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United Nations Development Programme

GENDER EQUALITY AND WOMEN'S EMPOWERMENT IN PUBLIC ADMINISTRATION

COLOMBIA CASE STUDY





| | |
|---|----|
| KEY FACTS | 2 |
| ACKNOWLEDGEMENTS | 3 |
| EXECUTIVE SUMMARY | 4 |
| METHODOLOGY | 6 |
| CONTEXT | 7 |
| Socio-economic context | 7 |
| Gender equality context..... | 7 |
| WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION | 10 |
| POLICY REVIEW AND IMPLEMENTATION ISSUES | 32 |
| Gender equality legislation | 32 |
| Public administration legislation and policy | 33 |
| KEY ISSUES IN WOMEN'S PARTICIPATION | 44 |
| General conclusions | 44 |
| Barriers and challenges | 44 |
| Achievements and good practice..... | 45 |
| RECOMMENDATIONS | 46 |
| ANNEX 1: ACRONYMS AND ABBREVIATIONS | 48 |
| ANNEX 2: BIBLIOGRAPHY | 49 |
| ANNEX 3: KEY RESPONDENTS AND QUESTIONS | 52 |



KEY FACTS

| | |
|--|---|
| HUMAN DEVELOPMENT INDEX RANKING | 87 out 187 (2011) ¹ |
| GENDER INEQUALITY INDEX | 91 out of 146 (2011) ² |
| TRANSPARENCY INTERNATIONAL RANKING | 80 out of 182 ³ |
| % MEN AND WOMEN IN CENTRAL GOVERNMENT | 51.37 Men; 48.63% Women (2011) ⁴ |
| % MEN AND WOMEN IN SUBNATIONAL GOVERNMENT | Bogotá:42.7% Men; 57.2% Women (2011) ^{5,6} |
| AFFIRMATIVE ACTION | <ul style="list-style-type: none"> ✓ Law 581 of 2000, which establishes the participation of women in at least 30 percent of the top decision-making positions in public administration. ✓ Law 1475 of 2011, which establishes the participation of women in at least 30% of the electoral list of political parties. |
| NEED TO KNOW | <ul style="list-style-type: none"> ✓ Law 581 determines the nomination of top decision-making positions in the public administration. The national gender machinery lacks technical and financial resources. ✓ There is a Gender Legal Committee in Congress that has led to the enactment of laws for women. ✓ Women’s organizations play an important role in the enforcement of women’s rights; their participation in the promulgation of laws has been vital, as well as in their follow-up. Their support of Law 581 has been crucial. |

1 <http://hdr.undp.org/en/statistics/>

2 http://hdr.undp.org/en/media/HDR_2011_EN_Table4.pdf

3 Transparency International. Corruption Perception Index 2011. <http://cpi.transparency.org/cpi2011/results/>

4 <http://www1.dafp.gov.co/CaracterizacionEmpleoPublico/>

5 Only Bogotá was studied.

6 <http://www.serviciocivil.gov.co/>



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EXECUTIVE SUMMARY

Women's participation in Colombia's upper public administration is regulated by Law 581 of 2000, which establishes that a minimum of 30 percent of appointed positions must be occupied by women in the three branches of public power (executive, legislative and judicial). Women's organizations fought for 10 years from 1990 to 2000 for the adoption of this Law, which is better known as 'the Quota Law'. The executive branch at the national level meets this quota as a whole, but there are significant differences among institutions and ministries. Some of them have fewer women in senior management positions than the quota established - in some cases it is 0 percent. However, the real concern is that various administrations and departments do not meet the requirements of the Quota Law year after year but there is no sanction.

In some ministries such Finance, Home Affairs and Justice, there have never been women ministers. Colombia has had women ministers in the social ministries (Education, Health, Culture, Foreign Affairs) but only one woman has been Minister of Defence). Colombia has never had women presidents or vice presidents. At the subnational level (departments and capital cities) there is also non-compliance with the Quota Law and a lack of reporting.

There has been no shortage of qualified women to take up senior positions in the public and private sectors even before the Quota law. However, their access to these positions (with some exceptions such as in the city of Bogota) is linked directly to political affiliation and in this, women are disadvantaged. The nature of this disadvantage is explored in the case study.

In terms of oversight, since 2004 the Department of Public Administration has carried out a systematic follow-up to implementation of the Quota Law. However the entity responsible for taking action against non-compliant agencies, the Attorney General's Office of the Nation, has not been able to ensure this.

The national institution in charge of gender policies is the High Presidential Council for gender equality. It lacks technical and financial resources, and although it has carried out some dissemination and awareness-raising actions, the general perception is that this has not been done in a way that will have sustainable impact.

Initial recommendations include:

- Stakeholders, including government, civil society and international agencies, should collaborate to support women's political participation in Colombia, as political parties are gatekeepers of access to senior management positions in all branches of government, including in the executive.⁷
- Strengthen the capacity of the Attorney General's Office to effectively monitor compliance with the Quota Law, with the High Presidential Council for the Equality of Women playing an active role in inter-agency coordination and mainstreaming of the Quota Law. The Gender Legal Committee in Congress should address oversight of the Quota Law in all branches of government.

⁷ Although the judiciary is outside the scope of this study, it is an important sector to research further in this regard.



- International agencies should strengthen women's organizations and the Gender Legal Committee in Congress to monitor and enforce international and national standards.
- The Department of Public Administration and other relevant entities should be supported to develop and implement an action plan for the full implementation of the Quota Law.
- It is time for the discourse to move to gender parity ten years after the Quota Law so that the 30 percent minimum representation does not turn into a ceiling (just as South Africa increased the target of women's representation in public decision making from 30 percent to 50 percent).⁸
- Further research is required to understand progress and patterns in equal representation better at the subnational level.
- Relevant entities (legislators, public administration, business associations, unions) should follow up issues regarding labour harassment and sexual harassment within Colombian government institutions; it is very serious that there are no studies addressing this issue.

8 www.info.gov.za/view/DownloadFileAction?id=126557



METHODOLOGY

This research combines quantitative and qualitative methodologies. The Department of Public Administration kindly shared annual reports and databases on its website. Semi-structured interviews were also conducted with selected persons and institutions (see Annex 3 for details). Since this study was carried out together with other countries, questions and persons interviewed were agreed with the International Consultant and UNDP staff at headquarters.

Previous national studies were also reviewed on this subject and contributed to an analytical framework for this case study.

The focus of this case study is the nature of compliance with Colombia's unique 'Quota Law', and therefore on the upper levels of the public administration.



CONTEXT

This section gives an overview of the socio-economic context as well as key issues in public administration and gender equality.

SOCIO-ECONOMIC CONTEXT

Colombia has a population of 46,100,579 inhabitants, of which 51 percent are women. Colombia has a rich ethnic and cultural diversity in its population - the majority is white or mixed race according to data from the latest census in 2005.⁹ Around a quarter of Colombia's population is settled in rural areas. The country's poverty levels are high, where 45.5 percent of the population is poor and 16.4 percent live under the extreme poverty line.¹⁰ Colombia is in the 'top ten' countries in the world in terms of the Gini coefficient, a key inequality indicator, placing Colombia after Brazil, Paraguay, Haiti and Bolivia.^{11 12} However, Colombia appears in the list of countries with High Human Development, in the 87th position (0.741), showing stable economic growth of approximately 4 percent per year over the last years.¹³

A key issue is the armed internal conflict, which has been going on for more than five decades. One of the main challenges is internal displacement of people affected and, whilst estimates of the magnitude of this phenomenon vary, human rights organizations such as CODHES, (Consultoría para los Derechos Humanos y el Desplazamiento) assert that since the mid-1980s, this figure is more than five million people. This would make Colombia one of the countries with the highest proportion of internally displaced populations in the world and approximately 80 percent of the displaced population are women and children.¹⁴ Due to this situation, the country has made various efforts to guarantee the rights of the conflict victims, such as the recent Victims and Land Restitution Law (June 2011), which introduces measures for integrated care, assistance, and reparation of victims of the armed conflict. However, the armed conflict continues and some of the victims demanding the enforcement of this law and the restitution of their land have even been murdered.¹⁵

GENDER EQUALITY CONTEXT

Women's participation in the labour market

According to 2010 statistics from the National Statistics Department (DANE), the unemployment rate is higher for women (15.6 percent) compared to 9 percent for men. Average gender income gaps are 20 percent, and while the global men's participation rate is 74 percent, it is 51.8 percent for women. This figure has remained stagnant in the last decade, as evidence of women's lower access to labour markets.

9 www.dane.gov.co

10 <http://www.dnp.gov.co/PortalWeb/LinkClick.aspx?fileticket=Crk3ZivixSk percent3d&tabid=337> Below the poverty line means a family does not have the necessary income to buy the national family basket.

11 Gini 0.578 <http://www.dnp.gov.co/PortalWeb/LinkClick.aspx?fileticket=Crk3ZivixSk percent3d&tabid=337>

12 http://www.photius.com/rankings/economy/distribution_of_family_income_gini_index_2010_0.html

13 <http://hdrstats.undp.org/en/countries/profiles/COL.html>

14 <http://www.acnur.org/t3/operaciones/situacion-colombia/desplazamiento-interno-en-colombia/>

15 In 24 hours, between 22 and 23 March 2011 three community leaders linked to processes of land restitution and victims' rights were killed. <http://mesanacionaldevictimtas.blogspot.com/2011/03/asesinatos-de-lideres-de-poblacion.html>



Women's political representation

With regard to political participation, Colombian women have extremely low representation in comparison with other countries. In 2010, women represented 3.1 percent in departmental governments, 18.2 percent in city governments (although this figure is slightly above the average for Latin America), 8.1 percent in Congress, and 10.8 percent in the Senate.¹⁶ It was expected that application of Law 1475, which makes it mandatory for political parties to include at least 30 percent women in their candidates lists, would result in a significant increase during the subnational elections held in October, 2011. This low participation reflects challenges in women's access to senior and decision making more widely in Colombia.

Active women's movement

Colombian women's organizations have been active in making sure that women's rights have been debated and are on the public agenda. In 1958, women gained the right to vote and be elected, and then in the 1991 Constitution women were recognized as individuals in their own right. This has been included in all legislative proposals coming after the Constitution and in all peace initiatives.

Over the last decade, Colombia has further strengthened the national legal and policy framework to support gender equality in general, covering parental leave, women's decision making and gender-based violence and discrimination, as well as the right to terminate pregnancies in certain cases.¹⁷ Law 1413 (November 2010) 'regulates the inclusion of the economy of care in the system of national accounting systems in order to measure women's contribution to the social and economic development of the country, and as a fundamental tool for the definition and implementation of public policies' (Law 1413, 2010, preamble) and therefore recognized explicitly women's important if informal role in this sector.

Gender-based violence

A major problem faced by Colombian women is gender-based violence. For instance, in 2010 there were 20,142 cases of sexual violence reported, in which case 84 percent of the victims were women, and 75 percent of the cases involved girls under 14 years of age.¹⁸ Sexual violence has turned into a war weapon. Research by OXFAM states that, 'Prevalence of sexual violence during the period 2001 – 2009, based on information from 407 municipalities with presence of the Public Force, guerrilla, paramilitaries or other armed actors in Colombia – was estimated as 17.58 percent, which means that during that period of time, 489,687 women were direct victims of sexual violence.'¹⁹ The United Nations, as part of the Secretary General's campaign 'Unite To End Violence Against Women', has developed the campaign 'Stop sexual violence against women in the context of armed conflict.'²⁰

16 Sánchez, M. The quality of life of Colombian women. 2010.

17 Ruling of the Constitutional Court No. T-335/06, to allow Voluntary Early Termination of Pregnancy in three cases.

18 Instituto Nacional de Medicina Legal Forense. 2010. (National Institute of Legal Medicine)

19 http://www.intermonoxfam.org/UnidadesInformacion/anexos/12033/101206_PrimerEncuesta_de_Prev-alencia.pdf

20 http://www.unifemandina.org/index.php?option=com_content&view=article&id=534:rechazo-total-a-la-violencia-sexual-contra-las-mujeres-en-el-marco-del-conflicto-armado-es-el-mensaje-que-este-ano-transmite-onu-mujeres-en-rock-al-parque&catid=25:bolivia&Itemid=32



A small public administration

In Colombia, the public administration is one of the smallest in Latin America in terms of proportion of total national employment. In 2000, it represented 7 percent of total employment and, according to Griñán (2007), in the last decade employment for men and women in the public management sector stopped growing in comparison to previous decades.²¹

The nature of the public administration is discussed further below.

