

**INTERNATIONAL  
CONVENTION  
ON THE ELIMINATION  
OF ALL FORMS OF  
RACIAL DISCRIMINATION**



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COMMITTEE ON THE ELIMINATION OF  
RACIAL DISCRIMINATION  
Twenty-eighth session

UN/SA COLLECTION

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION**

Initial reports of States parties due in 1982

Addendum

COLOMBIA 1/

[11 May 1983]

1. As a general evaluation of social reality in Colombia, it must be stated that racism does not exist in our country. In accordance with the provisions of the Constitution and the philosophy put into practice in this sphere, it has been the national Government's firm intention that the economic and social development plans and programmes should apply to the population as a whole, without taking account of aspects other than common needs, in order to ensure that legal equality should also extend to the economic and social fields.

2. Title III of the National Constitution sets out civil rights and social guarantees, which are in keeping with the provisions of the Convention. Its articles include the following:

Article 16: The authorities of the Republic are established to protect the lives, honour and property of all persons residing in Colombia, and to secure the fulfilment of the social obligations of the State and of individuals.

Article 18: The right to strike, except in the public service, is guaranteed.

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1/ The initial report of Colombia was due on 2 October 1982.

Article 19: Social security is a function of the State. It must be given to those who, lacking the means of subsistence and the right to demand it of other persons, are physically unable to work.

Article 22: There shall be no slaves in Colombia. Any slave who sets foot in the territory of the Republic shall thereby be free.

Article 26: No one may be tried except in conformity with laws enacted prior to the commission of the offence with which he is charged, by courts having competent jurisdiction, and in accordance with all formalities proper to the case. In criminal matters, a permissive law or law favourable to the defendant, even if enacted after the commission of the offence, shall be applied in preference to a restrictive or unfavourable law.

Article 30: Private ownership and other rights acquired under just title, according to civil law, by natural or juridical persons, are guaranteed and may not be ignored or disturbed by subsequent laws. When the application of a law issued for reasons of public benefit or social interest results in a conflict between the rights of individuals and the necessity recognized by that law, the private interest must yield to the public or social interest. Property is a social function that entails obligations.

Article 36: The use of donations, inter vivos or testamentary, made in conformity with the law for purposes of social interest, shall not be changed or modified by the legislative power. The Government shall supervise the management and investment of such donations.

Article 39: Everyone is free to choose a profession or occupation. The law may require certificates of competence and regulate the exercise of the professions.

Article 41: Freedom of education is guaranteed. The State shall, however, have right to final inspection and supervision of institutions of learning, public and private, in order to ensure the fulfilment of the social purposes of culture and the best intellectual, moral and physical development of the students. Elementary education shall be free in the State schools and compulsory to the extent determined by law.

Article 46: Any number of people may meet or assemble peacefully. The authorities may disperse any assembly that degenerates into disorder or riot, or that obstructs the public thoroughfares.

In addition, article 53 guarantees freedom of conscience and of worship, which is directly related with the provisions of article 5 (d) (vii) of the Convention.

Article 53: The State guarantees freedom of conscience. No one shall be molested by reason of his religious opinions or compelled to profess beliefs or observe practices contrary to his conscience.

3. It should also be stressed that all citizens, regardless of race, may use the remedies established in civil, criminal, labour and administrative matters. With regard to education, the instruction received is free of any defects which might foster racial discrimination.

4. The law in Colombia has general application, and in no case is any differentiation made which might increase or reduce the penalties on grounds of ethnic origin, religion or sex.
5. With regard to members of the indigenous population, under our legislation they are accorded the same rights as other persons, with the sole restriction that they may not dispose of their reservation land, as it is owned in common. This means that they can assemble and form trade unions, they have the right of expression, right to work, housing, medical care, education, and so on. In order to improve their full enjoyment of these rights, the present Government has drawn up a "National Development Programme for the Indigenous Peoples", whose goals are to foster national development and encourage their active participation in the social and economic life of the country. The programme seeks to consolidate the indigenous territories by structuring the institutional resources into a unified system to provide services for the indigenous peoples, while taking into account the cultural forms specific to each group or community.
6. Article 11 of Act No. 31 of 1967 recognizes the property rights, both collective and individual, of the members of the indigenous populations over the lands they have traditionally occupied.
7. In order to carry out these policies aimed at integrating the indigenous community within national development, the following measures, inter alia, will be taken:
  - (a) The territorial possessions of the indigenous peoples of the Amazon, Choco and Orinoco forest regions will be recognized and legalized;
  - (b) The economic and social situation will be studied;
  - (c) The land-tenure situation of the indigenous civil communities and some reservations with ownership problems will be clarified;
  - (d) Construction of access roads, road infrastructure, etc.
8. It may be concluded from the above that our legislation and our policies relating to the elimination of racial discrimination are in the same spirit as that underlying the International Convention on the Elimination of All Forms of Racial Discrimination.