

Concluding Observations of the Committee on Economic, Social and Cultural Rights : Colombia. 30/11/2001.

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**Twenty-seventh session
12-30 November 2001**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

COLOMBIA

1. The Committee on Economic, Social and Cultural Rights considered the fourth periodic report of Colombia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.6) at its 61st and 62nd meetings, held on 14 November 2001 (E/C.12/2001/SR.61 and 62), and adopted, at its 85th and 86th meetings (E/C.12/2001/SR.85 and 86), held on 29 November 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Colombia, which has been prepared in conformity with the Committee's guidelines.

3. The Committee welcomes the extensive written replies to the list of issues (E/C.12/Q/COL/2), but regrets their late submission. The Committee, while welcoming the frank nature of the dialogue with the delegation, regrets that there were not enough experts present during the dialogue.

B. Positive aspects

4. The Committee notes the State party's efforts to achieve peace through dialogue and negotiations with the main parties to the conflict.

5. The Committee welcomes the national development plan 1998-2002 "Change for Building Peace".

6. The Committee welcomes the enactment of Law 387 of 1997 which entrusted the Government with establishing a series of norms to prevent displacement and to protect those who have been displaced.

7. The Committee welcomes the adoption in June 2000 of Act No. 584, which amended the Labour Code, and the ratification of five ILO conventions, including the Labour Relations (Public Service) Convention, 1978 (No. 151).

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee notes with deep concern the extreme inequalities and the social injustice prevailing in Colombia, as well as drug trafficking, which, *inter alia*, have led to serious and widespread increase in violence in the country. This violence has seriously affected the implementation of the rights protected under the Covenant.

9. The Committee takes note that the recent economic recession along with certain aspects of the structural adjustment programmes and economic liberalization policies introduced by the State party have aggravated the negative effects on the enjoyment of economic, social and cultural rights by the population, in particular the most disadvantaged and marginalized groups.

D. Principal subjects of concern

10. The Committee regrets that the State party has not provided sufficient information on specific measures it has taken to address and implement the recommendations contained in the concluding observations adopted by the Committee in 1995 in relation to Colombia's third periodic report, particularly on the high level of poverty, the magnitude of the problem of displaced persons, street children, discrimination against women, the situation of indigenous communities, the protection of trade union members and human rights advocates, free education, the situation of "community mothers" and low-income housing.

11. The Committee notes with serious concern the increasing number of internally displaced persons (IDPs). The Committee is particularly concerned that the IDPs come from the most disadvantaged and marginalized groups, predominantly women and children, peasants and members of the country's indigenous and Afro-Colombian communities who have been driven out of their areas by violence and armed conflict. In particular, the Committee notes with concern the negative consequences of the military part of Plan Colombia, which has led to further displacements of population groups affected by the spraying of illegal crops.

12. The Committee notes with regret that the traditional lands of indigenous peoples have been reduced or occupied, without their consent, by timber, mining and oil companies, at the expense of the exercise of their culture and the equilibrium of the ecosystem.

13. The Committee takes note that gender equality has stagnated and even deteriorated since 1997, exposing women to the general impoverishment of the country. The Committee regrets that the Office for Women's Equity, which initially was created as a financially and administratively autonomous institution, has lost its autonomy and had its budget reduced when it was integrated into the Government to become the Presidential Advisory Office on Women's Equity.

14. The Committee is concerned about the reduction in the budget of the Colombian Family Welfare Institute's Community Mothers Programme, which provides care for nearly 1.3 million children. It deplores the fact that "community mothers" are not yet recognized as workers and do not receive the minimum wage.

15. The Committee is deeply concerned about the rapid growth of the unemployment rate. The Committee is particularly concerned that unemployment affects mainly young people and women.

16. The Committee is concerned that the national minimum wage is not sufficient to ensure an adequate standard of living for workers and their families. The Committee is also concerned that there is still a large disparity between the wages of men and women, particularly in the commercial sector, and that according to the Presidential Advisory Office on Women's Equity, women's wages in general are 25 per cent lower than men's.