21 Colás Griñán, S. Current Employment Trends in Latin America, in Observatory of the Latin American Economy Nº 81. July 2007. Complete text in <http://www.eumed.net/cursecon/ecolat/la>



WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

This section sets out the main patterns in women's participation in the public administration of Colombia, with a focus on upper levels as this is the focus of the Quota Law.

Almost gender parity overall, but variation between sectors and job type

The percentage of men in the total amount of public employees is slightly higher than women: 51.3 percent vs. 48.7 percent, respectively.

Although women outnumber men in most sectors (14 out of 19 employees are women), the ratio of men is significantly higher than that of women for sectors with more men. These include Environment, Statistics, Transportation, Interior and Justice, Mining and Energy (the latter with figures higher than 70 percent). The higher participation of women with figures exceeding 60 percent are found in Science, Technology and Innovation (69.6 percent), Solidarity Economy (64.55 percent), Public Office (61.22 percent) and Social Protection (60.9 percent) sectors. See Chart No. 1.

Chart No. 1: Distribution of public employment by gender and sector in 2011

| SECTORS | MEN % | WOMEN % |
|--|-------|---------|
| Agriculture and Rural Development | 45.73 | 54.27 |
| Environment, Housing, City and Territory | 62.85 | 37.15 |
| Science, Technology and Innovation | 30.39 | 69.61 |
| Commerce, Industry and Tourism | 43.38 | 56.62 |
| Culture | 43.83 | 56.17 |
| National Defence | 42.49 | 57.51 |
| Solidary Economy | 35.48 | 64.52 |
| National Education | 43.87 | 56.13 |
| Statistics | 52.03 | 47.97 |
| Public Office | 38.78 | 61.22 |
| Finance and Public Credit | 42.00 | 58.00 |
| Interior and Justice | 73.60 | 26.40 |
| Mining and Energy | 72.05 | 27.95 |



| | | |
|--|--------------|--------------|
| Planning | 43.12 | 56.88 |
| Presidency of Colombia | 45.91 | 54.09 |
| Social Protection | 39.07 | 60.93 |
| Foreign Affairs | 41.38 | 58.62 |
| Information Technology and Communication | 41.15 | 58.85 |
| Transportation | 61.96 | 38.04 |
| TOTAL | 51.37 | 48.63 |

Source: Calculation made by author according to Department of Public Administration data.

In terms of job type, according to a report by the National Planning Department in 2007 by hierarchical level, women in 2007 outnumbered men in the group of professionals, with some differences among the different sectors. The sectors with a larger number of men are: Agriculture and Rural Development, Environment, Statistics, Mining and Energy, and Transportation. See Chart No. 2.²²

Chart No. 2. Percentage of women distributed by job type according to sector

| ADMINISTRATIVE SECTOR | PROFES- SIONAL | TECHNICAL | WELFARE | OTHER |
|---|-------------------|-----------|---------|-------|
| Agriculture and Rural Development | 37.3 | 31.3 | 48.5 | 0.0 |
| Environment, Housing, City and Territory | 44.8 | 30.9 | 57.9 | 0.0 |
| Commerce, Industry and Tourism | 52.8 | 46.5 | 65.1 | 0.0 |
| Communications | 55.8 | 43.2 | 59.6 | 0.0 |
| Culture | 59.3 | 48.1 | 60.0 | 0.0 |
| National Defence | 61.3 | 59.3 | 54.7 | 60.7 |
| Solidary Economy | 73.5 | 33.3 | 75.0 | 0.0 |

²² National Planning Department (DNP). Report on Public Employment in Colombia. June 2007.



WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

| | | | | |
|---------------------------|-----------|-----------|-----------|-----------|
| National Education | 60.8 | 44.9 | 61.0 | 33.0 |
| Statistics | 46.8 | 33.2 | 58.7 | 0.0 |
| Public Office | 60.6 | 35.7 | 80.0 | 16.0 |
| Finance and Public Credit | 56.8 | 59.2 | 57.8 | 55.1 |
| Interior and Justice | 52.4 | 54.3 | 21.7 | 0.0 |
| Mining and Energy | 46.9 | 43.0 | 56.7 | 0.0 |
| Planning | 55.0 | 51.8 | 65.8 | 0.0 |
| Presidency of Colombia | 54.7 | 60.2 | 49.4 | 0.0 |
| Social Protection | 62.3 | 62.2 | 73.8 | 30.1 |
| Foreign Affairs | 56.9 | 48.1 | 53.9 | 0.0 |
| Security | 50.8 | 27.9 | 28.0 | 0.0 |
| Transportation | 46.5 | 25.4 | 44.8 | 17.4 |
| TOTAL | 56 | 48 | 46 | 33 |

Source: National Planning Department (DNP) 2007.

Among the different ministries, the ones showing a higher ratio of women's participation in upper management decision-making positions are: Education, Culture, Communications, and Social Protection - typically feminine spaces. Others evidence a growing trend to increase women's participation, such as the Ministries of Interior and Justice, Foreign Affairs, Finance, Mining and Energy, Environment and also Defence. This shows progress in fields normally controlled by men. However, in other ministries, the 30 percent quota is barely complied with. See Chart No. 3.

WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION



Chart No. 3. Percentage of women in upper management in ministries

| EXECUTIVE BRANCH ENTITIES | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | NO. OF WOMEN MINISTERS |
|---|------|------|------|------|------|------|------|------------------------|
| Ministers | 42 | 42 | 47 | 47 | 48 | 49 | 49 | |
| Interior and Justice* | | 33 | 35 | 50 | 42 | 55 | 61 | 0 |
| Foreign Affairs | 31 | 34 | 40 | 66 | 76 | 73 | ** | 3 |
| Finance and Public Credit | 41 | 47 | 48 | 43 | 44 | 50 | 50 | 0 |
| Agriculture and Development | 18 | 36 | 55 | 50 | 38 | 31 | 31 | 0 |
| Social Protection | 40 | 38 | 46 | 50 | 53 | 49 | 49 | 0 |
| Mining and Energy | 14 | 56 | 44 | 38 | 38 | 50 | 50 | 0 |
| Commerce, Industry and Tourism | 55 | 19 | 19 | 23 | 30 | 30 | 33 | 1 |
| Environment | 20 | 54 | 36 | 33 | 29 | 44 | 44 | 2 |
| National Education | 38 | 76 | 78 | 78 | 82 | 83 | 79 | 2 |
| Information Technology and Communications | 60 | 62 | 50 | 50 | 58 | 54 | 50 | 3 |
| Transportation | 21 | 23 | 29 | 32 | 23 | 33 | 33 | 0 |
| Culture | 78 | 91 | 92 | 91 | 67 | 50 | 64 | 2 |
| National Defence | ** | 29 | 31 | 29 | 29 | 30 | 36 | 1 |

Source: DAFP Reports.

* This Ministry, through its administrative reform merged the Ministries of Interior, Justice and Law. Information from each of them is 42 percent and 51 percent, respectively in 2004. The Ministries of Justice and Interior are divided again this year.

** Information not presented.

*** 2000-2008 AECID (2009).²³

²³ AECID. Technical Study on the Balance of the Enforcement of Law 581.



WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

Gender gap in education levels of women and men

By education level, there are some differences by gender. Women show higher education levels in terms of professional studies, specialization and masters degrees, whilst more men have completed high school studies. See Chart No.4.

Chart No. 4. Distribution of employment by gender and education level, 2011

| EDUCATION LEVEL | WOMEN % | MEN % | TOTAL % |
|--------------------------|--------------|--------------|--------------|
| Elementary | 3.2 | 3.6 | 3.4 |
| High School | 26.4 | 44.5 | 35.7 |
| Technical - Professional | 4.4 | 2.7 | 3.5 |
| Technology | 4.1 | 4.2 | 4.1 |
| Professional | 25.7 | 23.7 | 24.7 |
| Specialization | 18.3 | 12.7 | 15.5 |
| Master's Degree | 2.4 | 2.2 | 2.3 |
| Doctorate | 0.09 | 0.11 | 0.1 |
| N/A | 15.5 | 6.2 | 10.7 |
| TOTAL | 100.0 | 100.0 | 100.0 |

Source: Calculation made by author according to Department of Public Administration (DAFP) data.

Looking specifically at upper management levels, a study by the Spanish Agency for International Cooperation found that women holding upper public management positions in the executive branch are professionals.²⁴ At national level, 99 percent of the women have post-graduate studies. At subnational level, 88 percent are professionals and in the municipalities, 78 percent.^{25 26}

Findings in the same study show the professions of the women are as follows: Law, 52 percent, Economy, 11 percent, Business Management, 11 percent, Engineering, 10 percent, Social Sciences, 2 percent, Social Communication, 4 percent and other professional careers, 8 percent. (AECID 2009: 139). This shows that the lack of access of Colombian women to the public administration is not due to a lack of education. This in turn indicates that the problem is more one of accessing these positions.

24 AECID. Technical Study on the Balance of the Enforcement of Law 581. 2009.

25 This refers to Departmental and Municipal Secretaries. The AECID (2009) study reviews those holding such positions at the time of the study.

26 The AECID (2009) study takes a sample in two cities by department, including the capital city.



Gender gap in contract type

A study in 2008 by Moreno and Rodríguez found that there is considerable inequality in fixed-term or temporary work contracts.²⁷ The study found salary gaps ranging from 14 percent to 30 percent in favour of men. The authors use the city of Bogotá as a reference. In the surveyed institutions, they found that 71 percent of contracts were held by women and 29 percent were held by men. In terms of temporary work, 60 percent women and 40 percent of provisional contracts are held by men. It is important to observe this situation more because, given low mobility and minimal opportunity to develop administrative careers, this one of the sole opportunities for contracting women.²⁸

When comparing salaries between men and women, clear gender gaps by sector were found resulting from contracting modalities and location scales for women. Men participate more in upper management positions and women in welfare and technical jobs.²⁹

Women's representation in high-level positions in Colombia

In general terms, most high-level public administration positions are held by men. In 2010, 38 percent of upper management positions were occupied by women, while 62 percent were occupied by men, with differences in the different branches of public power. In the executive branch, women accounted for 40 percent of upper management positions, while in the legislative branch it was 25 percent and in the judicial branch, 26 percent.

Although figures have increased as a result of the Quota Law, this increase has not been significant if one considers the situation 29 years ago. In 1981, participation in the executive branch was 72 percent for men and 28 percent for women (this means a 10 percentage point increase for women's participation).

27 Moreno, Denisse; Rodríguez, Ivonne. Report on Salary Equality and Labour Conditions of Women in Colombia. International Public Services. 2008.

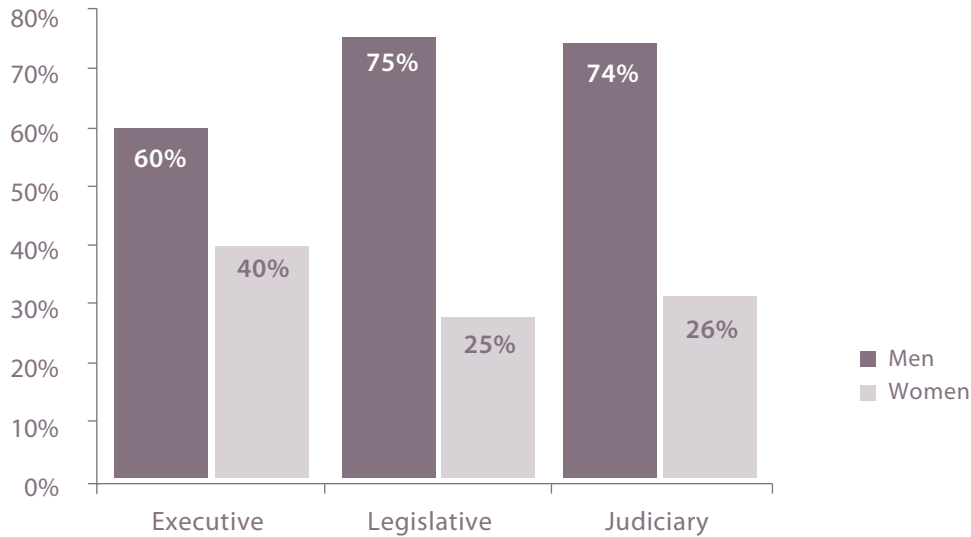
28 Moreno, Denisse; Rodríguez, Ivonne. Report on Salary Equality and Labour Conditions of Women in Colombia, p. 39. International Public Services. 2008.

