



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the seventh periodic report of Colombia*

1. The State party is invited to submit in writing the information requested below (preferably not exceeding 10,700 words) by 31 October 2024.

A. General information

2. Please provide information on the steps taken to consult civil society and the population affected by the conflict during the negotiations with the Ejército de Liberación Nacional (National Liberation Army) with a view to safeguarding economic, social and cultural rights and fulfilling international human rights obligations.

3. Please provide information on the justiciability of economic, social and cultural rights in the State party, including specific examples of cases where the national courts invoked or applied the Covenant. In this regard, please provide information on the enforcement of Constitutional Court judgments in legal protection cases relating to economic, social and cultural rights, particularly judgments No. T-025 of 2004, No. T-760 of 2008, No. T-388 of 2013, No. T-762 of 2015, No. T-302 of 2017 and No. SU-122 of 2022. Please also provide information on how the legislature was involved in the implementation of and follow-up to the previous concluding observations¹ and in the development of the seventh periodic report.²

4. Please describe the impact of the measures, including those under the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, taken to effectively protect defenders of economic, social and cultural rights. Please provide information on the judicial proceedings initiated by the Special Investigation Unit to shed light on the cases of human rights abuses and violations committed against defenders of economic, social and cultural rights, disaggregated by number of cases registered, status of the investigation, arrest warrants issued and convictions, and on the protection measures and reparation afforded to victims.

5. Please describe the impact and outcomes of the National Action Plan on Business and Human Rights 2020–2022. Please indicate the legislative and administrative measures that have been taken to ensure that businesses operating in the State party conduct human rights due diligence and that their activities do not undermine economic, social and cultural rights.

6. Please provide information on climate change mitigation measures taken by the State party, including specific measures, and their impact, to meet the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement. Please also provide information on the progress made in reducing per capita greenhouse gas emissions and on targets that the State party has set for further reductions.

* Adopted by the pre-session working group at its seventy-third session (16–20 October 2023).

¹ [E/C.12/COL/CO/6](#).

² [E/C.12/COL/7](#).



With respect to climate change adaptation policies and measures, please provide information on:

- (a) How the State party assesses the impact of climate change on the enjoyment of economic, social and cultural rights, particularly for marginalized and disadvantaged individuals and groups;
- (b) Whether the State party has developed or plans to develop a national adaptation plan, with an adequate allocation of all required resources, to address the impact of climate change on, inter alia, economic, social and cultural rights;
- (c) What measures have been taken to strengthen preparedness for and responses to natural disasters, reduce disaster risks and adopt a strategy to this end, with an adequate allocation of financial resources;
- (d) Which institutions are tasked with the development and implementation of climate change adaptation measures and policies for slow-onset impacts in different areas, such as agriculture, housing and health, and how coordination among the institutions responsible for disaster preparedness and management is ensured.

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))

7. Please explain the impact, outcomes and implementation status of the commitments made under the pact on equal opportunities for Indigenous Peoples and black, Afro-Colombian, Raizal, Palenquero and Roma communities. In the light of the previous concluding observations³ and the State party report,⁴ please describe how, and under what legislation or public policy, the consultation procedure is implemented in practice to safeguard the right to free, prior and informed consent of the Indigenous Peoples concerned by forest resource exploitation projects.

8. With reference to the State party's replies to the list of issues prepared by the Human Rights Committee,⁵ please describe the impact of the section of the Final Agreement regarding ethnicity on the enjoyment of economic, social and cultural rights by Indigenous Peoples and Afro-Colombian communities. Please describe the progress made through the Comprehensive Rural Reform in the titling, formalization, expansion and adjudication of collective lands for ethnic groups so that they can preserve their traditional ways of life, means of subsistence and culture. Please provide information on the measures taken to prevent third-party intrusions on the land of Indigenous Peoples.

Maximum available resources (art. 2 (1))

9. Please provide detailed information concerning Act No. 2277 of 2022 by which a tax reform to promote equality and social justice, as well as other tax provisions, were adopted. In addition, please provide information, covering the past 10 years, on the evolution of the following indicators:

- (a) The proportion of the population living below the nationally defined poverty line;
- (b) The levels of inequality, before and after taxes and transfers, defined both as the ratio between the total income of the richest 10 per cent of the population and the total income of the poorest 40 per cent and as the ratio between the assets owned by the richest 10 per cent of the population and the assets owned by the poorest 50 per cent;
- (c) The proportion of public revenue that is generated through taxes;
- (d) Tax rates levied on corporate profits and on personal income, the value added tax rate (exclusive of value added tax on certain items, including luxury items) and the

³ E/C.12/COL/CO/6, para. 18.

