

## COLOMBIA

### CESCR E/1990/23

169. The Committee considered the second periodic report of Colombia concerning rights covered by articles 10 to 12 of the Covenant (E/1986/4/Add.25) at its 12<sup>th</sup> to 14<sup>th</sup> and 17<sup>th</sup> meetings, on 23 to 25 January 1990 (E/C.12/1990/SR.12-14 and 17).

170. In his introduction, the representative of the State party said that despite the economic and social difficulties it had been faced with for a number of years, Colombia was pushing ahead with its development. A cautious economic policy had enabled it to cope with the external debt problem, and thanks to a positive growth rate it had been able to make progress with its social policy.

171. In 1986 the present Government had drawn up a general Plan for the Social Economy comprising three sectoral plans: the National Rehabilitation Plan, the Plan for the Elimination of Absolute Poverty and the Comprehensive Rural Development Plan. The Government had set up three bodies to carry out those plans: the Council for Social Development, the Council for Reconciliation, Normalization and Rehabilitation and the Council for the Defence, Protection and Promotion of Human Rights.

172. He then went on to give an account of the activities of the Colombian Family Welfare Institute, which was concerned among other things with protecting minors and running a system of day-care centres. To protect minors against economic exploitation, Colombia had Act No. 20 of 1982 and the Minors Code, which had been introduced in November 1989. He also described the programmes under the Plan for the Elimination of Absolute Poverty and the government programme of low-cost housing construction and subsidies, which was a means of preventing the growth of slums.

173. The representative said that about 350,000 agricultural producers received economic aid and low-interest credits under the Comprehensive Rural Development Plan. The Agricultural Marketing Institute regularized the market in foodstuffs. He added that the 1961 Agrarian Reform Act had not yielded all the expected results and that the total area of land distributed to peasants had been much lower than planned. Act No. 30 of 1988 had been designed to remedy that situation by turning smallholders into full-fledged owners. The Government was also endeavouring to improve agricultural productivity and the Colombian Farming Institute was responsible, among other things, for technological development in the sector.

174. The representative went on to say that the Plan for the Elimination of Absolute Poverty included a programme of primary health care, which stressed health promotion and disease prevention. The National Plan to Ensure the Survival and Development of Children was designed to reduce morbidity and mortality among children under five years of age. National vaccination days had recently been organized by the Colombian authorities to give better protection to as many people as possible. The proportion of children under the age of one vaccinated against tuberculosis and poliomyelitis in 1989 had amounted to about 80 per cent.

## General matters

175. With reference to the general framework within which the Covenant was implemented, members of the Committee wished to know how the Covenant was incorporated into the domestic legislation of Colombia, what programmes were implemented using either ODA or international co-operation from United Nations or regional bodies to promote the rights covered by the Covenant, what form international co-operation took, and what had been the percentage contribution of such assistance to the country's development and to the enjoyment of the rights recognized by the Covenant.

176. Members of the Committee wished to know also what the impact of the external debt was on enjoyment of the rights recognized by the Covenant and what the practical repercussions of the Covenant were in the country.

177. In addition, they asked what repercussions the activities of guerrilla and terrorist groups and drug traffickers in Colombia had on the enjoyment of the human rights recognized by the Covenant, what were the repercussions of the drug problem in the country, what were the root causes of the drug trade, and what stage the progress of constitutional reforms mentioned in paragraphs 27 and 28 of the report had reached.

178. In addition, information was requested on cases in which the rights provided by the Covenant had been upheld by the judiciary in Colombia and on the exact place of international instruments in the legal structure of the country. Members of the Committee also made some comments on the problems of guerrilla, terrorism, lack of social equality and drug trafficking that Colombia was facing and which represented its main difficulties in implementing the Covenant. They wondered whether a solution to those problems could be found in an effective agrarian reform and by drawing the attention of countries in which a large consumption of drugs existed to their international responsibility concerning drug trafficking, which undermined a country's social and economic structure.

179. Further information was requested on the budgetary resources allocated to the indigenous communities in Colombia and on their access to the enjoyment of rights contained in the Covenant. A question was raised as to what form "private justice" took in the country and how the Government had reacted to it.

180. The representative of the ILO provided the Committee with information concerning the ratification and implementation of relevant ILO Conventions by Colombia. He referred, in particular, to difficulties encountered by Colombia in complying with some provisions of those instruments and in relation to terrorism and drug trafficking to complaints submitted by workers' organizations which were still on the agenda of the ILO Committee on Freedom of Association.

181. In his reply, the representative stated that international instruments ratified by Colombia were automatically incorporated into its domestic legislation through the adoption of a law to that effect. In both theory and practice, they took precedence over domestic legislation. He went on to describe the international co-operation and aid programmes which were helping Colombia to promote its economic and social development and explained that a number of countries, mostly European ones,

had co-operated on child welfare projects. International financial aid covered about half the cost of the country's development operations. The external debt considerably limited investment in development projects, as 35 to 40 per cent of the country's export earnings went to pay off interest and capital on the debt. The International Covenants on Human Rights represented an important stage in the development of political awareness in Colombia and, despite social upheavals, the Colombian authorities continued to be guided by the international commitments made under the Covenants. It remained true that armed opposition movements and the drug traffic were major obstacles hindering the State from guaranteeing human rights. The drug problem, in particular, made itself felt at all levels of Colombia's political life and had a destabilizing effect on its democratic institutions. He also informed the Committee that the constitutional reform project put forward by the Colombian Government in 1987 had been rejected by the Congress in December 1989.

182. He went on to say that economic, social and cultural rights had a legal and constitutional basis in Colombia, but that most of them were too vague for violations to be the subject of criminal proceedings. Regarding the concern expressed by members of the Committee about the serious difficulties Colombia was going through, which might undermine its democratic system and thwart its development, he referred to the efforts being made by his Government, in particular to combat the drug traffic, guerrilla and private-justice groups, social inequality and terrorism. The task of the international community, he said, was essentially to work with his country's authorities in attempting to find ways of remedying the problems in employment, housing, nutrition, health, etc., problems which were common to all third-world countries. He also pointed out that Colombia's external debt was unbalancing its public finances and jeopardizing the full exercise of economic, social and cultural rights in the country.