29 Ibid.



WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

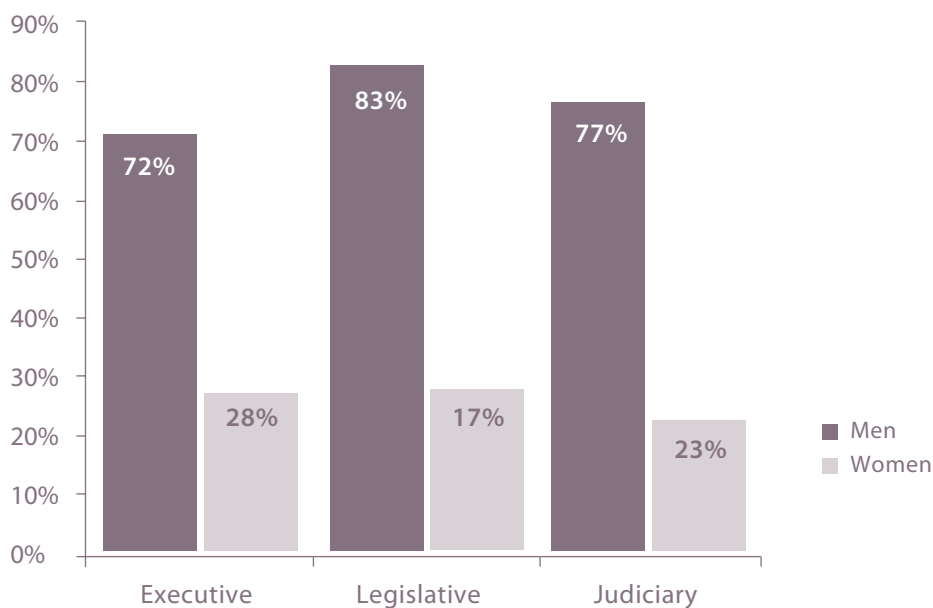
Chart No. 5. Women's participation in public management positions in the Executive, Legislative and the Judiciary, 2010



Source: Author's calculations based on information provided by the DAFP.

The chart below shows the situation in 1981.

Chart No. 6. Participation in public management positions in the Executive, Legislative and the Judiciary, 1981



Source: Author's calculations based on information provided by the DAFP.



The executive branch of government has seen the greatest increase in women's participation in upper management and this is also the branch of government that has applied a quota for women's participation. From 2006 to 2010, there is a sustained increase in women's participation. In 2003, the percentage of women holding upper management positions was 35.6 percent and by 2010 this had risen to 40 percent. See Chart No. 7.

Chart No. 7. Percentage of women occupying upper management positions in the Executive branch

| NATIONAL LEVEL EXECUTIVE BRANCH | |
|---------------------------------|---------------------------------------|
| YEAR | % WOMEN IN UPPER MANAGEMENT POSITIONS |
| 2003 | 35.6 |
| 2004 | 36.3 |
| 2005 | 34.7 |
| 2006 | 34.5 |
| 2007 | 35.1 |
| 2008 | 39.4 |
| 2009 | 40.3 |
| 2010 | 40.0 |

Source: DAFP.

This may be attributed to different factors. On the one hand, reports and data quality has improved, and on the other hand, it may be that the Quota Law is being incorporated into the institutional culture and giving results.

Women's participation at the ministerial level

At the ministerial level, the situation varies from one government term to another: '[I]n 1987 there were no female ministers and the percentage of vice-ministers was only 3.8 percent.'³⁰

In 1998, two women were appointed as Ministers of the Foreign Trade and Communication Ministries, representing 12.5 percent of the total Cabinet. In 2001, after the Law was issued in the Government of the same President that passed it, four women were appointed as Minister of Culture, Mining,

30 Wills, María Emma. *Women and Politics in Colombia (1970-2000): Unsuspected Paths to a Gradual Aperture*, Gutiérrez Francisco (Comp.) 2002. *Degradation or Change: Evolution of the Colombian Public System*. Bogotá. Institute of Political Studies and International Relations of National University of Colombia. 2002.

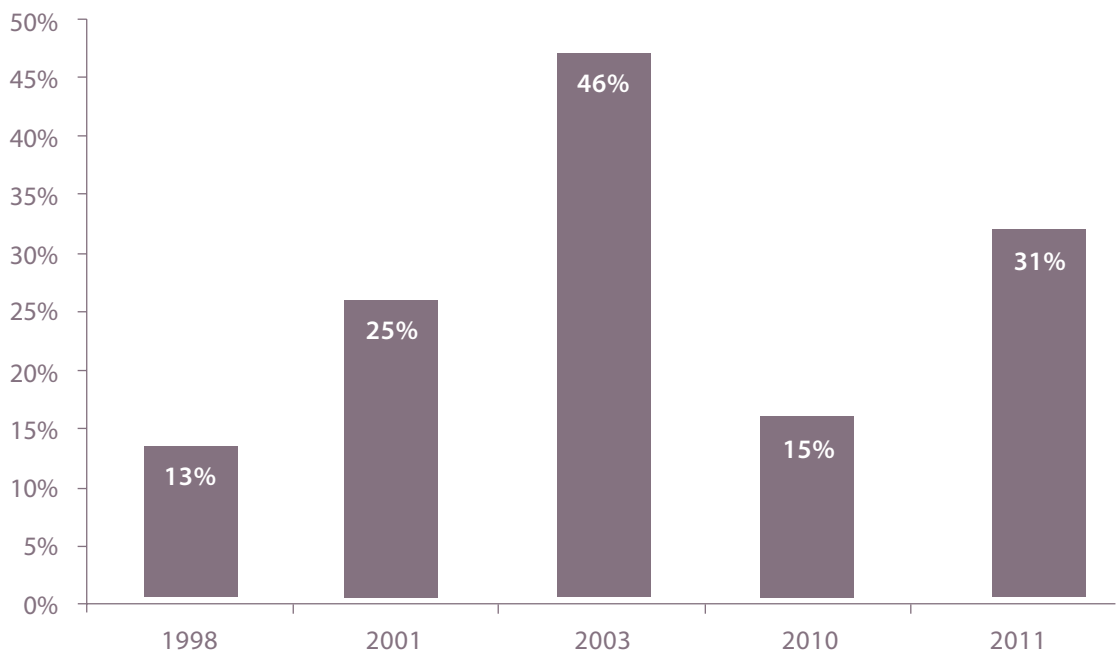


WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

Commerce and Communications. This means that, although women's participation in ministerial positions increased to 25 percent, it was still lower than the minimum 30 percent established by Law.³¹

During Alvaro Uribe's government from 2002 to 2006 and 2006 to 2010, women's participation in ministries at the beginning of his term was 46 percent in six ministries (Foreign Affairs, Defence, Education, Environment, Communications and Culture). By the end of his mandate in 2010, women's representation decreased to 15 percent in the Education and Culture ministries.

Chart No. 8. Participation of women in ministerial positions before and after the Quota Law of 2000



Source: Author's calculation from government websites

The current presidential cabinet complies with the Quota Law: 31 percent are women, working in the ministries of Foreign Affairs, Education, Environment, Development and Culture.

"The first one that should have implemented the Quota Law was President Pastrana, in a cabinet, that a few months after approving the Law, did not reach the quota. This means that the Government passing the law did not enforce it. This caused an initial discredit of the Law..."

Cecilia Barraza, Director of Humanas Corporation (Interview for case study, 2011).

31 Interviews for this case study, 2011.



In general terms, at the ministry level, an increasing trend of female participation in upper management positions is observed, but gender segregation in decision-making positions is evident. After the Quota Law, no woman has been appointed to positions such as Minister of Interior and Justice, Finance, Agriculture and Rural Development, Social Protection, Mining and Transportation. In Colombia, no woman has ever been appointed as Minister of Finance or managed the Bank of the Republic and only three women have been appointed as directors of the National Planning Department. It can be said that these decision-making spaces are masculine.

In terms of which positions have been occupied before the Quota Law, Cecilia López was Minister of Agriculture from 1996 to 1997 and Minister of the Environment from 1994 to 1996, María Mercedes Cuellar was Vice-Minister of Finance between 1986 and 1990) and Minister of Economic Development in 1990. She was also the first woman to be part of the Board of Directors of the Bank of the Republic.

Profile and pathways of women leaders

François Serres shows that those who have governed the country at the ministerial level are members of an economic and political elite that have been able to study in expensive Colombian universities (with few exceptions) and in prestigious universities abroad. This same research shows that a technical elite has also been formed, occupying over several decades the key finance and management positions. This has resulted in a certain independence with regards to political management by the government in office, which has generated the phrase “the country goes wrong, but the economy goes well”. According to the author, this is evidence of the fact that managerial careers only work in the case of low-level positions, whereas upper management positions show high levels of politicization in appointments. For this reason, the general opinion is that there really is not much difference between the two.

‘In spite of the fact that in Colombia a true administrative career does not exist (or in any case, it is limited to less important positions), the embryo of a meritocracy does exist. In other words, several groups of high-level managers have been formed, having been appointed more according to their capabilities than their political support, who have acquired a certain degree of autonomy with respect to politicians and the economic oligarchy, as well as a certain degree of sustainability. Although they do not have the labour stability guarantees that their European counterparts have, it is proven that they reappear and that the same individuals are found in different government terms [...]’ (Serres, 2005).

This monopoly exercised by economic technocrats in some strategic entities such as the Ministry of Finance, the Bank of the Republic and the National Planning Department, added to the fact that for several years there has been a tacit consensus of politicians to leave a certain autonomy to those entities, is without doubt what has allowed Colombia to maintain stable economic policies - for so many years the paradox of a country with a difficult public order situation co-existing with a good economic situation. On the other hand, the degree of professionalism of the upper management in the public administration continues to be very poor.³²

If the current presidential cabinet is analysed, women work as Ministers of Foreign Affairs, Education, Environment and Development, and culture. In terms of Vice-Ministers, women’s participation is 30

32 Ibid.



WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

percent, working in the Ministries of Foreign Affairs (2), Defence (1), Social Protection (1), Environment (1), Communications (1), Transportation (1), and Culture (1), but there no women Vice-Ministers of the Interior and Justice, Finance, Mining, Agriculture, Education and Commerce.³³

Degree of compliance with the Quota Law in administrative and other public entities

The Administrative Departments with greater women's representation in the Department of Public Administration (entity in charge of the Quota Law follow-up), the Administrative Department of the Presidency of Colombia, and the National Planning Department. This last entity has been increasing the figures for women's participation in upper management positions and has the mandate of a supra-ministry because it is in charge of coordinating and formulating public policies. It has also been in charge of the follow-up of national and territorial public investments. Few women have worked as directors (María Mercedes Cuellar López in 1982, Cecilia López in 1997, and Carolina Rentería in 2006).

The entities that consistently do not meet the Quota Law standards are the DAS (Security Administrative Department, in charge of intelligence and security services), DANE (in charge of providing official statistics), and Dansocial (entity in charge of regulating the cooperative system of Colombia). See Chart No. 9.

Chart No. 9. Percentage of women in upper management positions in Administrative Departments

| EXECUTIVE BRANCH ENTITIES | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|---|-------|-------|------|------|------|-------|-------|
| Administrative Departments | 26.97 | 29.44 | 25 | 28 | 30 | 31,36 | 30,59 |
| Administrative Department of the Presidency of the Republic | 67 | 57 | 35 | 40 | 44 | 44 | 46 |
| Administrative Security Department - DAS | 19 | 9 | 11 | 15 | 14 | 11 | 13 |
| National Administrative Department of Statistics - DANE | 26 | 41 | 41 | 29 | 27 | 25 | 20 |
| Administrative Department of National Planning - DNP | 32 | 33 | 39 | 44 | 49 | 46 | 42 |

³³ Calculations by the author, according to web page information of the consulted entities as of July 2011.



| | | | | | | | |
|---|----|----|----|----|----|----|----|
| Department of Public Administration – DAFP | 50 | 14 | 14 | 38 | 50 | 71 | 62 |
| Administrative Department of Solidary Economy – DANSOCIAL | 33 | 0 | 0 | 0 | 20 | 20 | 20 |
| Administrative Department of Science, Technology and Innovation | ** | ** | ** | ** | ** | 45 | 36 |

Source: DAFP Reports. ** Information was not provided.

Oversight organizations and their compliance with the Quota Law

In general terms, all oversight organizations are in compliance with the Quota Law – an important finding as their failure to comply would send very negative signals. The highest percentages of women in upper management are in the National General Audit office.

Chart No. 10. Percentage of women in upper management positions in oversight organizations

| OVERSIGHT ORGANIZATIONS | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|------------------------------------|------|------|------|------|------|------|------|
| National Attorney General's Office | 44 | 42 | 45 | 41 | 43 | 34 | 34 |
| Comptroller's General Office | 32 | 36 | 39 | 35 | 32 | 35 | 34 |
| National General Audit | 38 | 40 | 40 | 40 | 53 | 45 | 45 |
| People's Advocacy | ** | 43 | 45 | 44 | 48 | 35 | 35 |

Source: DAFP. ** Information was not provided.

