



Australian Government
Refugee Review Tribunal

Country Advice

Colombia

Colombia – COL37696 – Discrimination –
State Protection – Woman – Sexual Assault
– Medellin – Returnees

15 November 2010

1. Please provide information on the extent to which women face discrimination in relation to matters such as employment.

According to the US Department of State Human Rights Report for Colombia for 2009 women face ‘hiring discrimination, and are ‘disproportionately affected by unemployment’¹, Recent statistical figures in *Reuters News* indicated that Colombia has one of the highest jobless level for South America.² An Inter Press Service article noted that the number of women leaving Colombia has continued to increase because of insecurity and unemployment and one woman who had left Colombia to emigrate to Ecuador said ‘even though I like to come to visit, I don’t fee safe here anymore...’³

A Briefing Paper published by Oxfam on 9 September 2009 found that:

Economically active women continue to bear a disproportionate burden of unemployment, and that is especially true for younger women. Their rate of unemployment is up to 8 percentage points above that of men.⁴

Moreover the yearly Freedom House ‘Freedom in the World’ report notes that Colombia is considered the world’s most dangerous country for organized labour. Two thousand and six hundred trade union activists were murdered in the last twenty years with an impunity of 95 per cent.⁵

¹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009* – Colombia, March – Section 6. Women. Attachment 1

² Update 1 – Colombia says jobless rates fall in Sept vs yr ago’ 2010, *Reuters News*, 30 October – Attachment 2

³ Martinez, H. 2008, ‘Colombia. Women working abroad keep provincial economy alive’ *Inter Press Service*, 30 July - <http://ipsnews.net/print.asp?idnews=43373> – Accessed 9 November 2010 – Attachment 3

⁴ Oxfam 2009, ‘Sexual violence in Colombia. Instrument of war’ Oxfam Briefing Paper, 9 September. P 8 The situation of women in Colombia - <http://www.oxfam.org/sites/www.oxfam.org/files/bp-sexual-violence-colombia.pdf> - Accessed 12 November 2010 – Attachment 4.

⁵ Freedom House, *Freedom in the World* 2010, 3 May 2010. Online. UNHCR Refworld - <http://www.unhcr.org/refworld/docid/4c0ceafbc.html> - Accessed 12 November 2010 – Attachment 5

2. To what extent does the state provide protection against discrimination on grounds such as gender?

Women in Colombia earn salaries which are incompatible with their education experience. The state provides that women are legally entitled to the same rights as men but in practice discrimination against women continues.⁶

3. To what extent does the state provide protection against sexual assault?

The National Institute for Legal Medicine and Forensic Science reported 15,418 cases of suspected sex crimes, including rape, during 2009 but it indicated that many cases went unreported.⁷ The state via the 'Colombian Family Welfare Institute' provides psychological, medical and legal support to victims of sexual violence.

The Briefing Paper published by Oxfam referred to in Question 1 states that only 9 per cent of women decide to report crimes of sexual assault for numerous and interrelated reasons which include the lack of offices of public administration, mistrust of authorities who are responsible for receiving these reports and possible re-victimisation by the judicial system.⁸ Paula San Pedro of Oxfam is reported to have said 'there is not a single region in the country where women can feel safe'.⁹

The Field Report by Refugees International of 16 November 2009 found that crimes of sexual violence are rarely reported to the legal system in Colombia, particularly when legal or illegal armed groups are the perpetrators.¹⁰

Information available in the UNHCR Eligibility Guidelines for Colombia for 2010 indicate that women who have been affected by the armed conflict and been forcibly displaced may be granted further considerations because they have a 'certain profile':

Women with Certain Profiles

Women in Colombia are particularly affected by the armed conflict and forced displacement has significantly impacted women.

...

Violence against women is reportedly used systematically by illegal armed groups for controlling territories and communities in different areas of the country.

Among the most commonly reported forms of gender-related violence in Colombia are sexual abuse and sexual violence, torture, mutilation, forced prostitution and forced public nudity.

