en el 2017, fueron víctimas de violencia intrafamiliar (6 March 2023), Also available online at <https://www.procuraduria.gov.co/Pages/3-mujeres-cada-hora-128-al-dia-y-47-mil-en-2022-fueron-victimas-de-violencia-intrafamiliar-procuraduria.aspx>

⁷ Sistema Integrado de Información de Violencias de Género-SIVIGE, *Casos de Violencia de Genero atendidos en el Sistema de Salud reportados al Sistema de Vigilancia en Salud Publica, SIVIGILA*. (Sourced February 2023), also available at: <https://www.sispro.gov.co/observatorios/onviolenciasgenero/Paginas/home.aspx>

⁸ Defensoría del Pueblo . En 2021 Defensoría del Pueblo atendió diariamente 10 casos de violencia de genero. (8 de marzo de 2022), Also available online at <https://www.defensoria.gov.co/es/nube/comunicados/10791/En-2021-Defensor%C3%ADa-del-Pueblo-atendi%C3%B3-diariamente-10-casos-de-violencia-de-g%C3%A9nero-D%C3%ADa-de-la-Mujer-8M-Defensor%C3%ADa-violencia-de-g%C3%A9nero.htm>; González, Ana Maria Anichiarico Gonzalez, et al. *Avances y obstáculos para el cumplimiento de las medidas de protección de la Ley 1257 de 2008 en Colombia durante el año 2021. Una visión multidisciplinar a debates contemporáneos en Ciencias Sociales*, 15. Also available online at https://www.uniautonoma.edu.co/sites/default/files/publicacion/libro_uniatonoma_2022_vf_compressed.pdf#page=15

⁹ Observatorio Femicidios Colombia. *Informe Annual 2022: Vivas nos queremos*. Red Feminista Antimilitarista. (November 2022) p.1. Also available online at <https://observatoriofemicidioscolombia.org/attachments/article/512/Informe%202023-1.pdf>

Observatorio Femicidios Colombia stated that in the last five years, **3111 cases of femicide have been reported in the country.**¹⁰ At least 35% of femicides were committed in rural areas compared to 65% in urban areas.¹¹ In this matter, local news outlets have observed that in Colombia, **“a woman is murdered every eight hours, and eight women are victims of domestic or sexual violence by the hour.”**¹²

10. The data presented above demonstrates that Colombia must undertake further measures to prevent and alleviate violence against women and gender-based violence, as it continues to be present in the lives of many women in the country. Further, the Colombian Government needs to take deeper steps to dismantle the systemic discrimination against women and provide safe and accessible spaces to women and girls in the country.

Access to Justice, and the Right to an Effective Remedy

11. 10. In its Concluding Observations, The Committee recommended that access to justice for women who are victims of violence should be improved. The Committee emphasized on the means of achieving reparation and compensation as well as timely access to shelters where victims can receive immediate physical protection, legal advice, and mental health resources should be strengthened.¹³
12. The Colombian government highlighted the Law 1959 of 2019 in its State Report. This Act prescribes the penalties for domestic violence offenses. The Act instructs that “any person who subjects a family member to physical or psychological abuse shall, provided that the conduct does not constitute an offence punishable by a heavier penalty, be sentenced to 4 to 8 years’ imprisonment.” The State Report also pointed out Act No. 2126 of 2021, which was created to alleviate Family Commissioner offices' excessive and disparate workload. By doing so, the State affirmed these offices can now focus on preventing domestic violence and providing protection, care, and guarantees of non-repetition to victims. Moreover, from 2020 to 2022, The State reported that the Family Commissioner Office administered technical support for its programs and services by working to prevent domestic violence and sexual violence.¹⁴

¹⁰ Observatorio Femicidios Colombia. *Informe Annual 2022: Vivas nos queremos..* Red Feminista Antimilitarista. (November 2022), at 1, <https://observatoriofemicidioscolombia.org/attachments/article/512/Informe%202023-1.pdf>.

