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## Committee on Economic, Social and Cultural Rights

### Seventy-eighth session

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**Consideration of reports: reports submitted by States Parties  
under articles 16 and 17 of the Covenant**

## Replies of Colombia to the list of issues in relation to its seventh periodic report<sup>\*, \*\*</sup>

[Date received: 4 November 2024]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## I. Introduction

1. Colombia submitted its seventh periodic report on the implementation of the Covenant on 16 December 2022 (E/C.12/COL/7). In document E/C.12/COL/Q/7, issued on 7 November 2023, the Committee on Economic, Social and Cultural Rights submitted the list of issues relating to the seventh periodic report and requested a response thereto by 31 October 2024.
2. It should be noted that on 7 August 2022, President Gustavo Petro Urrego began his term of office, which will run until 7 August 2026.
3. The present report was prepared in response to the list of issues relating to the report.
4. The Ministry of Foreign Affairs coordinated the collection of information from the competent State entities in order to respond to each of the issues raised by the Committee on Economic, Social and Cultural Rights. The information is set out below.

## II. Replies to the list of issues (E/C.12/COL/Q/7)

### A. General information

#### Reply to the questions raised in paragraph 2

5. On 9 June 2023, in Havana, the Government of Colombia and the Ejército de Liberación Nacional (National Liberation Army) (ELN) signed Agreement No. 9 with the aim of ensuring the involvement of civil society in peacebuilding and securing a major national agreement through which to overcome the conflict.
6. The Agreement established the National Participation Committee, which was instituted on 3 August 2023 and is comprised of representatives from 30 sectors of civil society and 81 members of social organizations. The Committee is responsible for the design of the participation model and the National Participation Plan and makes recommendations for the Dialogue Forum, organizing 78 sectoral, community and local meetings to consult civil society.
7. The Committee will ensure that civil society makes proposals and participates in the bilateral dialogues in an inclusive and binding manner, with a focus on victims in the peacebuilding process.

#### Reply to the questions raised in paragraph 3

8. In Colombia, the mechanisms for the protection of economic, social, cultural and environmental rights are the constitutional remedies of *amparo*, *actio popularis* and, in exceptional cases, class suits.
9. Users of the justice system consider *amparo* to be the most effective and expeditious mechanism. The Colombian State therefore presents the tables below, provided by the High Council of the Judiciary, on the *amparo* remedies that were filed in 2023 in connection with the protection of economic, social, cultural and environmental rights.

#### Total number of *amparo* remedies concerning economic, social, cultural and environmental rights, 2023

Protected right	First instance	Second instance
	<i>Amparo</i>	<i>Appeals</i>
Education	5 922	1 487
The environment	306	81
Minimum living wage	35 212	11 055
Health	221 783	45 145
Social security	29 272	13 632

10. The following table shows the appeals against *amparo* remedies filed in connection with economic, social and cultural rights, compared to the total number of *amparo* remedies brought before the courts.

<i>Right</i>	<i>Appeal rate</i>
Social security	48.1%
Minimum living wage	30.2%
Education	29.4%
The environment	29.1%
Health	23.3%

11. In addition to the foregoing, and according to the Supreme Court of Justice, a significant proportion of the jurisprudence of the ordinary courts highlights the relevance of the Covenant in cases concerning failure to provide support and the duties and rights deriving from the Covenant.<sup>1</sup>

12. The State, through the Counsel General's Office, the Ombudsman's Office, the Land Restitution Unit and the High Council of the Judiciary, has taken action in follow-up to the judgments referred to by the Committee:

- Judgment No. T-025 of 2004: the unconstitutional elements have been remedied in respect of the arrangements for the participation and registration of victims of forced displacement in the Central Register of Victims. However, unconstitutional elements remain in place with regard to: (i) minimum subsistence; (ii) education; (iii) life, liberty and security of person; (iv) housing; (v) income and employment generation; (vi) rehabilitation; (vii) return and relocation; (viii) land restitution and protection; (ix) compensation; (x) justice; and (xi) truth.
- Judgment No. T-760 of 2008 of the Constitutional Court is a milestone in the protection of the right to health in Colombia. The judgment was handed down in response to a backlog of *amparo* remedies that evidenced structural failures in the General Health and Social Security System. These failures affected effective access to health services and technologies, especially for vulnerable populations. Key decisions:
  - Reaffirmation of the right to health as a stand-alone fundamental right
  - Standardization of the Compulsory Health Plan

<sup>1</sup> Ruling No. SP3832-2022 of the Criminal Appellate Division: Act No. 1098 of 2006, art. 24/Act No. 599 of 2000, art. 233/Universal Declaration of Human Rights, art. 16 (3)/International Covenant on Economic, Social and Cultural Rights, arts. 10 (1) and 10 (3).

Subject matter: Failure to provide support and the application of the International Covenant on Economic, Social and Cultural Rights.

Ruling No. SP3520-2022 of the Criminal Appellate Division: International Covenant on Civil and Political Rights, art. 24 (1)/American Convention on Human Rights, art. 19/International Covenant on Economic, Social and Cultural Rights, art. 10 (3)/Convention on the Rights of the Child, art. 3 (1)/Act No. 906 of 2004, arts. 180 and 539/Act No. 1826 of 2017, art. 16/Act No. 1098 of 2006, arts. 36, 142 (2), 149 and 208–214/1991 Constitution of Colombia, arts. 13, 44 and 47/Act No. 1346 of 2009.

Subject matter: Principle of protection and development of children with disabilities and the system of criminal responsibility for adolescents in the light of the International Covenant on Economic, Social and Cultural Rights and other instruments.

Ruling No. SP4198-2019 of the Criminal Appellate Division: Act No. 600 of 2000, arts. 75, 114, 220 (3), 220, 221, 301 (1) and 307/1991 Constitution of Colombia, arts. 93, 116, 217, 218, 249 and 250/Act No. 74 of 1968/International Covenant on Economic, Social and Cultural Rights/American Convention on Human Rights/American Declaration of the Rights and Duties of Man/Act No. 906 of 2004, arts. 120 (1), 127, 192, 304 (1) and 305/International Covenant on Civil and Political Rights, arts. 6, 7 and 9/Decree No. 2550 of 1988.

- Establishment of mechanisms, including the Technical and Scientific Committee, to guarantee access to services and technologies not included in the Compulsory Health Plan and introduction of the option to file an *amparo* remedy in the event of a violation of the right to health
- Judgments No. T-388 of 2013, No. T-762 of 2015 and No. SU-122 of 2022: The unconstitutional elements remain in place and also now include temporary detention centres. In December 2023, 124 correctional facilities were assessed. Findings: (i) 7 facilities have low compliance with rehabilitation; (ii) all facilities scored more than 70 per cent in food provision; (iii) in the area of health, 9 have a coverage rate of below 40 per cent for special regimes, 92 per cent of persons deprived of liberty are members of the National Health Fund and 5 have a compliance rate of below 40 per cent; (iv) 5 scored below 50 per cent in public services; (v) 13 scored below 40 per cent in access to justice; (vi) fumigation, sanitation and disinfection were measured as a baseline in the area of infrastructure.
- Judgment No. T-302 of 2017: the Constitutional Court declared Wayúu children's lack of enjoyment of the fundamental rights to food, health, drinking water and participation to be unconstitutional owing to non-compliance with public policies of the Government, the Department of La Guajira and specific municipalities. The Ombudsman's Office has taken multiple measures and conducted several visits to the area to verify compliance with the orders and obtain information from the communities and local authorities.

13. The Constitutional Court took on responsibility for giving follow-up to the judgment by means of Order No. 041 of 21 February 2021. The Special Chamber tasked with the follow-up began work on 18 July 2022. The details of the orders issued and actions taken are set out in information that was accurate as at 15 March 2024. The first table indicates the degree to which the objectives set out in the orders have been met and whether the information-sharing parameters have been defined and provides an assessment of compliance with the order. The graphic shows the compliance rates as percentages:

- See annex 1: Status of compliance with judgment No. T-302 of 2017
- See annex 2: Current status of orders, 2023

#### **Reply to the questions raised in paragraph 4**

14. In 2022, 3,619 human rights leaders and defenders were given protection. The figure rose to 3,779 in 2023 and to 4,103 as of June 2024. The measures currently in place for human rights leaders and defenders include protection personnel (4,368), conventional vehicles (1,093), armoured vehicles (658), protective vests (3,396) and communication devices (5,463).

15. The National Protection Unit has a protocol for analysing the level of risk facing female human rights leaders and defenders, pursuant to which guidelines have been incorporated into the process for assessing risk level to ensure that the following elements are taken into consideration: gender-based violence; the disproportionate impact on women displaced in the context of the conflict; violence against female human rights defenders; challenges arising from traditional societal roles; and the design of protocols for the implementation of adequate protection measures for women and LGBTIQ persons.