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⁶ US Department of State 2010, *Country Reports on Human Rights Practices for 2009* – Colombia, March – Section 6. Women. Attachment 1

^{7 7} US Department of State 2010, *Country Reports on Human Rights Practices for 2009* – Colombia, March – Section 6. Women. Attachment 1

⁸ Oxfam 2009, 'Sexual violence in Colombia. Instrument of war' Oxfam Briefing Paper, 9 September. P 13 Table 4. Why don't women file reports?; P 15. Table 5. Stigmatized for life. -

<http://www.oxfam.org/sites/www.oxfam.org/files/bp-sexual-violence-colombia.pdf> - Accessed 12 November 2010 – Attachment 4

⁹ Martinez, H. 2009, 'Colombia: sexual violence as weapon of war', *Interpress News Service*, 22 October 2010 – Attachment 6

¹⁰ Refugees international 2009, Field Report. Colombia: Displaced women demand their rights', 16 November - <http://www.unhcr.org/refworld/pdfid/4b0263d22.pdf> - Accessed 9 November 2010 – Attachment 7

As a result of the physical and psychological consequences of violence, in particular sexual violence, women reportedly often fall victim to severe forms of ostracism by their communities, families and partners.¹¹

4. What support services are available to victims of sexual assault, in Medellin in particular?

The municipality of Medellin advertises a telephone counselling service and a venue for women who are in a vulnerable situation because of sexual abuse and exploitation.¹²

5. What is the current situation in Medellin with regard to violent crime such as kidnappings, killings and gang-related violence?

In the survey of the six main cities of Colombia, Medellin ranked highest for homicides in three consecutive years and ranked third for kidnapping and second for extortions. This is evidenced in the following excerpts from statistical records published by the Bogotan think-tank Fundación Seguridad & Democracia that provide the following comparative figures for the first semesters for the last three years:¹³

Total number of homicides in the first semester

| CITY | 2007 | 2008 | 2009 |
|--------------|------|------|------|
| MEDELLIN | 302 | 349 | 585 |
| CARTAGENA | 156 | 94 | 114 |
| CALI | 811 | 661 | 758 |
| BARRANQUILLA | 173 | 158 | 160 |
| BOGOTA D.C. | 674 | 642 | 612 |
| CUCUTA | 217 | 190 | 168 |
| TOTAL | 2333 | 2094 | 2397 |

¹¹ UNHCR 2010, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Colombia, Section 9. women with certain profile. Ref world website, 27 July - Attachment 8

¹² Alcaldía de Medellin, undated, Secretaría de Bienestar Social, Portafolio de Servicios, Unidad de programas sociales especiales, Prevención y atención de las violencias sexuales - Por una vida más digna, [Municipality of Medellin. Programme for preventing and responding to sexual violence] <http://www.medellin.gov.co/alcaldia/jsp/modulos/Seguridad/programassocialesesp.jsp> - Accessed 12 November 2010 – Attachment 9

¹³ Fundación Seguridad y Democracia 2009, 'La Seguridad en las seis principales ciudades de Colombia' [The security situation in the first six main cities of Colombia] – Accessed 15 March 2010. (page 6 homicidio (homicide); page 12 secuestro (kidnapping); page 15 extorsión (extortion) – Attachment 10

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|--------------|--|--|--|
| FOR 6 CITIES | | | |
|--------------|--|--|--|

Total number of kidnappings in the first semester

| CITY | 2007 | 2008 | 2009 |
|-----------------|------|------|------|
| BARRANQUILA | 6 | 0 | 3 |
| CARTAGENA | 2 | 1 | 2 |
| MEDELLIN | 1 | 4 | 8 |
| CALI | 6 | 5 | 8 |
| BOGOTA D.C. | 37 | 20 | 23 |
| CUCUTA | 4 | 0 | 0 |
| TOTAL | 56 | 30 | 44 |
| FOR 6 CITIES | | | |

Total number of occurrences of extortions in the first semester

| CITY | 2007 | 2008 | 2009 |
|-----------------|------|------|------|
| BARANQUILLA | 9 | 3 | 9 |
| MEDELLIN | 25 | 14 | 41 |
| CALI | 15 | 14 | 21 |
| BOGOTA D.C | 95 | 66 | 72 |
| CARTAGENA. | 20 | 9 | 7 |
| CUCUTA | 8 | 5 | 2 |
| TOTAL | 172 | 111 | 152 |
| FOR 6 CITIES | | | |

6. Are there any reports of people who have been overseas being targeted for crime?

A search of available resources has failed to confirm or deny that people who have been overseas were targeted for crime.