In terms of heads of these entities, the findings of Fuentes' (2007) research are confirmed in Bogotá, since all these entities have been managed by men with one exception. Since the designation of such positions goes through Congress, the political element is at least as important as meritocracy.

The selection of the heads of the National Attorney General's Office, and Auditor General's Office, are not covered by the Quota Law. Instead, the candidate(s) is (are) presented by the Supreme Court of Justice, the presidency, and the final election is the responsibility of the Senate. A woman was elected for the first time using this system.



WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

Electoral organizations and compliance with the Quota Law

The National Civil Registration Office complies with the Quota Law. From 1945 to this date, three women have been appointed as National Registrars; the first two in 1998 and 1999, and the third one from 2002 to 2006. The Registrar is appointed by Congress with approval of the Supreme Court of Justice. See Chart No. 11.

Chart No. 11. Percentage of women in upper management positions in the Civil Registration Office

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|------------------------------------|------|------|------|------|------|------|------|
| National Civil Registration Office | 20 | 32 | 38 | 37 | 37 | 35 | 36 |

Source: DAFP.

Other executive branch entities have a high degree of compliance with almost all of the provisions of the Quota Law. See Chart No. 12.

Chart No. 12. Percentage of women in other Executive branch entities

| OTHER ENTITIES | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|---|------|------|------|------|----------|------|------|
| Public Establishments | 33 | 37 | 32 | 30 | 33 | 35 | 35 |
| State Social Enterprises | 38 | 28 | 33 | 38 | 22 | 38 | 40 |
| Special Administrative Units | 50 | 23 | 24 | 24 | 30 | 33 | 32 |
| Mixed Economy Corporations | 42 | ** | 38 | 39 | 43 | 43 | 43 |
| Public Share Corporations | ** | ** | 20 | 50 | 56 | ** | ** |
| Industrial and Commercial State Enterprises | ** | ** | 38 | 33 | ** 37 | 34 | 36 |
| Public Corporations | ** | ** | 50 | 100 | 56 | 50 | 60 |
| Unique Nature Entity | ** | ** | 0 | 0 | 50 | 100 | 100 |
| Special Nature Entity | ** | ** | 64 | 54 | 50 | 50 | |

Source: DAFP Reports. ** Information was not provided.



The situation is somewhat different in autonomous universities including public universities, which barely comply with Quota Law provisions. However, there has been some improvement in women's participation in upper management positions during the previous years. Universities with the highest women's participation in 2010 are Colegio Mayor de Cundinamarca (a women's university), Distance Universidad, Popular University of Cesar and Chocó University, with participation exceeding 40 percent.

Subnational level

At the subnational level there is significant variation between administrations. The five subnational administrations with higher populations (Antioquia, Valle del Cauca, Cundinamarca, Atlántico and Santander) do not meet the Quota Law standards from 2010. However, administrations with smaller populations, such as Arauca and Guaviare, have extremely high women's participation (71 percent and 50 percent, respectively). See Chart No. 13.

Chart No. 13. Percentage of women in upper public management positions at subnational government level

| NO. | DEPARTMENT GOVERNMENT | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | DEPARTMENT POSITION BY POPULATION SIZE |
|-----|-----------------------|------|------|------|------|------|------|--|
| 1 | Amazonas | ** | 14 | 25 | ** | ** | ** | 29 |
| 2 | Antioquia | 35 | 37 | 41 | 33 | 30 | 30 | 1 |
| 3 | Arauca | ** | 38 | 38 | 53 | 63 | 71 | 26 |
| 4 | Atlántico | ** | 26 | 23 | ** | 26 | 25 | 4 |
| 5 | Bolívar | ** | ** | 33 | 40 | 36 | 36 | 6 |
| 6 | Boyacá | ** | 31 | 35 | 31 | 28 | 31 | 11 |
| 7 | Caldas | ** | 36 | 33 | 29 | 29 | 29 | 15 |
| 8 | Caquetá | 25 | 20 | 27 | 20 | 33 | 36 | 23 |
| 9 | Casanare | 23 | 37 | 43 | 39 | 35 | 37 | 25 |
| 10 | Cauca | 30 | 14 | 0 | 36 | 29 | | 10 |
| 11 | Cesar | 25 | 22 | 9 | 27 | 40 | 40 | 16 |
| 12 | Córdoba | ** | 35 | 35 | 68 | 63 | 67 | 8 |
| 13 | Cundinamarca | ** | 37 | 39 | 37 | 38 | 36 | 3 |



WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

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|----|--------------------|-----------|-----------|-----------|-----------|-----------|-----------|----|
| 14 | Chocó | ** | 25 | 25 | 63 | ** | 0 | 22 |
| 15 | Guainía | ** | ** | 20 | ** | ** | ** | 32 |
| 16 | Guajira | ** | 25 | 25 | 38 | ** | 38 | 20 |
| 17 | Guaviare | ** | 20 | 31 | 19 | ** | 50 | 27 |
| 18 | Huila | ** | 18 | 37 | 18 | 33 | 56 | 14 |
| 19 | Magdalena | ** | 25 | 29 | 44 | 25 | 31 | 13 |
| 20 | Meta | 15 | 43 | 42 | 44 | 51 | 50 | 18 |
| 21 | Nariño | 38 | 39 | 39 | 44 | 44 | 36 | 12 |
| 22 | Norte de Santander | 25 | 14 | 15 | 22 | 30 | 35 | 7 |
| 23 | Putumayo | 43 | 44 | 33 | 38 | 50 | 22 | 24 |
| 24 | Quindío | 39 | 40 | 40 | ** | 39 | 35 | 21 |
| 25 | Risaralda | ** | 40 | 43 | 37 | 36 | 31 | 17 |
| 26 | San Andrés | 42 | ** | 38 | 40 | 39 | 29 | 28 |
| 27 | Santander | 40 | 42 | 42 | 27 | 30 | 27 | 5 |
| 28 | Sucre | ** | 27 | 30 | 36 | 46 | 33 | 19 |
| 29 | Tolima | 44 | 40 | 41 | 56 | 44 | 45 | 9 |
| 30 | Valle del Cauca | 47 | 53 | 53 | 38 | 34 | 43 | 2 |
| 31 | Vaupés | ** | 38 | 25 | 25 | 13 | 25 | 31 |
| 32 | Vichada | ** | 0 | 33 | 29 | 33 | 20 | 30 |
| | TOTAL | 36 | 35 | 37 | 38 | 37 | 37 | |

Source: DAFP Reports. ** Information was not provided.

Note: The order goes from highest to lowest, where Antioquia is the department with the highest population number, while Guainia has the lowest population.



Arauca's case is notable because, during the period in which data is available, women's participation was well above 30 percent. It is important to note that women's participation in such positions at the subnational level is determined by political relations with the government authority in office – in this case, the governor. This appears to be easier for women when populations are smaller.

In terms of municipal governments in cities, in 2010 five of them show averages lower than those established by law. The cities are Manizales (which historically shows low averages), Puerto Carreño, Cúcuta, San José del Guaviare, and Cali. Although the election of governors and city mayors is independent, in some cases the representation patterns coincide in being below the average established by law, both in the city as well as in departmental governments. This is the case of Manizales (capital city) and Caldas (department). In both cases, women's participation in upper management positions is low during the analyzed period. The same is the case for Puerto Carreño and Vichada.

The participation of women in upper public management positions in the five main cities of Colombia (Bogotá, Medellín, Barranquilla, Cartagena, Bucaramanga and Cali) is high, except in the city of Cali. See Chart No. 14.

Chart No. 14. Percentage of women in upper public management positions – municipal governments in capital cities

| NO. | CITIES/DEPARTMENT | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|-----|---------------------------|------|------|------|------|------|------|
| 1 | Bogotá D.C.* | 41 | 37 | 57 | 50 | 52 | 57 |
| 2 | Arauca/Arauca | 33 | ** | ** | ** | ** | ** |
| 3 | Armenia/Quindío | 73 | 77 | 80 | 59 | 64 | 65 |
| 4 | Barranquilla/Atlántico | 30 | ** | 38 | 33 | ** | 46 |
| 5 | Bucaramanga/ Santander | 44 | 53 | 56 | 58 | 47 | 42 |
| 6 | Cartagena D.T/Bolívar | ** | ** | 41 | 43 | 43 | 44 |
| 7 | Florencia/Caquetá | 29 | 44 | 44 | 50 | ** | 52 |
| 8 | Ibagué/Tolima | 32 | 34 | 41 | 37 | 39 | 40 |
| 9 | Inírida/Guainía | ** | 43 | 43 | 67 | 60 | ** |
| 10 | Leticia/Amazonas | ** | 30 | 30 | 44 | 63 | 33 |
| 11 | Manizales/Caldas | 31 | 19 | 19 | 19 | 25 | 22 |
| 12 | Medellín/Antioquia | 27 | 36 | 42 | 53 | 53 | 49 |



WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

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|----|---|-----------|-----------|-----------|-----------|-----------|-----------|
| 13 | Mitú/Vaupés | ** | 29 | 29 | 50 | 50 | ** |
| 14 | Mocoa/Putumayo | ** | ** | 44 | 33 | 33 | 40 |
| 15 | Montería/Córdoba | 25 | ** | 22 | 30 | ** | 38 |
| 16 | Neiva/Huila | ** | 45 | 45 | 36 | 33 | 35 |
| 17 | Pereira/Risaralda | ** | 24 | 30 | 55 | 31 | 31 |
| 18 | Popayán/Cauca | ** | 12 | 14 | 28 | 33 | 33 |
| 19 | Providencia/San Andrés | ** | ** | 14 | 43 | 33 | 43 |
| 20 | Puerto Carreño/Vichada | ** | ** | 50 | 60 | 60 | 20 |
| 21 | Quibdó/Chocó | 50 | 57 | 43 | 14 | ** | 30 |
| 22 | Riohacha/Guajira | ** | 14 | 17 | 50 | 43 | 33 |
| 23 | San José de Cúcuta/ Norte de Santander | 43 | ** | 39 | 33 | 36 | 20 |
| 24 | San José del Guavire/ Guaviare | ** | ** | 38 | 38 | 29 | 25 |
| 25 | San Juan de Pasto/ Nariño | ** | 49 | 50 | 39 | ** | 40 |
| 26 | Santa Marta/Magdalena | ** | ** | 6 | 38 | ** | ** |
| 27 | Santiago de Cali/Valle del Cauca | 44 | 52 | 48 | 30 | 29 | 29 |
| 28 | Sincelejo/Sucre | ** | 38 | 41 | 50 | 22 | 43 |
| 29 | Tunja/Boyacá | 36 | 42 | 39 | 23 | 23 | 33 |
| 30 | Valledupar/Cesar | ** | 23 | 31 | 19 | 20 | 43 |
| 31 | Villavicencio/Meta | ** | ** | 45 | 42 | 45 | 39 |
| 32 | Yopal /Casanare | 13 | ** | ** | ** | 60 | 56 |
| | TOTAL | 40 | 40 | 40 | 42 | 40 | 42 |

Source: DAFP Reports. ** Information was not provided.



As mentioned above, a study by the Spanish Agency for International Cooperation found that out of women holding upper public management positions in the executive branch at the subnational level, 88 percent were professionals and in the municipalities, 78 percent.^{34 35 36}

Women in upper management positions in the City of Bogota, D.C.

Bogotá has more inhabitants than any other department (subnational administration) in the country. Women's participation in upper public management positions began long before passing the Quota Law. Starting during the government of Antanas Mockus in 1995, women have held important positions in public management. In 1995, 34 percent were women. In 1998, under the government of Enrique Peñalosa, women held 48 percent of the positions. In 2001, during Antanas Mockus's second period as city mayor, women's participation reached 61 percent and in 2004, under the Garzon administration, 42 percent (Fuentes 2007).³⁷ The participation of women in the present administration has been approximately 38 percent.

Fuentes's research shows that during this period of time, women not only increased their participation in upper management positions, but also started holding positions that were previously not open to them: 'They began holding positions and roles associated to male roles, such as Government, Finance, Planning, Transit and Transportation, Public Works, and Urban Development offices, among others' (Fuentes and Peña, 2007, p3) This shows gradual changes in the segmentation of typically 'male' or 'female' jobs. After this research, women have held positions in entities such as the Land Registry Office or the energy sector, but there are still entities in which '[m]en continue entrenched in spaces related to the political power at "control organisms" and managing large economic interests, 'commercial, industrial and public service companies' (Fuentes and Peña, 2007, p3).