183. As regards access of indigenous communities to the enjoyment of rights contained in the Covenant, the representative stated that the Division for Indigenous Affairs in the Colombian Ministry of the Interior was the Government department which formulated legislation relating to the indigenous population and monitored its implementation. Specific legislation existed to preserve the cultural identity of the indigenous population. The main problem of indigenous communities in Colombia was that of ensuring access to the land which had originally been held collectively. Even though there were special legal provisions to guarantee the possession of the land to indigenous owners, in practice major landowners could exercise great pressure in remote districts where the government authorities had difficulty in monitoring abuses.

184. The representative also referred to the measures taken by his Government to give practical effect to the commitments it had entered into by ratifying a number of ILO conventions and to find ways of dealing with the violations of trade-union freedoms that had occurred recently.

#### Article 10: Protection of the family, mothers and children

185. Members of the Committee wished to know whether the Concordat between Colombia and the Holy See mentioned in paragraph 29 of the report had been concluded and, if so, which of its provisions would affect Colombian family law.

186. Additional information was requested on the situation of the indigenous population in

Colombia. It was asked, in particular, what criteria were adopted to set the figure for this population at 450,000, how their rights were recognized, what measures had been adopted by the State in connection with article 10 of the Covenant, what practical difficulties had arisen in respect of the indigenous problem and whether indigenous organizations had been consulted in order to prepare the report under consideration.

187. Members of the Committee noted that Colombian legislation recognized the right of adoptive mothers to post-maternity leave and they asked whether fathers also enjoyed this right and whether this right extended to adoptive fathers.

188. It was also asked whether the law recognized a de facto union between two persons with legal capacity to enter into matrimony, what percentage of children below the minimum legal age worked in Colombia, what actions were being taken to ensure greater compliance with child labour laws, what the criteria were for determining which children were eligible for the government-subsidized child care centres and what percentage of eligible children received care at these centres. In addition, members of the Committee wished to know what percentage of pregnant women received assistance under the social security programme, what percentage of employed women were affiliated, in practice, with the social security programme, what percentage of women were employed in the informal sector or worked for employers who disregard social security laws, and at what stage was the joint programme with UNICEF dealing with the problem of street children.

189. In connection with the latter issue, it was asked whether the number of street children had been increased in recent years, for what reasons mothers deserted their children, whether any new initiatives had been taken to deal with the illegal employment of minors and whether statistical data could be made available with regard to the number of prosecutions instituted in recent years and the penalties imposed.

190. It was also asked whether couples married in church could obtain a civil divorce and remarry under civil law and whether statistical data could be made available on the marriage and divorce rate and on fertility and mortality rates. Information on any future revision of the Concordat between Colombia and the Holy See was also requested.

191. In his reply, the representative explained that the Concordat between Colombia and the Holy See, which had the status of an international treaty, dated back to the nineteenth century, but had been revised in 1974. The Colombian Government now wanted in particular to reform the marriage system under the Concordat. He then explained the method used in counting the numbers of indigenous peoples, which was based on three criteria - racial, cultural and geographical. Carrying out a census among the indigenous peoples was a difficult matter, and the figure given in the report was an approximate one.

192. Furthermore, the representative stated that fathers and adoptive fathers in Colombia did not enjoy the right to post-maternity leave. Informal unions between two persons with legal capacity to enter into matrimony had been recently brought into line with legal unions in respect of social security benefits.

193. It was estimated that in 1986 between 2 and 3 million children under 10 years of age had been working under unacceptable conditions. The monitoring of compliance with child labour laws was the responsibility of the Colombian Ministry of Labour, acting through the labour inspectors and in conjunction with juveniles' judges, but much remained to be done in practice. As regards admission to child care centres, absolute priority was given to children from very poor families whose mothers worked every day. Eight hundred thousand children under the age of seven benefited from the programme. Moreover, all enterprises with a capital of over one million pesos were under the obligation to enrol their employees in the social security programme, which covered the private sector. Workers in the public sector were covered by the National Social Welfare Fund. Thirty per cent of the working population were enrolled in the national social security programme. Between 30 and 40 per cent of the labour force worked in the informal sector. The UNICEF programme for street children was continuing and the Government had launched an information campaign concerning rehabilitation centres.

194. One of the main causes of the street-children phenomenon was the decline of the family unit among the poorest sections of the population. The Colombian Family Welfare Institute was endeavouring to combat family instability and the abandonment of children, which was connected with the problem of unemployment in the big towns. The representative also explained that Colombian law recognized civil marriage and permitted divorce, but that marriages contracted according to Catholic rites could not be dissolved by the State because of the obligations entered into under the Concordat. Fertility and mortality had declined in Colombia, together with the rate of population growth.

#### Article 11: Right to an adequate standard of living

195. Members of the Committee wished to know what percentage of the population was adequately housed, what was the average number of persons occupying a dwelling, what the housing situation was in rural areas in comparison with the various urban socio-economic strata, what policy had been followed to guarantee the right to clothing, how food resources were distributed, what was the housing situation of indigenous groups, and what differences there were between the rural and urban population as regards enjoyment of the rights laid down in article 11 of the Covenant.

196. In addition, they wished to know what specific actions were being taken to combat malnutrition and, in particular, what were the methods, not the goals, of anti-poverty programmes, what progress had been made on the planned food voucher system, what was the current percentage of Colombian citizens living in inadequate housing or without any housing at all, why the housing programmes listed under the Plan for the Elimination of Absolute Poverty concentrated on urban housing, whether it was because the National Rehabilitation Plan was expected to solve rural housing shortages, and what was being done about the large squatter settlement located on the outskirts of Bogotá.