16. In relation to protection measures for the signatories of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, 639 risk assessment orders have been issued in 2024 to date. There are currently 4,680 persons in receipt of protection measures (3,399 men, 1,238 women and 1 transgender person).

17. Since 2017, signatories have been granted 14,574 protection measures, in the form of armoured vehicles (834), conventional vehicles (407), protection personnel (2,944), vests (1,819), communication devices (1,950), panic buttons (1,122), self-defence courses (839), financial support for relocation (3,704) and financial support for house moves (955).

18. Between 2016 and 2023, the Attorney General's Office implemented a strategy to investigate the murders of human rights defenders and social leaders. It recorded 1,150 cases

between January 2016 and December 2023, of which 910 were reported by the United Nations<sup>2</sup> or the Ombudsman's Office<sup>3</sup> and the remainder by civil society organizations.<sup>4</sup> Various types of leaders have been murdered, as detailed in the following table:

- See annex 3: Types of leaders

19. Of the 1,150 murders recorded, 669 cases (58.17 per cent) have been investigated and progress has been made towards a resolution. The procedural stages in the 1,150 murder cases are detailed below:

- See annex 4: Procedural stages of cases under investigation

20. Between 1 January 2016 and 13 December 2023, 1,204 arrest warrants were issued. In addition, in the 173 murder cases that have reached the sentencing stage, a total of 248 persons have been convicted.<sup>5</sup>

### **Reply to the questions raised in paragraph 5**

21. Between 2020 and 2022, as part of the implementation of the National Business and Human Rights Plan, the State prepared and submitted a voluntary national action plan. In the second half of 2023, it produced a policy memo setting out a series of recommendations for decision-makers in the area of business and human rights, using a public policy approach to identify causes, consequences and alternatives.

### **Reply to the questions raised in paragraph 6**

22. The Ministry of the Environment and Sustainable Development emphasizes that climate change disproportionately affects women due to historical and current inequalities. It recognizes the fundamental role of rural peasant, Indigenous and Afro-Colombian women in climate action and values their traditional knowledge of biodiversity and crop management, as well as their community leadership in protecting the environment to strengthen social and ecological resilience in Colombia.<sup>6</sup>

23. Colombia has launched its Gender and Climate Change Action Plan, a pioneering instrument that links two interconnected issues, namely, gender and climate change. The Plan, which is crucial in the international and national context, is aimed at promoting effective actions using an inclusive and transformative approach and a gender lens. It was developed through participatory and educational processes to strengthen gender equality, resilience and climate justice, involving sectoral ministries and diverse women's organizations as key agents in climate action.

24. The National Climate Change Adaptation Plan seeks to reduce the country's vulnerability and strengthen its capacity to respond to the threats and impacts of climate change. The Climate Change Information System, established pursuant to Act No. 1931 of 2018, is aimed at organizing policies, standards, State and private entities, resources, plans, strategies, instruments and mechanisms to manage greenhouse gas mitigation and climate change adaptation in a coordinated and effective manner.

25. The National Disaster Risk Management Unit has developed practical guidelines to assist municipalities in formulating risk management plans that take account of the effects of climate change and ensure that the planned strategies reduce current and future risks and consequently help the country adapt to climate change.

<sup>2</sup> Between 1 January 2016 and 7 January 2021.

<sup>3</sup> Since 1 January 2021.

<sup>4</sup> Marcha Patriótica, Cumbre Agraria, Asojuntas and INDEPAZ.

<sup>5</sup> Information provided by the Special Investigation Unit.

<sup>6</sup> Electronic resource Colombia. Ministry of the Environment and Sustainable Development, Foundation for the Internationalization of Public Administrations (FIIAPP), ProNDC – Support for the fulfilment of the Colombian climate goals provided by the German Agency for International Cooperation (GIZ)/CASAS, J.A. (2022); PINILLA, J. (2022). Road map for the Gender and Climate Change Action Plan, Colombia. Ministry of the Environment and Sustainable Development, 2022.

## B. Issues relating to the general provisions of the Covenant (arts. 1–5)

### Right to freely dispose of natural wealth and resources (art. 1 (2))

#### Reply to the questions raised in paragraph 7

26. In the previous National Development Plan, the pact promoted<sup>7</sup> the rights of ethnic groups through coordinated strategies and prior consultation processes, with the aim of increasing<sup>8</sup> equality of opportunity and respecting their customs and traditions.

27. The current National Development Plan for the period 2022–2026 promotes the social and economic inclusion of Indigenous Peoples and black, Afro-Colombian, Raizal, Palenquero and Roma communities through the recognition of their collective rights, the restitution of lands, the issuance of title deeds and the development of sustainable productive projects.

28. Article 16A (1) of Decree No. 2353 of 2019 establishes that, before beginning projects, works or activities, the administrative procedures to determine the legitimacy and pertinence of prior consultation must be carried out to assess whether there might be a direct impact on ethnic communities and guarantee their fundamental right to prior consultation. According to the findings of the Constitutional Court set out in judgment No. SU-123 of 2018, a direct impact arises when:

- Social, spiritual, cultural, health or occupational arrangements are disrupted
- Sources of livelihood within the territory of the ethnic minority are affected (broad concept of territory)
- Engaging in activities on which people depend for their livelihood becomes impossible
- A community is resettled outside its territory (consent)

29. The same applies when a policy, plan or project affects any of the rights of Indigenous Peoples or tribal peoples:

- When a measure is aimed at the implementation of the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- When a burden is attributed to or benefits are provided to a community in order to modify its legal status
- When the defining elements of a people's identity or culture are interfered with

30. The National Planning Department led the prior consultation process in respect of the National Development Plan, which culminated in the signing of 456 agreements between the Government and ethnic communities, involving nearly 12,000 people from 32 Departments, 1,315 members of the Roma community and more than 6,000 Indigenous authorities and leaders representing the 115 Indigenous Peoples in Colombia.

#### Reply to the questions raised in paragraph 8

31. Pursuant to Decree No. 1874 of 2022, the Office of the Vice-President designed a strategy to implement the chapter on ethnic perspectives contained in the peace agreement.<sup>9</sup> The rate of progress<sup>10</sup> made in its implementation stands at 45.22 per cent.

<sup>7</sup> [https://colaboracion.dnp.gov.co/CDT/Sinergia/Documentos/Informe\\_congreso\\_2022-IDM.pdf](https://colaboracion.dnp.gov.co/CDT/Sinergia/Documentos/Informe_congreso_2022-IDM.pdf).

<sup>8</sup> <https://colaboracion.dnp.gov.co/CDT/Prensa/PND-lo-que-debe-saber-sobre-grupos-etnicos.pdf>.

<sup>9</sup> The Vice-President was entrusted with responsibility for inter-institutional and intersectoral coordination in the implementation of the commitments arising from the chapter on ethnic perspectives contained in the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace (art. 6).

<sup>10</sup> It should be noted that at the end of former President Iván Duque's term of office, the progress rate stood at 58.1 per cent. However, this figure did not include indicators in respect of which

32. It should be noted that 961,611 hectares have been allocated for the creation, expansion and regularization of Indigenous reserves, benefiting 37,973 people. Collective title deeds covering 16,663 hectares have been issued to black, Afro-Colombian, Raizal and Palenquero communities, benefiting 6,481 families.

33. In November 2023, an agreement was concluded for the implementation of the chapter on ethnic perspectives, including the identification of resources from the General Royalties System and measures to encourage the investment of international resources. In addition, 116,314 hectares were transferred to 19 Indigenous and 4 black communities, with a progress rate of 28.8 per cent attained with respect to the initiatives aimed at ethnic communities provided for in regional transformation action plans. Two national meetings of the technical secretariats of the special consultative mechanisms were held.

34. Between 2016 and 2023, progress has been made in issuing title deeds to ethnic peoples in respect of collective lands and formalizing, expanding and allocating them, pursuant to the rural land ownership arrangements set out in article 42 of Decree No. 902 of 2017 (see annex 5).

## Maximum available resources (art. 2 (1))

### Reply to the questions raised in paragraph 9

35. Through the tax reform adopted in Act No. 2277, the State is aiming to strengthen taxation and contribute to ensuring an equitable and progressive tax system, with a view to achieving transformative change through equality and social justice. The main elements of the reform are:

- Reduction of tax benefits favouring high-income individuals, and establishment of a permanent wealth tax
- Increase in the contribution made by the natural resource extraction sector towards funding public spending
- Changes to the carbon tax and creation of taxes on unhealthy foods and single-use plastic items

36. The proportion of the population living below the nationally defined poverty line stood at 33 per cent in 2023, which is lower than the rates in 2022 and 2021,<sup>11</sup> when it stood at 36.6 per cent and 39.7 per cent, respectively.

37. The table in annex 6 shows the proportion of the annual State budget that was funded through tax revenues between 2014 and 2024.