⁴ E/C.12/COL/7, paras. 12–15.

⁵ CCPR/C/COL/RQ/8, para. 17 (b).

percentage of total revenue that is generated from personal income tax collected from the richest 10 per cent of the population;

(e) Public expenditure as a percentage of gross domestic product and, within total public expenditure, the proportion of the public budget that is allocated to social spending, including social security, food, water and sanitation, housing, health and education;

(f) The proportion of the public budget allocated to defence;

(g) Any fiscal policies adopted in response to the coronavirus disease (COVID-19) pandemic.

Non-discrimination (art. 2 (2))

10. Please provide information on the impact of the legislative, administrative and policy measures taken to reduce disparities in the enjoyment of Covenant rights among the regions and between urban and rural areas, in particular with regard to the availability of public services and infrastructure, as well as employment opportunities for the most disadvantaged and marginalized individuals and groups. In this connection, and in the light of the concluding observations of the Committee on the Elimination of Racial Discrimination,⁶ please describe the extent to which the National Development Plan 2022–2026 envisages the implementation of special measures to combat structural and historical discrimination against Indigenous Peoples and Afro-Colombian communities.

Equal rights of men and women (art. 3)

11. Please provide information on:

(a) The impact of the gender focus contained in the Final Agreement on the substantive equality of rights between men and women, and the measures taken to ensure the effective, meaningful participation of women in the implementation of the Final Agreement;

(b) The results of the initiatives mentioned in the State party report⁷ and their impact on equality between women and men;

(c) Legislative and public policy measures to promote a comprehensive care system that redistributes responsibility for care between men and women and among the State, the private sector and families;

(d) Up-to-date statistics regarding 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;

(e) Measures adopted by the State party to ensure access to justice for women, especially those facing a risk of intersectional discrimination and sector-specific risks, particularly in cases of gender-based violence. Please include information on the measures taken to guarantee their full protection and their enjoyment of economic, social and cultural rights and to ensure the provision of reparations, including access to housing, employment, education, job training, social security and health services, taking into account a gender perspective;

(f) The impact of the measures taken to address and monitor vertical and horizontal gender segregation in the labour market.

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

Right to work (art. 6)

12. Please provide detailed information on the labour reform bill “Work towards Change”. With reference to the previous concluding observations,⁸ please provide information on the

⁶ CERD/C/COL/CO/17-19, paras. 16 and 17.

⁷ E/C.12/COL/7, paras. 48–52.

⁸ E/C.12/COL/CO/6, para. 29.

steps taken to develop and implement a comprehensive public policy on employment and to prevent adverse effects on the labour market stemming from the COVID-19 pandemic. Please include up-to-date statistics on employment, unemployment and under-employment, disaggregated by sex, age, ethnic or national origin, disability and urban or rural area, covering the past five years.

13. Please provide up-to-date statistics on the size of the informal economy in the State party, disaggregated by sex, age, ethnic or national origin, economic sector and rural or urban area, covering the past five years, as well as information on the measures taken to shift from the informal to the formal economy. Please also explain what employment and social protection is in place for workers in the informal economy.

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

14. Please provide up-to-date statistics on the reports of workplace discrimination over the past five years, disaggregated by sex, age, ethnic or national origin, disability and urban or rural area, as well as information on the measures taken to combat workplace discrimination.

15. Please provide data showing how the gender pay gap has evolved over the past five years, together with information on the nature and results of measures taken to narrow it. Please provide information on the steps taken to ensure greater application of the principle of equal pay for work of equal value in the State party.

16. Please describe the impact and outcomes of the progressive plan for the social protection and rights of rural workers in terms of improved working conditions in rural areas, especially for agricultural sector and domestic workers. With reference to the previous concluding observations,⁹ please provide up-to-date data on the labour inspections carried out in the past five years, including information on the penalties imposed, the main labour law violations observed and the measures taken to address them. In the light of the State party report,¹⁰ please provide information on the productive sectors with the largest number of workplace accidents and highest rates of occupational illness, on the prevalence and most common types of workplace accidents and occupational illnesses and on the measures in place to prevent these accidents and illnesses and provide assistance to the workers concerned.