¹¹ Observatorio Femicidios Colombia. *Informe Annual 2022: Vivas nos queremos..* Red Feminista Antimilitarista. (November 2022), at 9, <https://observatoriofemicidioscolombia.org/attachments/article/512/Informe%202023-1.pdf>.

¹² Maria Isabel Ortiz & Mauricio Roa Muñoz, *En Promedio, cada ocho horas es asesinada una mujer en Colombia* (27 November 2022). Also available online at <https://www.eltiempo.com/justicia/investigacion/violencia-contra-la-mujer-en-colombia-una-mujer-es-asesinada-cada-8-horas-721041>

¹³ Committee on Economic, Social and Cultural Rights, *Concluding Observations on the sixth periodic report of Colombia*, E/C.12/COL/CO/6, October 19, 2017.

¹⁴ Committee on Economic, Social and Cultural Rights, *Seventh periodic report submitted by Colombia under articles 16 and 17 of the Covenant, due in 2022*, E/C.12/COL/7, December 16, 2022, ¶160–163

13. Colombia has implemented multiple legislative measures to enhance the prevention and protection system for victims of domestic violence, such as Law 2126 of 2021.¹⁵ With this law, Colombia has intended to address multiple systemic failures in its prevention and protection system. There are, however, shortcomings in legislation and policy implementation on the prevention, protection and access to justice for women enduring gender-based violence and violence against women.

The Family Commissioner offices lack the budget and technical resources to fulfill their mandate regarding gender-based violence and violence against women.

14. The Law 2126 of 2021 developed a new structure and mandates for the Family Commissioner, the institution in charge of preventing violence against women and gender violence and protecting the victims of such.¹⁶ This Law established that municipal (local) administrations should structure and provide the required professionals to the Family Commissioners Offices.¹⁷

15. The Office of the Delegated Attorney General for the Defense of the Rights of Children, Adolescents, the Family and Women (*Procuraduría delegada para la Defensa de los Derechos de la Infancia, la Adolescencia, la Familia y la Mujer*) reported that only 52% of **668 Family Commissioners** offices have a completed team of professionals to support victims of domestic violence, and only 40% count with spaces to provide intimate spaces to victims.¹⁸ According to testimonies collected by national media, many victims are reluctant to request institutional support from the Family Commissioners Offices due to the lack of privacy due to the deficiency of installations.¹⁹

16. In this same matter, the organization *SISMA Mujer* has reported that Family Commissioner offices have “roofs [that] have partially collapsed and continue to collapse, as well [as] Family Commissioner offices with humidity in the walls and with parts of the floors

¹⁵ Colombian Congress, Law 2126 of 2021, *Por La Cual Se Regula La Creación, Conformación Y Funcionamiento De Las Comisarías De Familia, Se Establece El Órgano Rector Y Se Dictan Otras Disposiciones*, (August 4 2021), Also available online at <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=168066>

¹⁶ Colombian Congress, Law 2126 of 2021, *Por La Cual Se Regula La Creación, Conformación Y Funcionamiento De Las Comisarías De Familia, Se Establece El Órgano Rector Y Se Dictan Otras Disposiciones*, (August 4 2021), Art., Also available online at <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=168066>

¹⁷ *Ambito Juridico*, *Corresponde A Los Municipios Consolidar La Institucionalidad De La Comisaría De Familia*, (15 September 2022), Also available online at <https://www.ambitojuridico.com/noticias/administrativo/corresponde-los-municipios-consolidar-la-institucionalidad-de-la-comisaria>

¹⁸ Procuraduría General de la Nación, *Comisarias de Familia. Verificación del avance y fortalecimiento de infraestructura, equipo interdisciplinario y salud ocupacional (2021)*, Also available online at <https://www.procuraduria.gov.co/portal/media/docs/ComisariasdeFamiliaVerificaciondelavance2021.pdf>; *EL TIEMPO: Redacción Justicia, La Falta de plata que tiene en jaque a las Comisarias de Familia*, (4 November 2022), Also available online at <https://www.eltiempo.com/justicia/investigacion/procuraduria-pide-ayuda-a-alcaldes-para-fortalecer-comisarias-de-familia-715058>