38. For details of tax revenues, which are managed by the National Tax and Customs Authority, as a percentage of total income during the last 10 years, see annex 7.

39. The table below shows public expenditure by the Government as a percentage of gross domestic product over the last 10 years:

<i>Year</i>	<i>Government expenditure</i>
2013	19.1%
2014	18.9%
2015	19.1%
2016	18.9%
2017	19.3%
2018	18.2%

shortcomings had been identified, leading to an artificially inflated figure. The current Government included indicators in the report to reflect the progress rate more accurately.

<sup>11</sup> <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/pobreza-monetaria>.

<i>Year</i>	<i>Government expenditure</i>
2013	19.1%
2019	18.7%
2020	23.1%
2021	23.1%
2022	21.5%
2023	23.1%

40. The tax rates levied on corporate profits are set out in article 240 of the Tax Statute. The general income tax rate is 35 per cent. State-owned companies with a monopoly pay 9 per cent. Financial institutions are subject to a surcharge of 5 percentage points until 2027. Hydrocarbon activities incur a surcharge of up to 15 per cent. Electricity generation incurs a surcharge of 3 percentage points.

41. The tax rates levied on personal income, including for resident foreign nationals, are set out in article 241 of the Tax Statute, as follows: zero on the first 1.090 tax value units; 19 per cent between 1.090 and 1.700 tax value units; 28 per cent between 1.700 and 4.100 tax value units; 33 per cent between 4.100 and 8.760 tax value units; 35 per cent between 8.670 and 18.970 tax value units; 37 per cent between 18.970 and 33.000 tax value units; and 39 per cent above 33.000 tax value units.

42. Value added tax is regulated under article 468 of the Tax Statute. The general value added tax rate is 19 per cent. Goods and services taxed at 5 per cent and those that are tax-exempt are specified in articles 468-1, 468-3, 476 and 477 of the Tax Statute.

43. Value added tax is levied at each stage of production, allowing the tax paid on production to be deducted. Other indirect taxes include excise tax, taxes on unhealthy foods and several targeted taxes on products such as plastic bags, cannabis, single-use plastic items, carbon, gasoline and regular grade diesel fuel.

44. Approximately 90 per cent of total revenue is generated from personal income tax collected from the richest 10 per cent of the population. This figure is based on the average over the last six years and includes both withholdings and the balance payable by the richest 10 per cent of the population compared to the total amount collected through tax on personal income.

45. Details of the proportion of the public budget allocated to social spending are set out in annex 8.

46. Details of the proportion of the public budget allocated to defence are set out in annex 9.

47. Resources allocated to the emergency response to the coronavirus disease (COVID-19) pandemic were channelled through the Emergency Response Fund.<sup>12</sup> The amounts distributed were equivalent to almost 4 per cent of gross domestic product.

## **Non-discrimination (art. 2 (2))**

### **Reply to the questions raised in paragraph 10**

48. The State is mindful of the disparities between urban and rural areas in the enjoyment of Covenant rights and included measures in the National Development Plan that are designed to develop the rural and peasant economy using differential approaches with respect to Indigenous Peoples and ethnic communities.

<sup>12</sup> For more detailed figures, time frames and other information, see the Emergency Response Fund White Paper. Retrieved from: [https://www.minhacienda.gov.co/webcenter/ShowProperty?nodeId=%2FConexionContent%2FWCC\\_CLUSTER-198742%2F%2FidcPrimaryFile&revision=latestreleased](https://www.minhacienda.gov.co/webcenter/ShowProperty?nodeId=%2FConexionContent%2FWCC_CLUSTER-198742%2F%2FidcPrimaryFile&revision=latestreleased).



49. To mitigate the socioeconomic effects of the COVID-19 pandemic and stimulate formal employment, the Ministry of Labour established incentives for the creation of new jobs. These incentives fund labour costs such as social security and extrabudgetary payments and are aimed at employers who hire young people aged between 18 and 28 years and people aged over 28 years.<sup>13</sup> Thanks to these incentives, 811,686 new jobs were created between September 2021 and August 2023:

- 584,3362 jobs for young people
- 121,772 jobs for women over 28 years of age
- 105,552 jobs for men over 28 years of age

50. Approximately 25 pieces of draft legislation are pending before Congress in connection with the availability of public services and infrastructure, as well as employment opportunities for the most disadvantaged and marginalized individuals and groups. They include:

- PL-197-23, aimed at establishing measures to guarantee access to water for human consumption and basic sanitation in the Department of La Guajira
- PL-231-22, aimed at guaranteeing access to natural gas, as an essential domestic public service, in new social and priority social housing

51. The National Development Plan envisages the implementation of special measures to combat structural and historical discrimination against Indigenous Peoples and Afro-Colombian communities, including, in particular, the following:

- Public policy (Act No. 2294 of 2023) on the eradication of racism and racial discrimination
- Establishment of the National Intersectoral Commission on Historical Reparations to overcome the effects of racism, racial discrimination and colonialism on ethnic groups
- “Water is Life” programme, intended to provide sustainable water and sanitation solutions in marginalized and excluded areas, with the aim of overcoming the historical barriers faced by these communities in accessing water and sanitation
- Article 219 of the National Development Plan established the Ethnic Groups Budget Tracker, which sets out specific indicators for Indigenous Peoples and communities and for black, Afro-Colombian, Raizal and Palenquero communities

## **Equal rights of men and women (art. 3)**

### **Reply to the questions raised in paragraph 11**

52. The Government is prioritizing the implementation of public policies on gender that help it to tackle the historical disparities affecting women in the country. The Ministry of the Interior has stated that the application of the gender focus contained in the Final Peace Agreement has had a significant impact on the substantive equality of rights between men and women and that measures have been taken to ensure the effective and meaningful participation of women in the implementation of that Agreement. Examples of such measures include:

- The strengthening of citizen oversight units with a gender focus, such as the Catatumbo Women’s Network and the Institutional Oversight Support Network
- The reactivation of the Government High-level Forum on Gender in order to promote and provide follow-up on the gender-related measures set out in the Agreement
- The implementation, as part of the comprehensive reform of the rural sector, of gender-related measures relating to matters such as access to land, financing for women’s autonomy and the multipurpose land register

<sup>13</sup> Established by Act No. 2155 of 2021 and regulated by Decree No. 1399 of 2021.

53. Annex 10 contains a description of the progress made since 2017 with respect to the gender-related indicators established under the Framework Plan for Implementation of the Final Peace Agreement for each point of the Agreement.

54. The Public Policy on Gender Equity for Women: Towards Sustainable Development for Colombia, which was approved in National Economic and Social Policy Council document No. 4080, provides for investment of 47.9 billion Colombian pesos (Col\$) to address the gender gaps in the country. The main objective of this intersectoral policy, which is expected to remain in effect until 2030, is to reduce the disparities that limit women's financial autonomy, decision-making power and physical security, which were exacerbated by the COVID-19 pandemic.

55. As part of its efforts to provide follow-up to the Public Policy, the National Planning Department reported that, by late 2022, the attainment rate for the targets set for 2030 stood at 12.34 per cent and the rate for the annual implementation targets stood at 18.5 per cent. By the end of the first half of 2023, 27.95 per cent of the annual targets and 15.97 per cent of the specific targets for that year had been met, and 5.44 per cent of the budget had been used.

56. As part of the Promujeres Strategy, the Counsel General's Office is taking preventive action to end discrimination, gender-based violence and femicide. Such action includes:

- The monitoring and follow-up, conducted jointly with the committee responsible for protection and access to justice, of cases in which women have been subjected to violence or are at risk of femicide
- Participation in regional round tables with organizations representing women and working to prevent femicide
- The follow-up of the implementation of violence prevention protocols in educational settings

57. The Ministry of Equality and Equity is in the process of drawing up regulations for the National Care System established under Acts No. 2281 and No. 2294<sup>14</sup> of 2023. A draft

<sup>14</sup> The Ministry of Equality and Equity and the National Care System were established through Act No. 2281 of 2023 (art. 6).

Act No. 2294 of 2023, which provides for the issuance of the National Development Plan 2022–2026 entitled “Colombia: World Power of Life”, is the first act to include an article (art. 106) that refers to the National Care System. The article sets out the obligation of the Ministry of Equality and Equity to establish, strengthen and integrate training, well-being, income generation and capacity-building programmes for paid and unpaid carers, in addition to care services and capacity-building for individuals who require care or support, namely, children and adolescents, persons with disabilities, older persons and other groups specified by the Ministry.

