Responses to Information Requests respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR’s Refworld website.

Colombia: Domestic violence, especially legislation, state protection and services available to victims (2008-March 2010)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In correspondence sent to the Research Directorate on 19 February 2010, the coordinator of the Legal Reference and Information Division (División de Referencia de Información Pericial, DRIP) of the National Institute of Forensic Medicine and Sciences [also known as the National Institute of Legal Medicine and Forensic Sciences] (Instituto Nacional de Medicina Legal y Ciencias Forenses, INMLCF) of Colombia defined family violence as any violence committed within the family (Colombia 19 Feb. 2010).

According to an article published on the website of the Department of Equity for Women (Consejería Presidencial para la Equidad de la Mujer, CPEM) of Colombia, domestic violence has reached [translation] “an alarming level” (Colombia Feb. 2010). The article summarizes data from the INMLCF, which indicate that from January to September 2009, 50,058 cases of domestic violence were reported and, in 88 percent of those cases, the victim was a woman (ibid.). The article also indicates that in 2009, spousal abuse represented 67 percent of domestic violence and that it had increased 1.8 percent from 2007 to 2008 (ibid.). According to the data provided by the INMLCF, 52,664 complaints of spousal abuse were filed in 2008 and 60,765 cases were reported in 2009 (Colombia 19 Feb. 2010). The number of women affected by domestic violence increased from 46,922 in 2008 to 53,859 in 2009 (ibid.).

The director of the Corporation for Life Women Who Create (Corporación Para la Vida Mujeres que Crean), a Colombian non-governmental organization (NGO) dedicated to fighting sexual and domestic violence (Mujeres Hoy n.d.b), stated in 23 February 2010 correspondence to the Research Directorate that although it appears that family violence against women and children is getting worse, according to her, it is the number of complaints that are increasing (Corporación Para la Vida 23 Feb. 2010). According to the DRIP Coordinator from the INMLCF, a significant number of sexual and domestic violence cases go unreported (Colombia 19 Feb. 2010). She stated that that is because people living in rural areas have limited access to services and that victims may be afraid of being [translation] “victimized all over again” when making their complaint (Colombia 25 Feb. 2010b).

Legislation

According to the Observatory for Gender Issues (Observatorio de asuntos de género, OAG), a publication of the CPEM, the most significant progress made in the legislation regarding violence against women is Law No. 1257, which was passed by the President of Colombia, Álvaro Uribe Vélez, in December 2008 (Colombia Oct.-Nov. 2009, 8; UN n.d.). Information on enforcement of the law could not be found among the sources consulted by the Research Directorate.

According to an advisor from the CPEM, this law is a sign of significant progress in equality for women,
In relation to that law, the President also ratified Decree No. 164 of 25 January 2010, which provides for the implementation of an inter-sectorial commission (Comisión Intersectorial) to combat violence against women. The objective of the commission is to "combine efforts concerning the coordination and cooperation among organizations in order to provide integral, recognized, accessible and quality assistance to female victims of violence" (ibid). The inter-sectorial commission consists of seven departments, including the Department of Equity for Women, the National Department of Planning, the Presidential Agency for Social Action and International Cooperation, the Colombian Institute for Family Welfare and the Colombian Institute for Social Action and International Cooperation (Agencia Presidencial para la Acción Social y la Cooperación Internacional). Information on the results obtained following the creation of that inter-sectorial commission could not be found among the sources consulted by the Research Directorate.

With regard to spousal rape, Country Reports on Human Rights Practices for 2009 indicates that it is prohibited by law, but it is still a "serious problem" (US 11 Mar. 2010, Sec. 6). According to the same source, the legislation provides for a term of imprisonment of six months to two years and denies "probation or bail to offenders who disobey restraining orders" (ibid).

State protection

In correspondence sent to the Research Directorate on 17 February 2010, the director of the Foundation for Women and the Future (Fundación Mujer y Futuro, FMF), a Colombian NGO dedicated to fighting violence against women (Mujeres Hoy n.d.b), stated that in Colombia, "[translation] laws are enacted but not enforced." She explained that there is no uniformity in the criteria for classifying various forms of violence, in the protocols that public servants must adhere to, or in the procedures that victims must follow when filing complaints-all of which plays a part in [translation] "creating a situation of impunity that leads women to withdraw their complaints" against their attackers (FMF 17 Feb. 2010).

In another correspondence sent on 19 February 2010, the FMF director stated that the existing methods of protection are, for example, orders directing the perpetrator to leave the home and fines that are imposed if a perpetrator repeats an attack on a victim (FMF 19 Feb. 2010; Colombia 25 Feb. 2010; US 25 Feb. 2009, Sec. 5), which, in her opinion, [translation] "offer no protection" (FMF 19 Feb. 2010). She also indicated that the many forms of violence against women [translation] "are getting worse" and that that is due to [translation] "the lack of policies effectively supported by the government" (FMF 17 Feb. 2010). According to her, the lack of recognition of public institutions and the difficulties that women have in trusting the legal system and in filing complaints are also part of the problem (ibid.).

According to the Director of the Corporation for Life, women's organizations also believe that [translation] "impunity rules" and that there are few protection services, even though the legal framework calls for attackers to be punished and victims to be protected (Corporación para la Vida 23 Feb. 2010). Although, she believes the legislation to be satisfactory, she notes that it has no effect on cultural practices and customs (ibid.).

Services available to victims

The FMF Director stated that there is a [translation] "significant lack of methods of protection available to victims" and that there is no help centre (centro de acogida) for women victims of violence (FMF 17 Feb. 2010). According to Country Reports for 2008 and 2009, the ICBF provides shelter and assistance to victims of domestic violence, but its services do not meet the demand (US 25 Feb. 2009, Sec. 5; US 11 Mar. 2010, Sec. 6).

The website of Mujeres Hoy, a Latino-American portal created in 2003 by the NGO Isis Internacional that addresses gender issues (Mujeres Hoy n.d.a), provides a list of NGOs that operate locally and nationally and offer medical and psychological assistance, counselling, and awareness and prevention programs (ibid. n.d.b). The website also provides information on local and national networks combating violence against women that organize, for example, national conferences and workshops and that publish information (ibid.).

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 sources consulted in researching this Information Request.

References

Colombia. 25 February 2010a. Consejería Presidencial para la Equidad de la Mujer (CPEM). Correspondence sent by an advisor.

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This Web page has been archived on the Web.

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Corporación Para la Vida Mujeres que Crean. 23 February 2010. Correspondence sent by the director.

Fundación Mujer y Futuro (FMF). 19 February 2010. Correspondence sent by the director.

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Other sources consulted

Oral sources: Representatives of the Instituto Colombiano de Bienestar Familiar (ICBF), Centro de Apoyo a la Mujer y al Infante (CAMI), Centro de Información y Recursos para la Mujer (PROMUJER), Corporación Casa de la Mujer, Corporación Vamos Mujer and Profamilia were not able to provide any information within the time constraints for this Response.

Internet sites, including: Amnesty International (AI), Colombia - Defensoría del Pueblo, Colombia - Policía Nacional, Colombia - Procuraduría General de la Nación, Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), Corporación Vamos Mujer, Freedom House, ISIS Internacional.

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