17. The Committee is deeply concerned about the personal security of workers and trade union representatives, both of whom are at high risk of physical violence, including murder. The Committee is appalled to note that more than 1,500 trade union members were killed between 1991 and 2001, often merely because they belonged to a trade union, and that others were threatened or forced to become displaced. The Committee is also concerned that many workers cannot exercise their rights to join a trade union, to participate in collective bargaining and to strike.

18. The Committee is concerned that 43 per cent of the Colombian population are not yet covered by social security. The Committee notes that the State party has not yet ratified the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).

19. The Committee is concerned about the persistence of child labour in Colombia despite the measures adopted by the State party to address this problem. The Committee also notes with concern that the State party has not ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

20. The Committee is deeply concerned about the high numbers of street children and children affected by armed conflict. The Committee is particularly concerned that children are being forced to participate in the armed conflict.

21. The Committee is concerned about the fact that housing subsidies have been reduced substantially and about the inadequate living space and poor structural quality of houses in the provinces of Sucre, Córdoba, Bolívar and Magdalena, among others.

22. The Committee is deeply concerned about the living conditions of IDPs, in particular women, children, peasants and members of the country's indigenous and Afro-Colombian communities.

23. The Committee is deeply concerned that the State party has not yet undertaken genuine agrarian reform in order to address effectively the problems of poverty and economic disparities in the rural areas.

24. The Committee is deeply concerned about the current low status of women's sexual and reproductive health rights and in particular about the increased incidence of illegal abortions. The Committee is also concerned about the high infant and child mortality, especially in the rural areas.

25. The Committee is concerned about the reduction of the vaccination programmes in the country, which has resulted in heightened exposure of the population, especially children, to a variety of infectious diseases.

26. The Committee is concerned about the reduction of State subsidies for health care which makes access to health care even more difficult, particularly in the rural areas where health care coverage is already significantly more limited than in urban areas. The Committee also notes that women and indigenous groups are adversely affected by this reduction in subsidies.

27. The Committee notes that article 67 of the Constitution guarantees free public education, except for those who can afford to pay fees. It notes with concern that the imposition of fees prevented a number of children from having access to free primary education and that their families had to institute legal proceedings in order to obtain such access. This practice by the State party is contrary to articles 13 and 14 of the Covenant.

28. The Committee is concerned about the poor quality of education at all levels. It is also concerned that the State party has one of the lowest adult literacy rates in the region.

E. Suggestions and recommendations

29. The Committee strongly recommends that the State party's obligations under the Covenant should be taken into account in all aspects of its negotiations with the international financial institutions to ensure that economic, social and cultural rights, particularly of the most disadvantaged and marginalized groups, are not undermined.

30. The Committee recommends that the State party seek appropriate means to reduce the extreme social inequalities and increase its efforts to put an end to the armed conflict by political negotiation, which is the only way effectively to guarantee the economic, social and cultural rights of all citizens.

31. The Committee requests the State party to provide information in its fifth periodic report on the implementation of the previous concluding observations adopted by the Committee in 1995 and in particular of the points raised in paragraph 10 above.

32. The Committee urges the State party to undertake effective measures to avoid the displacement of persons, to implement the decisions of the Constitutional Court in this regard and to establish a comprehensive public policy giving priority to this problem.

33. The Committee urges the State party to ensure that indigenous peoples participate in decisions affecting their lives. The Committee particularly urges the State party to consult and seek the consent of the indigenous peoples concerned prior to the implementation of timber, soil or subsoil mining projects and on any public policy affecting them, in accordance with ILO Convention No. 169.

34. The Committee urges the State party to take the necessary legislative and financial measures to ensure the independence of the Presidential Advisory Office on Women's Equity in order to enable it to address the serious gender issues in the country effectively.

35. The Committee reiterates its 1995 recommendation that the employment status of community mothers should be regularized by treating them as workers, so that they are entitled to the minimum wage.