The National Development Plan defines the seven components of the National Care System:

- (a) Establishment, expansion and regulation of care services
- (b) Model for the System's governance and implementation at the regional level
- (c) Cultural transformation to promote the sharing of caring responsibilities
- (d) Public and community-led partnerships for community care
- (e) Information, communication and knowledge management system
- (f) Dissemination of information on the System
- (g) Financing mechanism

Article 72 of the National Development Plan provides for the creation of a fund for eliminating inequalities among the country's different population groups and regions, the purpose of which is to ensure the efficient administration of resources earmarked for the development of programmes, plans and projects aimed at overcoming such inequalities through local care initiatives, including community care, and the strengthening and coordination of the regional network of the National Care System.

Act No. 2297 of 2023 sets out effective and timely measures to support the autonomy of persons with disabilities and carers or personal assistants through a human rights-based and biopsychosocial approach. The Act promotes such persons' access to training, employment and entrepreneurship opportunities, income-generating activities and healthcare services and sets out other provisions. It represents a significant step forward for carers of persons with disabilities.

regulatory decree was open for public consultation until 9 May 2024. The technical and legal review of the comments received is currently under way, following which the relevant adjustments will be made to the draft.

58. The National Economic and Social Policy Council is currently drafting the National Care Policy, which is 83 per cent complete. Preliminary actions have been agreed with 17 ministries and 34 entities attached to them, with a view to supporting the development of the Council's plan of action and follow-up.

59. According to the National Registry, the statistics show that there has been progress with regard to the representation of women, including Indigenous and Afro-Colombian women, in decision-making and leadership positions at all levels of the private sector and government.

60. For information on the total number of persons in elected positions in 2023, see:

- Annex 11
- Annex 12
- Annex 13 (women elected in 2023)

61. In 2023, it was reported that there were 14,770 managerial roles in the public sector, of which 4,189 were in national bodies and 10,581 were in regional entities. Women held 46.8 per cent of the most senior decision-making positions. The remaining 53.2 per cent of such positions were held by men, reflecting the gender gap in their favour in the area of decision-making.

62. In 2019, there were 9,553 board seats in the private sector. Women accounted for 22.6 per cent of board members in large companies. The remaining 77.4 per cent of board seats were held by men, reflecting a significant gender gap of 54.8 percentage points:

- Graph 5 in annex 14 shows the evolution of the percentage of women holding managerial roles within the Government

63. Over the last five years, the institutional architecture has been modified to promote seamless coordination among the entities responsible for addressing gender-based violence against women and children. Notable measures include:

The establishment, through Act No. 1710 of 2020, of a mechanism that brings together existing committees to coordinate policies under the National Family Welfare System and the National Women's System, with a view to preventing violence, ensuring comprehensive care and protection, facilitating access to justice and managing knowledge at different levels.

## **C. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

### **Right to work (art. 6)**

#### **Reply to the questions raised in paragraph 12**

64. A bill on labour reform to ensure decent and dignified work has been submitted to Congress by the Ministry of Labour. Sixty-seven articles had been voted on as at 8 October 2024. Of those articles, 64 had been approved and 3 had been removed, leaving 13 articles still to be voted on.<sup>15</sup>

65. According to information provided by the Ministry of the Interior, the fundamental premises of the labour reform are as follows:

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Judgment No. T-583 of 2023 recognizes care as a fundamental right and seeks to guarantee that those who require care and those who provide it live in adequate conditions and face no discrimination, which is essential in a social State governed by the rule of law.

<sup>15</sup> <https://www.mintrabajo.gov.co/web/guest/comunicados/2024/octubre/segundo-debate-de-la-reforma-laboral-entra-en-su-recta-final>.

- Ensuring compliance with article 53 of the Constitution, which has been in force for 32 years and in which Congress is instructed to issue a labour statute in order to guarantee observance of at least nine principles.<sup>16</sup> The high courts have developed these principles and urged Congress to comply with this mandate. Implementing these judicial decisions ensures legal certainty and social peace.
- Ensuring compliance with the international obligations assumed by Colombia upon joining the Organisation for Economic Co-operation and Development (OECD) and by ratifying international labour agreements and signing free trade agreements with the United States, Canada and the European Union, thus committing to fulfilling the labour obligations set out therein.

66. Articles 1 to 3 of the bill on labour reform address the relevant principles of the Constitution and those established by the International Labour Organization (ILO). Articles 3 to 45 concern individual labour law, which covers job stability, limitations on outsourcing, gender equality, the rights rescinded under Act No. 789/02 and regulations on platform work and rural and migrant labour. The purpose of articles 46 to 75 on collective labour law is to reduce the fragmentation of trade unions and expand collective bargaining and the right to strike, in line with the recommendations of OECD and ILO.

#### Labour market indicators by year (national total)

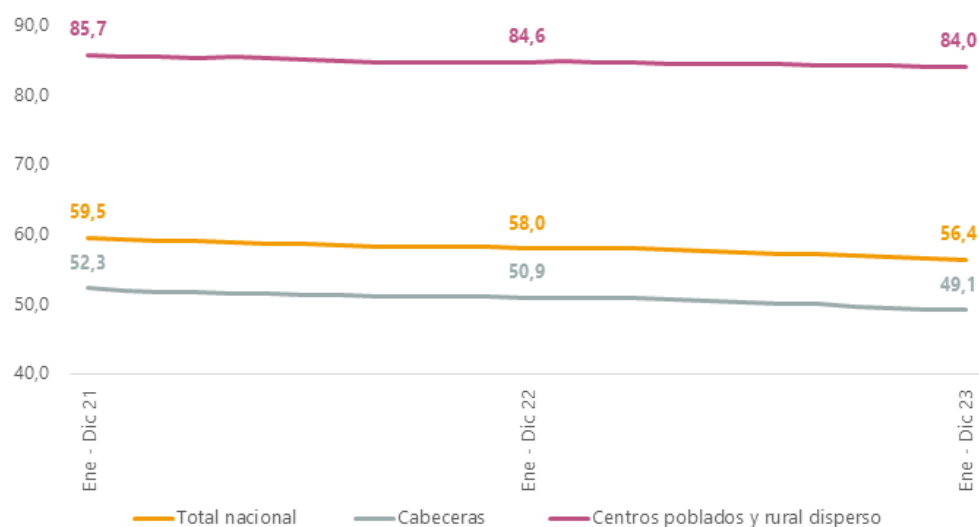
<i>Period</i>			
<i>(Jan–Dec)</i>	<i>Overall participation rate</i>	<i>Employment rate</i>	<i>Unemployment rate</i>
2019	64.8%	57.7%	10.9%
2020	60.4%	50.4%	16.5%
2021	61.5%	53.1%	13.8%
2022	63.6%	56.5%	11.2%
2023	64.1%	57.6%	10.2%

#### Reply to the questions raised in paragraph 13

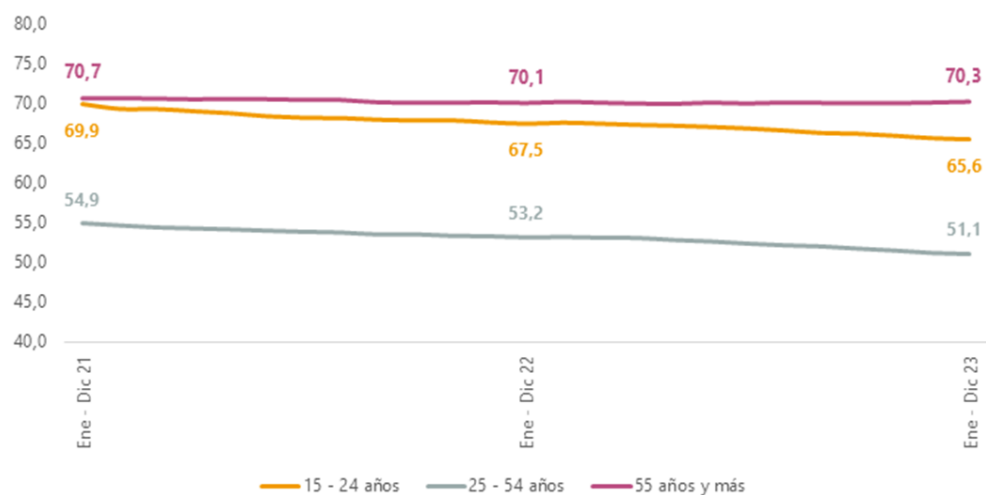
67. The Government, with support from the Ministry of Labour, has provided the main statistics concerning the informal economy in annexes 15 to 17.

<sup>16</sup> (i) Equal opportunities; (ii) A flexible minimum living wage that is proportionate to the amount and quality of work available; (iii) Stable employment; (iv) The irrevocable nature of the minimum benefits established in labour regulations; (v) The possibility of compromise or conciliation where rights are in doubt or debatable; (vi) Interpretation in favour of the worker in case of doubt regarding the application and interpretation of the formal sources of law; (vii) The primacy of facts over established formalities for the subjects of labour relations; (viii) Guarantees of social security, training, instruction and adequate rest time; (ix) Special protection for women, mothers and underage workers.