197. Members of the Committee noted from the report that regions were chosen for inclusion in the National Rehabilitation Plan for several reasons, including importance to national development. They asked in this connection whether there were any extremely impoverished regions which were not included in the Plan because they were not sufficiently important to national development. They also asked what was being done at its roots to curb the phenomenon of movement to the cities with all

its adverse consequences, i.e. by consistent implementation of the agrarian reform.

198. Further information was requested on the proportion of the national budget allocated to alleviating poverty, on funds made available to public hospitals and on the specific issue of communal ownership. It was also asked what statistics were used by the Colombian Government in determining who was in the category of absolute poverty.

199. It was asked whether replies could be provided to a number of observations and questions concerning the right to housing which had been formulated by Colombian non-governmental organizations and brought to the attention of members of the Committee.

200. In his reply, the representative stated that about 60 per cent of the population in Colombia could be deemed to have adequate housing in respect of water supply, electricity and sewage. The average number of persons occupying a dwelling was five. Housing conditions tended to be better in the countryside than in the major cities in view of the rural exodus. The problem was rather to improve sub-standard housing. The housing programmes were divided between the Plan for the Elimination of Absolute Poverty and the National Rehabilitation Plan. As regarded clothing, a provision in the Labour Code required employers to provide lower-paid workers with a uniform every three months. Municipalities and child-care centres had their own food plans and programmes to combat malnutrition, however a high percentage of undernourished children still existed in Colombia. The problem of the large squatter settlement located on the outskirts of Bogotá was being addressed through direct action as well as through low-interest credit schemes run by the central and the municipal governments with the participation of national institutes. The National Rehabilitation Plan dealt with areas that were suffering as a result of social upheavals. The criterion for inclusion in the Plan was based on difficulties experienced by an area in the wake of violence of the previous 20 to 25 years. As regarded reform, it was noted that it should not be seen simply in terms of legislation intended to minimize the rural emigration problem, but as a comprehensive modernization programme in the agrarian sector.

201. In Colombia, as in other countries, the tax system was designed to create greater social justice and, apart from the State, there were a whole series of voluntary organizations active in providing basic social services for those who were worst off. The expression "absolute poverty" referred to the case of persons whose income was below the minimum wage and who had difficulty in getting access to basic services. The idea of "communal ownership" which it was proposed to introduce in the Colombian Constitution meant collective ownership, coming somewhere between public ownership and ownership by private individuals. The representative stated that the list of issues relating to the right to housing raised by non-governmental organizations had been transmitted to the competent Colombian authorities.

#### Article 12: Right to physical and mental health

202. Members of the Committee wished to know how many doctors there were in Colombia per 10,000 inhabitants, whether there was any government policy to bring the purchase of medicine within the reach of the economically underprivileged sectors, what successes and hurdles had been met with as regards enjoyment of the right to health, what differences there were in the level of

enjoyment of this right between urban and rural areas, and what progress Colombia had made in eliminating the 10 health problems which according to its initial report (E/1986/3/Add.3), submitted in 1986, were its main targets for eradication.

203. They also asked what medical assistance was available to low-income women besides medical assistance through social security, what percentage of pregnant women received pre-natal care and delivered their children with qualified assistance, why the Basic Health for All Programme and other anti-poverty programmes had been so ineffective in dealing with widespread malnutrition, what measures were being taken to deal with people that were already addicted to drugs, whether any measures had been taken to deal specifically with the threat posed by basuco, what measures were being taken to improve compliance with worker safety and hygiene regulations and to what extent compliance had improved in the last few years. It was noted from the report that a number of programmes existed to deal with drug addiction but that these programmes lacked co-ordination, and it was asked what measures had been taken to improve co-ordination.

204. It appeared also, that even in emergency cases hospitals were prepared to grant medical help only if payment was secured within four days, and it was asked whether the Government was taking any steps to eliminate these practices.

205. In addition, it was asked what was the difference between the general system of social security and the social security fund, what protection was provided to workers in the informal economy in case of accident, whether the wives of working men had the same right to pre-natal and natal care as working mothers, whether workers had access to free emergency medical assistance, what the results were of the research on a malaria vaccine, what was being done to solve the problem of the lack of rotation of health workers who were concentrated in the three major cities of Colombia, whether different views had been expressed in the country with regard to the opposition to abortion of the Government and the Catholic Church, whether there was any incidence of AIDS in Colombia and whether there had been instances of discrimination against people affected by that illness.

206. In his reply, the representative stated that the ratio of doctors to inhabitants in Colombia was 10 doctors per 10,000 inhabitants. Health services were mostly concentrated in the large cities. A scheme had been introduced to bring medicine within the reach of the economically underprivileged sectors of the population by establishing pharmacies in remote areas of the country which supplied some 45 basic drugs subsidized at a rate of 40 to 50 per cent. Statistics showed a decrease of some diseases, training of health personnel had improved over the years and health centres managed by the Ministry of Health had been decentralized. Differences in the level of enjoyment of the right to health between urban and rural areas were still considerable, but the gap was narrowing. Twenty per cent of the population, basically in rural areas, still had no regular access to medical care. The main targets for the eradication of health problems in Colombia included the increase in the number of doctors and health services and proper vaccination programmes for infants. In addition to social security, private agencies known as “family compensation funds” (cajas de compensación familia) administered the funds that enterprises were required by Colombian law to provide, to subsidize the families of their employees. They also had insurance schemes providing services to their members and to their families, including women with low incomes. Self-employed women were recently allowed to make contributions to the Colombian Social Security Institute. Pre-natal care for pregnant women was

provided under the existing schemes. Some failures of the programmes established to deal with widespread malnutrition in Colombia had been compensated by some achievements, especially in providing services to the least privileged.

