Fighting Domestic Violence - Colombia

2. Introduction: framework guiding domestic violence law

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# 2.1 Are there civil and criminal legal remedies for domestic violence victims?

Yes, there are civil and criminal remedies for domestic violence victims. Details of such remedies are described in more detail below.

# 2.2 Is domestic violence identified in national law as a human right (noting that at a European level protection from domestic violence has not been explicitly identified as a human right but is indirectly captured by the other provisions)?

The CPC states that any form of domestic violence destroys harmony and family union.[2] It further recognizes that women and men have the same rights and opportunities, that women cannot be subject to discrimination and will receive public protection and assistance during pregnancy and maternity leave and, if unemployed, will receive an alimentary subsidy.[3] Finally, the CPC acknowledges that international conventions and treaties that recognize human rights prevail over Colombia's internal legal system.

Law 1257 expressly states that women's rights are human rights. It also states that women have the right to a dignified life; to their physical, sexual and psychological integrity; to be free from torture and cruel or degrading treatment; to have real and effective equality; to be free from discrimination; to be free and autonomous; and to freely develop their human personality, among others.

Notwithstanding the above, there is no particular law expressly providing for domestic violence as a contravention of human rights.

# 2.3 Has your country signed and ratified the conventions?

Yes, Colombia has signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Colombia signed the Convention in 1980 and it was ratified in 1982.

In addition, Colombia is also a state party to most of the principal international human rights treaties including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Rights of the Child (CRC).

At a regional level, Colombia has ratified several conventions relevant to the eradication of torture and other kinds of violence against women including the American Convention on Human Rights, the Inter-American Convention to Prevent and Punish Torture and the Inter-American Convention on the Prevention, Sanction and Eradication of Violence Against Women ( Belem do Para Convention). These treaties impose an obligation to ensure the exercising of equal rights between women and men and the protection of women against discrimination of any kind and gender forms of violence.

# 2.4 If it has ratified the Maputo Protocol, how has it been implemented into national law (African Union member states only)?

N/A

# 2.5 If it has ratified the 1979 Convention (CEDAW), how has the recommendations part of General Comment No. 35 been implemented into national law?

Colombia has not implemented General Comment No. 35 into a single national law. Some of the recommendations of General Comment No. 35 have been separately adopted by different means, such as public laws, Criminal Code, CPC or even the Constitutional Court's decision.

# 2.6 If the conventions have not been ratified or signed, is it envisaged that your country will do so?

N/A

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