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Immigration and Refugee Board of Canada

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Responses to Information Requests

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30 January 2006

COL100936.E

Colombia: Current information on the status of the application and enforcement of the law on domestic violence Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Law 294 of 1996 is set [translation] "to prevent, remedy and sanction domestic violence" (Colombia Sept. 2005). However, despite the Colombian legal prohibitions against domestic violence, "it remained a serious problem" in 2004 (*Country Reports 2004* 28 Feb. 2005, Sec. 5).

The delegate for women's and the elderly's rights (Delegada para los derechos de la mujer y del anciano) within the Human Rights Ombudsman of Colombia's office (Defensoría del Pueblo) criticised recent changes to this law which "increased the level of impunity for domestic violence related crimes" (ibid.).

As well, the administrative entities tasked with offering protective measures to the victims lack the resources and some of these facilities have even been closed in the past few years (ibid.). These factors combine to create a [translation] "negation of justice for the victims of domestic violence" (ibid.).

Legislative changes, although "they at least provide an important regulatory framework," did not prevent an attendant lack of resources and coordination (AI 13 Oct. 2004). However, some Colombian institutions have conducted coordinated work in the detection and recording of incidents of domestic and sexual violence (ibid.).

Among new elements of the law criticized by the Defensoría del Pueblo is the fact that the penal code was amended to oblige victims to report the crime personally, whereas before the amendments, any witness to domestic violence could make a report (Colombia Sept. 2005). Also modified are the dispositions which prevented the return of the aggressor to the family home (ibid.). Both changes put pressure on the victims, and make them more vulnerable to threats and revenge (ibid.).

Law number 882 withdrew sexual violence from the category of domestic violence (ibid.; ibid. 2005, 78). The Defensoría del Pueblo denounced this limitation of the concept of domestic violence and went to the Constitutional Court to contest this legal change (Colombia Sept. 2005), stating that [translation] "not only did Colombia not comply with its international obligations, it also created conditions for domestic violence to prosper given the decriminalization of one of its worst illustrations, sexual mistreatment" (ibid. 2005, 79). In the end, the Court upheld the amended law (Colombia Sept. 2005).

Another source mentioned that under law 882, jail terms of up to five and a half years could be imposed on perpetrators of domestic violence (MujeresHoy 4 Sept. 2003).

Statistics for 2003 from Colombia's Minister of Justice and the Interior indicated that of the 1,290 charges of domestic violence, 256 led to convictions (*Country Reports 2004* 28 Feb. 2005, Sec. 5). According to *Country Reports 2004*, the Institute for Legal Medicine and Forensic Science stated that domestic violence and sexual crimes were underreported; 8,666 "suspected sex crimes" and "22,271 cases of domestic violence against women" were reported for 2003 (ibid.).

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of the United Nations, under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (UN 28 Aug. 1997).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Oral sources: The Centro de Recursos Integrales para la Familia (CERFAMI) did not provide information within the time constraints of this Response.

Internet sites, including: Agenda de las Mujeres, Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM), ECOI.net, Factiva, Fiscalía General de la Nación de Colombia, Freedom House, Instituto Nacional de Medicina Legal y Ciencias Forenses de Colombia, Ministerio del Interior y de Justicia de Colombia, Policía Nacional de Colombia, ProFamilia, Rama Judicial de Colombia, United Nations Development Fund for Women (UNIFEM).

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