207. As regards measures to deal with people addicted to drugs, the representative explained the background of the phenomenon of drug addiction in his country, which was relatively recent. He stated that the Colombian Government had taken measures such as drug abuse prevention campaigns and the establishment of rehabilitation centres. Statistics suggested that some 100,000 persons were suffering from drug-related social and health problems. Drug consumption currently remained a criminal offence. The authorities were waging an all-out war with a view to eliminating the drug trade. Specific measures to deal with basuco included prevention and publicity campaigns aimed at alerting families and young people to the dangers of a drug more toxic than cocaine.

208. The representative also stated that the measures taken to improve compliance with workers' safety and hygiene regulations were monitored by the Ministry of Health, but the Ministry, despite its efforts, was unable to guarantee full compliance. In addition, every effort was being made to centralize the administration of activities relating to the campaign against drug abuse. As regards access to medical help in emergency cases, a recent decree made it obligatory for all health centres, both public and private, to accept emergency cases regardless of the patient's capacity to pay.

209. The representative added that progress had been made in developing a synthetic malaria vaccine but that it was still in the experimental stage. Abortion was forbidden at present under Colombian law, but in practice efforts were made to permit it for therapeutic purposes in order to avoid clandestine abortions, of which there were a great many. Health accounted for between 15 and 20 per cent of the national budget.

210. In conclusion, he said that he would inform his Government of the desire expressed by the Committee to receive further information on some points raised during consideration of the report.

#### Concluding observations

211. The members of the Committee thanked the representative for the information provided by the Government of Colombia in its second periodic report and the additional information provided during the discussion. It showed that violence, drug trafficking and external indebtedness had limited, but not halted, progress in the enjoyment of human rights in Colombia. However, the view was expressed that the report was not sufficiently wide-ranging. Some of the written and oral information provided was said to have been of an excessively general or descriptive nature, as a result of which the Committee could not have a full picture of the realities of the country. They noted that a country's poverty could not exempt it from its responsibilities under the Covenant. They expressed the wish that more precise and detailed answers should be given to some of the questions they had raised during the consideration of the report. Such information should be provided, in particular, with regard to some of the questions which had remained unanswered, relating to issues such as the role and activities of the paramilitary groups, the protection of workers in the informal sector and the progress made in providing social security.



## **CESCR E/1992/23**

294. The Committee considered the second periodic report of Colombia concerning the rights covered by articles 13 to 15 of the Covenant (E/1990/7/Add.4) at its 17<sup>th</sup>, 18<sup>th</sup> and 25<sup>th</sup> meetings, on 5, 6 and 12 December 1991 (E/C.12/1991/SR.17, 18 and 25).

295. In his introduction to the report, the representative of the State party referred to the political, social and institutional changes taking place in his country. As regards the right of everyone to education, he pointed out that the Colombian Government was trying to remedy the problems of low school enrolment and illiteracy through two basic programmes, "Basic Education for All", and the "National Rehabilitation Plan" which was chiefly concerned with the marginal regions of the country. The budget for 1991 and 1992 devoted substantial financing to those two programmes, and the Government expected to attain its objectives within the established time limits.

### General matters

296. With regards to the general framework within which the Covenant was being implemented, members of the Committee asked to be informed briefly of any new developments or changes made or envisaged in Colombia since the submission of the initial report (E/1982/3/Add.36) to give effect to the rights recognized in the Covenant, including: (a) basic programmes, institutions and practices concerned with the exercise of human rights; (b) the general political structure of Colombia; (c) its economic, social and cultural characteristics; and (d) the general legal framework set up to protect human rights in Colombia. They also asked what status the Covenant enjoyed under domestic law, particularly as regards its implementation; what measures had been taken to publicize the Covenant and the reports submitted to the Committee; what measures had been taken to guarantee the rights set forth in articles 13 to 15, in conformity with articles 2 and 3 of the Covenant; and what limitations, if any, were imposed on the rights set forth in articles 13 to 15, what the reasons were for those limitations and what guarantees there were against their abuse. In that connection they asked for the texts of legislation, regulations and other relevant provisions.

297. Members of the Committee also asked what stage had been reached in the process of implementing the National Rehabilitation Plan aimed at re-establishing normal conditions in poor and marginal areas; the extent to which aid received through international cooperation was contributing to the efficient implementation of the Plan; and the current position as regards action against narcotic drugs and guerilla and terrorist activities, as factors limiting the exercise of the rights covered by the Covenant.

298. It was pointed out that the text of the new Colombian Constitution did not indicate how exactly an international treaty was incorporated into domestic law, and members asked whether the rights protected by the Covenant were covered by the Colombian Constitution or whether, instead, the Covenant itself had been incorporated into domestic law.

299. In his reply, the representative of the State party mentioned the recent political and institutional transformations in Colombia and the difficult tasks confronting the new Government which had been

formed in August 1990. The National Constituent Assembly had completed the text of a new Constitution in July 1991: Title II, chapter II concerned social, economic and cultural rights and guaranteed, *inter alia*, the protection of intellectual property, access to culture for all on equal terms, recognition of the equal dignity of all cultures found in the country, State protection of the nation's cultural heritage, and education as an individual right and a public service with a social function. He added that the International Covenant on Economic, Social and Cultural Rights had acquired the status of basic law in Colombian domestic legislation. The provisions of the Covenant were constitutional norms which had yet to be translated into legislative provisions and regulations. He proceeded to outline the political institutions in Colombia, explaining that the new Constitution maintained the traditional division of powers while making important changes to the structure of the institutions he had listed.

300. The representative stated that two Colombian institutions were responsible for promoting human rights: the Presidential Adviser for the Defence, Protection and Promotion of Human Rights, and the School of Public Administration, which trained State officials in, among other things, regard for human rights. Seminars and other human rights programmes were organized specifically for employees of the judiciary and members of the police force. Under the National Rehabilitation Plan, the Colombian Government had built a new network of roads in the marginal regions of the country, and had set up schools, health centres and regional hospitals. Child-care centres were already looking after 190,000 children. The Government expected to have carried out two thirds of the Plan by the end of 1992. The Plan was financed entirely from the State budget and received no international cooperation assistance.