Trade union rights (art. 8)

17. With reference to the previous concluding observations,¹¹ please describe the safeguards in place to ensure that the right to strike and to collective bargaining can be effectively exercised in keeping with article 8 of the Covenant. Please provide information on the nature and impact of the measures taken to address reports of ongoing delays in the establishment of labour arbitration procedures, reports of reprisals, including dismissal, against workers who take part in social protests and trade union activities and reports of acts of violence being committed against trade union leaders and members, some of whom were then arrested and detained. Please describe how the State party reconciles its obligation to realize and protect the right to form and join trade unions in a context of reprisals, dismissals and violence that discourages trade union organization and activity, as reflected in the low rate of unionization in the State party. Please explain the measures taken to enable trade unions to fully exercise their rights, organize their activities and freely decide their internal structure without interference by the authorities.

Right to social security (art. 9)

18. Please provide detailed information on the “Change for Old Age” pension reform under way in the State party, including the measures taken to mitigate potential adverse effects on beneficiaries during the transition period. With reference to the previous concluding observations,¹² please provide information on the impact of the measures taken to

⁹ Ibid., para. 33.

¹⁰ E/C.12/COL/7, paras. 82–86.

¹¹ E/C.12/COL/CO/6, para. 40.

¹² Ibid., para. 42.

achieve universal social security coverage, including disaggregated data on the levels of coverage in the State party. In this regard, please provide information on the measures taken to extend social security coverage to persons working in the informal sector, persons in non-traditional jobs, the self-employed and domestic workers, among others. In the light of the State party report,¹³ please indicate the percentage of older persons who receive pensions and benefits under the non-contributory scheme and provide information on the steps taken to ensure that these pensions and benefits are sufficient to achieve an adequate standard of living.

Protection of the family and children (art. 10)

19. In the light of the State party report,¹⁴ please provide information on the impact of Act No. 2114 of 2021, which extended parental leave and established shared parental leave, on the use and enjoyment of this benefit in the past five years, including data disaggregated by sex, gender, age, ethnic or national origin, income quintile, disability, region and any other relevant indicator.

20. Please provide detailed information on the implementation status and impact of the action plan under the National Public Policy to Support and Strengthen the Family. Please also describe the impact and outcomes of the National Policy on Ageing and Old Age 2015–2024.

21. Please provide information on the impact and specific results of:

(a) The public policy on the prevention and eradication of child labour and comprehensive protection for adolescent workers 2017–2027, including up-to-date statistics on the prevalence of child labour in the State party in the past five years;

(b) The policy to prevent the recruitment and use of children and adolescents by illegal armed groups, indicating the measures adopted by the State party to restore the rights of and reintegrate children.

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

22. Regarding the previous concluding observations,¹⁵ please describe the impact and tangible results of the National Plan for the Elimination of Poverty, the Poverty Reduction Road Map¹⁶ and the Strategy for the Eradication of Child Poverty¹⁷ in terms of reducing poverty and existing gaps between urban and rural areas. Please indicate what human and financial resources have been allocated for the implementation of these measures.

23. Please describe the outcomes of the “Decent House, Decent Life” programme¹⁸ and its impact on alleviating the shortage of social housing. Please also describe the outcomes and impact of the National Plan on the Construction and Upgrading of Rural Housing in terms of realizing the right to an adequate standard of living for the most disadvantaged and marginalized groups.

24. Please provide up-to-date statistics on the prevalence of undernutrition and malnutrition in the State party, including data on overweight and obesity, disaggregated by region, urban or rural area, ethnicity, sex and age, as well as information on any mitigation measures. Please describe the tangible results and impact of the roll-out of the system for the progressive realization of the right to food and the National Food and Nutrition Plan, in particular the impact on the right to food of the measures referred to in the State party report.¹⁹

25. In the light of the State party’s replies to the list of issues prepared by the Human Rights Committee regarding land restitution,²⁰ please provide up-to-date data on the number

¹³ E/C.12/COL/7, paras. 144–149.

¹⁴ Ibid., paras. 73–75.