The situation is different from that in other territories, so that political affiliation was not a factor explaining women's participation in these positions.³⁸ In the city of Bogotá, meritocracy was a decisive factor in appointing people to cabinets.

"The education factor is highly taken into account, but there were also other factors, such as the type of city mayor in office, a focus on meritocracy, and the preference of Mockus, Peñalosa and Garzón for having women in their teams. For Mockus, it was due to his belief in meritocracy. For Peñalosa, it was his trust in traditional concepts of women as being less corrupt, more committed and more reliable. ... Also, because these city mayors are not identified with the different political parties, [...] they are identified as alternative candidates that offer new ways of making policies and visions that question the status quo, with zero patronage, zero corruption, rejection of mafias, and giving importance to the fact that individuals holding such positions have to have wide knowledge of the city or the topics that are being managed". Lya Yaneth Fuentes. Feminist Academic (Interview for case study, 2011)

34 Robledo Silva, Paula. Technical Study on the Balance of the Enforcement of Law 581 of 2000. AECID. 2009.

35 This refers to Departmental and Municipal Secretariats. The study makes an evaluation of those holding such positions at the time of the study.

36 The study takes a sample in two cities by department, including the capital city.

37 Fuentes and Peña. The Women that have Governed Bogota: City, Agendas, and Gender Issues. Lecture. 2007.

38 It is important to look into other cities such as Medellín, for example, where possibly meritocratic criteria prevailed in the conformation of cabinets.



WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

The study by Fuentes (2007) notes that all women holding upper public management positions in the city are professionals, with 79 percent of them having specialization degrees, 25 percent masters degrees and 1.6 percent doctorates. The main professional careers are law and legal sciences, 34 percent, economic sciences, 19 percent, social and human sciences, 15 percent, education and teaching, 8.5 percent and engineering, 7.8 percent.³⁹

In the present term, the city Mayor Samuel Moreno appointed 50 percent women to local management whilst also lowering female participation in upper public management positions. Although in this administration there has not been continuity in all upper management jobs due to different types of conflicts, Bogotá's cabinet has had the participation of women in key positions such as, economic development (2 women, 1 man), finance (2 men, 1 woman), planning (2 women, 1 man), social integration (2 women), culture (1 woman), habitat (2 women), health (2 men), education (3 men), mobility (2 men), environment (2 men), general (1 man), private (1 woman).⁴⁰ In all control organs, except in the District Inspector's Office (Veeduría), key positions are held by men. The energy company is chaired by a woman.

Experience in municipal governments

Major Lucho Garzón (2004-2008) appointed 20 women as local city mayors using the ternary system, where three candidates are proposed.⁴¹ This generated debate as to whether this was a populist measure or whether he was really advocating for gender equality. Under his administration a woman was appointed for the first time as advisor for gender. She initially participated in the government councils and consolidated an advisory office for gender equality in public policies, formulated an equal opportunities plan, and started the strengthening process in local administrations.

Local city mayors are appointed through a ternary system presented to Bogotá's Mayor by the Local Management Councils. Up to that moment, compliance with Law 581 (which states that at least one of the three members must be a woman) was not enforced. When Major Lucho Garzon required a woman in the proposed three-member teams, there were two locations that refused to do it, until the Cundinamarca Court ruled this as being mandatory, generating a legal precedent in the city.

This experience is proof that the Quota Law has not only opened up opportunities for women to access upper public management positions as cabinet members of the Mayor of Bogotá, but that it has really turned into a window of opportunity for women to exercise local power. One of the women was appointed as Secretary of Social Integration during the following administration, another one was candidate during the past parliamentary elections and is currently a candidate to be elected as city councilor. This experience of the city of Bogotá being governed by women has not been sufficiently

39 From a sample of 567 women officers, including first and second management levels, as well as advisors.

40 The elected city mayor, Samuel Moreno, and some officers related to the Urban Development Institute (entity in charge of large infrastructure works) and even the city's Comptroller have been involved in a large corruption scandal. For that reason, the Attorney General and the Prosecutor's Offices are making investigations. For that reason, Major Morena was suspended from his position and him and some of his officers are detained.

41 Bogotá is administratively divided into 20 locations. Each location is managed by a local male or female mayor. This person is appointed by Bogotá's mayor, out of three candidates presented by the Local Management Councils.



assessed and requires deeper analysis as stated by Juanita Barreto (former Director of the Women and Gender Office, Bogotá municipal government, during interview for case study, 2011). However, popular opinion is their impact has been positive.

A topic that requires a deeper analysis in other cities and departments is the profile of women that have held upper public management positions.

Legislative branch of government

Although in the legislative branch people are elected to occupy Senate and Chamber of Representatives' seats, there are certain upper management positions in the administration that fall under the scope of the Quota Law. This Law has never been complied with in the Senate and in the Chamber of Representatives, it has not been complied with in the last two years. This leaves a pessimistic feeling because if that is where laws are written, it should be the first place to comply with them.

It would be important to perform a more detailed investigation about the women who have reached Congress. Some of them have excellent resúms, with previous experience in public management and others have their own political influence. Although "a sparrow does not mean summer has arrived", Congress has had the participation of feminist women that have been able to influence the passing of very important laws to enforce women's rights, such as laws addressing violence and the care economy.

Although it is not the object of this study, it is important to mention the low women's representation in popular elected positions, because party membership is a determining factor for holding upper public management positions. In addition, in order to hold upper public management positions through the ternary system, almost all go through Congress. This is an interesting topic to be analysed with the Gender Legal Committee in Congress.

Women in Congress can play an important role in increasing participation of women in senior posts in public administration through pressing for the full implementation of the Quota Law in each of the public institutions, the action of supervisory bodies responsible for monitoring and in the development of those parts of the law that have not been implemented.

Judicial branch

In the judicial branch, the only positions subject to the Quota Law are those of free appointment and removal of the Attorney General's Office and the Legal Medicine and Forensic Sciences National Institute. (These positions are explained later in the report). In the latter, non-compliance during almost the entire study period is evident, with very low participation of women in upper management. In the Attorney General's Office, figures vary from one year to another, with averages barely reaching 31 percent in the Attorney General's Office and 18 percent at the Legal Medicine and Forensic Sciences National Institute. See Chart No. 15.



WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

Chart No. 15. Percentage of women in upper management positions in the Judicial branch

| ENTITIES IN THE JUDICIAL BRANCH | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|---|------|------|------|------|------|------|------|
| Attorney General's Office of Colombia | 47 | ** | 24 | 30 | 31 | 27 | 31 |
| Legal Medicine and Forensic Sciences National Institute | 50 | ** | 13 | 14 | 16 | 14 | 18 |

Source: DAFP Reports. ** Information was not provided.

The presence of women in high courts should be more visible since their appointment is regulated by the ternary system, but this is not so.

From November 1991, only two women have worked as magistrates in the Constitutional Court of Colombia. The first is Clara Inés Vargas Hernández, who was in office since March 2001 to February 2009, and the second is María Victoria Calle Correa, who has been in office since 2009. The election term is eight years. In other words, women's participation in these positions during the 1990s was 0 percent and 11 percent in later periods. Considering that the final election is made by the Congress, it seems clear that political factors are also very important.

In the Supreme Court of Justice only three out of 23 magistrates are women. In other words, only 13 percent of them are women. In this case, the election is also for an eight-year term and the list of candidates is delivered by the Superior Court for the judiciary. It is subdivided into three chambers – women are present in all of them but none of them act as presidents.

In the Superior Court for the Judiciary only two out of 13 magistrates are women. In other words, only 15 percent of them are women. The court is subdivided into the Administrative Chamber, comprising six men (two of whom are elected by the Supreme Court, one by the Constitutional Court, and three by the State Council) and the Disciplinary Chamber comprises five men and two women. None of the women act as presidents, who are elected by Congress.

In the State Council, women's participation is higher: 11 out of 31, which represents 35 percent. In 31 years of history, only two women have been appointed as presidents of the State Council: one in 1991 and the other one in 1998. Candidates are elected from a list presented by the Superior Council for the judiciary.

This information is complemented by findings in the executive branch and we see that the justice sector has also been closed to women. It is also evident that a key bottleneck is the political factor (lobbying, political party membership, sponsorships, etc.). Having an excellent resume is not enough to compete since the decision is made considering other criteria. This aspect also requires deeper analysis.



"The problem there has been is that when the different institutions have presented the three-team members, it is not guaranteed that these will include at least one woman and two men. This was the case of the high courts. If there were three men left at the moment of the election, tough luck for women. What is guaranteed in the three member groups is having two men and a woman, but we have not seen the recognition of groups formed by two women and a man. That has not happened...compliance is reached on the lower side." Cecilia Barraza, Director of Humanas Corporation (interview for this case study, 2011).

In spite of this, it is important to highlight a positive impact of the Quota Law on the ternary system, by which a woman, for the first time in Colombian history, has been appointed Attorney General.

A regional study by Humanas Corporation regarding appointment and promotion mechanisms at the high courts is interesting:

'The appointment and promotion processes in all countries combine meritocracy with political aspects, as the Executive and Legislative branches play a fundamental role at the time of making appointments. This implies that issues, such as party membership and the characteristics of the government in office, are crucial in determining appointments. This is also the case for Colombia and Argentina...Undoubtedly, this represents a disadvantage for nominated women if, as in most cases, they have less political experience than the nominated men. They are also less known by the public, and this is taken into consideration at the moment of appointing people.'⁴²

42 HUMANAS Corporation Equal merit, unequal opportunities: women's access to justice systems. Study on Argentina, Bolivia, Colombia, Chile, Ecuador, Peru. Humanas Corporation. 2007



POLICY REVIEW AND IMPLEMENTATION ISSUES

This section examines the main policies and legislation relating to gender equality in the public administration, with a focus on the Quota Law.

GENDER EQUALITY LEGISLATION

International and regional gender policy

Colombia has acknowledged a number of international women's rights commitments and incorporated them into national law. For instance, Law 51 of 1981 approved the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), and Law 248 of 1995 approved the Inter-American Agreement to Prevent, Sanction and Eradicate Violence Against Women, subscribed in Belem Do Pará, Brazil, in 1994.

The more recent Brasilia Consensus (June 2010) calls on member countries to prioritize women in leadership including in the executive arm of government:

- (to) 'promote and enforce equality-in-employment legislation which eliminates discrimination and asymmetries of gender, race, ethnicity and sexual orientation in access to the labour market and employment continuity, in decision-making and in the distribution of remuneration; establishes mechanisms for the filing of complaints; and provides for the sanctioning of sexual and other forms of harassment in the workplace (section 1g)
- To encourage and strengthen the adoption of systems to oversee and promote gender equity in the public and private sectors, with a view to non-discrimination in employment, the reconciliation of professional, private and family life, and the prevention and elimination of all forms of gender violence in the workplace, especially sexual and other forms of harassment' (section 1o)
- Broaden the participation of women in decision-making and the exercise of power
- To increase and enhance opportunities for the equal participation of women in making and implementing policies in all spheres of public authority (section 3b)
- To adopt all necessary measures, including amending legislation and adopting affirmative policies, to ensure parity, inclusion and alternation of power, in the three branches of government, in special and autonomous regimes, at the national and local levels and in private institutions, in order to reinforce the democracies of Latin America and the Caribbean from an ethnic and racial point of view" (section 3b).⁴³

The entity responsible for gender policies in Colombia has been fragile and matches the importance and commitment that each of the governments attached to this topic. The period in which this was most relevant was 1990 – 1994, when the new political constitution was issued. Responsibility for gender equality was placed with a National Directorate for Women's Equality, an autonomous entity

43 See English version at: http://www.eclac.cl/mujer/noticias/paginas/6/40236/ConsensoBrasilia_ING.pdf accessed May 2012



assigned to the Presidency.⁴⁴ During Pastrana’s presidential period from 1998–2002, this capacity was removed, converting it into a Presidential Office for Council with a low budget and lacking financial autonomy. The present government from 2010 to 2014, gives it the greater capacity of a High Presidential Council Office and in its development plan, it commits to the creation of a policy for women and gender equality, which is currently being prepared through a participative process.

Law 823 of 2003 provides standards for women’s equal opportunities but it is the Quota Law that has had the most impact on women’s participation in decision-making.

PUBLIC ADMINISTRATION LEGISLATION AND POLICY

Law 581 (2000), the ‘Quota Law’

The main relevant legislation is Law 581 of 2000, better known as the Quota Law. It aims to ensure female participation in upper public administration positions.