301. On the campaign against guerilla activities, the representative stated that of the six armed groups active in Colombia in 1989, four had returned to civilian life after reaching an understanding with the national Government and had set up political parties; the other two had entered into negotiations with prominent Colombian figures with a view to easing their return to civilian life and restoring peace to the country. As regards the campaign against drugs, he reported on the criminal proceedings against the ring leaders of the Medellín cartel and said that the number of acts of violence due to clashes between the cartel and the State had declined sharply. On the other hand, crop substitution campaigns had been only a qualified success. Narcotics use in Colombia was negligible; drug prevention campaigns were carried by the media and in the schools, and drug addicts were looked after in private and public institutions, but drug consumption in other countries was still an incentive to production. Among other things, the drug traffic had favoured the emergence of paramilitary groups in some parts of the country, but the opposing measures taken by the Colombian authorities gave grounds for hope that peace would soon reign in Colombia.

302. He went on to say that, in accordance with the Constitution, treaties had to be approved by the National Assembly before becoming an integral part of Colombian legislation. The President could, however, order the implementation *pro tempore* of certain international economic and commercial agreements reached in the setting of international organizations.

#### Articles 13 and 14: Right to education

303. Members of the Committee asked what measures had been taken to ensure the full exercise of

the right of everyone to education in Colombia, and to what extent the exercise of the right contributed to: (a) the full development of the human personality and the sense of its dignity; (b) the strengthening of respect for human rights and fundamental freedoms; (c) the development of the teaching of human rights; (d) the effective participation of all persons in a free society; (e) the promotion of understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups; and (f) the furtherance of United Nations peace-keeping activities. They also asked to what extent secondary education, including technical and vocational secondary education, and higher education had been made available and free to all in Colombia. To supplement the account made in the report of the nine main programmes in the Colombian Government's Social Economy Plan (E/1990/7/Add.4, paras.18 ff.), they asked what favourable effects the measures taken had had, what difficulties had been encountered, what failures had been suffered in the execution of the programmes, and what solutions had been adopted in the course of their execution in order to obtain the desired practical results.

304. They also asked what role was played by the private sector in secondary education and even in society, since it alone accounted for 58.7 per cent of all pupils in secondary education; what the average remuneration of teachers was at various levels as compared with average wages in Colombia, and to what extent equal access to different levels of education and to activities to promote literacy went beyond mere theoretical pronouncements to living reality. They asked the representatives of Colombia to indicate the proportion of male and female students receiving primary, secondary and higher education and participating in literacy promotion activities. They also asked to what extent the difference in development between the south and north of the country was being corrected as regards the implementation of the right to education, and what measures - antidiscriminatory measures, financial benefits, fellowships for further study or measures in support of deprived groups - had been taken or were envisaged to guarantee equal access to all levels of education in Colombia.

305. Members of the Committee also asked whether the vocational training referred to in article 26 of the Colombia Constitution was mandatory for all professions, what wages teachers in the private sector received in comparison with teachers in the public sector, what progress had been made and what difficulties had been encountered since 1989 in varying the curricula for basic secondary education and medium-level vocational training, how many Colombian children were of primary school age and how many adults had been affected by the "Basic Education for All" programme. They inquired about the status of research into human rights in Colombia and the extent of general public interest in it, what share of the State budget was devoted to education for indigenous groups and members of Colombia's black population, what specific strategy the Colombian Government had adopted to deal with the problem of violent groups of youths, and whether private State-subsidized schools were open to all Colombian children.

306. The representative of the State party stated that in order to guarantee the full enjoyment of everyone's right to education, Colombia had embarked on a reform of educational curricula. Teaching reforms had been adopted and applied in cooperation with UNESCO and the "Basic Education for All" programme sought to improve the country's teaching facilities. Besides traditional education, the programme called for literacy drives and adult education, the dissemination of basic notions of hygiene and health care, and a health training programme. The mass media were giving the educational programmes crucial backing.

307. With regard to cultural development, he stated that Colombia had established special programmes for promoting young people's development, one of which was specifically aimed at preventing drug addiction among adolescents. School education included a civics syllabus designed to make people aware of human rights, and human rights campaigns had been launched in and outside schools in collaboration with the mass media. As part of their teaching studies, would-be teachers attended civics courses. Teachers' pay depended on their grade and would be equivalent to, for example, 40 per cent of that received by a Supreme Court judge. Thanks to the "Basic Education for All" programme, the illiteracy rate had been brought down from 12 per cent to 7 or 8 per cent between 1989 and 1991. Boys and girls performed equally well at school and women were proportionally as well represented as men in universities; compulsory schooling, guaranteed by the Constitution, extended to the age of 15, and teaching was free in all public institutions.

308. The representative then turned to the problem of violent children and the children used by drug-traffickers to administer their rough justice. An ad hoc group reporting to the Office of the President had been set up to try to bring such youths back into normal social life. He also explained that article 26 of the Colombian Constitution provided for the "collegialization", i.e. corporatist organization of certain professions; such collegial organization was not obligatory but was current practice, especially in the liberal professions.