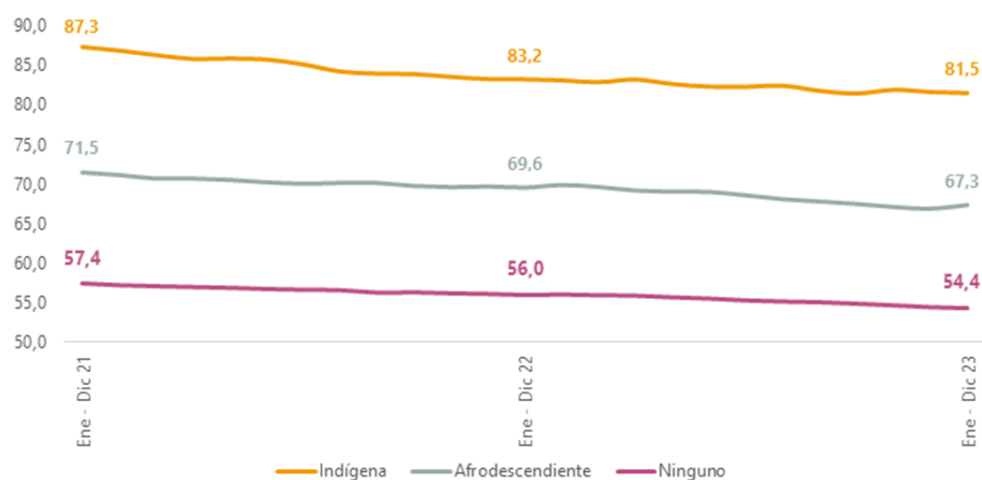
### Proportion of the population in informal employment (national total, departmental capitals/population centres and sparsely populated rural areas)



### Proportion of the population in informal employment by age group (national total)



### Proportion of the population in informal employment by ethnic self-identification



## Right to just and favourable conditions of work (art. 7)

### Reply to the questions raised in paragraph 14

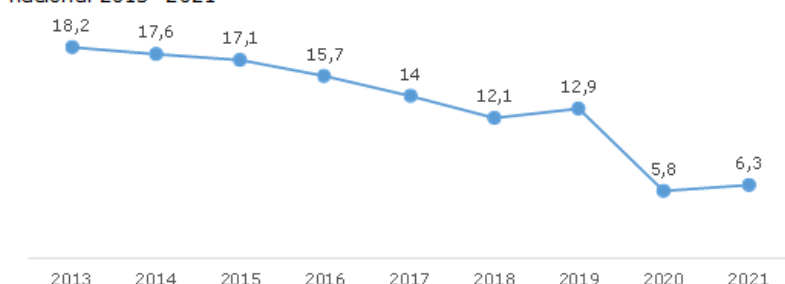
68. The Ministry of Labour works to monitor and prevent labour discrimination in Colombia. While the Ministry does not have a specific register on workplace discrimination, relevant information has been provided in annex 18.

69. Measures to combat discrimination have included the establishment of an elite group to carry out gender equity-focused inspections and the issuance of Circular No. 026 of 2023, the purpose of which is to reaffirm the legal frameworks for preventing and addressing workplace and sexual harassment in order to bring them into line with the relevant international principles and legal obligations. These measures are intended to draw attention to gender-based discriminatory practices in the workplace and bring about their elimination.

### Reply to the questions raised in paragraph 15

70. According to the Ministry of Labour, the gender wage gap decreased from 14 per cent in 2017 to 6.3 per cent in 2021. While the gap in terms of hourly income was 5.8 per cent in women's favour, the disparity in monthly income is the result of the fact that women dedicate fewer hours to paid work. The largest reduction in the gap occurred between 2019 and 2020.

**Gráfica 1. Brecha de género en el ingreso laboral mensual promedio (%). Total nacional 2013 -2021**



Fuente: DANE. Gran Encuesta Integrada de Hogares (GEIH). Nota Estadística 2022, p.15

71. The Government has adopted a number of measures to reduce the gender wage gap, including:

- The promotion of labour equity through a gender-based approach in the business sector, one example being the “Equipares Empresarial” programme, which seeks to close gender gaps in the labour market

72. Measures to improve the application of the principle of equal pay for work of equal value have included the following initiatives:

- Bills on labour and pension reforms with a gender-based approach, which recognize the need to provide special attention to women, including transgender women, and individuals belonging to the LGTBIQ+ community
- The adaptation of the regulatory framework, as part of which the Ministry of Labour is working to amend Act No. 1496 of 2011, which guarantees equal pay and remuneration for women and men and seeks to eradicate any form of workplace discrimination

### Reply to the questions raised in paragraph 16

73. The average attainment rate in respect of the targets under the progressive plan for the social protection and rights of workers was 87.37 per cent for the 2017–2023 period. For the 2017–2031 period, the average rate is 60.95 per cent. The indicators established under the Framework Implementation Plan show that some targets have already been met. These targets concern:

- The number of persons receiving support through the “Colombia Mayor” programme in municipalities benefiting from local development programmes

- The percentage of such municipalities that are covered by employment assistance services
- The strengthening of the fixed inspection, monitoring and oversight system

74. The Ministry of Labour has been conducting general inspection visits since 2020, doing so in accordance with the guidelines set out in the annual plan and with the aim of detecting violations of labour standards and taking corrective measures.

75. The general inspection guidelines outline the main duties of the Ministry of Labour and focus on key issues such as workplace bullying, which includes workplace abuse, discrimination, inequity, persecution and any attempt to prevent an individual from doing his or her job. Below is a table detailing the number of inspection visits carried out under the annual plan in recent years (see annex 19).

<i>Year</i>	<i>Inspection visits</i>
2020	3 476
2021	7 192
2022	9 961
2023	9 421
<b>Total</b>	<b>30 050</b>

*Source:* Subdirectorate for Inspections.

76. Annex 20 sets out statistics from the last five years that show that the economic sectors with the largest number of workplace accidents are the manufacturing industry, real estate, the construction industry and the agricultural, livestock, hunting and forestry sectors.

77. Annex 21 contains statistics showing that the economic sectors with the highest incidence of occupational diseases are the manufacturing industry, community, social and personal services and real estate.

78. In 2023, 28,566 individuals participated in 83 training and awareness-raising events held across the country in order to promote a culture of occupational health and safety. The events were aimed at various economic sectors with a view to reducing occupational accidents and illnesses.

79. These joint efforts culminated in the development of the sixth National Occupational Health and Safety Plan, which covers the 2022–2031 period. The purpose of the Plan, which has been formulated with a regional, differential and risk management-based approach, is to improve the health and working conditions of all workers, including those who are employed or self-employed, freelancers, informal workers and workers from vulnerable groups.

## **Trade union rights (art. 8)**

### **Reply to the questions raised in paragraph 17**

80. All workers, except for those who provide essential public services, are guaranteed the right to strike under article 56 of the Constitution. The Ministry of Labour protects the exercise of this right. Colombia has its own regulations that guarantee the right of association and has ratified ILO Conventions No. 87, No. 98, No. 151 and No. 154. Article 55 of the Constitution provides for the right to collective bargaining, with certain legal exceptions.

81. In the private sector, the right to collective bargaining is protected by the Labour Code. In the public sector, it is protected under Decree No. 1072 of 2015. The annual inspection plan seeks to guarantee the rights to strike and to collective bargaining, with a focus on the prevention of violations of those rights, persecution and attempts to prevent an individual from doing his or her job.

82. The authorities have not received reports of ongoing delays in the convening of compulsory arbitration tribunals. There may be short hold-ups owing to delays in the

submission of documents or appointment of arbitrators, staff holidays or the reassignment of cases. Technological tools have been introduced to streamline procedures.

83. No investigations into reprisals against trade union leaders, including dismissals, acts of violence, arrests and detention, are known to have been carried out. The only action taken is the convening of compulsory arbitration tribunals; responsibility for conducting investigations lies with the regional directorates:

- See annex 22 for information on the proceedings conducted since 2010

84. The Ministry of Labour has promoted the creation of trade union organizations and respect for fundamental labour rights through training, technical assistance and awareness-raising programmes. Between 2017 and 2023, training was provided to 13,226 people, with a view to promoting dialogue in bipartite and tripartite round tables as a way of encouraging trade union activities.

85. There has been an increased demand for dialogue since the introduction of the new National Development Plan, which strengthens collective bargaining and creates opportunities for discussions between companies and trade unions. Efforts are also being made to address violations of the human rights of trade union members and report anti-union practices to the competent bodies so that protection measures can be implemented.