¹⁹ Procuraduría General de la Nación, *Comisarias de Familia. Verificación del avance y fortalecimiento de infraestructura, equipo interdisciplinario y salud ocupacional (2021)*, Also available online at <https://www.procuraduria.gov.co/portal/media/docs/ComisariasdeFamiliaVerificaciondelavance2021.pdf>; *EL TIEMPO: Redacción Justicia, La Falta de plata que tiene en jaque a las Comisarias de Familia*, (4 November 2022), Also available online at <https://www.eltiempo.com/justicia/investigacion/procuraduria-pide-ayuda-a-alcaldes-para-fortalecer-comisarias-de-familia-715058>

affected.”²⁰ Most of these offices are placed in rural zones outside of the country capital Bogotá, in municipalities like *San Martín, Cubarral and Puerto López in Meta*.²¹ In their report, *SISMA Mujer* also observed that the Family Commissioner offices “have great limitations and needs regarding equipment and technological tools. They do not have sufficient availability of the main tools they need for their work, which are computers and printers, and in the cases where they do exist, they are usually in fair or poor condition.”²²

17. In the case of implementing the protection order for women experiencing violence, under the Law 1258 of 2008, practitioners have found that women are impacted by a lack of personnel in the Family Commissioner offices compared to the number of requests that the offices receive.²³ Studies also identified the lack of permanent personnel with training on gender as a barrier to providing effective protection to women victims of domestic violence/ intimate partner violence²⁴

The current legal framework restricts women’s access to justice and protection regarding gender-based violence and violence against women.

18. The Law 2126 of 2021 continues the restriction of giving the mandate to the Family Commissioner offices to protect women under a “family-focused” lens. The Law 2126 establishes potential perpetrators of domestic violence as the former or current husbands, domestic partners; co-parents of their children; and **“persons with whom the victim has maintained a romantic relation, whether cohabitation or not, of a permanent nature, characterized by a clear and unequivocal vocation of stability,”** among others.²⁵ This last highlighted category imposes potential discriminatory requisites to women to obtain institutional support, access to justice, and remedy, as it establishes additional characteristics to the relationship: “the permanent nature and the clear and unequivocal vocation of stability” and leaves on the margin and unprotected women who suffered violence from other kinds of romantic partners, such as boyfriends and girlfriends. This

²⁰ Corporación Sisma Mujer, *Diagnostico Participativo. Comisarias de Familia de 12 municipios del Departamento del Meta*, (2022) p. 51. Also available online at <https://www.sismamujer.org/wp-content/uploads/2022/10/A.-1.5.-I-Documento-diagnostico-participativo.pdf>

²¹ Corporación Sisma Mujer, *Diagnostico Participativo. Comisarias de Familia de 12 municipios del Departamento del Meta*, (2022), at 50, 51. Also available online at <https://www.sismamujer.org/wp-content/uploads/2022/10/A.-1.5.-I-Documento-diagnostico-participativo.pdf>

²² Corporación Sisma Mujer, *Diagnostico Participativo. Comisarias de Familia de 12 municipios del Departamento del Meta*, (2022), at 51, 55.. Also available online at <https://www.sismamujer.org/wp-content/uploads/2022/10/A.-1.5.-I-Documento-diagnostico-participativo.pdf>

²³ Erika Beatriz Cubillos Quintero, *Representaciones Sociales sobre la Violencia Intrafamiliar–De Pareja: ¿Violencia Institucional? Una Mirada Desde La Atención E Implementación De Las Medidas De Protección De La Ley 1257 De 2008. Estudio De Caso: Comisarias De Familia De La Localidad De Suba* [Master Tesis], Pontificia Universidad Javeriana, (2020) P. 62, Also available online at <https://repository.javeriana.edu.co/handle/10554/50576>.