309. As regards the role of the private sector in education, he said that the school- and university-age population accounted for 40 per cent of Colombia's total population. There were not enough public institutions to meet the demand for education and they were therefore backed up by private establishments offering the same services. Colombians were free to choose the public or private sector. Public institutions were free. School fees at private establishments varied considerably. A scholarship and study loan system was operated by the Colombian Study Institute: any Colombian student could apply for a loan, to be repaid when he began to work. Teachers in the private sector were paid roughly the same as teachers in the public sector. It had become necessary to diversify curricula at training centres for ordinary schoolteachers, incorporating new, specialized teaching techniques for dealing with retarded children, deaf-mutes and children with behavioural problems. Experiments with direct management of public teaching establishments by parent councils had produced encouraging results.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

310. Members of the Committee asked the representatives of the State party to give details of legislative and other measures which the Government had taken to ensure that everyone could exercise the right to take part in the cultural life of his choice and to express his own culture. They asked what information was available on: (a) funds to promote cultural development and the participation of everyone in cultural life, including public aid to private initiative; (b) the institutional infrastructure established to apply measures to promote the participation of everyone in culture - cultural centres, museums, libraries, theatres, cinemas and handicraft centres; (c) the promotion of cultural identity as a factor of mutual appreciation between individuals, groups, nations and regions; (d) measures to assist ethnic groups, minorities and indigenous peoples to become aware of their cultural heritage and to benefit from it; (e) the role of the media as a factor encouraging participation

in cultural life; (f) the safeguarding and presentation of the cultural heritage of mankind; (g) legislation protecting freedom of artistic creation and production, particularly freedom to disseminate the results of such activities, and any restrictions on that freedom; and (h) vocational training in the cultural and artistic sphere.

311. They also asked what legislative and other measures had been taken to ensure the exercise of the right of everyone, particularly in the least developed parts of the country, to benefit from scientific progress and its applications. They requested information on: (a) measures to promote dissemination of information on technical progress; and (b) measures intended to contribute to the maintenance of a healthy and clean environment and the institutional infrastructure established for that purpose.

312. With regard to the protection of authors' rights, in view of the multitude of indigenous groups - put at 87 - and the existence of 115,000 black inhabitants, members of the Committee asked what measures had been taken to give effective protection to literary, scientific and artistic production in the context of such cultural diversity. They asked about the main legislative texts, regulations and other provisions designed to protect the moral and material interests of authors, and whether any difficulties prevented the full exercise of that right. They pointed out that further information had been requested, during consideration of the initial report, on the following points: (a) the Government's policy for promoting scientific research and how such research was organized and financed; (b) the number of theatres, cinemas, art galleries and museums in Colombia; and (c) the measures taken to preserve cultural monuments and works of art, particularly those of ancient Indian civilizations.

313. Clarifications were also sought on the implementation of provisions governing bilingual education in the areas inhabited by indigenous peoples; on the notion of special indigenous jurisdiction; and on the indigenous "treasures" protected by the ban on archeological digs.

314. In his reply, the representative of the State party explained that the Colombian Cultural Institute, COLCULTURA, was responsible for carrying out cultural policy formulated by the National Council on Economic and Social Policy and for that purpose laid down national-scale cultural development programmes. The National Rehabilitation Plan also included a cultural component and called for a number of measures to re-establish national, regional and local culture and impart renewed vigour to the country's cultural identity. The promotion of indigenous culture was a part of the overall policy relating to indigenous peoples, which was to arrange for their involvement in the exercise of political power in all its forms. Bilingualism for the indigenous peoples had been introduced in 1986. The linguistic and cultural values of the indigenous peoples and blacks living in Colombia were respected and brought to the public's attention by the media. The 1991 Constitution accorded indigenous languages official status; to give effect to that provision, however, regulations still needed to be adopted. Cultural activities were financed out of the State budget. The Government did offer tax incentives to private businesses which helped to promote culture.

315. He went on to say that the Colombian Government had handed over the management of the greater part of Amazonas and the Orinoco Basin within Colombian territory to the indigenous peoples that lived there. As regards archeological research in Colombia, he explained that the new regulations were not designed to ban digs but to protect the country's cultural heritage and safeguard sites which

were places of worship for the indigenous peoples, who would regard archeological digs as an affront to their cultural identity. On the subject of special jurisdiction for the indigenous peoples, he explained that the new Constitution set up indigenous, administratively autonomous areas and empowered indigenous chiefs to exercise jurisdiction over their own peoples within them. The existence of such jurisdiction in no way prevented members of the indigenous peoples from seeking justice through the ordinary channels.

### Concluding observations

316. The Committee expressed its satisfaction to the Colombian delegation for its presentation of the report and the objective and detailed answers to the questions raised by the pre-sessional working group and by members of the Committee.

317. In the Committee's view, the oral replies had done much to make good the shortcomings of the written report, which it found legalistic and lacking in information about the extent to which the Covenant was being implemented.

318. The Committee hailed the steps taken by the Colombian Government, notably since the latter part of 1990, aimed at improving the effective implementation of the rights covered by articles 13 to 15 of the Covenant.

319. The Committee noted that many questions posed orally by its members had not yet received satisfactory answers, and the delegation had promised to supply further written information on them: they were chiefly concerned with clarifying issues raised by the wording of certain provisions in the 64 articles of the new constitution dealing with human rights, the status of the Covenant under domestic legislation, the wider range of options available under the new system of education, the regional promotion system and the literacy campaign; with obtaining precise information on the object of education for senior citizens, the school drop-out rate and its distribution by age group, gender and social stratum; and with the integration of the indigenous communities and the black population into normal Colombian life. The Committee welcomed the undertaking by the Colombian delegation to forward the additional information, perhaps in the forms of a further written report, as soon as possible.

320. The Committee was concerned at the difference in teachers' pay at private and public teaching institutions. Teachers in the private sector played a key role in giving effect to the right to education and yet they were much less well off than their counterparts in the public institutions.

321. The Committee was also concerned that education in human rights as called for in article 13 (1) of the Covenant was currently being given only to members of the judiciary and police force. Human rights education needed to extend to all constituents of the nation if it was to achieve its goal - the full development of the human personality and the sense of its dignity, and strengthened respect for human rights and fundamental freedoms.

322. The Committee felt that further action was needed on those two issues in order to meet fully the obligations laid down in the Covenant. It thanked the Colombian delegation for its willingness

to enter into a constructive dialogue with the Committee.

## CESCR E/1996/22

173. The Committee considered the third periodic report of Colombia on articles 1 to 15 of the Covenant (E/1994/104/Add.2) at its 32<sup>nd</sup>, 33<sup>rd</sup> and 35<sup>th</sup> meetings on 21 and 22 November 1995 and, at its 54<sup>th</sup> meeting on 6 December 1995, adopted the following concluding observations.