86. Decree No. 624 of 2016 provided for the formalization of support for the Colombian Trade Union Movement, which, under Resolution No. 31247 of 2023, is recognized as being entitled to collective redress. Colombia fully implements ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

## **Right to social security (art. 9)**

### **Reply to the questions raised in paragraph 18**

87. Bill No. 293 of 2023 provides for comprehensive reform that seeks to promote progress towards universal coverage by establishing a social protection system within a social security mechanism. The proposed reform is qualitative in nature and would ensure that each individual's economic capacity is taken into account in order to differentiate between individuals and guarantee that each person receives the level of support he or she needs. This approach would allow for support to be provided to individuals who have no income and those who have sufficient resources, thereby helping the Government to promote a dignified old age for all.

88. The reform seeks to guarantee a dignified old age by promoting universal access to social protection, thus ensuring the right to a pension or economic benefits without discrimination. The reform is underpinned by a gender-based approach and is consistent with judgment No. C-197 of 2023, pursuant to which there has been a reduction in the number of weeks for which women are required to have paid contributions in order to receive a pension.

89. The measures taken to mitigate the impact on beneficiaries include:

- The establishment of a transitional regime guaranteeing that the pensions of women with 750 weeks' worth of contributions and of men with 900 weeks' worth of contributions will, at the time the new system comes into effect, continue to be governed by Act No. 100 of 1993

90. The reform also seeks to increase the number of persons receiving old-age benefits through the solidarity pillar and the semi-contributory pillar:

- In all, 34.26 per cent of men aged over 60 years and women aged over 57 years receive contributions-based benefits; 0.60 per cent receive partially contributions-based benefits (periodic allowances programme); 19.95 per cent receive subsidies through the "Colombia Mayor" programme; and 45.19 per cent do not receive any type of old-age benefits.



## Protection of the family and children (art. 10)

### Reply to the questions raised in paragraph 19

91. The parental leave system was reformed through Act No. 2114 of 2021,<sup>17</sup> which strengthens the regulatory framework to provide for:

- Shared parental leave: the new regulation authorizes parents to share the final six weeks of maternity leave between themselves as they see fit and to do so without affecting the mother's breastfeeding leave
- The extension of paternity leave to two weeks, with an additional week for each point of reduction in the structural unemployment rate since the Act came into force
- Flexible parental leave: the mother and/or the father may choose to forgo part of their leave in order to work part-time for a period that is double the length of the leave they have given up

92. The Act represents a step forward by ensuring that working conditions are adapted to the realities of family life, reducing the gender gap in parenting and promoting the well-being of parents and children.

### Reply to the questions raised in paragraph 20

93. In July 2018, the National Public Policy to Support and Strengthen the Family was approved by the National Council on Social Policy under the leadership of the Ministry of Health. In 2019, responsibility for the Policy was assumed by the Department of Social Prosperity in collaboration with the Colombian Family Welfare Institute, which is the lead agency within the National Family Welfare System and the technical secretariat of the National Technical Round Table on Families. According to the National Development Plan, the National Public Policy to Support and Strengthen the Family will be implemented until 2030 and overseen by the Colombian Family Welfare Institute. In June 2023, the Department of Social Prosperity sent the necessary information and documentation to the Colombian Family Welfare Institute so that it could implement and continue to monitor the Policy.

94. The Government has strengthened its legislative and management framework in order to protect the rights of older persons, which, according to the Constitution, are fundamental. The National Policy on Ageing and Old Age 2015–2024 was in place until the enactment, in May 2022, of Decree No. 681 establishing the National Public Policy on Ageing and Old Age 2022–2031. One of the main achievements under the previous iteration of the Policy was:

- The adoption of Act No. 2055 approving the Inter-American Convention on the Protection of the Human Rights of Older Persons, with the aim of promoting and upholding the human rights of older persons

### Reply to the questions raised in paragraph 21

95. The Public Policy for the Prevention and Eradication of Child Labour and the Comprehensive Protection of Adolescent Workers guides the Government's efforts to ensure that minors who are authorized to work find opportunities to develop self-confidence as part of the duties they perform and receive due protection from the Government, their family and society.

96. Since the adoption of the Policy, the institutional architecture has been strengthened through the provision of technical assistance and support for national and regional entities. The aim of such efforts is to guarantee and restore minors' rights, prevent child labour and create the institutional conditions necessary for the comprehensive care of vulnerable children and adolescents and their families.

97. The action taken by the Ministry of Labour and institutional efforts have resulted in a continued decrease in the child labour rate in Colombia, as reported by the National

<sup>17</sup> <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=167967>.

Department of Statistics. Between 2012 and 2022, the child labour rate decreased by 6.9 percentage points. According to the 2018 census, this means that 720,995 children and adolescents stopped performing activities that presented a danger to their physical and psychological health (see annex 23).

98. A specialized care programme has been in place since 1999 in order to restore the rights of children and adolescents who have left illegal armed groups. Pursuant to Acts No. 1098 of 2006 and No. 1448 of 2011, the comprehensive reparation process is overseen by the Colombian Family Welfare Institute.

99. The Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents by Illegal Armed Groups and Criminal Organizations is made up of 22 national entities which are responsible for coordinating action to protect the rights of children and adolescents and prevent and address such crimes.

100. With regard to the forced recruitment of children and adolescents, the Colombian Family Welfare Institute developed the Public Policy for the Prevention of the Recruitment, Use and Sexual Abuse of Children and Adolescents by Organized Armed Groups and Organized Criminal Groups, which was adopted by the Government in 2019. The Policy seeks to prevent such situations and recognizes that the risk of recruitment can be reduced by guaranteeing the effective enjoyment of rights and enhancing protective environments.

## **Right to an adequate standard of living (art. 11)**

### **Reply to the questions raised in paragraph 22**

101. During the reporting period, the Department for Social Prosperity and the National Planning Department within the Colombian Government have developed several programmes and strategies to overcome poverty in the country. By means of Decree No. 1075 of 29 June 2023, functions related to overcoming poverty were gradually transferred from the Department for Social Prosperity to the Ministry of Equality and Equity. The three strategies are outlined below:

- National Plan for the Elimination of Poverty: In accordance with document No. 3918, issued by the National Council on Economic and Social Policy in 2018,<sup>18</sup> the Department for Social Prosperity, which is the lead agency for Sustainable Development Goals 1 and 10, has aligned its institutional services with the development plans for overcoming monetary and multidimensional poverty.
- Poverty Reduction Road Map: The strategy for the period 2018 to 2022 was designed to improve the capacity of the State and that of the population to overcome poverty by promoting access to comprehensive institutional services and opportunities for social and productive inclusion. Following a pilot in Córdoba and Nariño in 2019, the focus of the “United” Strategy was adjusted to enable it to provide 57,433 households with family support and priority access to social services.
- Strategy for the Eradication of Child Poverty: The Strategy for the Eradication of Child Poverty, which was established under the National Development Plan and is led by the Colombian Family Welfare Institute and Social Prosperity, is designed to mitigate deprivation among poor children, taking into account family circumstances, relevant settings and institutional capacities.

### **Reply to the questions raised in paragraph 23**

102. The programme was focused on raising housing quality standards through improvements to sanitation, access to public services and finishes. Beneficiaries received a subsidy of an amount equal to up to 18 times the current legal monthly minimum wage, depending on the type of work required. The “Decent House, Decent Life” programme offered subsidies that covered 100 per cent of the cost of implementing home improvements.

<sup>18</sup> Strategy for the implementation of the Sustainable Development Goals in Colombia.

103. Pursuant to the peace agreement, the Ministry of Housing is implementing the national plan for building and upgrading rural social housing with the aim of providing adequate housing solutions in rural areas, using a differential approach. Between 2020 and December 2023, notable highlights included:

- Development, in the public policy on rural social housing, of a targeted methodology, using a gender lens and a differential approach based on victim status, ethnicity and gender, and aimed at prioritizing certain households in receipt of the Rural Family Housing Subsidy to ensure that at least 30 per cent of them are headed by women

#### **Reply to the questions raised in paragraph 24**

104. As part of its efforts to reduce malnutrition in the country, the Colombian Government has introduced the “Zero Hunger” programme as part of the National Development Plan. The Ministry of Agriculture and Rural Development issued Decision No. 152 of 28 May 2023, which determines the Ministry’s participation in the Government’s Zero Hunger programme.

105. According to the Ministry of Agriculture, during the last year, one of the regions with the largest reduction in hunger was Chocó, with a decrease of more than 24 per cent compared to 2022. Other regions where significant decreases have occurred are listed in annex 24.