This Law establishes the following for the different public management branches and organizations:

- At least 30 percent of the top decision-making positions will be occupied by women.
- At least 30 percent of the other decision-making level positions will be performed by women. (Article 4)

The Law defines as top decision-making level positions the top posts in the three branches of the public sector at national, department, regional, district and municipal levels. (Article 2)

As regards other decision-making positions the Law establishes these as positions corresponding to ‘free appointment and removal’ positions in the executive branch, for administrative personnel of the legislative branch, and the other public management organizations responsible for the formulation, planning, coordination, execution and oversight of state actions and policies, at the national, departmental, regional, provincial, district and municipal levels. These include ‘free appointment and removal’ positions of the judicial branch. (Article 3)

Some of the parameters that the Law establishes are as follows:

- The Law establishes positions in the administrative, judicial or other special careers as exceptions. For these, joining, remaining and being promoted is exclusively based on merit. The same applies to the provision of election positions and those obtained through the ternary or list systems. (Article 5)
- In the ternary system, the Law establishes that at least one woman must be included. It also indicates that in the list system, men and women shall be included in equal proportion. (Article 6)

44 The entity responsible for gender equality issues in the country before 1990 used to develop policies related with family issues, childhood and adolescents. After the new constitution was created, an entity solely to develop policies on gender equity called National Directorate for Women’s Equality came into being. During its short life, it had economic independence and developed important national projects, but later its budget was cut, it lost its financial autonomy and it is now called the High Presidential Office for the Equality of Women, reporting directly to president.



- The Law establishes that an equal number of men and women shall participate in the examination process. (Article 7) That work opportunities be disclosed to institutions of higher education, this being a task delegated to the Public Management Department. (Article 8) It also puts the National Directorate for Women's Equality in charge of promoting female participation in the private sector. (Article 9)⁴⁵
- Compliance follow-up is to be carried out by the Department for Public Administration, the State Attorney General and the People Defender's Office. (Articles 12 and 16)
- Law also establishes the inclusion of women in overseas official delegations and committees, as well as ensures women's participation in courses and seminars in different areas. (Article 13)
- The two previous Articles mention guaranteeing compliance with the principle of equal payment for equal work, as well as strengthening civil society working in favour of women's rights. (Articles 14 and 15)
- Sanctions. Non-compliance with provisions in Article 4 will be sanctioned with a suspension from work for maximum 30 days and, in the event that non-compliance continues, removal from the job, as per the disciplinary regime in effect.

How the Quota Law was adopted

In 2000, nine years after the new Political Constitution of Colombia and after several trials, Congress passed Law 581. Thanks to the women's movement in the creation of the new Colombian Political Constitution in 1991, articles on equality rights (Articles 5 and 13) including participation of women in government's decision-making positions (Article 40) were included.⁴⁶ The last paragraph of Article 40 establishes that, 'Authorities must guarantee the adequate and effective participation of women in decision-making positions of public management.'⁴⁷

Taking the above-mentioned Article as reference, a long and difficult process was started and a total of eight related laws were presented. The first one was presented in 1991, right after the new Constitution was approved, and the last one was presented in 1998. Finally, in the year 2000, the Constitutional Court ruled favourably, passing the Law in the month of May 2000, under the government of President Andres Pastrana. Women's organizations had been actively supporting the whole process. Similarly, there was resistance from Congress, which did not promptly debate so that the project would fail, or who did not really observe what was being approved. 'The Law was approved without much knowledge from the male congressmen who approved it. This approval generated great excitement to women from the Senate, which made many of the Congressmen wonder what it was that they had approved, that made women present so happy.'⁴⁸

The women's movement, institutionally represented by the Directorate for Women's Equality, and the congresswomen who pushed through the Quota Law as a 'caucus' formed an "empowerment triangle", as mentioned by Marta Gutiérrez.⁴⁹ It can be said that this became the first exercise of congresswomen's influence toward the adoption of other laws for the benefit of women.

45 Current High Presidential Office for the Equality of Women.

46 Moreno, Zully. *The Quota Law in Colombia; A Political Achievement of Women?* Master's Thesis in Gender Studies. National University of Colombia. School of Gender Studies. 2004.

47 Political Constitution of Colombia. 1991.

48 Moreno, Zully. Quoting the National Women's Network. p.100.

49 León. Op. cit., p. 86.



It did not end there. Debates occurring in the Constitutional Court after the approval by Congress were also intense and became milestones for later rulings on special measures. As stated by León, the Constitution did not refer directly to special measures, but the second paragraph of Article 13 clearly states that, 'The State will encourage the conditions necessary for equality to be real and effective, and will adopt measures in favour of discriminated or marginal groups.'^{50 51} Although the Court was not well informed about this concept, the existence of this Article facilitated the discussion.⁵² Indeed, the concept of special measures is important as CEDAW and the Beijing Platform for Action (1995) mention that these are necessary to accelerate *de facto* equality given women's weaker starting points in many contexts.

The initial objective of the women's movement was to achieve greater political representation – in other words, not limiting the Law exclusively to women's participation in upper management positions. This was because it was very low – by 1990, 'the participation of women was 1 percent in the Senate, 2 percent in the Chamber of Representatives, 2.5 percent in the municipal councils, and 4 percent in city governments.'⁵³ However, arguments for restricting the Law were based on the fact that Constitution establishes that 'the parties are autonomous, that the citizens may constitute them without limitations, and that the State cannot establish demands in relation to the internal organization of the parties and political movements.'⁵⁴ In relation to this, Cecilia Barraza affirms:

"I believe that the first thing that has to be emphasized is the fact that when the Quota Law for Colombia was considered, the idea was to have a Quota Law mainly for elected positions, but due to the Constitution's restrictions, that never progressed and, for that reason, it was only limited to public management. For that reason, this is a *sui generis* law in Latin America. There is no other Quota Law in Latin America that is mentioned, which has these public management characteristics. This is an interesting benchmark." Cecilia Barraza, Director of Humanas Corporation (Interview for this case study, 2011).

Oversight of the Quota Law

The follow-up of Law 581 of 2000 has essentially focussed on Article 4 – in other words, the compliance with 30 percent at decision-making levels. Perhaps that is the reason this Law is known in Colombia as the Quota Law. The other articles are not mentioned in the reports and are not followed up by the different stakeholders involved. This represents a serious gap, as some of the provisions relate to important issues such as women's access to professional development.

The Department of Public Administration has had a systematic follow-up approach since 2004. This Department uses two tools: one for national entities, and another for subnational entities. Follow-up may be complex if the territorial disaggregation increases. Also, since no entity was in charge of disseminating the standard, it has become difficult to ensure wide knowledge of the Law's contents and the fact that it is mandatory. This is a task that has been adopted by this entity.

50 León op. cit., p. 70.

51 Political Constitution of Colombia 1991.

52 León, op. cit., p. 67.

53 Moreno, op. cit., p. 85.

54 León op. cit., p. 59.



Reports by this Department clearly indicate which entities have never, or almost never, complied with the Law. Since this report is sent to the Attorney General's Office, it is not understood why sanctions for non-compliance have not been enforced.

The Law also requires this Department to disclose all work opportunities at institutions of higher learning. This has not been complied with. The reasons for this may be related to the Law's own contradictions, since the Department of Public Administration does not manage the existing vacancies. This task is the responsibility of the National Civil Service Commission.

"I have seen that year by year they have increased. The report that was so difficult at the beginning was submitted by between 60 and 100 municipalities. This year, we have had more than 1,000.⁵⁵ The idea this year is to be able to collect more data. [...] At a certain time we had a contact at departmental governments, a person that cooperated with us and was in charge of the follow-up of the municipalities, but it has not been easy, it is information that we send out to all municipalities, by email or certified mail. [...] In the upper management reports, there is a problem that we see and it is the fact that it is not clear for them to establish which are the positions, to which it applies, which are the managerial positions. But now, in the survey we are preparing, we will include the job descriptions in order to make it easier. Starting in 2004, we began to inform the different entities about the Law, but the Attorney General's Office is in charge of ensuring compliance. We are the entity in charge of its dissemination, making sure there is awareness of the Law". Interview with the Employment Director of the Department of Public Administration, Julia Gutiérrez de Piñeres, and with the officer Marianella Bravo Valencia, in charge of the follow-up since 2004.

The Attorney General's Office receives the report from the Department of Public Administration and reports non-compliant entities.⁵⁶ According to the Attorney General's figures, it can be seen that, since 2005, the total number of law non-compliance proceedings has been 112, of which 33 have been filed, two have ruled sanctions, and 60 are in the preliminary investigations (54 of them from 2010, four from 2009, one from 2008 and one from 2005).⁵⁷ These figures appear to be very low in comparison to the non-compliance figures delivered by the Department of Public Administration, both at the national and territorial levels.

Official information prior to 2005 is not available. Weak follow-up of the Law by the Attorney General's Office is evident. There is a lack of the necessary resources to guarantee its efficiency. This represents a serious problem and leaves a strong sense of impunity.

One of the strategies used by the General Attorney's Office is to send bulletins Department of Public Administration. These are sent annually to the national and territorial entities in order to report and stimulate legal compliance.

55 Colombia has 1103 municipalities.

56 For this research, this is the answer by an officer of the Attorney General Delegate Office of Public Management. Recording the interview was not allowed.

57 Letter sent to Dr. Rodrigo Uprime, dated 10 June 2011, obtained from Orlando Anaya, civil servant on July 28.



The High Presidential Council Office for Women's Equality has emphasized follow-up of the Law through the Gender Affairs Observatory, as well as its dissemination and awareness.⁵⁸ However, some opinions hold that it could be much more active, including acknowledging those in compliance with the Law. There has been some criticism that the Council Office's economic fragility and other technical aspects has prevented it from playing a leading role. But other voices state that this is a duty, not only for the Council Office but of the government as a whole.

"...I think that with such a weak Council in technical and political terms, it could not have an impact despite the fact that it would be the responsibility of the Council to follow up on the Law. It seems to me that it is not recognized, respected and valued as an institution that could actually exert some kind of persuasive actions to make others comply with the quota law; I think that they do not care." Lya Yaneth Fuentes, Feminist academic. Cecilia Barraza, Humanas Corporation (Interviews for this case study, 2011).

Despite the criticism it should be noted that some initiatives were undertaken to engage national and territorial entities - as a result, equality agreements were signed, but they have not been followed up. Likewise, in relation to Article 8, in relation to the promotion of equality within the private sector, the Council Office supported the signing of an Agenda for equality at work with business associations in 2009.

"The Council has signed three agreements, one, the national agreement on gender equality for men and women, which is a covenant. I would say that only in the sense that it is committed by the executive branch, the legislative branch, the judicial branch, public educational institutions and organs of control and the private sector, to carry out the gender equality issue as a State policy. [...] The other was a covenant for the effective inclusion of women in politics, signed by all political parties that were active at the time; let us remember that we are moving from 72 parties or movements to 16 political movements and the commitment of the parties was to have a representative of the gender issue within the party, the development of internal strategies to enable women to reach management positions in political parties [...] and the third is the agenda for equality in employment; it is a covenant which was signed in 2009 by 18 presidents of the most important economic sectors of the country, and then during 2010, it was also signed by the inter-organizational committee of Valle del Cauca in full." Martha Lucía Vásquez, Presidential Counselor for Women Equality 2002-2006, 2006-2012 (Interviews for this case study, 2011).

58 During the Presidency of Andres Pastrana from 1998 to 2002, the Directorate of Women's Equality was converted into the Women's Equality Council Office, decreasing its economic and decision-making autonomy.



Role of women's organizations

Once the law was approved, women's organizations played a leading role. The Observatory for Women and Political Participation was created and comprised of 10 women's organizations, including the School of Gender Studies, the Institute of Political Studies and of International Relations of the National University.

Through this Observatory, a monitoring of the Quota Law was carried out during the administration of former president Andrés Pastrana. It was found that the president was failing to comply with the Law, a petition was sent and subsequently a compliance action was established.⁵⁹ These actions were denied through legal arguments until the election of the next president (Moreno, 2004. p134).

The Observatory followed up on compliance with the Law until 2003. One of the reasons that the systematic monitoring of compliance performed by women's organizations ceased was due to the lack of economic resources.

The 2000s shows a worsening of the situation of the armed conflict in the country, which, without doubt, changed the priorities of the women's movement. Despite the fact that the issue of political participation is crucial on the agenda, the war and its implications for the lives of women required greater attention.

"We as SISMA...were able to make a great effort regarding quota follow-up, not at national level, but at local level, in four or five departments, or four territorial entities with IDB resources; nevertheless, this was a situation where we did not find resources very easily to continue working on political participation, which is another factor that drives you to work or not on a specific topic." Claudia Mejia, Sisma Mujer Director (Interviews for this case study, 2011).