### A Introduction

174. The Committee welcomes the periodic report submitted by Colombia, which largely complies with the guidelines for the preparation of reports. The written responses to the list of issues submitted to the Government, as well as the report of the Defensoría del Pueblo de Colombia (Ombudsman), were also informative and helpful to the Committee. The competence and frankness of the Government's representatives, as well as their willingness to respond to all the questions put by members of the Committee, were also appreciated. Lastly, the Committee welcomes the information provided by non-governmental organizations, as well as the stated willingness of the Government to continue the dialogue with them.

### B. Positive aspects

175. The Committee notes with satisfaction the status of international human rights instruments in domestic law, the human rights provisions contained in the 1991 Constitution and the extensive programme of legislative reform aimed at improving respect for human rights and ensuring effective procedures of redress for violations of fundamental rights. It also takes note of the intention of the Government to ratify the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).

176. The Committee welcomes the establishment of the Office for Human Rights and of the Defensoría del Pueblo (Ombudsman) as well as the commission mandated to follow up the international recommendations addressed to the Government of Colombia, and hopes that, in its next report, the Government will provide a detailed account of the activities and progress made by those bodies, as well as of the role played by the tutela mechanism established by the 1991 Constitution for the protection of economic, social and cultural rights.

177. The Committee takes note of the adoption of the Development Plan for the period 1994-1998 - the "Social Leap" - and acknowledges the efforts made by the Government to respond to the acute social problems affecting the country. Although aware of the persistence of these problems, it commends the Government's programmes to improve the social welfare system, enhance access to education, promote the rights of indigenous peoples and improve care for the homeless, particularly street children.

178. The Committee welcomes the Government's determination to respond to the problem of violence against women by reviewing relevant provisions of the criminal law and by improving its programmes on behalf of women. It also notes with satisfaction that Colombia intends shortly to ratify the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of



Violence against Women (Convention of Belém do Pará).

C. Factors and difficulties impeding the implementation of the Covenant

179. The Committee notes with concern the persistence of a climate of wide-scale violence in Colombia, especially in the Uraba region. This factor seriously destabilizes the country and impedes the Government's efforts to ensure to all the full enjoyment of economic, social and cultural rights. The Committee notes that such violence is in part brought about by serious inequalities in society, such as enormous disparities in the distribution of national wealth, including land ownership.

180. The Committee notes that the frequent recourse to the establishment of a state of emergency has adverse repercussions on the enjoyment of economic, social and cultural rights in Colombia.

D. Principal subjects of concern

181. The Committee is seriously concerned about the persistence of a high level of poverty affecting the majority of the country's inhabitants. In particular, the Committee notes with concern that Colombia's infant mortality rate is one of the highest in South America. While recognizing the Government's efforts to redress the situation, the Committee emphasizes that it is anomalous that such levels of poverty should persist in a country with a steadily expanding economy. The Committee expresses its concern at the disappointing results achieved by most programmes to combat poverty and improve living conditions, especially since funds allocated in the budget for social expenditures have not been fully used for that purpose.

182. The Committee emphasizes the considerable importance of the problem of displaced persons, estimated at approximately 600,000. Hundreds of thousands of peasants have been uprooted and forced to migrate to the cities, where they swell the numbers of slum dwellers and are in effect unable to satisfy their most basic requirements. The primary reason for these displacements is the high level of violence in certain regions of the country.

183. The Committee stresses its concern at the existence of a high number of abandoned children, or street children, deprived of all their rights (family environment, education, health, housing, etc.). The Committee is concerned by the fact that the "Community Mothers Programme" designed to help the children is insufficiently funded, bearing in mind the important social work accomplished by these women, without appropriate training and work conditions.

184. The Committee is concerned that the Government's action is not sufficiently energetic to eradicate the odious practice of so-called "social cleansing", by which some criminal groups threaten and kill persons whom they consider disposable, including children.

185. The Committee is concerned to note that the rule of law appears to have completely broken down in the Uraba region, and in particular that the State no longer ensures the provision for the community of the most basic social, educational and health services.

186. The Committee expresses concern about the extensive discrimination against women. For

example, it is noted that the wages of women are on average 30 per cent lower than those of men.

187. The Committee notes with concern the drop in the real value of wages. According to a report of the Defensoría del Pueblo, in March 1995, 23.8 per cent of the active population, in the seven principal towns of the country, received the minimum legal wage (approximately US\$ 135) and 64.2 per cent received less than twice the minimum legal wage. Thus some 75 per cent of workers cannot afford to fill the "family basket", which costs two and a half times the minimum legal wage.

188. The Committee is seriously concerned about the violation of the right of many workers to form and join trade unions and to participate in collective bargaining and strike action. The Committee considers that the restrictions placed by law on the right to strike are far too extensive and cannot be justified by reasons of national security or public order. It regrets that the present tripartite commission for trade union development does not have a mandate to consider these grave matters.

189. The Committee is concerned at the high rate of child labour, particularly in arduous and unhealthy occupations (such as brick making and mining), and at the insufficient action taken by the Government to combat this practice.

190. The Committee notes that the implementation and monitoring of health and safety measures in the workplace have not reached the desirable level, due, inter alia, to the insufficient number of labour inspectors.

191. The Committee notes with concern that there is a considerable shortfall in housing, amounting to 3.7 million units, and that many inhabitants live in precarious conditions in housing which does not correspond to the definition of adequate housing under article 11 of the Covenant and as detailed by the Committee.

192. The Committee notes that, despite a series of governmental initiatives, effective access to education is limited in Colombia. The Committee is particularly concerned that universal primary education, as provided for in the Covenant, is not yet attained. It is also concerned about the decline in the quality of secondary education and about the work situation of teachers.