106. The most recent survey conducted by the National Department of Statistics shows improvements in food insecurity in regions including Chocó, La Guajira, Córdoba, Sucre, Bolívar and Cesar. These improvements are the result of joint interventions by the Ministry of Agriculture, the Rural Development Agency and the Ministry of Equality:

- Annex 25: Distribution of cases and prevalence of malnutrition in children under five years of age in Colombia, 2018–2023
- Annex 26: Distribution of cases and prevalence of malnutrition in children under five years of age, by territorial entity, 2022–2023
- Annex 27: Distribution of cases and prevalence of undernutrition in children under five years of age, by sex, 2023

#### **Distribution of cases and prevalence of undernutrition in children under five years of age, by sex, 2023**

<i>Ethnic group</i>	<i>Cases</i>
Other ethnicities	17 808
Indigenous	5 038
Black, Mulatto, Afro-Colombian or Afrodescendent	1 264
Raizal	45
Roma	37
Palenquero de San Basilio	34

107. With regard to the national policy for the progressive realization of the right to food, in 2021 and 2022, the National Economic and Social Policy Council drafted a document on improving governance and guaranteeing the right to food. However, it did not obtain the necessary endorsement for its implementation. In 2023, the subcommittee responsible for the policy within the Intersectoral Food and Nutritional Security Commission was reactivated and a presentation was made of the general outline of the documents that were drafted by the National Council on Economic and Social Policy and which are currently being consolidated.

108. As part of the system for the progressive realization of the right to food 2020–2031, the national rural plan was formulated in 2020. It is among the 16 national sectoral plans aimed at comprehensive rural reform, in line with the commitment set out in point 1 of the peace agreement (Pillar 7). Between 2021 and 2024, annual action plans were drawn up for the implementation of the plan. In 2022, Decision No. 213 was issued, adopting the national rural plan as part of the system for the progressive realization of the right to food. The plan

was drawn up in line with points 1 and 1.3.4 of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace.

### **Reply to the questions raised in paragraph 25**

109. Colombia has taken legislative and administrative actions enabling the State to achieve the land restitution goals set out in the 2016 peace agreement, including the following:

- According to information supplied by the Land Restitution Unit, as of 31 December 2021, 151,032 individual applications had been received for inclusion in the Register of Expropriated or Forcibly Abandoned Land, 125,952 of which concerned micro targeted areas. Of those, 52 per cent (65,796) were refused and 31 per cent (39,107) were accepted for inclusion in the Register.
- The Land Restitution Unit received 153,843 national applications before the deadline, of which 105,883 (68.82 per cent) have been decided on the merits, and 47,960 other applications, including 17,769 concerning non-micro targeted areas, 4,093 that were cancelled and 26,098 that are being processed.
- Of the applications decided on the merits, 39,849 (38 per cent) have been accepted and 66,034 (62 per cent) have been refused. For a more detailed breakdown, see annex 28.

110. According to information supplied by the Land Restitution Unit, the following progress was made by the Land Fund:

- An additional 1,711,124 hectares were added to the National Land Fund, bringing the total to 1,937,954 hectares (88 per cent of the progress made); 807,259 hectares are in 143 municipalities which have a development programme with a territorial focus.
- A total of 6,501 hectares were delivered to 4,085 rural women (56 per cent of the beneficiaries).
- The National Land Agency regularized more than 1,319,000 hectares, benefiting 75,000 families, including 316,904 hectares in municipalities which have a development programme with a territorial focus, benefiting 27,503 families.
- In addition, 18,114 Indigenous families benefited from 30 reserve expansion permits covering 397,843 hectares and 62 reserve creation permits covering 329,366 hectares.

111. A total of 55,903 land restitution applications were received between 2016 and 2023. During the same period, 75,711 decisions on the merits were issued, resulting in 25,067 registrations and 50,644 rejections. The total number of decisions on the merits is higher than the total number of applications received during the period because some of the decisions relate to applications received prior to 1 January 2016.

112. Legislative Act No. 03 of 2023 created agrarian courts in Colombia to resolve agrarian conflicts, with judges and magistrates dedicated exclusively to this task. The courts are part of the judiciary and focus on conflicts related to land use, land tenure, evictions due to de facto occupations, use of communal resources, possession of private rural properties, agrarian easements and actions of the National Land Agency.

113. The most important provisions set out in the Act are as follows:

- Amendment of article 116 of the Constitution to grant jurisdiction to the agrarian and rural courts to administer justice in Colombia
- Addition of a new chapter to Title VIII of the Constitution to incorporate the new agrarian and rural courts into the judiciary
- Establishment, by 24 July 2024, of the first agrarian and rural courts and tribunals

114. As of 31 January 2023, 14,668 of the 33,007 locally-based initiatives of the Colombian State have an active implementation plan, that is, 44 per cent of them are associated with at least one project and/or process for their implementation. A breakdown by subregion is set out below:

- See annex 29: Initiatives with an active implementation plan, by subregions benefiting from local development programmes

115. As of 31 January 2024, 6,212 projects were identified in municipalities benefiting from local development programmes, funded by various sources with a total value of Col\$ 21.06 billion since 2016. Key outcomes include a 14.5 percentage point reduction in multidimensional poverty in 2022 compared to 2018, an improvement in the Municipal Performance Measure score from 45.3 in 2018 to 46.6 in 2021 and a decrease of 5.3 percentage points in the conflict incidence index.

#### **Reply to the questions raised in paragraph 26**

116. The Colombian Government has taken action to reduce disparities in access to drinking water and sanitation, including the following measures designed to stop the contamination of water sources by mining activities:

- The Ministry of the Environment issued Decision No. 0773 of 10 May 2018,<sup>19</sup> article 1 of which sets out the preventive measure of temporary suspension of all mining activities in the Quito River sub-basin and its tributaries.
- Fonbuenaventura Agreement: Within the framework of the agreements between the National Government and the Buenaventura civil strike movement, progress is being made in conducting a detailed assessment of priority areas that have been damaged as a result of illegal mineral exploitation in the Buenaventura district, specifically the Anchicayá, Raposo and Dagua river basins.

117. In terms of sanitation and drinking water, pursuant to the National Drinking Water Supply and Basic Sanitation Plan, the Peace Agreement Implementation Unit reported the following progress in rural areas as of August 2022: technological solutions for access to water have been provided to 795,335 persons and appropriate technological solutions for basic sanitation have been provided to 447,440 persons.

#### **Reply to the questions raised in paragraph 27**

118. The Colombian Government set out six components in its implementation strategy for the Comprehensive National Programme for the Substitution of Illicit Crops. Seven years on from the introduction of the peace agreement, significant progress has been made in only two components, namely, the immediate assistance plans for individuals and for families, which have received greater attention and achieved greater progress.

119. The current status of implementation is detailed below, based on the number of families actively participating in the programme<sup>20</sup> and by productive activity:

- Growers and non-growers:
  - Immediate food assistance: twice-monthly payments of Col\$ 2 million to 70,578 active growing and non-growing families; implementation rate of 99.6 per cent
  - Immediate food security assistance: food security payments of Col\$ 1.8 million to 70,578 active growing and non-growing families; implementation rate of 86 per cent
  - Comprehensive technical assistance: provided to 70,578 active growing and non-growing families over a period of 24 months; implementation rate of 26 per cent
  - Short-term productive projects: 70,578 active growing and non-growing families; implementation rate of 8.4 per cent

<sup>19</sup> Providing for the imposition of the preventive measure of temporary suspension of mining exploration and/or exploitation activities in the Quito River and its tributaries.

<sup>20</sup> Among the 99,097 beneficiaries, including growers, non-growers and harvesters, who signed an individual agreement, 11,618 growers and non-growers and 2,453 harvesters are currently inactive; 46 growers and non-growers and 3 harvesters are inactive.

- Long-term productive projects: 70,578 active growing and non-growing families; implementation rate of 27.8 per cent
- Harvesters:
  - Food assistance with temporary rural employment: links harvesters to community employment activities defined by the community action boards and includes social security payments for the duration of the community activity; 14,399 active male and female harvesters, implementation rate of 30.93 per cent

120. Based on the above assessment, the Directorate for the Substitution of Illicit Crops has designed a new programme aimed at finding substitutes for economic activities that have been prohibited; the programme is set forth in Decision No. 0003 of 2024 and complements the Comprehensive National Programme for the Substitution of Illicit Crops. The programme is designed to find economic substitutes through the implementation of productive conversion strategies, substituting the production of coca, poppy and marijuana crops with other agricultural and non-agricultural economic activities.

## **Right to physical and mental health (art. 12)**

### **Reply to the questions raised in paragraph 28**

121. On 13 September 2024, a new bill was submitted that seeks to transform the health system in Colombia, ensuring that all citizens have equal access to quality services without barriers. The bill, entitled “Building a life-saving, universal and efficient healthcare system based on rights and solidarity,” is aimed at ensuring the fundamental right to health for the entire population using a primary care-based model that offers tangible benefits to every citizen.<sup>21</sup>

122. The reform seeks to eliminate economic, geographic and administrative barriers that have hindered access to health services. The main proposals include:

- Hospital and clinic networks: All hospitals, clinics and care centres will work together to offer care without regard to ability to pay and to bring services closer to users’ place of residence
- Increased coverage in rural areas: Public hospitals will be built in rural areas, guaranteeing adequate care for scattered populations

123. As of 30 September 2023, 2,220 basic health teams have been established in Colombia; 476 of the teams work in municipalities that have been prioritized under the National Rural Health Plan, benefiting 86,240 households. In addition, 337 basic health teams provide community interventions to 72,548 households in 117 priority municipalities with local development programmes.

