



Best Practice: Gender Equality Program

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CITY: BOGOTÁ

POLICY AREA: HUMAN RIGHTS

BEST PRACTICE

The City of Bogotá has adopted Colombia's national legal framework in support of the rights of women as set forth by a city agency entitled, "Sub-Secretariat for Women, Gender and Sexual Diversity" as part of the Planning Office of Bogotá (Secretaria Distrital de Planeación). **The Equal Opportunity Plan for Gender Equality in the Capital District, 2004 to 2016** (Plan de Igualdad de Oportunidades para la Equidad de Genero, PIOEG) informs policy making and the implementation of specific policies that include affirmative action plans, programs, and projects to achieve equal opportunities and gender equality under the framework of human rights legislation (Enfoque de Derechos).

ISSUE

In order to confront poverty and exclusion, the need to create conditions for achieving equality of opportunity, the effective exercise of the women rights and respect for differences and the free development of personality and sexual diversity, the city determined that it needed to create a body responsible for these policies. Therefore it embarked on the formulation and implementation of the Equal Opportunity Plan for Gender Equality in the Capital District, 2004 to 2016.

GOALS AND OBJECTIVES

The goals of the Equal Opportunity Plan for Gender Equality in the Capital District, 2004 to 2016 is to advance the recognition of the human rights of women of all ages, cultures, sexual orientations, racial ethnicity, and socioeconomic situations.

The plan focuses on several human rights categories:

1. RIGHT to a life free from violence.
2. RIGHT to participation and representation of women.
3. RIGHT to working conditions of equality and dignity.
4. RIGHT to full health.
5. RIGHT to education with equality.
6. RIGHT a culture free of sexism.

IMPLEMENTATION

The process of developing the Equal Opportunity Plan for Gender Equality in the Capital District, 2004 to 2016 began with an assessment of the aforementioned six human rights categories. Various workshops took place between March 2004 and August 2005, in which representatives from local women's organizations from both the city and other provinces, public officials, and academics constructed baseline policies and goals. Meanwhile, the Sub-Secretariat, with the support of the United Nations Development Fund for Women (UNIFEM) and Agencia Española de Cooperación Internacional (Spanish Agency for International Cooperation), worked with the Women's Advisory Council of the city of Bogotá to promote gender equality within policies, budgets, programs and projects; familiarizing directors and staff on these issues.

After developing the first draft of the Plan, workshop participants met with representatives from the city to discuss gender equality policies, activities and programs already underway in the Capital District. The plan involved commitment from the public and private sector, academia and social organizations. Feedback from this meeting was integrated into a revised plan and in September 2005 it was approved by the District Council of Social Policy. In 2006, the Plan was officially launched and implementation began throughout the city of Bogotá.

Best Practice: Gender Equality Program

The "Sub-Secretariat for Women, Gender and Sexual Diversity" located in the Office of Rights, Development and Equal Opportunities for Gender Equality within the Mayor's Office reviewed the progress of the Equal Opportunity Plan for Gender Equality through a participatory process involving women leaders, officials and civil servants of the Capital District. The Sub-Secretariat evaluates and monitors the Equal Opportunity Plan by identifying, collecting and classifying information from different government agencies within in the Mayor's Office. Recently, the Sub-Secretariat monitored the rate of violence against women by gathering information provided by the police and security agency.

The Equal Opportunity Plan is made up of 120 initiatives, 80 of which were prioritized in the 2008 to 2012 development plan "Bogotá Positiva: Para Vivir Mejor" initiated by the city to improve the quality of life for all residents, specifically the six rights stated above for women.

As coordinated by the city of Bogotá, each of the twenty localities within the city receives funding and programmatic support to implement local initiatives. The Sub-Secretariat for Women, Gender and Sexual Diversity implemented a regional program, "Cities without Violence against Women, Safe Cities for All" with cities such as Rosario, Argentina and Santiago, Chile to strengthen women's rights as citizens. Similarly, the agency has developed a series of intervention models in the cities of Morón, Argentina; Escazú, Costa Rica; Diadema, Brazil; San Boi de Llobregat, Spain and the NGO Women and Society in Peru.

COST

Implementation of the Equal Opportunity Plan for Gender Equality in the Capital District, according to a city tracking system, cost a total of 27.337.197.450 Colombian pesos (\$14.8 million USD) from 2004 to 2011.

The District Department of Social Integration, District Department of Education, District Department of Economic Development, Department for Culture, Recreation and Sports, District Health Department and the Department of Government actively participate in the implementation of the Plan, but do not quantify their support.

RESULTS AND EVALUATION

The Sub-Secretariat for Women, Gender and Sexual Diversity evaluates and monitors the priority initiatives included in the plan by identifying, collecting and tracking information from different government agencies. Progress is increasingly being made by this partnership as each city agency has a designated staff member in charge of producing reports for implementation regarding equality and women rights.

The Sub Secretariat organizational structure has served as a model for building equality plans within other cities in Colombia. The Equal Opportunity Plan for Gender Equality has improved the interests, demands and needs of women by planning and organizing the Bogotá administration and its agencies to prioritize gender equality in every aspect of socio-economic development.

TIMELINE

The process of drafting the Equality of Opportunity Plan for Gender Equality in the Capital District, 2004 - 2016, ran from June 2004 until November 2005. The Plan was launched in September 2005 and programs began to be implemented in 2006. The Plan covers a twelve year time frame from of 2004 to 2016.

In 2007, the Plan was recognized as a best practice by the United Nations Development Fund for Women (UNIFEM).

Best Practice: Gender Equality Program

LEGISLATION

The Political Constitution of Colombia or the Constitution of 1991 provides, in Article 93 that "international treaties and agreements ratified by Congress recognize human rights and prohibit their limitation..." In addition, the Constitutional Court noted that "the rights and duties enforced in this Charter shall be interpreted in accordance with international human rights treaties ratified by Colombia." Below is a brief presentation of some of the treaties and international conventions that have been ratified by Colombia in recent years.