²⁴ Erika Beatriz Cubillos Quintero, *Representaciones Sociales sobre la Violencia Intrafamiliar–De Pareja: ¿Violencia Institucional? Una Mirada Desde La Atención E Implementación De Las Medidas De Protección De La Ley 1257 De 2008. Estudio De Caso: Comisarias De Familia De La Localidad De Suba* [Master Tesis], Pontificia Universidad Javeriana, (2020) at 62, Also available online at <https://repository.javeriana.edu.co/handle/10554/50576>.

²⁵ Colombian Congress, Law 2126 of 2021, art.5.

understanding is also enshrined in the Colombian Criminal Code in its article 229 and by the interpretation of the Supreme Court of Justice of the country.²⁶

19. CSOs have described the Colombia legal system as having “victims of first and second category,” explaining that “there is no crime of ‘violence against women’, so the criminal treatment of a case when people are married, live together or have children is different from the treatment of attacks by a boyfriend on his girlfriend, for example. This is because the first case can be reported for domestic violence, but in the second, only for personal injury, in which the penalty (when achieved) will depend on the disability that generates the blow and, in addition, it is a reconcilable offense, subject of claim withdraw, and that is not investigated ex officio.”²⁷
20. Likewise, despite the implementation of the legal framework that advances the protection of women, such as the Law 1257 of 2008 and the Law 2126 of 2021,²⁸ the Colombian Government must implement further actions to prevent domestic violence and violence against women and to provide protection, justice, and remedy to victims. According to civil society organizations, the Colombian Government is currently implementing at least thirty-three laws that aim to prevent and protect women from violence.²⁹
21. **The barriers women endure while accessing justice because of the lack of gender lens in the analysis of family matters was noted by the Constitutional Court on the judgment T-028-23 (2023).** The Court observed that all judges in the country must incorporate a gender lens into the case under their revision and acknowledge the systemic discrimination women endure as a marginalized group.³⁰ The Constitutional Court ruled that the “Superior Council of the Judiciary [*Consejo Superior de la Judicatura*] must require mandatory attendance of all family jurisdiction judges in the country to the gender

²⁶ Jorge Rafael Vaca Espinosa, *El supuesto cambio en la interpretación del tipo penal de violencia intrafamiliar*, *Ambito Jurídico*, (21 February 2023), Also available online at <https://www.ambitojuridico.com/noticias/analisis/el-supuesto-cambio-en-la-interpretacion-del-tipo-penal-de-violencia-intrafamiliar>

²⁷ Maria Isabel Ortiz & Mauricio Roa Muñoz, *En Promedio, cada ocho horas es asesinada una mujer en Colombia* (27 November 2022), Also available online at <https://www.eltiempo.com/justicia/investigacion/violencia-contra-la-mujer-en-colombia-una-mujer-es-asesinada-cada-8-horas-721041>

²⁸ Colombian Congress, *Law 1257 of 2008 which rules are issued for awareness, prevention and punishment of forms of violence and discrimination against women, the Criminal Code, the Criminal Procedure Code, Law 294 of 1996 and other provisions are amended*, (4 December 2008), Also available online at <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=34054>

²⁹ Maria Isabel Ortiz & Mauricio Roa Muñoz, *En Promedio, cada ocho horas es asesinada una mujer en Colombia* (27 November 2022), Also available online at <https://www.eltiempo.com/justicia/investigacion/violencia-contra-la-mujer-en-colombia-una-mujer-es-asesinada-cada-8-horas-721041>

