

## Access to Justice, Violence against Women (VAW)

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### MECHANISM

Convention on the Elimination of  
Discrimination Against Women  
(CEDAW)

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### Summary:

Colombian Law 1257 and 294 provisions on VAW and domestic violence (DV) are progressive, but implementation remains weak and improvements are needed. Colombia's judicial response to DV assigns Family Commissioners (FCs) the key, first role in providing women and girls, DV victims. access to the judicial system, protection, and services. But FCs flawed institutional structure and inadequate funding mean FCs cannot effectively fulfill their responsibilities to victims. Contrary to best practices, Colombia ties requests for civil protective orders to the criminal justice system and certain women and girls are denied access to FC protective orders. The Ministry of Health and Social Protection (Ministry of Health) has yet to fulfill its obligations to DV victims under Law 1257 and the national data system it designed does not effectively address FC data issues.

## List of Issues Paragraph 2: Access to Justice for Survivors of VAW

- Contrary to best practices, Colombia ties a woman's request for a civil protective order to the criminal justice system.
- Colombia's law excludes ex-partners where there are no common children and boyfriends from access to a FC protective order, instead giving the responsibility to judges. The multiplicity of pathways and requirements is confusing to victims of ex-partners and boyfriends, adding unacceptable wait times.

## List of Issues Paragraphs 8-10: Violence against Women

- FCs are charged with the critical judicial role of issuing civil protective orders, but, under the law, are divorced from the judicial branch of national government, They are under the *executive branch of local government* exposing FCs in most of the country to political clientelism, improper labor harassment, underfunding, and added responsibilities like managing local jails, acting as transit police. This deprives women and girls victims of DV of justice and services. There is no oversight by the judiciary or the judicial branch of government.
- FCs have been assigned too many responsibilities—many of them not tied to VAW or DV. A study by Colombia's National Planning Department, a former Minister of Justice, and a now-disbanded Accidental Congressional Committee each recommended reducing FC responsibilities to allow them to meet demand from Colombia's women, girls and children for DV protective orders – with no result.
- In 88% of Colombia's municipalities where the Colombian Family (Child) Welfare Institute (ICBF) has no presence, the FC must assume all responsibilities of an ICBF Family Defender of children/adolescents, a second full-time job whose focus is familistic and clashes with Law 1257's differentiated treatment for women and girls, victims of VAW.
- Legal criteria requiring FC office creation is inadequate to meet demand, and assumes that large cities, like Bogota and Medellin are less dangerous for women than cities with populations under 500,000.
- Family Commissioners, arguably the most expert on DV against women and girls, are systematically excluded from national inter-institutional coordination, including Law 1257's monitoring committee and other national policy

and strategy efforts on DV and VAW. SIVIGE, Colombia's system to monitor VAW was designed by the Ministry of Health without meaningful input from FCs and does not address FC data issues. FCs advise that at-risk women, victims of DV, are still unable to access shelter and services that Law 1257 requires the Ministry of Health to deliver.

## Post-conflict VAW/List of Issues Paragraph 7: Discriminatory Gender Stereotypes

- In post-conflict societies, research shows that ex-combatants bring the war home: their intimate partners, daughters, and sons become the victims. Colombia is no exception, and the violence is extreme. Hallmarks of Colombian DV by ex-combatants and criminal bands formed by ex-combatants (BACRIM) are brutal: physical attacks (machetes, switchblades, farm implements, defenestration), threats of dismemberment, incarceration, and death threats.
- More adequately staffed and funded FCs are needed. Since peace, the exponential BACRIM growth fueled by FARC ex-combatants, ELN & other criminal groups, means dramatically increased risk of DV and femicide to Colombian women and girls.
- Colombia's long history of returning ex-combatants (e.g., 2006 paramilitaries) means that gender stereotypes normalize brutal, terroristic DV against women and girls. The State party must combat them.

## Questions

- What is Colombia's plan to amend its laws to:
  - Simplify access to justice for victims of DV and VAW from ex-partners and boyfriends.
  - Eliminate the barrier preventing women from seeking civil protect orders by delinking a request for a protective order from the criminal justice system?
  - Place a moratorium on adding new responsibilities to FCs and eliminate responsibilities not key to the mission of protecting women, girls and other family members from DV to reduce the number of responsibilities FC currently have?
  - Enforce laws against many rural and smaller municipalities to stop their non-observance of FC civil service requirements, labor harassment, and assignment of tasks never envisioned by national law?
  - Eliminate Law 1098's illogical assumption that the largest cities have less DV and therefore require fewer FCs than smaller cities?
  - Earmark funds intended for FC operation transferred by the national government to municipalities so they cannot be diverted?
  - Include FCs in national inter-institutional coordination efforts? In national policy and strategy setting on VAW? In the construction of a national data system on VAW that will include FC data?
  - Clarify whether Law 1257 or Law 1098 applies to DV against girls and ensure Law 1257's differentiated treatment is applied to girls, victims of DV?
- Longer term, what plans does Colombia have to correct the structural institutional flaws of its FC offices so FCs are able to fulfill their judicial administrative role to protect women, girls, and other family members, victims of DV? To ensure that in exercising this judicial role FCs become part of the judicial branch of government?
- What steps has the State and the Ministry of Health (not individual municipalities) undertaken to meet their obligation to provide at -risk women housing (shelter), support for a woman and her children, their transportation costs, medical care, and psychological and psychiatric care as required by Law 1257?
- What are Colombia's plans to combat the deeply entrenched gender-stereotypes that foster brutal and terroristic violence against women and girls, and to monitor effectiveness?