36. The Committee encourages the State party to take steps to reduce its high unemployment rate and to address in particular the problem of unemployment among young people and women.

37. The Committee calls upon the State party to ensure that the minimum wage enables workers and their families to have an adequate standard of living. It also urges the State party to adopt a policy of equal pay for work of equal value as provided for in the Covenant and to reduce the wage gap between men and women.

38. The Committee urges the State party to take effective measures to provide for the personal security of trade union representatives, to try and punish the persons responsible for murdering trade union members and to provide for appropriate compensation for the victims' families. The Committee also calls upon the State party to take all necessary steps, including legislative and administrative ones, to ensure that all workers can exercise their trade union rights.

39. The Committee urges the State party to consider ratifying ILO Convention No.102 and to take measures to ensure that the coverage of the social security system is significantly increased.

40. The Committee urges the State party to take effective measures to strengthen existing laws on child labour and to improve its monitoring mechanisms in order to ensure that those laws are enforced and to protect children from economic exploitation. In this respect, the Committee urges the State party to ratify ILO Convention No. 182.

41. The Committee calls upon the State party urgently to undertake measures to address the problem of street children and children affected by armed conflict and to prevent and discourage children from taking up arms.

42. The Committee urges the State party to take measures to increase housing subsidies, especially in the poorest provinces. It recommends the adoption of a system for the financing of low-income dwellings to give the poorest groups access to adequate housing.

43. The Committee calls upon the State party to take steps to improve the living conditions of IDPs, in particular women and children, peasants and members of the country's indigenous and Afro-Colombian communities.

44. The Committee urges the State party to adopt the necessary measures to carry out genuine agrarian reform.

45. The Committee requests the State party in its next periodic report to provide detailed information based on comparative data about the problem of abortion in Colombia and the measures, legislative or otherwise, including the review of its present legislation, it has undertaken to protect women from clandestine and unsafe abortion. The Committee recommends that the State party implement vigorously its National Sexual and Reproductive Health Programme.

46. The Committee calls upon the State party to increase its efforts concerning vaccination

programmes to combat diseases and infections, especially among children.

47. The Committee urges the State party to allocate a higher percentage of its GDP to the health sector and to ensure that its system of subsidies does not discriminate against the most disadvantaged and marginalized groups.

48. The Committee recommends that the State party launch an effective campaign to address the quality of education and access to it with a view to providing, *inter alia*, free and compulsory education. In this regard, the Committee refers the State party to its obligations under article 14 of the Covenant, according to which it must "secure ... compulsory primary education, free of charge". The Committee recommends that the State party, in implementing its National Plan for Education, take into account the Committee's general comments Nos. 11 and 13 and establish an effective monitoring system for the Plan. The State party is also encouraged to seek technical advice and assistance from the United Nations Educational, Scientific and Cultural Organization in relation to the implementation of its plan.

49. The Committee requests the State party to provide in its fifth periodic report detailed information, including comparative statistical data over time, disaggregated on the basis of sex, age and urban/rural areas, on the extent of poverty in the country. The Committee also requests information on the measures taken to address the problem of poverty with regard to different groups as well as information on the results of such measures. The Committee refers the State party to the statement adopted by the Committee on 4 May 2001 on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

50. The Committee recommends that the State party comply with the standards of the international guidelines on HIV/AIDS and human rights, adopted at the Second International Consultation on HIV/AIDS and Human Rights in September 1996.

51. The Committee strongly recommends the implementation of the national action plan for education on human rights, proposed by the High Commissioner for Human Rights within the framework of the United Nations Decade for Human Rights Education (1995-2004).

52. The Committee requests the State party to disseminate these concluding observations widely among all levels of society, in particular State officials and the judiciary, and to inform the Committee of all steps taken in this respect. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of its fifth periodic report.

53. The Committee confirms that, if the State party so wishes, it is willing to undertake a country mission to Colombia, with a view to helping the State party implement its obligation under the Covenant, in the light of these concluding observations.

54. The Committee requests the State party to submit its fifth periodic report by 30 June 2006.