³⁰ Colombian Constitutional Court, Press Release, *Jueces de familia deben asistir a las capacitaciones sobre género de la Escuela Judicial Rodrigo Lara Bonilla y la Comisión de Género de la Rama Judicial*, (27 March 2023). Also available online at <https://www.corteconstitucional.gov.co/noticia.php?Jueces-de-familia-deben-asistir-a-las-capacitaciones-sobre-genero-de-la-Escuela-Judicial-Rodrigo-Lara-Bonilla-y-la-Comision-de-Genero-de-la-Rama-Judicial-9484>

training offered by the Rodrigo Lara Bonilla Judicial School and the Gender Commission of the Judicial Branch.”³¹

Femicides and Access to justice and Reparation

22. **Regarding femicides, reported cases could be and are higher, as in many cases, families of the victims have denounced that judicial authorities fail to investigate crimes against women as femicides.** Instead, judicial authorities categorize femicides as suicides, ignoring the voices and perspectives of the families of the victims. In many of these cases, justice is delayed or, more often, forever denied.³²

III. SUGGESTED QUESTIONS

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

- What measures has Colombian taken to provide the maximum available resources Family Commissioners Offices and allocate sufficient resources to municipalities in charge of structuring such Offices, especially those in rural areas?
- What measures has Colombian taken to increase funding to Municipal Family Commissioners Offices and ensuring each offices have all the specialized and interdisciplinary team required to support victims?
- What steps has Colombia taken to ensure that victims have access to specialized assistance and services that fulfill the specific needs of women who are victims of violence?
- What steps has Colombia taken to implementing the Law 2126 of 2021 and supporting municipalities and Family Commissioners Offices in their financial and technical needs, especially in their awareness-raising campaigns on discrimination and violence against women and gender-based violence, as well on gender stereotypes.
- What steps has Colombia taken to remove the stigma and barriers to accessing institutional protection and the right to justice for victims of domestic violence and violence against women and based on gender?
- Please provide information on how Colombia is strengthening judicial mechanisms to ensure trauma-based, victim-based, and gender-based lenses to the investigation and

³¹ Colombian Constitutional Court, Press Release, *Jueces de familia deben asistir a las capacitaciones sobre género de la Escuela Judicial Rodrigo Lara Bonilla y la Comisión de Género de la Rama Judicial*, (27 March 2023). Also available online at <https://www.corteconstitucional.gov.co/noticia.php?Jueces-de-familia-deben-asistir-a-las-capacitaciones-sobre-genero-de-la-Escuela-Judicial-Rodrigo-Lara-Bonilla-y-la-Comision-de-Genero-de-la-Rama-Judicial-9484>

³² Vanguardia, *Tras un año de la misteriosa muerte de Paula Andrea Martínez, el caso sigue sin resolverse*, (18 de February de 2022), Also available online at <https://www.vanguardia.com/judicial/tras-un-ano-de-la-misteriosa-muerte-de-paula-andrea-martinez-el-caso-sigue-sin-resolverse-FN4870520>; Semana, *Con #JusticiaPorPaulaAndrea quieren saber qué pasó con la estudiante de Medicina*, (5 March 2021). Also available online at <https://www.semana.com/nacion/articulo/con-justiciaporpaulaandrea-quieren-saber-que-paso-con-la-estudiante-de-medicina/202157/>

sanctions of violence against women such as the crimes of femicide and domestic violence?

- Please provide information on how Colombia is implementing the Constitutional Court order to the *Consejo Superior de la Judicatura* that establishes that all Colombian family judges must participate on trainings on gender-based violence and a gender lens to justice?
- Please provide information on how Colombia is protecting and ensuring access to justice for **victims in romantic relationships that might not fulfill the requirement of permanent character and unequivocal vocation for stability** established in Colombian Legislation –article 5 of Law 2126 of 2021, article 229 of the Colombian Criminal Code and the article 1 Law 1959 of 2019–.
- Please provide information about how Colombia is intensifying efforts to prevent and address femicides in the country and take all necessary steps to provide justice to the victims. Including undertaking protocols to ensure that the voices and information of **families of the femicide victims are heard and substantially considered in the investigations of such crimes.**