#### E. Suggestions and recommendations

193. The Committee recommends that the Government, through its economic development programmes and a modification of the tax and fiscal system, now under consideration, address the problem of the inequitable distribution of wealth, with the object of effectively combatting the poverty that characterizes the country. The Committee also recommends concerted efforts to improve the efficiency of Colombia's economic and social development programmes.

194. The Committee recommends that the Government continue to give priority to efforts to relieve the plight of indigenous communities, displaced persons, the homeless, and other persons living on the margins of society. The Committee urges the Government to ensure that these persons' most basic needs are addressed, irrespective of any long-term strategy.

195. The Committee is of the view that the phenomenon of so-called "social cleansing" has not been eradicated and it recommends the utmost vigilance in this regard, in particular the punishment of the perpetrators of such crimes. The Committee also recommends that the root causes of this phenomenon be addressed with all means available to the Government.

196. The Committee urges that greater attention be given to the problem of discrimination against women and that programmes be implemented for the eradication of inequalities between men and women. Such programmes should, at the same time, aim to raise public awareness and interest in the economic, social and cultural rights of women.

197. The Committee recommends that the Colombian Government adopt all necessary measures to harmonize in practice its legislation on trade union freedom and collective bargaining with its international obligations in this regard.

198. The Committee also recommends that the Government take all necessary steps to ensure for all the right to free primary education. It further recommends that the Government take measures to improve the quality of secondary education and the material conditions of teaching staff.

199. The Committee recommends that human rights education be provided at all education levels, particularly in primary education, and also in the training of police officers, members of security and armed forces, magistrates and judges.

200. The Committee also considers that the Colombian Government should:

(a) improve the training of "community mothers" and regularize their work situation, treating them for all purposes as workers in the employ of a third party;

(b) combat the practice of non-utilization of budget items earmarked for social expenditure in the State's overall budget and ensure that such appropriations are used for the purposes for which they were budgeted;

(c) improve the supply of housing, especially low-cost housing for the benefit of the poorest sectors, in urban areas and also in rural areas, and allocate resources to provide the entire population with drinking-water and sewerage services.

201. The Committee considers that it would be desirable to improve the system of social statistics collection based on relevant indicators, to ensure that the Government and all institutions concerned can objectively assess the problems and progress made in the area of economic, social and cultural rights.

202. The Committee recommends that Colombia make the best possible use of the technical assistance available to it from the United Nations Centre for Human Rights in cooperation with United Nations bodies and the appropriate specialized agencies, with a view to promoting the enjoyment and protection of economic, social and cultural rights for all.

## **CESCR E/2002/22 (2001)**

750. The Committee considered the fourth periodic report of Colombia on the implementation of the Covenant (E/C.12/4/Add.6) at its 63rd and 64th meetings, held on 14 November 2001, and adopted, at its 85th and 86th meetings, held on 29 November 2001, the following concluding observations.

### **A. Introduction**

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

752. 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**

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

754. The Committee welcomes the National Development Plan "Change for Building Peace - 1998-2002".

755. 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.

756. The Committee welcomes the adoption in June 2000 of Act No. 584, which amended the Substantive Labour Code, and the ratification of five ILO conventions, including Convention No. 151 (1978) concerning protection of the right to organize and procedures for determining conditions of employment in the public service.

### **C. Factors and difficulties impeding the implementation of the Covenant**

757. 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.

758. 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

759. 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 after consideration of Colombia's third periodic report,<sup>20/</sup> 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.

760. The Committee notes with serious concern the increasing number of internally displaced persons. The Committee is particularly concerned that the internally displaced persons 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.

761. 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.

762. 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 National Directorate 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.

763. 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.

764. 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.

765. 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

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<sup>20/</sup> Official Records of the Economic and Social Council, 1996, Supplement No. 2 E/1996/22-E/C.12/1995/18, chap. V, paras. 193-202.

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.

766. 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.

767. 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 ILO Convention No. 102 (1952) concerning minimum standards of social security.

768. 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 ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

769. 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.

770. 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.

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

772. 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.

773. 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.

774. 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.

775. 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.

776. 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.

777. 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

778. 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.

779. 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.

780. The Committee requests the State party to provide information in its fifth periodic report on the implementation of the concluding observations adopted by the Committee after consideration of the third periodic report of Colombia, and in particular of the points raised above (para. 759).

781. 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.

782. 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 (1989) concerning indigenous and tribal peoples in independent countries.

783. 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.

784. The Committee reiterates the recommendation made in its concluding observations on the third report of Colombia that the employment status of "community mothers" should be regularized by treating them as workers, so that they are entitled to the minimum wage.

785. 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.

786. 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.

787. 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.

788. The Committee urges the State party to consider ratifying ILO Convention No. 102 (1952) concerning minimum standards for social security and to take measures to ensure that the coverage of the social security system is significantly increased.

789. 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 (1999) concerning the worst forms of child labour.

790. 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.

791. 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.

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

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

794. 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.

795. The Committee calls upon the State party to increase its efforts concerning vaccination programmes to combat diseases and infections, especially among children.



796. 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.

797. 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 Decennial Plan for Education, take into account the Committee’s General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant) and establish an effective monitoring system for the plan. The State party is also encouraged to seek technical advice and assistance from UNESCO in relation to the implementation of its plan.

798. 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 on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below).

799. The Committee recommends that the State party comply with the standards of the International Guidelines on HIV/AIDS and human rights.<sup>21/</sup>

800. The Committee strongly recommends the implementation of the National Action Plan for Education on Human Rights, proposed by the United Nations High Commissioner for Human Rights within the framework of the United Nations Decade for Human Rights Education (1995-2004).

801. 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.

802. 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 obligations under the Covenant, in the light of these concluding observations.

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<sup>21/</sup> HIV/AIDS and Human Rights: International Guidelines. Second International Consultation on HIV/AIDS and Human Rights, Geneva, 23-25 September 1996 (United Nations publication, Sales No. E.98.XIV.1).

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