¹⁵ E/C.12/COL/CO/6, paras. 47 and 48.

¹⁶ E/C.12/COL/7, para. 191.

¹⁷ Ibid., para. 118.

¹⁸ Ibid., paras. 214 and 215.

¹⁹ Ibid., paras. 187–194.

²⁰ See CCPR/C/COL/RQ/8, paras. 8–13.

of land restitution applications that have been submitted to the Special Administrative Unit for Managing the Restitution of Expropriated Lands in the past 10 years, disaggregated by type of application (individual/collective) and status of application (denied/approved), as well as information on the measures taken to move land restitution processes forward and on the financial, human and technical resources allocated for this purpose. With reference to the previous concluding observations,²¹ please provide up-to-date information on the Comprehensive Rural Reform undertaken pursuant to the Final Agreement, in particular information on the implementation, impact and results of:

- (a) The Land Fund;
- (b) The comprehensive subsidy and special credit for the purchase of land;
- (c) The agriculture authority;
- (d) The territory-based development plans;
- (e) The regional transformation action plans.

26. Please provide information on the impact of the measures mentioned in paragraphs 205 to 208 of the State party report on reducing regional disparities in access to clean drinking water and sanitation, including information on the outcomes of the National Plan for the Supply of Rural Drinking Water and Basic Sanitation Services and the steps taken to stop the contamination of water sources by mining activities.

27. With regard to the previous concluding observations,²² please provide information on the status and impact of the Comprehensive National Programme for the Substitution of Illicit Crops under the Final Agreement, indicating the number of families dependent on the illicit crop cultivation economy who are covered under the Programme and the extent to which the Programme provides beneficiaries and their families with an adequate standard of living.

Right to physical and mental health (art. 12)

28. Please provide information on:

(a) The proposed reform of the health sector and the measures envisaged to mitigate its potential impact on beneficiaries' access to health-care services during the transition period, especially those living in rural areas;

(b) The tangible results of the National Plan for Rural Health in terms of improved accessibility, availability and quality of health-care services throughout the territory of the State party, especially in rural areas and for the most disadvantaged and marginalized groups;

(c) The nature and impact of the measures taken to ensure universal access to health-care services without discrimination for the entire population in the context of the COVID-19 pandemic.

29. Please provide information on:

(a) The nature and impact of measures taken to address the growing prevalence of non-communicable diseases;

(b) The situation in respect of teenage pregnancy over the past five years, and the nature and impact of the measures taken to address the issue;

(c) The situation in respect of maternal and infant mortality over the past five years, including statistical data by region and ethnic group, and the measures taken to prevent these forms of mortality.

30. Please provide information on the measures taken to eliminate existing barriers to access to voluntary termination of pregnancy in permissible cases, on any pregnancy prevention and family planning measures and on the roll-out of sexual and reproductive health education programmes for all audiences. Please indicate whether any bills to

²¹ E/C.12/COL/CO/6, paras. 49 and 50.

²² Ibid., para. 54.

decriminalize abortion have been drafted pursuant to the 2022 judgment of the Constitutional Court.

31. Please provide information on the steps taken to adopt a human rights- and evidence-based approach to drug policy, for instance by repealing the ban on drug use contained in the Constitution, enacting laws decriminalizing personal consumption and developing a framework for harm reduction programmes at the national level.

Right to education (arts. 13 and 14)

32. Please provide information on:

(a) The impact and tangible results of the Special Plan on Rural Education in terms of reducing education disparities between rural and urban areas;

(b) The nature and tangible results of the measures adopted by the State party to improve the quality of primary and secondary education and prevent students from dropping out, including disaggregated statistics on access to and retention in education in urban and rural areas, especially in Indigenous and Afro-Colombian communities, over the past five years;

(c) The nature and impact of the measures adopted by the State party during the COVID-19 pandemic to ensure discrimination-free access to education, including distance-learning resources, for all, especially persons living in rural areas and in Indigenous and Afro-Colombian communities, and to protect their personal information.

Cultural rights (art. 15)

33. Please describe the specific measures taken to protect cultural diversity and preserve and promote the languages and culture of Indigenous Peoples and Afro-Colombian communities. Please also describe the measures taken to close the digital divide, in particular by ensuring that persons in rural areas have access to the Internet.