Role of the international community

For the agenda of international cooperation, the Quota Law has not been a focus of attention – neither its compliance nor supporting women who come to these decision-making spheres.

UNDP played a very important role in supporting Law 1475 of 2011, which provides that political parties have to include within their lists at least 30 percent of women, through support to the Gender Legal Committee and encouraging women's organizations to be present.

The Spanish Agency for International Cooperation (AECID) supported an assessment of compliance with the Quota Law which highlighted that it varies between the different levels of the public administration.

Gender Legal Committee in Congress

In 2006, a women's caucus was created as a special commission for the gender equality, social, political and labour rights and the mental, sexual and reproductive health of women. The Committee works with women's and international organizations but has not yet focused on the Quota Law.⁶⁰

59 Mechanisms foreseen by law to demand compliance.

60 Management report given by Senator Alexandra Piraquive, president of the Gender Legal Committee in Congress.



Other public administration statutes and policies

Colombia is one of the oldest democracies in Latin America, and has a four-year presidential term, with the possibility of a re-election term. In 1991, in a very participative process, Colombia issued its new Political Constitution, recognizing itself as a social state based on the rule of law, which protects people's basic human rights and recognizes ethnical and racial diversity as well gender equality.^{61 62 63}

With regard to public administration, Colombia's Constitution establishes that public officers must follow a specific Job Description Manual that clearly determines roles and requires all state organizations to establish a career path for staff, except for those positions obtained by popular election, and free appointment and removal.⁶⁴ Access to career-based positions and promotions are to be in compliance with requirements and conditions established by law and be based on the merits and qualifications of candidates.^{65 66}

According to the law, new and potential public employees access positions through open competition every time there is a vacancy. The entity in charge of this process is the Comisión Nacional del Servicio Civil (National Civil Service Commission).⁶⁷ Candidates' experience and education profiles from their resume are evaluated according to position requirements and there is also a subsequent written test and interview. It is worth mentioning that there is very little new employment opportunity in the public sector, in comparison to the high current demand.⁶⁸

Recruitment policy

In Colombia, career path employments may be **definitive** or **transitory**.

A **definitive** post opens when a public position is vacant because it has just been created or because the prior employee has retired. **Transitory** posts are filled in in order to avoid obstruction of institutional work. Definitive career paths can be via ordinary and extraordinary systems. In the ordinary system, the mechanism used is merit-based selection or examinations. This is based on education and experience,

61 In a process known as the National Constituent Assembly, 70 representatives of the country's diversity, indigenous, Afro-Colombians, representatives of insurgent groups demobilized, traditional parties, and others met to write the new constitution. Beatriz Quintero: "Colombian Women and the National Constituent Assembly of 1991 - Participation and Impact." ECLAC. Santa Cruz de la Sierra, 21, 22 and 23 February 2005 International Seminar on "Constitutional Reform and Gender Equity." http://www.eclac.org/mujer/reuniones/Bolivia/Beatriz_Quintero.pdf

62 <http://www.banrep.gov.co/regimen/resoluciones/cp91.pdf>

63 Ibid., Article 1.

64 Even though the constitution stipulates this, there is no specific manual, entities are regulated by Law 909 of 2004 http://www.secretariasenado.gov.co/senado/basedoc/ley/2004/ley_0909_2004.html

65 Ibid., Act 909 of 2004, Article 28, stipulates among other criteria merit, equality and a fair and transparent selection process.

66 Political Constitution of Colombia, Chapter 2, Articles 122 to 127.

67 Confirmed by three members who are selected through public tender, the top three are appointed by the President of the Republic. Law 909 of 2004. Article 9. Currently, no woman holds this position.

68 The public administration, in particular at subnational levels, is almost the only source of formal employment that exists.



qualifications, a test, and an interview. The extraordinary system refers mainly to judicial authorities' decisions to:

- restore the labour rights of employees that have been illegally removed from service
- relocate career path employees that have been forced to leave their work due to violence
- appoint employee to an equivalent job in place of compensation.

There are two modalities for the transitory career paths: by commission and by provisional appointment. Public officers that comply with certain conditions may access such positions. They may be appointed to positions in the career-path employment route, with higher salaries or hierarchy level. Therefore, commission employment represents an incentive for career-path employees since they can keep their links with management and return to their original position whenever the commission ends. Their income can be higher during the commission period.

Provisional appointments are made whenever a career-path employee eligible to be assigned to a vacant job is not on staff. Mobility within the system takes place by examination of merit. In other words, for an employee to be hired in a higher rank position, he or she has to apply to compete for the job under the same conditions as any other candidate.

There are no special measures policies in the public sector to encourage the participation of young people, nor afro-Colombian or indigenous populations and they have to apply under equal conditions. The government has implemented certain initiatives to increase employment opportunities for this population sector, but aimed at the private sector.⁶⁹ The afro-Colombian and indigenous population do not appear in the official data registrations because its design does not include them, hence their participation in public management is not documented.

Positions not subject to the Quota Law

Other public management positions are subject to the appointer's discretion. The Law establishes that public management positions are not subject to the Quota Law.⁷⁰ Article 49 states that professional competence of the candidate remains critical for any appointment. Decree 1601 of 20 May 2005 also establishes the evaluation of managerial competences for free appointment and removal positions.

Temporary employment

The same Law, in its Article 21, establishes the possibility of creating temporary employment. Access to these positions is based on lists of eligible personnel for permanent jobs. However, being appointed does not mean that the name is removed from the lists. In the event these lists cannot be used, an evaluation process of the candidates is carried out.

Entities contract personnel based on this Article, encouraging the existence of parallel payrolls in most of the entities, to the detriment of workers' job security in most cases (unstable labour, low affiliation to unions, salaries below market average, and in some cases, corruption.)⁷¹

69 The last one of these was called "My First Job".

70 Law 909 of 2004, which issues standards to regulate public office positions, the managerial career, public Management, and others. September 23.

71 See: <http://www.transparenciacolombia.org.co/LACORRUPCION/Quehafallado/tabid/102/language/en-US/Default.aspx>



Enabling environment: key laws

Enabling legislation such as on flexible working models, maternity and paternity leaves and co-responsibility in the home are essential to allow capable women of realizing their professional potential. The stories of many senior women show great personal sacrifices compared to men in order to maintain their careers:

“For women in Colombia, assuming responsibility in public administration still means having to choose between your private world that is also political, between your private world and the quality of work you’re going to deliver. I say this because many of my colleagues’ relationships broke down as did mine. [...] two of my colleagues in Congress, women in their forties with children between 15 and 18 years, almost with tears in their eyes told me...I come on Monday, I return on Thursday, I have these two children and of course, my husband has taken on some of the responsibilities. Something is reconfigured in the family, it is very interesting, but we do it feeling guilty.”⁷²

The key laws are the following:

- Law 755 of 2002, also known as Law María, through which parents may have a leave of absence of two weeks to be with their children.
- Law 1257 of 2008, including awareness, prevention and sanction of violence and discrimination against women.
- Law 1468 dated 30 June 2011, extending the maternity leave to 14 weeks.
- Law 1475 of 2011, adopting organizational and operational rules for political parties and electoral processes, making it mandatory to present at least 30 percent of women as candidates to public corporations (city councils, assemblies and management committees).⁷³

Reconciling work and personal life

There is not much data documented on activities in the public sector that allow men and women reconcile their work with their daily activities. In 2010 Law 1413 was passed, ‘through which the inclusion of the care economy in the national accounting system is regulated in order to measure the contribution of women in the economic and social development of the country as a fundamental tool for the definition and implementation of public management policies.’⁷⁴ The purpose of this Law is to support more equal distribution of domestic care responsibilities between men and women and more access to formal work for women.

Out of the different entities surveyed, only one experience was found in the Comptroller General’s Office of the Republic, where they “allow adapting the work schedule for women or men responsible for their

⁷² Interview with Ángela María Robledo, Representative of the Green Party.

⁷³ We cannot be sure that the implementation of this law ensures greater representation of women within the public administration. But one can expect increased participation in political representation. As the political factor is one of the elements that often limit the nomination of women for senior posts in the public administration, this law could be expected over time to increase the number of women in the public administration.

⁷⁴ Law 1413 of 2011.



children's care, starting work earlier and leaving the office at 3 p.m. We want to have a nursery so mothers can work knowing their children are close to them, and well taken care of."⁷⁵

Gender inequality in the private sector

There is a belief that the private sector offers greater opportunities for women to participate in senior management positions, but a study in 2005 shows that this is not so.⁷⁶ Gender inequality is evident also in the private sector. Bulletin No. 12 of the Observatory of Gender Affairs in August 2010 published some results of a study by the Hay Group in 2005 evidencing that upper management positions are dominated by men and that the professional and assistant level positions show a higher concentration of women. The ratio of upper management women is 14 percent and in middle management there is an increase to 32 percent, professionals 43 percent, technical and technological 40 percent, and assistants 46 percent. This study also shows the difference in women's salaries for each of the levels. Women occupying upper and middle management positions earn 10 percent less than men. In the professional sector, this difference represents 8 percent, in technical jobs 6 percent and in assistant jobs, 9 percent.

A regional initiative is in place, supported by the UNDP, but Colombia is not part of this. The initiative covers the public and private sectors and is based on an innovative employer certification system for undertaking gender equality initiatives. The report has many useful recommendations and a similar system could be a possibility for Colombia.⁷⁷

Workplace harassment

There is not much research published on workplace labour and sexual harassment. According to figures provided by the Vice-Minister of Labour Relations, since Law 1010 of 2006 was passed, through which measures are taken to prevent, correct and penalize labour harassment and other bullying within the work relations framework, 2,041 complaints have been filed relating to mistreatment in workplaces. Most of these complaints have been filed by women.⁷⁸

The University of Antioquia published a study in 2004 on this, analysing the health, transportation, finance and surveillance sectors.⁷⁹ It establishes that women were physically attacked more often than men in the health sector. Verbal assaults were made through insults and criticism, showing a similar ratio for men and women, 49 percent vs. 51 percent, respectively. In terms of threats, women were more affected (59.4 percent), with the boss as the most frequent verbal offender. With regards to sexual harassment, differences by gender and sector were found. Men were more harassed in the transportation and surveillance sectors, while in the health and finance sectors women were more harassed, mainly by their bosses and co-workers.

In 2010, the Culture Observatory of the District Secretariat of Bogotá's municipal government carried out a survey of labour harassment, finding that 75 percent of those surveyed have witnessed women being

75 Interview with Sandra Morelli, Comptroller General

76 Bulletin No. 12. The Economic Development of Women, an Unpostponable Reality. Observatory of Gender Affairs. August 2010.

77 Gender Equality in the Workplace, UNDP 2012.

78 The amount is small, given that the total of women in the central administrative area is 39,788.

79 Forms and Consequences of Violence at the Workplace. University of Antioquia/Ministry of Social Protection. 2004.



taunted, 73 percent heard hostile comments against women, 60 percent sexual insinuations, 46 percent witnessed physical aggression, and 43 percent racial discrimination. When asked if they had been victims of any of these situations, 43 percent consider they have had work overload, 24 percent have had sexual insinuations, and 16 percent have faced racial discrimination. Likewise, 88 percent of individuals interviewed consider that labour harassment victims often do not file complaints against their aggressors.⁸⁰

After passage of Law 1010, Law 1257 of 2008 was issued, setting the awareness, prevention and sanction standards for the types of violence and discrimination against women. Article 29 defines sexual harassment as does Article 210 of the Penal Code (2008) as an abusive sexual act. According to Article 210 of the Penal Code this is when anyone 'for his/her own or a third party's benefit, and taking advantage of his/her manifested superiority or authority or relations of power, age, gender, or work, social, familiar or economic positions, physically or verbally harasses, stalks, molests or besieges another person with unaccepted sexual purposes will serve a prison sentence ranging from one to three years.' Improper behaviour especially means that 'for his/her own or a third party's benefit, and taking advantage of his/her manifested superiority or authority or relations of power, age, gender, or work, social, familiar or economic positions, physically or verbally harasses, stalks, molests or besieges another person with unaccepted sexual purposes will serve a prison sentence ranging from one to three years.'

No publications on the enforcement of Law 1010 or Article 28 of Law 1257 were found so this is an important issue to be researched.

Role of UNDP and other international agencies

Although Colombia is a middle-income country, there is a strong presence of international cooperation due to the armed conflict in the country.⁸¹ This conflict also sets the thematic emphasis of cooperation; although many of these aid agencies do crosscutting gender equality work their priorities are in support of peace processes and support of displaced persons.

