Madam
María Victoria Calle Correa
President of the Constitutional Court
Republic of Colombia

Distinguished Madam President:

We are honoured to convey the warm wishes of the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention, (MESECVI), which is mandated to follow-up on the full implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, as well as to promote that the States Party establish in their national legislations, the appropriate protection for women in accordance with international standards on women’s human rights.

In this context, the Committee of Experts has learned of the admission by the Court that you chair, of a claim of unconstitutionality against Act 1719 to guarantee access to justice for female victims of sexual violence (June 18th 2014). In this matter, the Committee wishes to convey its deep concern regarding the modification that article 23 of this Act introduces, making the implementation of the Protocol and Comprehensive Model of Care and Treatment of Female Victims of Sexual Violence optional, although article 1 of the same Act clearly indicates that the implementation of the Protocol will be “mandatory for the care and treatment of female victims of sexual violence, provided by Entities that promote Health, of the contributory system and the subsidized system and Institutions that provide Health Services.”

The Committee deems it appropriate in this case to summarize the recommendations of its "Second Hemispheric Report on the Implementation of the Belém do Pará Convention (2012):

“23. Ensure women’s access to justice by guaranteeing, as a minimum, the availability of specialized personnel to serve victims and handle their cases throughout the procedural stages; areas that offer privacy within police stations, courts and health centers;"
27. Adopt and implement protocols for dealing with victims of violence against women in police stations or entities receiving complaints, prosecution offices and health services. When appropriate, said protocols shall be translated into indigenous languages; [and]

30. Establish free specialized services for women victims of violence and their children, including the creation of more shelters, safe houses and comprehensive care centers; pre-trial legal assistance; legal representation during the trial; integral health services that include sexual and reproductive health care as well as legal interruption of pregnancy; and psychological counseling, therapeutic support and self-help groups.”

In this respect, the Committee of Experts’ Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights (2014) provided recommendations encouraging the States Party to implement the Convention by:

“Designing and implementing public policy and comprehensive services for victims of sexual violence that include direct, immediate and specialized care, as well as operational and administrative standards oriented towards constant prevention, outreach, awareness, and training; [and]

Providing comprehensive care to victims of sexual violence, including medical and psychological care, counseling, and legal and social assistance that addresses their issues and provides follow-up subsequent to the crisis;”

Furthermore, this group of Experts explicitly referred to the progress that the adoption of this Protocol represented for Colombia, highlighting in its Second Follow-up Report (2014) the relevance of Colombia’s adoption of “a model and comprehensive health care protocol for women victims of violence targeting justice system operators and a protocol with guidelines for attending, in particular, to women victims of sexual violence targeting the police, as well as a protocol for investigating crimes against the liberty and personal integrity of women.”

This Committee of Experts expresses its concern regarding article 23 of Act 1719, given that it could be a step backwards in the struggle to protect the human rights of female victims of sexual violence, putting at risk the health and integrity of women. In this way, we welcome the admission of the lawsuit and we hope for a positive resolution that restores the mandatory implementation of the Protocol in order to ensure the provision of adequate and comprehensive care, as well as treatment for women that have suffered sexual violence.
The Committee deems appropriate to bring to your attention the previously mentioned recommendations, for their consideration in relation to the resolution of the aforementioned claim of unconstitutionality. We are at your disposal for any support that may be needed in order to maintain the Protocol, in accordance with international human rights standards.

Sincerely,

For the Committee of Experts of the MESECVI
Flor de María Díaz Chalarca
President