It is plausible that a person who has been overseas may be considered to be wealthy and be selected for extortion and other types of crime.

The latest analysis carried out by Human Rights Watch, published in February 2010, *Paramilitaries' Heirs – The New Face of Violence in Colombia* report makes frequent references to the problem of widespread extortion.¹⁴ According to its findings the Colombian government carried out a flawed demobilization process of several armed groups which belonged to the paramilitary coalition *Autodefensas Unidas de Colombia* (AUC) [United Self-Defence Forces of Colombia] during the period 2003-2006. Their members have since formed successor paramilitary groups and gangs who are now responsible for various illegal activities including killings and extortion. They are using violence and extortion to exert control of people, and now operate in many areas where the former AUC was active:

The groups are active in many of the same regions where the AUC had a presence, and operate in similar ways to the AUC: controlling territory through threats and extortion, engaging in drug trafficking and other criminal activity, and committing widespread abuses against civilians... (p5)

The successor groups are engaged in widespread and serious abuses against civilians in much of the country. They massacre, kill, rape, torture, and forcibly “disappear” persons who do not follow their orders. They regularly use threats and extortion against members of the communities where they operate, as a way to exert control over local populations. (p6 -7)

Attachments

1. US Department of State 2010, *Country Reports on Human Rights Practices for 2009* – Colombia, March.
2. Update 1 – Colombia says jobless rates fall in Sept vs yr ago' 2010, *Reuters News*, 30 October . (FACTIVA)
3. Martinez, H. 2008, 'Colombia. Women working abroad keep provincial economy alive' *Inter Press Service*, 30 July - <http://ipsnews.net/print.asp?idnews=43373> – Accessed 9 November 2010.
4. Oxfam 2009, 'Sexual violence in Colombia. Instrument of war' Oxfam Briefing Paper, 9 September - <http://www.oxfam.org/sites/www.oxfam.org/files/bp-sexual-violence-colombia.pdf> - Accessed 12 November 2010.

¹⁴ Human Rights Watch 2010, *Paramilitaries' Heirs. The New Face of Violence in Colombia*, February - Attachment 12

5. Freedom House, Freedom in the World 2010, 3 May 2010. Online. UNHCR Refworld - <http://www.unhcr.org/refworld/docid/4c0ceafbc.html> - Accessed 12 November 2010.
6. Martinez, H. 2009, 'Colombia: sexual violence as weapon of war', *Interpress News Service*, 22 October 2010. (FACTIVA)
7. Refugees International 2009, Field Report. Colombia: Displaced women demand their rights', 16 November - <http://www.unhcr.org/refworld/pdfid/4b0263d22.pdf> - Accessed 9 November 2010.
8. UNHCR 2010, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Colombia, Ref world website, 27 July.
9. Alcaldía de Medellin, undated, Secretaría de Bienestar Social, Portafolio de Servicios, Unidad de programas sociales especiales, Prevención y atención de las violencias sexuales - Por una vida más digna, [Municipality of Medellin. Programme for preventing and responding to sexual violence] http://www.medellin.gov.co/alcaldia/jsp/modulos/S_usted/programassocialesesp.jsp - Accessed 12 November 2010.
10. Fundación Seguridad & Democracia 2009, '*La Seguridad en las seis principales ciudades de Colombia. Primer semestre de 2009*' - <http://www.seguridadydemocracia.org/docs/pdf/seguridadUrbana/seguridadUrbana25.pdf> - Accessed 17 March 2010.
11. RRT Country Advice Service 2010, *Country Advice COL36344*, 23 March.
12. Human Rights Watch 2010, *Paramilitaries' Heirs. The New Face of Violence in Colombia*, February.