UN Women is in the process of setting up a national office but still operates as the Peace and Security Programme. Agencies like GIZ or UNDP are working on issues related to strengthening local democracy. UNDP also supports the development of public gender policy but neither work on the participation of women in the public administration.

There is an initiative called the Interagency Gender Board that convenes not only United Nations agencies but also others active in gender. However none of those work directly on the participation of women in the public administration. A commission of this board developed an assessment of the fulfilment of the Quota Law 10 years after it was signed. During the consultations for this case study, several organizations expressed interest in working on this issue (Embassy of the Netherlands, Institute for the Development of Democracy, UN Women and UNDP).

80 Survey on Labour Harassment. Culture Observatory of Bogotá City. Secretariat of Culture. 2010.

81 The humanitarian crisis in Colombia in relation to the armed conflict explains the presence in the country of UN agencies such as UNDP, UNHCR, UN WOMEN, UNFPA, WFP, UNICEF but also the presence of bilateral agencies such as AECID (Spanish Cooperation), AECID (Spanish Cooperation), and USAID.



KEY ISSUES IN WOMEN'S PARTICIPATION

This section draws together the key findings from the previous sections and presents key issues and good practices.

GENERAL CONCLUSIONS

Although there is almost parity in terms of men and women's participation in the public administration, there is considerable variation between agencies and subnational government. In decision-making positions, women now account for 40 percent, which meets the minimum 30 percent set by the Law No. 581 or the Quota Law. Again, there is much variation between agencies and also between the different government administrations.

In some ministries such as Finance, Home Affairs and Justice, there have never been women ministers. Colombia has had women ministers in the social ministries (Education, Health, Culture, Foreign Affairs) but only one woman has been Minister of Defence. Colombia has never had women presidents or vice presidents.

Last year and for the first time, the country was able to have a woman acting as District Attorney General and another woman also holds the position of Head of the Comptroller General's Office. Furthermore, for the first time, a woman has served as mayor of the City of Bogota. In all these three cases, the ternary system operates, whereby at least one of the three individuals on the list must be a woman.

BARRIERS AND CHALLENGES

These include the following.

1. Despite women's often greater access to higher education than men, there are other factors influencing their selection. Political affiliation and a male-dominated political culture is a major barrier, especially at senior levels. This is often because there is an overlap between the political and the public administration domains.
2. Reconciling work and family responsibilities is a challenge in the absence of a workplace culture and regulations that allow women to juggle these, and men to participate more fully to ensure a more equitable work-life balance.
3. Women dominate in temporary and provisional contract types and there is a gender pay gap.
4. Despite the Quota Law, many government agencies do not meet the minimum 30 percent and in some cases it is 0 percent. This is also true at the subnational level (departments and capital cities).
5. There is a lack of oversight, which allows government agencies not to comply without any sanction. Since 2004, the country, through the Department of Public Administration has carried out a systematic follow-up to the Quota Law, but the entity responsible for imposing sanctions for non-compliance has not been fully operational (Attorney General).



6. Women in Congress have not addressed this topic in particular, but have embarked on several initiatives, including the laws on gender-based violence, care economy and the law that extends maternity leave among others.
7. While there are regulations against sexual harassment at the workplace, there were no statistics to demonstrate the magnitude of this problem.
8. In general, the previous decade is considered by some people as a loss in relation to the rights of women, due to conservative tendencies in governments.

ACHIEVEMENTS AND GOOD PRACTICE

Quota Law Women's participation in the upper public administration of Colombia is regulated by Law 581 of 2000, which is unique and a major achievement of women's organizations, who fought for 10 years for it.

In terms of impact, the participation of women in decision making has increased since the introduction of this Law. However, it should be noted that many successful women do not accept that they are there because of the Quota Law. It is necessary to consider why people consider there to be a conflict between the concept of quota and merit, as this does not reflect reality. A quota can help to ensure that qualified women are not overlooked due to other reasons such as political affiliation, etc. Another positive impact of the Quota Law is that, women are increasingly demanding it more and not only in the executive branch of government. During the discussion of its constitutionality, the debate that took place around special measures allowed further developments for other groups such as indigenous peoples and Afro-Colombians. Also based on these debates, the Constitutional Court ordered political parties to include 30 percent of women on their lists. The Quota Law is an essential building block of gender equality in the public administration. Without such a legal provision, it is not clear whether women's participation would have increased, and any other initiatives would not have had such a clear legal basis.

Institutional work-life initiative Only one initiative was identified at the Comptroller General's office, establishing working hours where the female or male heads of household can get to work a little earlier and leave home earlier to be with their children. Whilst this is to be encouraged, there is still need for appropriate supporting legislation.



RECOMMENDATIONS

This section makes recommendations for future action to strengthen gender equality within the public administration. In addition to the specific recommendations below, an overarching one is to move the discourse forward to that of gender parity in public administration at decision-making levels. It is important to ensure, ten years after the Quota Law, that the minimum 30 percent should not inadvertently become a ceiling.

Actions should be developed to support the women who have managed to reach high positions in public administration, to sensitize them on gender issues and to turn them into advocates of women's rights.

For the National Government

Enforcing and promoting the Quota Law: It is necessary to strengthen the role of the Attorney General's Office in monitoring compliance with the Quota Law. The Gender Legal Committee in Congress can also engage with and support this process. The High Presidential Office for the Equality of Women, Colombia's gender machinery, can also play a more active role in inter-agency coordination.

Sensitization of government agencies on obligations under the Law should be carried out. There is also a need for a greater implementation focus within public administration bodies, and the Civil Service Administrative Department could support individual agencies to develop action plans to implement other sections of the Act.

Implement meritocratic human resources processes and temporary special measures: In other levels of the public administration, the High Presidential Council for Gender Equality should lead inter-agency coordination processes with organizations such as the National Department for Public Administration to review recruitment, promotions and other human resources regulations from a gender perspective. They should also establish active mechanisms to ensure the participation of women in public administration in line with the Quota Law and at other levels of the public administration. International practices such as gender-sensitive guidelines and visibility initiatives for appointments to senior positions and selection for promotions could be adapted to the Colombian context.

Advocacy and sensitization: Advocacy and sensitization campaigns to promote inclusive environments should be launched, targeting staff in public entities.

Sexual harassment: Progress must be made in the regulation of Law 1257 in relation to sexual harassment. Under-reporting is an indicator of poor knowledge that this is a crime. For this reason, it is important to support campaigns for workers to know their rights, and clear procedures for victims should be established. Alliances can be made with unions to deepen understanding of this issue and make it visible. Relevant entities (legislators, business associations, civil service) in coordination with unions should follow up issues regarding labour and sexual harassment within Colombian government institutions.

Political and public administration decision making: Stakeholders including government, civil society and international cooperation should focus on the lack of political representation of women, as political culture in Colombia presents major obstacles to the participation of women in senior management positions in all branches of government, including in the executive.



For the international community, civil society and academia

Support relevant interventions

UNDP and others could support women's participation the public administration, especially in decision-making positions. This could include support to institutions to develop action plans, as well as strengthening oversight of the Quota Law. This includes support and sensitization of women's organizations and the Gender Legal Committee in Congress.

Mainstreaming gender equality issues in public administration reforms and local government reforms are also important entry points.

Finally, more research is needed to understand patterns and issues in more detail, including at other levels of the public administration.

For civil society

Oversight

Civil society could play an important role in systematic monitoring of the Quota Law and making shadow reports on its compliance. Partnerships with the Gender Legal Committee of Congress would also be important in order to promote discussion about compliance and underlying issues.



ANNEX 1: ACRONYMS AND ABBREVIATIONS

| | |
|-------|--|
| AECID | Agencia Espanola de Cooperacion Internacional (Spanish International Cooperation Agency) |
| DAFP | Departamento Adminsitrativo de La Funcion Publica (Department of Public Administration) |
| DNP | Departamento Nacional de Planeacion (National Planning Department) |
| DANE | Departamento Administrativo Nacional de Estadisticas (National Administrative Department for Statistics) |
| SIDA | Swedish International Development Agency |
| UNDP | United Nations Development Programme |



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Note: all websites were accessed in 2011.



ANNEX 3: KEY RESPONDENTS AND QUESTIONS

Individual interviews

| INTERNATIONAL COMMUNITY |
|---|
| • AECID (Spanish Cooperation) |
| • NDI (National Democratic Institute) |
| • Netherlands Embassy |
| • SIDA |
| • UNDP |
| • UN Women |
| • USAID |
| FEMINIST ACADEMICS |
| • Lya Yaneth Fuentes |
| FEMINISTS FROM WOMENS ORGANIZATIONS |
| • Beatriz Quintero |
| • Claudia Mejía |
| • Cecilia Barraza |
| INSTITUTIONAL LEVEL |
| • Martha Lucia Vásquez, Presidential Ex-counsellor for women's equality |
| • Paola Buendía- Counselor for women's equality |
| • Monserrat Muñoz de García – Vice-presidency of the Republic |
| • Julia Gutiérrez de Piñeres- Public Administration Department |
| • Alexandra Piraquive – Congresswoman |
| • Ángela María Robledo – House of Representatives member |
| • Orlando Anaya. Professional from the Attorney General's Office |



- Perla Olmos. Advisor from the Attorney General's Office

KEY RESOURCE PERSONS

- Sandra Morelli. Comptroller General of the Republic
- Cecilia López. Former presidential candidate, former congresswoman, former minister, currently Director of the National Planning Department
- Flor María Díaz. Former Secretary of Women of Medellín, Director of the Comprehensive Programme against Gender Violence

1. LOCAL GOVERNMENT/BOGOTÁ

- Juanita Barreto. Former Director, Women and Gender Office
- Sandra Mojica. Manager, Women, Gender and Sexual Diversity

2. WOMENS ORGANIZATIONS

- Marta Buriticá. Bogota Advisory Counsel
- Ivonne Rodríguez. Confederation Union of Workers CUT (Spanish acronym)



Research questions

1. Do you see gender equality in public administration in the country? Do you think this has been and is a priority issue on the public agenda?
2. Do you believe that the Quota Law has had an impact on gender equality in the country? What do you think have been the main constraints for its application?
3. What was the process of formulation and adoption of the Quota Law? How far was the international regulatory framework for women's rights taken into account?
4. What follow up of the Quota Law has there been in accordance with Article 4 of Act 581 of 2000 or the Quota Law? How many entities and officials have been investigated for violating this law? How is the Law enforced?
5. Do you consider that the Quota Law within the public administration has promoted awareness of the importance of gender equality? What actions do you feel are important for this Law to be enforced?
6. What entities should be considered to collaborate with the national machinery of gender equality for the Law to be fulfilled? Do you know of subsequent regulations to facilitate compliance with the Law, for example, work with human resources and internal regulations?
7. How much has this Law been appropriated and applied at the national and subnational levels?
8. What is the scope of the implementation of this Law? How do you perceive the women's movement? Public officials? Policy makers? Who in one form or another has benefited from it?
9. Is there any gender sensitivity in human resource policies of the government? Do you know about the existence of the Law? Do they promote equal participation of women? Are there conscious decisions to provide for the involvement of women in interview panels, commissions or promotion? Are there mechanisms for incentives or recognition within the public administration to encourage the participation of women in senior ranks?
10. Have you seen any country experience such as flexible working arrangements, parental leave, health insurance, family allowances for children or any that facilitate the participation of women in senior decision-making?
11. What explains the increased participation of women in senior positions in the public administration? How have gender equality policies been implemented (dissemination of the law, awareness, training) and has international cooperation developed projects in this regard? Please indicate what and when.
12. Has there been a specific policy to promote the participation of young women in management positions within the public administration? What is the profile of women who have held these positions? Has the education sector promoted the professional growth of women to fill these positions? What is your evaluation?



13. Does the code of conduct for public employees include specific actions to ensure gender equality? If so, what measures exist to ensure compliance? Are there any recourse mechanisms that allow women to challenge decisions about situations that are considered a violation of their rights?
14. Are there measures against sexual harassment to help to promote representation of women in the public administration? Do you know of any campaigns against violence against women? Do you think the country is working on this topic?
15. What are the main obstacles to implement at the national and subnational levels as well as for women's organizations?
16. What is the level of coordination between the various levels of the UN involved to address gender equality in public administration based on mandates and comparative advantages of the various UN Entities?
17. What are the entry points into this issue for UNDP and for other organizations?

Secondary information⁸²

National Civil Service Commission

Public Administration Department

National Bureau of Statistics. DANE

National Planning Department. DNP

National Institute of Legal Medicine

⁸² The bibliography gives more information on sources.



NOTES



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