Baseline study: Legal and regulatory framework in Colombia on VAW and ICT

Executive summary[1]

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Executive summary

This executive summary outlines the baseline for the present legal and regulatory framework in Colombia on violence against women (VAW) and information and communication technologies (ICT).

The data was gathered by collecting information on the legal and regulatory framework. Three main aspects were identified: 1. The *criminal offenses* defined in the Criminal Code and related to a greater or lesse degree to the violence against women and ICT. 2. The *criminal offenses related directly to ICT and VAW.* 3. The *information technology offenses* which are related to the use of ICT for committing crimes against privacy, property, public trust, etc. In the case of women those offenses committed against their life, personal integrity, freedom, autonomy, and dignity among others.

1. Conclusions

- There is neither legal regulation nor public policy in Colombia linking VAW directly with ICT. Therefore, it is necessary to appeal to the human rights law in the Colombian Constitution and to International Treaties ratified by the Colombian government. Our conclusion is that there is a legal gap regarding VAW and ICT.

- To do advocacy work aimed at including all VAW programmes, plans and projects within an ICT framework.

- There is no critical route to tackle the issue of VAW in the context of the new ICT, which would enable working together with organizations and institutions denouncing, and preventing VAW. This critical route will facilitate a proposal for an inter-institutional intervention aimed at preventing and denouncing VAW considering the ICT framework.

2. Suggestions and intervention strategies

- Adopt the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW and the Convención Interamericana de Belém do

Pará in the Colombian legal framework and policies in order to prevent, penalise and erradicate violence against women. The defense of the right to a Life Free of Violence and its relationship with ICT always should be based in the International Human Rights Framework considering the conventions, treaties and other tools and international mechanisms ratified by Colombia in the national standards.

➢ Produce a technical document compiling all the related regulations with a juridical analysis of their content and from a gender perspective, in order to formulate juridical and policy intervention proposals to support the advocacy work needed to make possible the change in legislation and people's movilization.

➢ Design a critical route led by women's organizations as representatives of civil society in order to make specific proposals regarding VAW and ICT to the government.

➢ Produce technical-juridical documentation including cases of violence against women and ICT and draw an advocacy strategy in order to produce draft legislation to be added to Law 1257 of 2008 and Law 1273 of 2009 and/or draw new legislation including VAW and ICT.

➢ Inclusion of the principle of equality and non discrimination. This is another juridical argument which has to be taken into account when implementing the juridical- political strategy within the women's human rights framework. Therefore, the technical – juridical documentation have to include this principle explaining the reasons why VAW take place within the ICT.