Constitutional Rules Granting Rights to Women

- Article 40 Ensure adequate and effective participation of women in decision-making levels of public administration.
- Article 42 Guarantees the right of individuals to decide freely and responsibly the number of sons and daughters they wish to have.
- Article 43 Establishes equal rights and opportunities between men and women and specifically defines that a woman can not be subjected to any form of discrimination.

International Conventions

- Recommendations of the Committee for Monitoring the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- Convention on the Prevention, Punishment and Eradication of Violence against Women. Belém do Pará. This agreement is the only kind that exists and was enacted by the General Assembly of the Organization of American States (OAS) in 1995.

National Legal Framework

- Decree 2663 of the 1950 Labor Code that contains articles related to the protection of women and rights at work, especially related to the protection of the Rights of Working Women.
- Act 54 of 1962 approving the Convention No. 100 of 1951 of the International Labor Organization, proclaiming the equality men and women workers for work of equal value.
- Act 23 of 1967 approves the Convention No. 111 of 1958 of the International Labor Organization's elimination of all forms of discrimination - that is, distinction, exclusion or preference - based on factors such as race, color, sex, Religion, political opinion, nationality, social background.
- Law 13 of 1972 prohibits the segregation of persons for employment and the demand for data related to marital status, number of children, religion or political party.
- Act 51 of 1981 adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- Act 50 of 1990 protects women against dismissal due to pregnancy and the extension of maternity leave from 8 to 12 weeks.
- Act 82 of 1993 issued rules to support women heads of household, providing better access to credit, education, employment, health, etc.
- Act 100 of 1993 created the Social Security System which includes the principle of universality of health and social security without any discrimination and in solidarity with vulnerable groups.
- Act 115 of 1994 or General Education Law enforced the principle of equality and respect for the purpose of education, and denounced sexual harassment pupils by teachers.
- Act 181 of 1995 enforced the principle of democratization for the sports, recreation and use of leisure time, for participants to enjoy these activities without discrimination based on race, religion or gender condition.
- Act 248 of 1995 approved the Inter-American Convention Prevention, Punishment and Eradication of Violence Against Women, signed in Belem do Pará, Brazil, in 1994.
- Act 182 of 1995 enforced the protection of gender equality on television
- Act 294 of 1996 by which implements Article 42 of the Constitution and established standards to prevent, remedy and punish domestic violence.

Best Practice: Gender Equality Program

- Act 360 of 1997 amended certain provisions of Title XI of Book II of the Criminal Code on crimes against sexual freedom and decency and added article 417 of the Criminal Procedure Code. This Act included the new text, "protect the right to sexual freedom and human dignity and freedom and sexual assault."
- Act 387 of 1997 adopted measures for the prevention of forced displacement, as well as the care, protection, consolidation and socioeconomic stabilization of those displaced by violence in Colombia.
- Act 509 of 1999 established benefits for mothers on social security and a pension provision.
- Act 575 of 2000 partially amended Law 294 of 1996.
- Act 581 of 2000 established adequate and effective participation of women at decision-making levels of the different branches and public bodies at national, departmental, municipal and local levels.
- Act 599 of 2000 established the Criminal Code Amendment Act 360 protecting "freedom, integrity and sexual education" on a constitutional basis.
- Act 600 of 2000 established the Code of Criminal Procedure, instating a procedural requirement to have a hearing in the processing of domestic violence crimes.
- Act 679 of 2001 established measures to prevent and counter exploitation, pornography and child sex tourism.
- Act 747 of 2002 amended and adds the penal code in the chapter on sex crimes, including on the issue of trafficking.
- Act 755 of 2002 granted paternity leave to spouses or permanent partners.
- Act 762 of 2002 approved the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.
- Act 823 of 2003 established standards for equal opportunities for women.
- Act 882 of 2004 provided that crimes against the family are physical and psychological in nature, leaving out sexual violence.
- Act 984 of 2005 approved the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women adopted at the United Nations Assembly on October 6, 1999.

District Policy Framework

- Policy 12 of 1998 - Agreement of the Council of Bogotá, created the District Council for Integral Attention to Children as Victims of Sexual Abuse and Exploitation.
- Policy 091 of 2003 - Agreement of the Council of Bogotá, which determines the formulation of the Plan for Equal Opportunities in the city.
- Agreement 125 of 2004 approved by the city of Bogotá, implemented the Chair of Human Rights, Duties and Guarantees and Pedagogy of Reconciliation.
- Policy 143, 2005 – Established provisions for the prevention, control and treatment of human immunodeficiency virus HIV and AIDS in the city of Bogotá.
- Agreement No. 152, 2005 - Provides comprehensive care for victims of domestic violence, sexual violence and exploitation and designates a representative from the Public Policy Office Women and Gender.

LESSONS LEARNED

The City of Bogotá has learned the following lessons during its implementation of the Plan.

Weaknesses in the Process:

- Negotiating with entities responsible for budgets has been slow since they are subject to the provisions of their internal planning.
- The idea of mainstreaming often limits the possibility to advance affirmative action specifically for women. Institutions have the tendency to think that success is inherent in doing projects "only for women," usually related to the traditional gender roles.

Strengths in the Process:

Best Practice: Gender Equality Program

- Since citizens were involved in planning and drafting, they were more motivated in the success of the plan.

TRANSFERABILITY

Cities that are interested in integrating women's rights into their general human rights framework can use the participatory method to elicit feedback from a wide range of stakeholders. Any gender equality plan can be made more robust by obtaining local feedback, coupled with including points from international and regional conventions, programs and plan.

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