124. In the rural areas prioritized under the National Rural Health Plan, by the end of 2023, 424 registered health service provider locations in 110 municipalities were offering 1,578 telemedicine services, including 437 from public providers. Approximately 19.4 per cent of the locations are in municipalities with local development programmes and 27 per cent are in areas covered by the National Rural Health Plan.

125. In the context of the COVID-19 pandemic,<sup>22</sup> Decree No. 538 of 2020 was enacted, adopting measures in the health sector to contain and mitigate the pandemic, protect the lives and health of Colombians and guarantee the provision of health services. The Decree facilitated the implementation of care models that include telehealth and the provision of telemedicine services. With respect to hospital capacity, between 2020 and October 2021 the number of emergency care beds increased by 5 per cent, from 98,411 to 103,410.

<sup>21</sup> <https://www.minsalud.gov.co/Paginas/nueva-propuesta-para-transformar-entre-todos-el-sistema-de-salud-en-colombia.aspx>.

<sup>22</sup> [https://colaboracion.dnp.gov.co/CDT/Sinergia/Documentos/Informe\\_congreso\\_2022-IDM.pdf](https://colaboracion.dnp.gov.co/CDT/Sinergia/Documentos/Informe_congreso_2022-IDM.pdf).

126. With regard to social protection,<sup>23</sup> the number of active participants enrolled in response to the emergency stood at 1,980,180 as of September 2021. In addition, the per capita payment unit for inactive contributors and the beneficiaries of members who died during the health emergency in 2020 was Col\$ 580,129 million. By September 2021, it had risen to Col\$ 1.08 trillion.

#### **Reply to the questions raised in paragraph 29**

- Annex 30: Live births to mothers aged 10–14 years
- Annex 31: Infant and child mortality rate (0–5 years)
- Annex 32: Deaths in children under 5 years of age, by ethnic/racial identity
- Annex 33: Maternal mortality, rate and number of cases, Colombia, 2019–2023\*
- Annex 34: Maternal mortality, rate and number of cases, by ethnicity, Colombia, 2019–2023
- Annex 35: Maternal mortality, rate and number of cases, by place of residence, Colombia, 2019–2023

#### **Reply to the questions raised in paragraph 30**

127. Colombia has adopted regulations to guarantee women the right to choose to terminate a pregnancy and obtain safe and risk-free abortion services that meet standards based on the respect and guarantee of their sexual and reproductive rights, using a differentiated and gender-sensitive approach to the provision of equal opportunities to obtain access to quality sexual and reproductive health services.<sup>24</sup>

128. Through the current National Development Plan, the sexual and reproductive rights policy has been updated to promote healthy relationships based on respect and to guarantee universal access to services prior to and during pregnancy, as well as to sex education, initiatives to prevent violence, early marriage and teenage pregnancy, advice on menstrual management, access to contraception and voluntary termination of pregnancy.<sup>25</sup>

#### **Reply to the questions raised in paragraph 31**

129. The Colombian Government is currently reforming the country's drug policy through the design of a new strategy focused on protecting and upholding human rights.

130. Colombia is developing a new drug policy rooted in awareness, prevention, protection and healthcare for drug users rather than stigmatization and a ban on consumption. Efforts are being made to create alternatives to enable peasant and Indigenous communities and ethnic groups affected by drug trafficking and violence to substitute illicit crops. These alternatives will not involve State coercion, instead focusing on plans to facilitate a sustainable transition to the growing of legal crops. Colombia is thus developing a human rights-based drug policy that is more compassionate, effective and humane.

### **Right to education (arts. 13 and 14)**

#### **Reply to the questions raised in paragraph 32**

131. The Special Plan on Rural Education and its indicators constitute the policy framework for the sector for the period to 2031. In recent years, its components and strategies have been used to guide the organization of projects run by the Ministry of Education and certified territorial entities to facilitate dialogue on strategic commitments for rural education.

<sup>23</sup> [https://colaboracion.dnp.gov.co/CDT/Sinergia/Documentos/Informe\\_congreso\\_2022-IDM.pdf](https://colaboracion.dnp.gov.co/CDT/Sinergia/Documentos/Informe_congreso_2022-IDM.pdf).

<sup>24</sup> Ruling No. C355 of 2006 upholds women's sexual and reproductive autonomy and their freedom to make informed and autonomous decisions about their bodies and their lives.

<sup>25</sup> <https://colaboracion.dnp.gov.co/CDT/Prensa/Publicaciones/plan-nacional-de-desarrollo-2022-2026-colombia-potencia-mundial-de-la-vida.pdf>.

132. Under the leadership of the Ministry of National Education, measures aimed at rural areas are assessed in terms of the five components of the Plan, which are as follows:

- Comprehensive early childhood services
- Quality educational strategies from preschool to high school
- Enrolment, well-being and retention in education in rural areas
- Commitment to inclusive and quality higher education in rural areas
- Institution-building, intersectoral initiatives and partnerships

133. The Government introduced free tuition in higher education for low-income students through Act No. 2155 of 2021 and Decree No. 1667 of 2021. This policy covers tuition fees for undergraduate programmes in public institutions for young people from vulnerable families, with the aim of supporting educational pathways and addressing social and economic challenges.

134. The School Meals Programme is one of the main strategies for school enrolment and retention and contributes to food and nutrition security in the priority areas. The Programme provides additional food to children and adolescents throughout the country who are registered in the enrolment system as official students and is financed through the general revenue-sharing system. Its main objective is to help students remain in the school system and to provide the relevant defined quantities of macronutrients (carbohydrates, protein and fats) and micronutrients (zinc, iron, vitamin A and calcium) during the school day:

- School Meals Programme investment in 2023: Col\$ 4.46 billion
- Beneficiaries: 5,917,988
- Coverage: 79.4 per cent
- Number of educational institutions offering the School Meals Programme: 8,630
- 43,335 locations

135. The Ministry of Information and Communication Technology is mindful of the impact of the COVID-19 pandemic and the rapid transition to the use of information and communication technology in educational services and has taken steps to strengthen students' capacities and skills using such technology in a safe and responsible manner. The Ministry has therefore introduced programmes aimed at ensuring the safe use of information and communication technology and preventing problems.

136. One of the programmes, "En TIC confío+" ("I Trust ITC"), has been running for more than a decade and is aimed at promoting the responsible use of the Internet. The main objective of this programme is to teach citizens to interact safely and responsibly in the digital environment and provide effective tools to address risks such as grooming, sexting, cyberbullying, cyberdependence and sexual abuse material depicting children and adolescents.

137. In 2023, the strategy was expanded under the title "1, 2, 3 through ICT" with the aim of strengthening citizens' digital intelligence. The initiative was focused on providing free virtual resources and informative talks to enable everyone to take full advantage of the opportunities offered by the Internet and information and communication technology. In total, 833,104 people benefited from the initiative.

### **Reply to the questions raised in paragraph 33**

138. In 2022, Colombia observed International Mother Language Day and made progress towards the addition of the country's Indigenous languages to the Representative List of National Intangible Cultural Heritage. A Special Ten-Year Plan for the Protection of Indigenous Languages has also been drawn up.

139. The Ministry of Cultures is currently implementing the National Development Plan for Indigenous Languages, which includes three sections: Indigenous languages, with a subsection on Amazonian languages; Creole languages; and the Roma language. Under the Plan, the following steps have been taken:



- The first phase of the sociolinguistic self-assessment was conducted with the Awapit language in the Department of Nariño to identify the vitality of the language. Steps were taken to design a methodology for a sociolinguistic self-assessment of the Sáliba language.
- With regard to the protection of Indigenous languages used by isolated and newly-contacted peoples, a language mediation protocol was agreed with the Nükak people in the Department of Guaviare.
- In terms of strengthening Indigenous languages through appropriate intercultural education, five oral works were produced in the Iku language.

140. The Ministry of Information and Communication Technology reports progress in connectivity in rural areas inhabited by ethnic groups. By December 2023, 99 per cent of the municipal capitals in Colombia were connected to high-speed networks, facilitating access to information and communication technology. In 2023, the Ministry of Information and Communication Technology, in cooperation with INTERNEXA S.A., launched a project to improve the availability and capacity of core networks in 178 municipalities with low rates of Internet coverage. The project will also connect more than 400,000 households in strata 1 and 2, making Internet services more affordable.

141. The Ministry of Information and Communication Technology is continuing to install free Internet access points, mainly in rural educational centres, as part of the Digital Centres Project. In December 2023, the following progress had been made:

8 601 (61%)	Operating
4 553 (32%)	Installed
903 (6%)	Planned